

Unpublished Letter in response to Oct. 10, 1988 New York Times editorial
"No More FBI 'Taco Circuit'

October 24, 1988

Letters to the Editor
New York Times
229 West 43rd Street
New York, NY 10036

To the Editor:

The sentiment expressed in your October 10 editorial "'No More FBI 'Taco Circuit'" regarding the need for a non-discriminatory FBI is admirable. This is one case where the needs of justice and efficiency happily overlap. It is good to see FBI Director Sessions supporting opportunities for women and minorities.

However the claim that Hispanic agents were "relegated" to undercover work is misleading. Agents volunteer to be in an undercover pool. When an assignment is defined and a computer search identifies those in the pool with the desired characteristics, they are again given the chance to volunteer. In principle the failure to volunteer for the pool, or to reject any given assignment, is not to be counted against the individual. Of course as in the old army routine, there may be subtle pressure to volunteer.

It is ironic that undercover assignments now figure in a class action suit brought by a minority group. Historically undercover work supported a degree of equal opportunity. Turn-of-the-century concern over the activities of the Italian Black Hand and Chinese Tongs led to the recruitment of undercover agents from those groups, particularly at the local level. In 1906, New York established its "Italian" squad. The old Bureau of Narcotics was one of the first federal agencies to hire black agents. It did so not out of an abstract commitment to racial justice, but because only blacks could infiltrate black criminal groups.

Your rhetorical question "'in a wiretap situation, if all that is required is the ability to translate Spanish, why should the Bureau not simply hire a linguist?" is also misleading. Until recently the FBI had no choice. Federal wiretap legislation specified that conversations could only be overheard by sworn agents. That was to protect privacy.

Cases such as this illustrate the complexity of efforts to build a more egalitarian non-discriminatory society. Good intentions are not enough. Virtues may collide. One justification for explicitly considering ethnicity in hiring is that minority group members may bring distinctive skills and attributes -- whether the ability to serve as a role model, greater credibility, or knowledge of a group's culture and language. Yet when the hiring agency then attempts to draw on these skills, it runs the risk of being seen to discriminate in work assignments. Linguistic ability was a factor in the hiring of a majority of the Hispanic agents. It would be unwise to ignore such specialized skills in the name of a disembodied policy of non-discrimination. Managerial alertness is required to be sure that those with unique skills are not relegated to organizational backwaters. To avoid this compensatory action may be needed. For example, this might involve giving promotional advantage or rewards to person's whose skills and characteristics lead them to particularly dangerous or undesirable assignments. As welcome as a non-discriminatory hiring policy is, it must be the first, not the last step.

Sincerely,
Gary T. Marx,

The writer is Professor of Sociology at MIT and the author of a Twentieth Century Fund Book, *Undercover: Police Surveillance in America*, recently published by the University of California Press.