

MJC AFFIRMATIVE ACTION POLICY
Adopted June 1972

The establishment of equality of opportunity and the elimination of discriminations based on race, religion, color or national origin -- and more recently sex -- is a cardinal goal of Jewish community relations. We were among the first to advocate and support legislative and administrative actions by government to prohibit discrimination in employment, education, housing and other areas of American life, and we played a significant role in helping to bring about such laws and regulations. For a number of years, we have called for more effective civil rights enforcement, pointing out that reliance on the case by case "color-blind" approach to enforcement was inadequate to overcome the consequences of past discrimination or to bring about the equality of opportunity the laws and orders were designed to achieve.

Accordingly, we called upon both government and the private sector to take affirmative actions in order to move from "equality of opportunity as a theory and right to equality of opportunity as a fact and result." The increasing acceptance of the principle of affirmative action is, in some part, a result of our prodding. In some instances, unfortunately, the means employed in implementation of that principle appear to be inconsistent both with the concept of non-discrimination and the goal of equal opportunity.

In the past, we have voiced our commitment to the principle of individual rights and individual merit and our opposition to quotas, preferential treatment, proportional representation, and the use of race as an absolute qualification for any post, as inconsistent with the principle of equality of opportunity. We reaffirm these judgments as a general guide.

"All things being equal, with no history of discrimination . . . , "we would be constrained to affirm these guidelines as binding in all cases. "But," as Chief Justice Burger said in Swann, from which the preceding quotation is taken, "all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation (or discrimination). The remedy -- may be administratively awkward, inconvenient and even bizarre in some situations and may impose burdens on some; but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made."

The evils of past discriminatory acts live after them, leaving their marks -- inferior education, lack of training, inadequate preparation -- on many who, thus disadvantaged in competition with others not similarly deprived, are denied equality of opportunity in fact, even when discrimination may no longer be practiced against them. We have long maintained that a just society has an obligation to help undo the evils flowing from past discrimination by affording special treatment to its victims, so as to hasten their productive participation in the society at their optimum level of capacity.

The "remedial adjustments" necessary in the present "interim period" to overcome the effects of past discrimination may in some instances indeed be "awkward" and "inconvenient" and incontestably will "impose burdens." These burdens should not fall inequitably upon Jews. Neither should we shirk our share of the inconveniences and sacrifices that the whole society must accept to assure equality of opportunity as "a fact and result."

In summation, we will support special compensatory education, training, retraining, apprenticeship, job counseling and placement, welfare assistance and other forms of help to the deprived and disadvantaged, to enable them as speedily as possible to realize their potential capabilities for participation in the mainstream of American life.

Continue to advocate and support affirmative action programs, including good-faith recruitment efforts, and special provisions for in-service training or other qualifying experiences; at the same time,

- (a) insisting that recruitment not be limited explicitly or exclusively to specified groups; and that there be no preferences for members of specified groups, except when ordered on the basis of trials or hearings producing specific findings of systematic discrimination against members of those groups;
- (b) demanding that conformity to affirmative action guidelines be evaluated in terms of good-faith efforts, and not as rigid requirements;
- (c) being alert to abuses of the foregoing standards in affirmative action programs, and vigorously protesting them.

Continuing support of periodic enumerations of work forces, student bodies, etc., as bases for evaluation and effectuating compliance with non-discrimination policies, and of standardization of procedures for such enumeration; provided, however, that

- (a) Questions as to race, color, ethnicity, nativity or religion do not appear on application forms;
- (b) Individuals are at no time required to identify themselves by any of the foregoing, except anonymously.

Continuing efforts to assure that tests, examinations and other qualifying criteria are demonstrably relevant to the performance of the duties and tasks involved and are not discriminatory against applicants of particular backgrounds.

Continued opposition to racial, religious or ethnic quotas in employment and admissions to educational institutions, whether public or private.

The foregoing principles must be balanced at all times against the urgency of rapid absorption of hitherto deprived minorities into the social and economic life of our nation, the burden of disadvantages by those minorities in consequence of a long history of discrimination, and our commitment to the fostering of an integrated American society.

The interests of Jews, as a group, are inseparably joined to the orderly growth of our democratic plural society, the foundations of which are threatened by racial and ethnic antagonisms and separatist movements. Our security as a group will not be immune from social disorganization or its consequences.

Accordingly, we must weigh all these considerations in all cases, and judge each case on its merits.

NJCRAC STATEMENT ON AFFIRMATIVE ACTION - POSSIBLE REVISION

As we previously asserted, "We regard quotas as inconsistent with principles of equality." However, under certain highly specialized circumstances, we do not oppose the use of quotas, limited in duration and scope, as a remedy, where there has been a court finding of willful and systematic discrimination.

The MJC Commission on Law and Jewish Security has recommended that the Milwaukee Jewish Council adopt this revision, excluding the words "court finding."

Approved by the Board of Directors
February 14, 1982