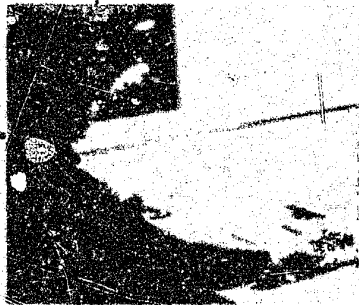
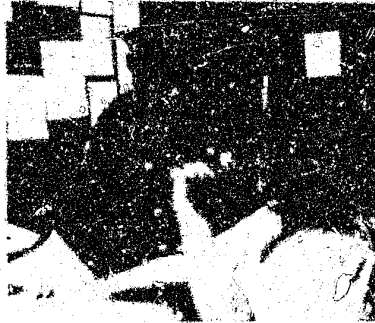




The Impact of Affirmative Action and Civil Service on American Police Personnel Systems



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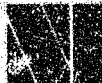
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Affirmative Action and Civil Service
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by
Hubert G. Locke

October 1979

**U.S. Department of Justice
Law Enforcement Assistance Administration
National Institute of Law Enforcement and Criminal Justice**



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and Criminal Justice**
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This project was supported by Grant Number 76-NI-99-0140, awarded to Public Administration Service by the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U. S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Research on this project was completed in May 1979. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U. S. Department of Justice.

For sale by the Superintendent of Documents, U. S. Government Printing Office
Washington, D. C. 20402

Stock Number 027-000-00854-9

FOREWORD

Public Administration Service (PAS), under a grant from the National Institute of Law Enforcement and Criminal Justice, completed a two-year research project entitled Civil Service Systems: Their Impact on Police Administration. The project involved an analysis of the civil service and personnel decision-making systems in 42 large American cities in order to determine what impact (both positive and negative) these processes have on the ability of local officials to manage their police resources.

One product of the research project is this monograph which focuses on minority employment and civil service. During the course of the research project, it became evident that the impact of civil service on minority employment is a major concern of local officials. Consequently, Public Administration Service asked Mr. Hubert Locke to prepare an essay setting forth his experiences and views on this important subject.

Mr. Locke is eminently qualified to address the subject of civil service and minority employment in the law enforcement setting. Mr. Locke is Professor of Public Affairs and Vice Provost for Academic Affairs, University of Washington, and currently serves on the Board of Directors of the Police Foundation. He has held several positions at Wayne State University including Leo M. Franklin Chair of Human Relations. He has served as assistant and advisor to the Detroit Commissioner of Police (1966-67). Mr. Locke has served on numerous community service boards and commissions, and has published several books and articles in the law enforcement and human relations fields.

A member of the Board of Directors of the Police Foundation, Mr. Locke is also principal investigator for several current studies in the police field, including "Technology, Human Values, and Criminal Justice" under a grant from The National Science Foundation and "The Police, Institutional Racism, and Change" under a grant from The National Institute of Mental Health.

The points of view expressed by Mr. Locke are, of course, his own and do not necessarily represent those of PAS. It is hoped that this monograph serves to provide a clearer understanding of the issues and relationships between civil service and minority employment.

THE IMPACT OF AFFIRMATIVE ACTION
AND CIVIL SERVICE ON
AMERICAN POLICE PERSONNEL SYSTEMS

For the past quarter century, the quest of minorities for full participation in American Society and full enjoyment of the privileges and benefits it offers has been one of the dominant themes in our national life. The public sector, in particular, has felt the major impact of this quest; governmental structures and institutions--federal, state, and local--have been viewed as both mechanisms for effecting change in the processes by which equity and opportunity are achieved, and as the most appropriate settings for proper standards and symbols of organizational leadership in equal opportunity in education, housing, and especially employment. Congress, the courts, and the myriad layers of the executive branches of government have all been drawn into the vortex of a growing pressure from many quarters in American society to make the American creed a reality for all Americans.

It is not surprising, therefore, that much of the national debate on this issue has centered around the role and responsibility of government itself, and particularly around its practices and procedures concerning its own personnel. As the nation's largest employer, government provides more jobs, with a wider range of opportunities for persons with various levels of technical skill and preparation--from minimal manual and verbal capacities to the highest scientific and professional levels--than any component of the private sector. For almost a century, governmental employment has also been a traditional route for job security and upward mobility for millions of Americans whose employment prospects in the private sector were much more problematic. Primarily for these reasons, racial and ethnic minorities have looked to government at all levels as a primary source of opportunity for advancing their job and career needs.

In turning to the public arena, minorities have confronted a set of time-honored employment principles, practices, and procedures which make up what is commonly known as the civil service system. Much like the criminal justice "system," the civil service "system" is a relatively convenient designation for what is, in practice, a variety of regulations and processes at various levels of government for the recruitment, selection, promotion and retention of public personnel. Their common thread lies in the extent to which these public employment procedures reflect a set of fundamental political beliefs and values which have been integrated into the public employment process over the past century.

This essay focuses on the minority employment experience in one critical area of the public sector--that of law enforcement. In particular, it examines the degree to which civil service regulations and activities have affected equal access of minorities to the ranks of policing, and on the extent to which a host of relatively recent legislative mandates, executive orders, and judicial decisions have in turn impacted on the role of civil service and on the operation of police agencies themselves in achieving equal employment opportunity. Particular note will be taken of the findings from Public Administration Service's survey of civil service procedures in selected municipalities across the nation. Some tentative observations will be offered on the implications of these

findings for urban police personnel systems and for the increasingly complex task of police personnel management. The discussion of this entire range of problems, issues, and findings is set in the context of what, at the outset, must be acknowledged as one of the great ironies of the modern era. That irony consists of the fact that the very system established almost one hundred years ago to wrest public employment from the clutches of political patronage and to insure equal access to and equal opportunity for mobility in public service jobs has now come to be viewed as a major hindrance in achieving these very goals.

"Affirmative Action" has become a catch-all phrase in the modern vocabulary for a wide variety of legislative statutes, executive orders, and agency programs that are designed to insure equal employment opportunity and to increase the actual numbers of minorities at all occupational levels of the public and private sectors. For all the furor it creates, one would think that affirmative action was a concept enshrined in the Federal Constitution; in fact, it is sobering to recall that the record of the public sector in taking seriously the issue of equal employment opportunity is barely a decade old. The civil service process, as the principal manager of governmental personnel systems at the federal, state, and local levels, reflects largely this same recent emergence of concern.

On its behalf, it must be noted that civil service at the federal level had a full prior century of overt, legislated (1) discrimination to overcome. At the time of the passage of the Pendleton Act (1883) which created the federal civil service system, there were 620 Blacks in federal jobs. For well over a half century thereafter, as a recent study observes, "...the Civil Service or Pendleton Act...was practically meaningless to Black Americans." (2) Only during and after World War II did this pattern of discrimination against Black Americans begin to change materially, and as Samuel Kristov states, "the primary instrumentality of change...was not the law of the land but the law of supply and demand." (3) The U.S. Civil Service Commission did not abolish its requirement of a photograph on all job applications--a notorious device for exercising racial selectivity in hiring practices--until 1942. In spite of three Presidential executive orders which dealt in some fashion with "fair employment practices," the United States Congress did not officially endorse such efforts until the passage of the Civil Rights Act of 1964. Attempts to aggressively address, not simply the problems of proportional numbers, but also that of the severe pyramidal imbalance of Black federal employees in the lower eight grades of the federal classification system (i.e., the General Schedule) did not occur until passage of the Equal Employment Opportunity Act of 1972. (4) It may be safely presumed that the record of the state and local governments during this period was not significantly different. (5)

Thus, the record of the federal government is one of belated and, from a minority perspective, agonizingly slow movement from non-discrimination to fair employment to equal employment to affirmative action. (6) Each stage represented the recognition that national public policy had to address--in both design and implementation--major areas of inequity which previous mandates and statutes had left unattended. The first step--non-discrimination--was a radical reversal of prior public policy but it did little to deal with existing employment practices. The second stage--fair employment--reflected in a series of presidential executive orders, began to open up the ranks of federal employment and, to a lesser extent, the private sector as well for minority applicants, but it was the bottom level of the work force that was most significantly affected. Stage three, beginning with the Civil Rights Act of 1964 and culminating in the Equal Employment Opportunity Act of 1972, addressed in principle the rank structure of the employment process by making not only the percentage of minority employees but the placement of those employees in the work force

a matter of official public policy. The final stage--affirmative action--has sought to translate this principle into actual practice by insisting on the development of guidelines, timetables, and other measurable indices by which both public and private employers can be held accountable for their progress--or lack of it--in implementing what is now formal national policy.

It is this final stage in the process that has been the source of the current controversy, notwithstanding the fact that each of the preceding stages were accompanied by public debates of considerable acrimony. It was, perhaps, inevitable that the affirmative action phase should create the greatest public flap, since it is specifically designed not only to promulgate public policy with respect to equal employment opportunity but also to overcome several centuries of past overt and covert discrimination. Had affirmative action not occurred, minorities would have confronted an all-too-familiar set of circumstances in which equality emerged as a belated but serious commitment of national policy without an equally serious recognition of the inequity created by centuries of past practices. Equity, however, requires that real gains for some be achieved at the expense of apparent losses to others--apparent, in this instance, only because what is actually lost is the favored position that the "others" have historically enjoyed in an ostensibly "competitive" system which favored the "others" at the outset. The preceding stages in the struggle for aligning the employment opportunity process with the American creed were comparatively less painful since they had to deal primarily with the stated American ideal of equality--an ideal with which few could quarrel. Equity, as an aggressive attempt to right past wrongs rather than the simple declaration that everyone is now free to compete, has been an infinitely more difficult problem to resolve; the attempts to do so form the backdrop for consideration of this key issue as it impacts on American policing.

II

The burden of finding answers to the complex issues surrounding the problem of equity with respect to minorities in American society has fallen principally to the courts. Their responses constitute a veritable thicket of judicial decrees and opinions that are more appropriately the subject of a separate essay. Several cases stand out, however, as having reasonably clear implications for civil service regulations in general and for the recruitment-selection-promotion process in policy personnel systems in particular.

Of major importance is the decision of the U.S. Supreme Court in Griggs v. Duke Power Company (1971) in which the Court rules unanimously that Title VII of the Civil Rights Act of 1964 requires the elimination of tests and diplomas as job requirements.

"...if they disqualify prospective black employees at a higher rate than whites, unless the employer can show that the test or diploma bears a 'demonstrable relationship' to successful job performance.... Tests that prevent minority applicants from obtaining jobs in proportion to their numbers must be shown 'to measure the person for the job and not the person in the abstract'." (7)

In addition to Griggs, court rulings in Washington vs. Davis, (8) and McDonnell Douglas Corp. v. Green (9) have tended to clarify the legal basis for establishing prima facie cases of employment discrimination where tests are utilized as the basis for initial employment or promotion. These clarifications have been reflected in an interpretation of Title VII in which the Court in Washington v. Davis, noted

"Congress provided that when hiring and promotion practices disqualifying substantially disproportionate numbers of blacks are challenged, discriminatory purpose need not be proved, and that it is an insufficient response to demonstrate some rational basis for the challenged practices." (10)

Subsequent guidelines of federal administrative enforcement agencies, including the Civil Service Commission, have sought to translate these judicial decisions into procedural regulations that will take into account this "adverse or disproportionate impact" doctrine of Title VII as interpreted by the court. Such regulations cover the measures, techniques, criteria, and processes that may be used to make any employment decision and may be taken as appropriate standards for employment selection practices by any public agency, including law enforcement. Holley and Feild (11) provide a useful summary of the implications both of recent judicial decisions and enforcement agency guidelines regarding employment discrimination which can serve as a check-list for agencies that wish to assess their own practices with prevailing judicial-administrative opinion. In general, Holley and Feild would flag as potential problems any employment practices which result in:

- "a disproportionately high number of minority employees in lower-paid job classifications,"
- "significant differences in percentages of minority groups versus nonminorities when compared to a particular standard or qualification for employment,"
- "disparity between the percentage of minority workers employed and the percentage available for employment according to city, Standard Metropolitan Statistical Area (SMSA), county, state, region, and hiring area,"
- "disparity between percentages of minorities and non-minorities completing high school where the high-school diploma (is) a requirement for employment,"
- "a disproportionate impact of employment tests on black or hispanic applicants,"
- "the use of arrest records to screen out black applicants where blacks (are) arrested substantially more frequently than whites,"
- "A disproportionate representation of black employees caused by the use of departmental seniority to perpetuate past discrimination,"
- "(a) selection rate for minorities (for example, blacks) which is less than 80 percent of the selection rate of the highest selected (for example, white applicants.)" (12)

Each of these outcomes of the employment process has enormous implications for police agencies. While each problem area may well be the source of further and future litigation, police administrators and personnel managers would do well to note that each has already been the subject of a judicial decision in which the courts have declared such practices to constitute a prima facie case of employment discrimination. And for those inclined to see this issue as part of a passing phase in American society or to assume that decisions such as that rendered in Regents of the University of California v. Alan Bakke portend a dramatic reversal of the present trend, sage advice is offered by Professor Eli Ginzberg who states,

"This is how I read the statutes of and prospects for efforts to reduce discrimination in employment: EEO is here to stay. The national commitment to reduce discrimination may go through periods of intensive or slackened efforts, depending on political conditions, but the movement will not evaporate.... Admittedly, the EEO structure is unwieldy. To make matters worse, employers seeking to meet certain negotiated targets and goals are being hauled into court by members of the dominant group, usually white males, who claim that they are being victimized by reverse discrimination.... However, in the absence of a major push on the EEO front, millions of Americans, particularly members of minority groups and women, would have waited indefinitely for more equitable treatment." (13)

III

At least one additional issue must be addressed regarding civil service and employment discrimination before examining the intriguing findings of the Public Administration Service Study. At the outset, it was noted that the common thread which knits together a variety of recruitment, selection, and promotion practices in the public sector is a set of political beliefs and values which have, over the course of a century, become an integral part of the civil service system and its ideology. The predominant theme in this collection of beliefs and values has been the idea of merit. As Frederick C. Mosher cogently observes,

"There was, and there remains, an intense individualism in the civil service ideology. Each competition should be measured against others by the yardstick of merit... (or) each person would be considered on his distinctive merits in comparison and competition with all others." (14)

It is this principle, more than any other, which is most frequently cited as the ultimate victim of equal employment--affirmative action efforts. In a plaintive article entitled "What's Happening to the Civil Service?", David Stanley cites the move toward equal employment opportunity, "supported by law, regulations, and enforcement actions" as "another challenge to the management of the public service as we have known it...." (15) What we, in fact, do know about the operation of the merit principle over two centuries of public service requires that we treat this ideology with the modesty and realism it demands.

It is clear, for example, that for a greater part of the history of American politics, the concept of merit as a criterion for public service employment was hardly distinguishable from the virtues of honesty, basic literacy, general intelligence, and political neutrality. A dominant theme in public service employment for most of America's nineteenth century, this view of merit superseded the period between Presidents Washington and Jackson that Mosher terms one of "government by gentlemen," but it was still considerably removed from the merit ideology that is now currently perceived to be under attack. Nor did the period which followed passage of the Pendleton Act change substantially this basically moralistic notion of merit. Again, to cite Mosher,

"The enthusiasm and the dedication which the (civil service) movement came to command may perhaps best be explained by the fact that its essence was moral at a time when American thinking was heavily moralistic. Few reform movements in American history could draw so clear a distinction between right and wrong, between the "good guys" and the "bad guys." It was a campaign against evils that were clear and obnoxious." (16)

Out of this understanding of the nature of the problems in public service employment came an idea of merit that carried with it notions of intrinsic 'goodness' or 'badness,' "quite apart from the purposes for which people were employed or the nature of the responsibilities they

would carry." (17) It made the merit principle basically one of character more than competence, long before the latter became a criterion of merit which could be measured in an ostensibly objective manner by open competitive examinations. Primary concern was focused on the extrication of public service employment from what was seen as the scandalous processes of the political spoils system while lurking somewhere in the background of this effort was a political version of the notion of rugged individualism which was so deeply ingrained in the American psyche. In the context of public service employment, that notion became encapsulated in the idea of merit, but merit was difficult to distinguish from the idea of personal integrity and the investment of America's private morality into its public life. (18)

In brief, the idea of merit as an elitist, moralistic principle of public service has a longer and more pervasive history than most of its advocates acknowledge or than the present debate recognizes. While elitism is not an intrinsically negative notion regarding the public service, it does cast a somewhat different coloration on the merit issue, particularly with regard to the problem of equal employment opportunity. To put the matter directly, advocates of the merit principle should take considerable care to see their misgivings about its viability in the face of affirmative action efforts are not interpreted as an assumption that public service employment is a calling for a select segment of the populace to which minorities do not belong.

There is, after all, nothing inherently contradictory between the idea of merit and the aims of affirmative action. The former holds out a standard of employment and employability while the latter seeks to insure genuine, open access to that employment opportunity and to accomplish the more difficult task of insuring that past violations of the merit ideal are not perpetuated into the future. The history of the merit ideal is the history of an evolving, not a fixed, concept. The present challenge is to incorporate our society's current commitments to social justice and equity for minorities into an ideal which has as its fundamental goal the improvement of the quality of the public service for all Americans.

Personnel recruitment, selection, and promotion procedures in law enforcement reflect in one particular context all of the strengths and weaknesses, problems and issues related to public sector employment thus far discussed, with the added ingredient of an especial volatility created by the highly visible, aggressive nature of the function of policing in our society. A primary example of the worst features of the spoils system in its personnel practices at the turn of the century, policing exchanged crass political appointments for a tradition of nepotism that characterized its selection processes until comparatively recent times. Nepotism managed to perpetuate not only an overwhelmingly white male police force but, depending on the city, a predominant ethnic group in the police ranks that became virtually fixed some seventy years ago. (19) The efforts of civil service to penetrate this frequently familial monopoly were of relatively little effect, as long as the recruitment and selection process were carried out by the police themselves.

Widespread dissatisfaction with the results of police-managed efforts in personnel recruitment and the inability to effect significant change in its outcomes have led to the transfer of many elements of the recruitment-selection process from the primary domain of police departments to a shared relationship with civil service commissions--one in which the civil service has an increasingly significant role. In a number of municipalities, advertising open positions, recruitment, written examination and certification of eligibility processes are all carried out by civil service bodies, leaving to the police departments the task of conducting background investigations and oral examinations. The latter functions are becoming more and more circumscribed by judicial decisions so that the entire process currently places much less reliance on police internal judgments than even a decade ago.

By no means, however, can it be asserted that the police have lost control over the recruitment-selection process. There remain considerable, objective latitude and discretion in the character-investigation and oral interview processes within which policing can and does exert significant influence over the make-up of its ranks. Civil service has helped to modify but it has not eliminated political influence in determining police promotions of the personal advantage of "having someone inside the department" who is interested in the selection of a particular recruit. As political power in large urban centers has passed from white to minority hands, and as the numbers of minorities in policing have increased, this process has begun to be used on behalf of minorities in much the same fashion that it has traditionally worked for whites, in a manner suggestive of a "reverse spoils system." Whether the perpetuation of this pattern is inevitable and perhaps even beneficial when measured by the outcomes or is regrettable depends on one's point of view.

Whether due to enlightened police leadership, community pressures, political circumstances, civil service intervention, or a combination of all those factors, the racial characteristics of American policing have begun to change substantially over the past decade. Ten years ago, approximately four percent of the sworn police personnel in the nation were racial minorities; currently that figure has risen to ten percent. (20)

Minorities still tend to be clustered at the bottom ranks of policing; hence the pressure for and the furor over affirmative-action efforts. But American policing appears to have finally turned the corner in becoming a public service which is genuinely reflective of the total spectrum of the American populace.

v

Since civil service systems currently share the responsibility with police departments in many municipalities for the conduct of the police recruitment and selection processes, it is appropriate to examine two further aspects of the problem regarding equal employment--affirmative action developments and their impact on police personnel procedures. First, are there additional discernible outcomes of the equal employment-affirmative action effort in law enforcement? Has it made any significant change in or impact on the nature, character, or quality of police services? Second, has the growing authority of civil service, in not only regulating but also in implementing the police recruitment-selection effort, enhanced or thwarted the equal employment-affirmative action effort in policing?

With respect to the first question, previous note has been taken of the substantial change in the percentage of minority sworn personnel in policing over the past decade. Findings of the Public Administration Service survey now permits us to draw a further, tentative conclusion: when measured in relation to arrest rates for Part I offenses, there appears to be a high correlation between the proportions of minority and women officers in a given department and the effectiveness of that department in the apprehension of offenders. (21)

This conclusion must be stated with all the appropriate cautions and represents an area for further, extended empirical inquiry. Arrest rates as a bases of computing indices of police effectiveness are themselves the subject of considerable dispute and there are a number of other factors which might properly be considered in determining the precise relationship between minorities in policing and police effectiveness. Whether this tentative conclusion will stand the test of further scrutiny remains to be seen. It is, however, sufficiently suggestive of a major, potential development in policing to warrant its notation. Conceivably, efforts to expand both entrance and career mobility opportunities for minorities and women are not only consonant with stated American ideals, they may also have a direct and discernible impact on the effectiveness of police services as well. If this is the case, it becomes an added incentive for maintaining aggressive affirmative action efforts in law enforcement.

The second PAS survey finding concerns the relationship between the extent of the civil service role in the police recruitment--selection process and the actual performance records of police departments regarding minority recruitment--hiring practices. Generally, the civil service role may be categorized in one of the following ways, with each category representing an ascending degree of direct influence over the police personnel process: advisory, administrative, policy formulation, adjudicative, or regulatory (or a combination of these categories). Here the PAS survey data suggests that a higher degree of influence or authority on the part of the civil service body in police personnel decision-making processes generally correlates with a decline in affirmative action efforts and outcomes.

This finding must also be stated tentatively but its potential significance is equally great. If, in fact, the degree of civil service

authority tends to constrain the police management role and flexibility in personnel recruitment and selection, it reinforces arguments which police leaders have been increasingly voicing, and which other research efforts also imply. Fogelson provides a crisp summary of the arguments in police circles regarding the role of civil service in police personnel management. In describing the stance of police reformers over the past decade and their attitudes toward civil service, he notes,

"Some regulations were necessary, they acknowledged, to insulate personnel practices from partisan politics. But the promotional procedures, which relied heavily on written tests, seniority, oral interviews, and field evaluations, were not reliable indicators of potential leadership.... Instead of moving up promising commanders, the civil service rewarded run-of-the-mill patrolmen who were anxious to increase their pay and raise their status had had a knack for taking tests and avoiding trouble. In a striking departure from the conventional wisdom, a few reformers even criticized the appointment process. According to ... (the) personnel director of the Washington, D.C. police in the late 1960s, there was little correlation between I.Q. levels, test scores, or other recruitment criteria and ordinary performance measures. According to the Rand Corporation, which did a survey of minority recruitment in New York City in the early 1970s, the civil service was so slow that many qualified candidates dropped out of the running." (23)

It must be regarded as an irony that the civil service, which was perceived by many as a reliable mechanism for police personnel recruitment and the achievement of affirmative action goals barely a decade ago, should now be considered a hindrance in attaining these objectives. It is even more disquieting if, as the PAS data suggest, there is empirical evidence to support this charge. Clearly, if it can be sustained, it points to a major failure of civil service not only in achieving one of its enforcement responsibilities but also in implementing one of its historic principles.

After a full decade of intensive attention to and investment in the problems of American law enforcement, we are just beginning to get some vital clues as to what the net impact has been and what directions should be aggressively pursued in the immediate future. The Public Administration Service Survey findings present, perhaps, the most significant data to date with respect to minorities and women in policing. Until now, the major claims that could be made for opening up the ranks of policing to other than its traditional personnel were primarily moral and legal. We now have the important, albeit preliminary, suggestion that such efforts may have practical and effective outcomes for one of the essential tasks of policing as well--that of crime apprehension.

We also have, in these survey findings, tentative confirmation of the conviction of many in the police field that one of the most important factors in changing the nature, character, and quality of policing in America is the courage and commitment of enlightened police leadership. To the extent that increasing minority and female participation in the ranks of sworn police officers is a crucial part of this change process, we have the added indication that such efforts are not enhanced by a reliance on the regulatory role of civil service.

In a sense, this latter finding must be considered as one of the more regrettable discoveries of the PAS Report. Without diminishing the pivotal role of enlightened police leadership in achieving organizational change in law enforcement, every serious student of organizational change and behavior would hope for the institutionalization of significant change processes--either by internal or external mechanisms--so that the achievement of important institutional goals is not wholly dependent on the enlightenment or longevity of institutional leadership. Those police leaders who have been in the forefront of the changes that have occurred in policing would be among the first to support this viewpoint.

The PAS Report, therefore, poses two immediate challenges. First, it is incumbent on the research community to delve further into the provocative implications of the PAS findings with respect to the correlation between the numbers of minority and female officers in a police department and the effectiveness of that department. As with the now-classic Kansas City Patrol Study, we can expect immediate challenges to the PAS data themselves; what is of far greater importance is that the hypothesis which they generate be submitted to further, intensive, and rigorous scrutiny.

The second challenge extends to the countless local and county civil service systems, commissions, and boards which have some degree of involvement in regulating the personnel processes of law enforcement agencies. They have been given a task largely on the assumption that the police agencies themselves were unwilling or incapable of accomplishing genuine affirmative action efforts in policing. If it turns out that civil service systems are even less so, it will not take a concerned public long to find other means for carrying out this important public policy goal.

NOTES

1. The definitive work on Blacks and federal employment is Samuel Krislov's, The Negro in Federal Employment (Minneapolis: The University of Minnesota Press, 1967). Krislov notes, for example, that in the early 1820s Congressional legislation prohibited the employment of Negroes in the U. S. Postal Service (pp. 10-11).
2. W. H. Rose and Tiang Ping Chia, "The Impact of the Equal Employment Opportunity Act of 1972 on Black Employment in the Federal Service: A Preliminary Analysis," Public Administration Review, No. 3 (May/June 1978).
3. As quoted in Rose and Chia, Ibid, pp. 245-246.
4. Ibid.
5. See Richard A. Howard and Frances Fox Piven, The Politics of Turmoil (New York: Phantoon Books, 1974, pp. 227-229). Howard and Piven observe that "Public employment was a major channel of mobility for the Italian, the Irish and the Jew, each of whom, by successively taking over whole sections of the public services, gave various municipal agencies their distinctly ethnic coloration. Now Blacks are the newcomers. But they come at a time when public employment has been preempted by older groups and is held fast through civil service provisions and collective bargaining contracts" (p. 227).
6. Professor Eli Ginzberg observes that "Blacks...received little help from government until about five years ago. The principal gains for minorities in the 1960s resulted primarily from presidential leadership via the National Alliance of Businessmen, not from direct governmental action." ("EEO's Next Frontier: Assignments, Training, and Promotion," Employee Relations Law Journal, Vol. 4, No. 1, Summer, 1978).
7. Donald L. Horowitz, The Courts and Social Policy (Washington, D.C.: The Brookings Institution, 1977, p. 14).
8. Washington v. Davis, 12 FEP 1415 (1976).
9. McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1972).
10. As quoted in W. H. Holley, Jr. and H. S. Feild, "Using Statistics in Employment Discrimination Cases," Employee Relations Law Journal, Vol. 4, No. 1 (Summer, 1978), p. 47, The Court stated further: "It is necessary, in addition, that they (tests or other screening mechanisms) be validated in terms of job performance...."
11. Ibid, pp. 43-58.
12. Ibid, p. 45.
13. Ginsberg, Op. Cit., pp. 31-32.

14. Frederick C. Mosher, Democracy and the Public Service (New York: Oxford University Press, 1968, pp. 176, 198).
15. David T. Stanley, "What's Happening to the Civil Service?" in Frederick S. Lane (ed.), Current Issues in Public Administration (New York: St. Martin's Press, 1978, p. 253).
16. Mosher, Op. Cit., esp. Chap. 3.
17. Ibid., p. 65.
18. H. S. Commager, for example, writes of the leaders of the civil service reform movement: "They were, indubitably, a distinguished group....They had gone to the best schools--associated with the best people, belonged to the Century or Harvard Club, read The Nation and The Independent, and knew politics, for the most part, at second hand. They recognized few evils that learning could not diagnose and honesty could not cure. They had the same abiding faith in efficacy of moral sentiments that H. G. Wells ascribes to the English liberals of the period in his New Machiavelli, and the English example was constantly in their minds. Good government, they believed, would follow axiomatically from the merit system and the participation of gentlemen in politics, and when they thought of gentlemen they thought of each other (The American Mind; New Haven, Yale University Press, 1950, p. 318).
19. Cf. R. M. Fogelson, Big-City Police (Cambridge: Harvard University Press, 1977, pp. 36-37, 123-24; Howard and Fox, Op. Cit.
20. The significance of this change, however, is lessened by the fact that during the time-period (1967-1977) the increase in the total number of sworn personnel was almost 24 percent (Survey Data for "American Policing: 1967-1977," A Report of the Police Foundation, Washington, D. C. - forthcoming).
21. What the PAS data show is that "apprehension effectiveness for almost any type of major crime is higher in the police department that includes larger proportions of females and minorities among its various ranks and positions. This is especially the case with regard to detectives and (among minorities) sergeants. While the detailed dynamics behind these coefficients cannot be specified from the available data, it is nevertheless the case that opening police ranks to minorities and women has a very desirable effect on the quality of local police performance." Civil Service Systems: Their Impact on Police Administration (Chicago: Public Administration Service, 1978, Chapter VIII, p. 147). It might be added that such data tend to reinforce an argument long advanced by minority officers themselves, i.e., as minority populations in major cities increased, minority officers--because of their personal life-experiences and their comparatively earlier ability to establish rapport with minority citizens--could improve the apprehension effectiveness of policing.
22. "These findings would support the contentions of the critics of civil service in that the effect of a commission with a strong regulatory role in the area of affirmative action is to depress the proportions of minorities and females who find their ways into sworn positions on urban police forces." (Ibid., p. 133).
23. Fogelson, Op. Cit., p. 270.

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