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No More F.B.I. 'Taco Circuit'

If there was an auspicious aspect to a Federal judge's finding that the F.B.I. had discriminated against Hispanic agents, it was the response from the F.B.I. Director, William B. Sessions: "During my tenure as Director, approximately one-half of the agents currently in the F.B.I. will be eligible to retire. This enhances opportunities for minorities and women desiring to become special agents." That means a chance to change the culture of this agency, which has made progress in ending old policies of minority exclusion, but still hasn't mastered the art of inclusion.

The new finding of discrimination is not the first. A class action filed on behalf of female agents led to damage awards as high as \$200,000. A black agent, Donald Rochon, is now pursuing a lawsuit against the agency for what he contends was racially inspired harassment by fellow agents in Omaha and Chicago.

Two-thirds of the bureau's 426 Hispanic agents joined in the lawsuit decided last week. It was brought initially by Bernardo Perez of El Paso, Texas, once the highest-ranking Hispanic agent. Many of the offenses cited in the suit make the bureau sound like a small town police department.

The Hispanic agents, who now account for about 4.5 percent of the total, charged they were relegated to a "taco circuit" of temporary assignments like tedious wiretap monitoring or hazardous undercover work. Non-Hispanic agents who also spoke Spanish were spared such assignments.

Judge Lucius Bunton found that Mr. Perez's complaints of discrimination led to retaliation by supervisors and ultimately to demotion, even though his record demonstrated exceptional "character and courage." The F.B.I.'s internal process for handling discrimination complaints was "bankrupt," the judge said.

The bureau argued that it had legitimate, pressing reasons for assigning Hispanic agents as it did. But if that's true, why shouldn't the agency's evaluation system give special credit toward promotion for such service? In a wiretap situation, if all that is required is the ability to translate Spanish, why should the bureau not simply hire a linguist?

The court will explore such questions as it moves into the remedy phase of the Hispanic lawsuit. Meanwhile, Mr. Sessions can confront those questions himself, if, as he said last week, "it is time [for the F.B.I.] to move forward."