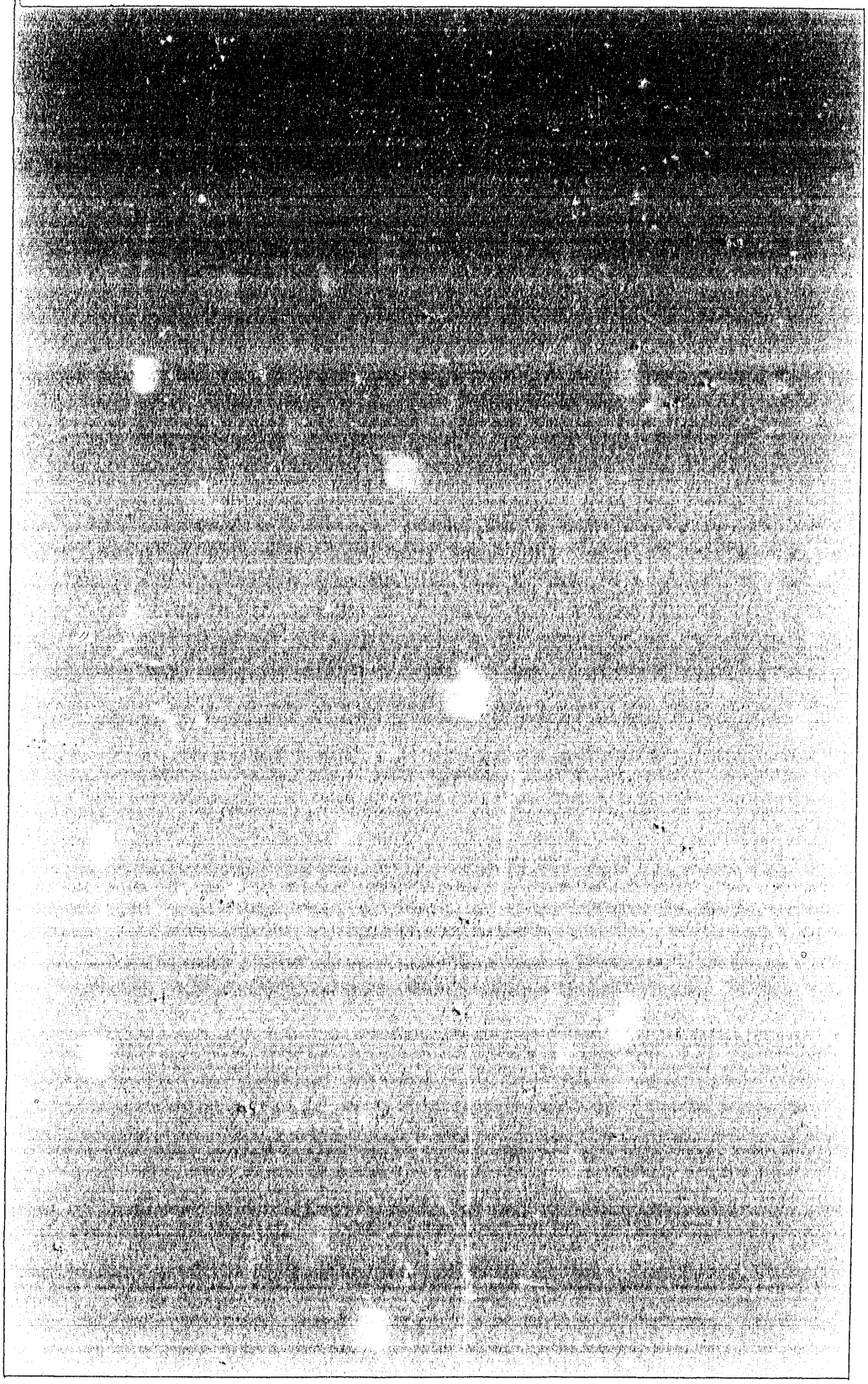

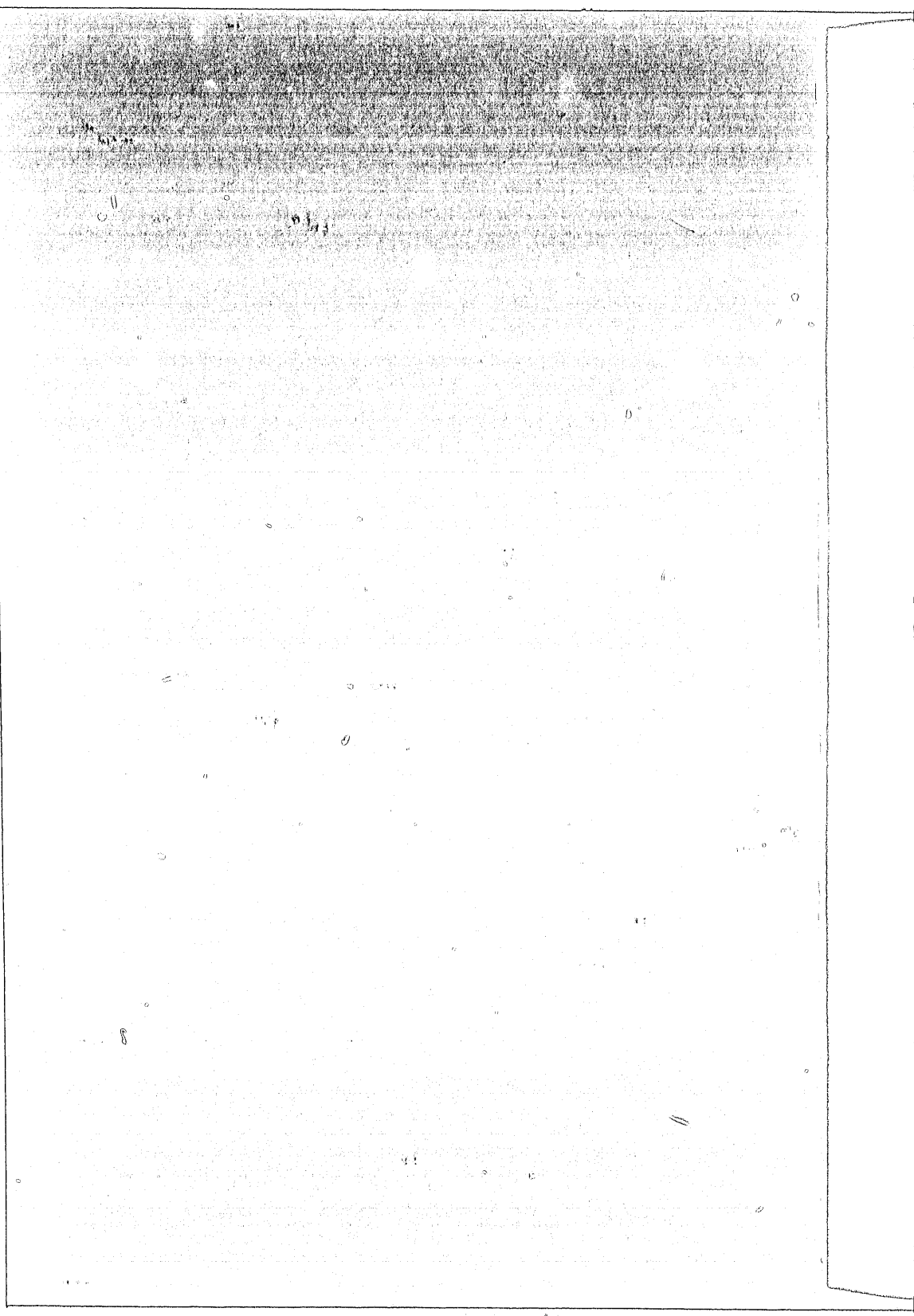

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-811

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,
Petitioner,

v.

ALLAN BAKKE, *Respondent*

On Writ of Certiorari to the Supreme Court of California

BRIEF OF THE POLISH AMERICAN CONGRESS, THE NATIONAL ADVOCATES SOCIETY AND THE NATIONAL MEDICAL AND DENTAL ASSOCIATION AS AMICI CURIAE

This brief amici curiae is filed with the consent of the parties, as provided for in Rule 42 of the Rules of this Court.

INTEREST OF THE AMICI

The amici are 3 national organizations composed of Americans of Polish descent and origin. The Polish American Congress was founded to protect the civil rights of Americans of Polish descent and origin and to promote their welfare. The goals of both the Na-

tional Advocates Society, composed of lawyers and the National Medical and Dental Association composed of physicians and dentists, are t· advance the welfare of its members, establish proper relationships with the public and promote the dignified and honorable progress of their respective professions.

Since the heritage of Polish Americans and their own history in America is inextricably involved in the fight against discrimination, we feel we have a vital interest in the issues presented by this case and believe the Court should have the benefit of our concerns so that the Court's final decision may reflect a full range of views.

So much has been written on the subject matter involved herein that it would help little to repeat and recite authority and comment previously made except where absolutely necessary. Furthermore, much of this has been done already by both the majority and dissenting opinions of the Supreme Court of California in this cause.[1]

Since this is a constitutional question which will be decided by this Court regardless of what has been said before and by whom, we ask this Court to intensely scrutinize from a broad perspective what is happening in the United States with respect to "special admissions" programs in professional schools and other affirmative action programs. Are these programs in reality and practice living up to the majesty of our Constitution, the language of our laws, and the lofty statements of our leaders, or have they become or will

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[1] *Regents of the University of California* v. *Bakke*, (1976) 18 Cal.2d 34, 132 Cal. Rptr. 680, 553 P.2d 1152.

they become vehicles by which some disadvantaged and discriminated groups and individuals secure benefits and special privileges while other disadvantaged and discriminated groups and individuals are still denied the promise of America?

It is in this light that we present our brief.

ARGUMENT

In considering the constitutionality and legality of affirmative action programs particularly "special admissions" programs one should be careful to avoid being swept up in a tide of righteousness designed to rectify a particularly serious wrong. It has been said that a sense of guilt and righteousness can be a powerful and legitimate human impulse. Whether it can be translated into wise policy is another matter. Common experience has taught us that good intentions are not sufficient justification to support actions that may infringe on the rights of others. Likewise a long history of discrimination whether confirmed by prior court decisions or not, though sufficient to prevent present and future discriminatory treatment of a like kind, does not necessarily establish a basis for the approval of actions or a program which invades the rights of others. Thus in matters involving discrimination, including efforts to overcome the effects thereof, it is essential and due process requires that those who propose a program which treats particular individuals and groups preferentially over others justify their actions by an adequate data and analytical base.[2] Over

[2] Equal Protection Clause of the 14th Amendment. This Court has said so in a number of different cases in a variety of contexts. *McLaughlin* v. *Florida,* 379 U.S. 184 (1964) pp. 191-192, 196, catalogues them.

the years the Courts have required such a base in the struggle to eliminate discrimination, overt and otherwise, against black people and other racial and ethnic groups [3] particularly under the 14th Amendment of the U.S. Constitution and there appears no sound reason here to do otherwise.[4]

Such a base serves many other useful purposes beyond justifying laws and policies, for it also provides the basis for securing federal assistance [5] and can promote public acceptance and approval of efforts to eradicate discrimination and the effects thereof provided such data indicates that those efforts are fair and equitable. On the other hand, if such data or the lack thereof indicates an uneven approach by revealing an indifference to solving the problems of *all* who have been discriminated against or giving attention and favor only to the problems of some discriminated groups but omitting others, great resentment and dissatisfaction results. Efforts based on such an uneven approach, even though well motivated, serve only to delay our goal to achieve full integration as rapidly as possible.

What was the approach of the school authorities here and what base, if any was developed by them? First, it is conceded that Davis has no history of prior dis-

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[3] For example: *Oyama* v. *California,* 332 U.S. 663 (1948); *Yick Wo* v. *Hopkins,* 118 U.S. 356 (1886). There are a number of other cases referred to in the opinions of the California Supreme Court below.

[4] *McGowan* v. *Maryland,* (1961) 366 U.S. 420, 426; 6 L.Ed. 393, 299, 81 S.Ct. 1101.

[5] *Collection and Use of Racial and Ethnic Data in Federal Assistance Programs.* A Report of the U.S. Commission on Civil Rights, Feb. 1973.

crimination. Thus, the special admissions program was not designed to overcome the effects of specific objectionable practices at this school but simply to overcome what the authorities there believed to be systematic discrimination throughout the State. Some commentators argue that absent a history of prior discrimination, no affirmative action program can be constitutionally justified. Others say that it is unreasonable to prohibit a state agency from acting on its own to achieve racial balance in its professional schools, equating this goal to a rational if not compelling state interest. There are other commentators who go on to suggest that it is foolish to require a finding of individual cases of discrimination before permitting authorities to act to overcome patterns of general and systematic discrimination.

While authorities need not nor should not wait to correct general and systematic patterns of discrimination,[6] they cannot act in an arbitrary fashion or create new patterns or types of discrimination even if their action is taken to rectify effects of past discrimination or with benign motives. The advantage in waiting until particular acts of discrimination occur is that it enables the remedy to be fashioned more appropriately to the harm involved without running the risk of creating potential harm to others who may be innocently affected.

Here it is clear that the Regents of the State of California failed to make a comprehensive survey of the kind and extent of discrimination occurring in its professional schools so that a constitutionally justifiable remedy could be fashioned. California perhaps more

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[6] *Board of Education* v. *Swann*, 402 U.S. 43, 46 (1971).

than many other states, represents the great mosiac that makes up America. Its climate, location and other desirable characteristics attracted and still attract *all* kinds of people: farmers, actors, retired persons, youngsters, adventurers, settlers, Italian Americans, Mexican Americans, Polish Americans, Blacks, White, Orientals and on and on. Yet even though faced by the mandate of 42 U.S.C. 1981 and 2000d [7] and a national policy reinforced by at least two Presidents explicitly prohibiting discrimination in employment and education based on race, color, sex, religion and national origin,[8] the authorities in the State of California chose to cast their attention only on select groups and fashioned a remedy not only constitutionally impermissable but patently unfair. There is no reasoned explanation why Blacks, Chicanos and Asiatics have been the *only* beneficiaries of the special admission program and others similarly disadvantaged and discriminated have

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[7] 42 U.S.C. § 1981. Equal rights under the law.

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

42 U.S.C. § 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under Federally assisted programs on ground of race, color, or national origin.

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

[8] See e.g., Executive Order 11478.

been excluded.[9] It is now clear why the People of California amended their Constitution on November 2, 1976, to specifically include race, religion, and ethnic heritage as additional factors which cannot be used to deny a person admission to their State University.

The record is not clear, however, why the administration designed a program which benefited only select groups instead of addressing the problem as a whole. Perhaps it is due in part to the momentum of the civil rights movement which has been characterized by Black problems and participation and in which Blacks have played a significant leadership role from the start. Because of the unsavory role slavery has played in the history of our country, it was only natural for all of us to have our attention centered by the problems which flowed from this most fundamental form of discrimination.

Nevertheless, this Court, Congress, the Executive and our national leaders have repeatedly stated in one form or another that our national policy, with regard to discrimination in general, forbids more than racial discrimination. Color, religion, sex and national origin

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[9] Even though the record fails to specifically show that the University authorities comprehensively surveyed the racial, color, sexual, religious and ethnic composition of the State of California and compared those results with a similar survey of the medical profession, what is in the record, particularly the statement of the Admissions Committee Chairman, shows that the authorities were concerned only with the problems of Blacks, Mexican Americans, Indians and Orientals. While it is true that a full survey could result in a finding that there are no other disadvantaged or discriminated groups, common experience such as the defamation practiced against Americans of Polish descent and origin cause one to be skeptical unless such a finding is firmly established by evidence.

are equally paramount and today we have quite properly added age and the handicapped.

Yet in practice, the attention of most policy and decision makers has been almost totally focused on the problems of race resulting in a de facto priority to the extent that we are approving programs and actions designed to overcome effects of racial discriminations even though they create new patterns of other types of discrimination equally prohibited, as was done here.

We know of no policy, set by this Court, the Congress or the Executive which states that racial or any other type of discrimination deserves a higher priority than other prohibited types. There may come a time when such a decision may be made but it can be constitutionally justified only when a data and analytical base is created fully exploring the status of all groups and individuals covered by our anti-discrimination policies something which has not been done either by the State of California or our national government. This base should also reflect the difference in impact between those efforts which simply prohibit or forbid discrimination and those efforts like the instant program which attempt to overcome effects of past discrimination. We are at a time when we realize our resources are not unlimited, and that our economy has bounds and limits to its growth. Accordingly, the competition for jobs and education is becoming more acute. It is one thing to say that such competition is to be conducted on merit or without regard to race, color, sex, religion and national origin. It is quite another thing to say that our Constitution permits that competition to be conducted in a manner whereby some are

given special benefits and privileges because of their race, color, sex, religion and national origin. If there is a good reason to do this should it not be extended to *all* similarly circumstanced, and at the *same* time? In any event, such a decision should not be made simply because a group is more vocal, better organized, potentially possessed of more political leverage or by the emotion of the moment. It should be made by the full political process exploring in detail all that is involved so that public confidence can be secured and divisiveness avoided.

Nevertheless, most state and national practices and even much of the previous Court litigation pay attention primarily, if not in some instances exclusively, to racial discrimination overlooking not only our other problem areas but also the impact of our efforts to eliminate racial discrimination and the effects thereof on these other problem areas.

Some progress in expanding the scope of our attention has been made, particularly with respect to those people now generally classified as Hispanics.[10] Yet very little data, if any, has been collected indicating what problems, if any, we face with respect to religious and national origin discrimination other than Hispanics. Whether this is so because of limited resources [11] or

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[10] *Counting the Forgotten*, U.S. Commission on Civil Rights, April 1974.

[11] Discussion held with John A. Buggs, Staff Director U.S. Commission on Civil Rights, February 18, 1977. He indicated to this writer that the time may be ripe for the creation of a data base indicating the present state of those other forms of discrimination. In the preamble to *Counting the Forgotten*, the Commission states:

> "The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 to:

preoccupation with one form of discrimination, the fact is it should not continue if we are to put in practice what we preach and state in our Constitution, laws, national and state policies.

Some have argued that there is no additional data base because there are no additional problems. We ask this Court whether there is a substantial difference between a Black being called a "Nigger" and a Polish American being called a "Pollack", whether telling a Black or Mexican American he cannot qualify is substantially more degrading than telling a Polish American the same thing; whether the lack of recognition of Blacks and Latins in senior levels of corporate management is more serious than the lack of recognition of Polish and Italian Americans.[12] If not, then we suggest

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Investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex or national origin, or by reason of fraudulent practices;

Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;

Appraise Federal laws and policies with respect to the denial of equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;

Serve as a national clearinghouse for information concerning denials of equal protection of the laws because of race, color, religion, sex, or national origin; and

Submit reports, findings, and recomendations to the President and the Congress."

Given this mandate by Congress, an impartial observer may wonder why the Commission has not acted more forcefully to carry out its full mandate instead of restricting its efforts to certain areas.

[12] *Minority Report, the Representation of Poles, Italians, Latins and Blacks in the Executive Suites of Chicago's Largest Corporations,* (1973) prepared by the Institute of Urban Life for the National Center for Urban Ethnic Affairs, Washington, D.C. 20017. See Appendix "A".

that there is substantial evidence to justify the collection of comprehensive data and the creation of a total analytical base dealing with the problems of discrimination based on national origin within a racial group as well as across racial lines. Polish Americans are not the only ethnic group that deserve consideration, there are many others within all racial categories including Italian Americans, Arab Americans, Jewish Americans just to name a few.

The failure to collect such data and to approach the prohibited forms of discrimination on an even and fair basis brings us to the very crux of why the instant program is constitutionally unsound.

Whenever a special admissions program of the type here is created, there follows, by necessity, a division and the creation of a "group" who does not receive the special benefits. Who is and should be in this "disfavored" group? To meet due process and equal protection requirements this group should not include individuals and groups disadvantaged by other forms of prohibited discrimination in the absence of a clear constitutional mandate that one form of prohibited discrimination is more important than the others.

Though the record does not show precisely how the authorities here came to their decision, it is clear however that in practice any White would be ineligible for the special program even though he or she may have suffered invidious discrimination because of his or her national origin. It is also clear that in practice the program was not designed to benefit all who suffered from prohibited discrimination, but only if you were Black, Chicano or Asian.

The definition of Chicano is not entirely clear but if it is roughly equivalent to Hispanic as defined by the Census Bureau, it is important to note that 98% of the population of Spanish origin [13] is classified as within the White race by such Bureau. If this group is considered White, giving them preferential treatment and denying such treatment to other Whites similarly disadvantaged is arbitrary and capricious without regard to "reverse" discrimination.

What happened here is also what happens all too often in our national programs. Preoccupation [by the authorities] with certain forms and types of discrimination has resulted in indifference to other types of discrimination equally bad and prohibited with the result that the groups and persons so suffering and forgotten have in effect been told to suffer more for the sake of improving the lot of those receiving attention.

The greatest irony of this result is that many Whites who have championed the cause of civil rights have ended up being in this "forgotten and disfavored" group. Why are "Whites" who never practiced discrimination, but fought for and championed equality, and who themselves suffered discrimination obliged to continue to suffer simply because other Whites practiced racial discrimination? If Whites are to suffer for the "greater good" then for how long and for whose benefit?

The "special admissions" program here is also objectionable on the grounds of vagueness. Though it sets a definite quota it does not readily define who qualifies for it or how long the program will last. The prime

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[13] *Counting the Forgotten, supra,* p. 43.

justification of the program is the numerical inbalance between the number of persons of any one ethnic and racial group and the number of professionals from that group. There is no firm indication that all of that disparity is due to discrimination. Some of the disparity may be due to cultural tendencies as in the case where more Blacks tend to become professional basketball and football players than professional hockey and tennis players or in the case where more Hispanics tend to become professional baseball players than basketball players. Further, no attention has been paid to immigration patterns particularly unusual situations such as the Vietnamese refugee program and the proposed amnesty of illegal aliens presently in the United States. In this context, what justification can be given to those White disadvantaged groups and individuals living here for one, two and three generations for the fact they have to meet higher standards simply because they are White while Chicanos, Blacks, Asians who have recently arrived, in some instances not legally, are to be given a preference.

We do not suggest that a "special admissions" program is never constitutionally feasible or that less significance be attached to the problems of Blacks, Chicanos and Asians. We do say that for such a program to be constitutionally permissable it, (1) cannot be arbitrary as it is here in giving preference to one kind of White ethnic group (Hispanic) without showing why other White ethnic groups similarly situated have not even been considered, (2) cannot be concerned with race alone but must also provide relief for other groups who have suffered prohibited discrimination such as color, sex, religion and national origin of all types, (3) must demonstrate that those included in the "un-

favored" group will not be discriminated in a prohibited manner by the program itself and (4) establish a sufficient data base indicating more precisely why such a program is needed, how long is it to last, and who is to benefit therefrom.

A few final comments. It has been argued by some that this case is not "ripe" for determination;[14] that among other things there is not enough evidence in the record to show the kind of discrimination being practiced against Blacks, Chicanos and Asians. For the reasons previously stated, we believe this case is particularly "ripe". It is important that this Court declare its concern for *all* the types of prohibited discrimination and that they must be allowed for in any special admissions program. The record here makes this case an especially appropriate vehicle for this Court to do so.

The opinions of the Court below have addressed to some extent the concerns expressed herein. We note that the dissenting opinion agrees in its Footnote No. 10 that if the effect of the instant program may in fact be utilized as a means of discriminating against a subclass of the majority (disfavored) group, then the program could not be considered benign and presumptively constitutional. It goes further by stating that there is no such claim that the program had in fact such a differential impact. This brief is devoted to making such a claim, and we agree with the dissent that once the claim is established the present program

[14] See the many briefs of various Amici including the Brief of the National Urban League, et al. on the petition for certiorari and Price M. Cobbs, M.D., et al. on the appeal itself.

is in fact equivalent to invidious racial classifications and is presumptively unconstitutional.

We note also that the dissent in its concluding remarks claims that the use of racial classifications here is a matter of policy for the school authorities and not of constitutional dimension even though the commentators are divided over the desirability of racial classifications. We disagree with the claim and suggest that when racial classifications are used without allowing properly for their impact on other disadvantaged and discriminated groups, it is for the Courts to decide their constitutionality particularly when their utility is in doubt.

We wish to reaffirm our desire to work with all those concerned so that feasible solutions reasonably protecting the interests of all can be found. It has been said that "our society cannot be completely color blind in the short term if we are to have a color blind society in the long term." [15] We suggest that the metaphor is imperfect. Good eyesight sees beyond black and white; it sees a world made up of different sexes, races, religions, colors and ethnic backgrounds. Perfect vision sees a world integrated on all these grounds and not only on some.

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[15] *Associated Gen. Contractors of Mass., Inc.* v. *Altshuler*, 490 F.2d 9, 16 (1973).

CONCLUSION

The special admissions program as presently formulated by the authorities of the State of California should be declared illegal as constitutionally unsound with appropriate advice as to the feasibility and direction of any future such efforts.

Respectfully submitted,

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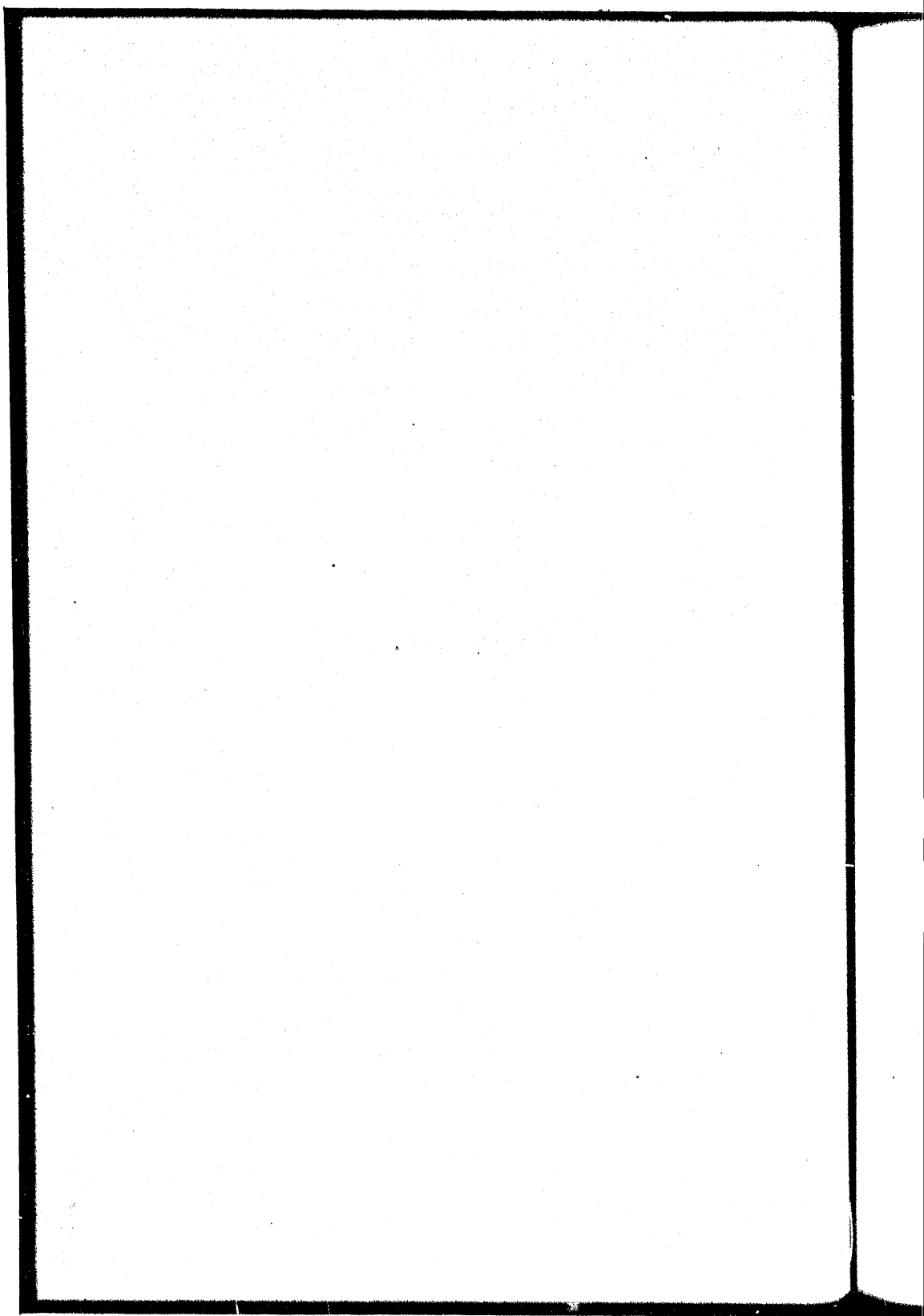
APPENDIX



APPENDIX "A"

MINORITY REPORT

THE REPRESENTATION OF POLES, ITALIANS LATINS AND BLACKS IN THE EXECUTIVE SUITES OF CHICAGO'S LARGEST CORPORATIONS

By Russell Barta, Ph.D.

This report was prepared by THE INSTITUTE OF URBAN LIFE, 820 North Michigan Avenue, Chicago, Illinois 60611, for THE NATIONAL CENTER FOR URBAN ETHNIC AFFAIRS, 4408 Eighth Street, N.E., Washington, D.C. 20017.

For information about single copies of this report, which are availble without charge, or about the cost of quantity orders, please write to one of the above.

The question "How many are there?" has become one of the most provocative and unsettling questions being raised on all levels of American society. It reflects the national preoccupation with evaluating the success or failure of various ethnic groups in gaining their share in the American system for distributing income and power. Thus, in just a matter of a few years questions regarding a person's race or ethnic background, once felt to have no public relevance and even considered illegitimate, now not only are being asked but even require answers by law. Companies with government contracts are now required to file reports indicating their utilization rate of Blacks, Latins, American Indians, Eskimos, and women. In January, 1973, the U.S. Department of Labor, Office of Federal Contract Compliance, issued new guidelines to cover discrimination

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Mr. Barta is professor of social science at Mundelein College of Chicago. He had the assistance of Helen A. Smith of the Graduate Program in Urban Studies at Loyola University.

against persons because of religion or ethnic origin. These guidelines said:

> Members of various religious and ethnic groups, primarily but not exclusively of Eastern, Middle, and Southern European ancestry, such as Jews, Catholics, Italians, Greeks, and Slavic groups continue to be excluded from executive middle management, and other job levels because of discrimination based upon their religion and/or national origin. These guidelines are intended to remedy such unfair treatment.[1]

What the guidelines in effect recognize is that, despite the powerful American rhetoric which emphasizes individual achievement, power and affluence in reality still flow along group lines, and that an individual's religious or ethnic affiliation may in fact still be an obstacle to his advancement.

The purpose of this study was to investigate the extent to which members of the Polish, Italian, Latin, and Black communities have penetrated the centers of power and influences in Chicago-based corporations. This was done by determining how many Poles, Italians, Latins, and Blacks either serve on the board of directors or occupy the highest executive positions in Chicago's largest corporations.

In focusing on Poles, Italians, Latins, and Blacks, this study selected at this point in time is historically significant. The 1960's saw the rise of group consciousness among Blacks and Latins, and their relentless pursuit of parity with other groups in the U.S. This process released the latent consciousness of other groups, such as Poles and Italians, who are becoming increasingly aware that like Blacks and Latins, they may not be sharing qually in the affluence of American society.

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[1] 60-50.1 of Chapter 60, Title 41, Code of Federal Regulations.

Thus, although this study originated at the request of leaders of the Polish American Congress, Illinois Division, and the Joint Civic Committee of Italian-Americans in Chicago, they were more than willing to see the study expanded to include Blacks and Latins. In the Chicago metropolitan area, where nearly 34 per cent of the seven million population is either Polish, Italian, Latin, or Black, such a perception of mutual concerns could have a positive influence on the future of group relations and thus on the very shape and tone of life in the city and suburbs.

The corporations reviewed in this study were identified by combining the *Chicago Daily News* and *Chicago Tribune* lists of the Chicago area's largest corporations in 1972. Among the thousands of corporations based in the Chicago area, 106 were identified as the largest industrial firms, retailers, utilities, transportation companies, banks, and savings and loan institutions. More than half of them (66 per cent) were included in *Fortune* magazine's 1972 list of the largest 500 industrial corporations or *Fortune's* lists of the largest non-industrial firms in the U.S. These 106 corporations, therefore, comprise the top layers of the economic and financial power structure of Chicago—and of the nation. It was the top management of these corporate giants and their boards of directors who were scrutinized in order to determine the representation of Poles, Italians Latins, and Blacks.

Information about directors and officers was taken directly from the 1972 annual report of each corporation. The number of directors of all 106 corporations totaled 1341; the number of officers, 1355. For the purposes of this study, honorary board members were not included, nor were officers of less than vice-presidential rank such as assistant vice-presidents, assistant secretaries, or assistant treasurers. Where a firm was controlled by a holding company, only the directors and officers of the holding company were counted. An officer who also was a member of the board of directors of the same firm was counted twice, once as director, again as officer.

TABLE I

Representation of select ethnic groups in the Chicago metropolitan area population and on the boards of directors and among the officers of the 106 largest Chicago area corporations.

		Directors		Officers	
	% Area Population	No.	%	No.	%
Poles	6.9	4	0.3	10	0.7
Italians	4.8	26	1.9	39	2.9
Latins	4.4	1	0.1	2	0.1
Blacks	17.6	5	0.4	1	0.1
All Other	66.3	1305	97.3	1303	96.2
Total	100.0	1341	100.0	1355	100.0

Notes:

The "area population" refers to the Chicago metropolitan area: the six counties of Cook, Kane, Will, DuPage, Lake, and McHenry, whose population in 1970 was 6,979,000.

The percentages of area population was prepared by Michael E. Schiltz, Director of Loyola University's Graduate Program in Urban Studies. For Poles, Italians, and Latins, the estimates include first, second, and third generations, based on U.S. Bureau of Census data.

The Black population is based on 1970 data from the U.S. Census Bureau.

TABLE II

Number of corporations, of the 106 examined, which had no directors or officers who were Poles, Italians, Latins, or Blacks.*

	No. of Corporations without director	No. of Corporations without officer
Poles	102	97
Italians	84	75
Latins	105	104
Blacks	101	105

* 55 of the 106 corporations had no Poles, Italians, Latins, or Blacks either as directors or as officers.

Findings and Conclusions

Thirty-six, or less than three per cent, of the 1341 directors were Polish,[2] Italian, Latin, or Black. Fifty-two, or less than four per cent, of the 1355 officers were Polish, Italian, Latin, or Black. These four groups make up approximately 34 per cent of the metropolitan area's population. When translated into individual percentages, the findings indicate that 0.3 per cent of all directors were Polish, 1.9 per cent Italian,[3] 0.1 per cent Latin, and 0.4 per cent Black. Out of all officers, 0.7 per cent were Polish, 2.9 per cent Italian, 0.1 per cent Latin, and 0.1 per cent Black. (See Table I.)

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[2] In referring to Poles, Italians, Latins, or Blacks, the author means Americans who are of Polish, Italian, Latin (Spanish-speaking background), or Black ancestry.

[3] One person of Italian background serves on nine different boards. If he were to be counted only once, the percentage of directors who are Italian would be reduced from 1.9 percent to 1.3 percent.

How does one make a judgment about such information? How can it be used to evaluate the extent to which Poles, Italians, Latins, and Blacks have entered the executive suites of Chicago's major corporations? Are Poles, Italians, Latins and Blacks equitably represented there?

To answer such questions the executive suite data was compared to the population of each of the four groups in the Chicago metropolitan area. This comparison provides a rough but fair guide for determining whether each group has achieved partiy or whether it is underrepresented.[4]

If one compares (Table I) the percentages of officers and directors whose backgrounds are Polish, Italian, Latin, or Black to the percentage distribution of these four groups in the population, it becomes clear that all four groups were grossly underrepresented on the boards of directors and in the executive positions of Chicago's major corporations. Thus, although Poles make up 6.9 per cent of the metropolitan population, only 0.3 per cent of the directors are Polish. Italians make up 4.8 per cent of the population, but only 1.9 per cent of the directors are Italian. Blacks comprise 17.6 per cent of the population yet only 0.4 per cent of the directors are Black. Latins are 4.4 per cent of the population yet only 0.1 per cent of the directors are Latin. The same general pattern holds if one compares the percentages of officers who are Polish, Italian, Latin, or Black to the percentage distribution of these four groups in the population.

As a matter of fact, Poles, Latins, and Blacks were virtually absent from the upper echelons of Chicago's largest corporations. 102 out of the 106 corporations had no directors who were Polish; 97 had no officers who were Polish. Only one corporation had a Black officer and only two had Latin officers. While the Italians were more numerous in

[4] What should serve as an equitable norm, and how to apply it, is, of course, open to discussion. One can anticipate increasing public discussion of the matter as more groups pursue group gains.

the executive suite than the other three groups, 84 corporations out of 106 still had no directors who were Italian and 75 had no officers who were Italian. Finally, 55 out of the 106 corporations had no Poles, Italians, Latins, or Blacks, either as directors or as officers. (See Table II.)

Other significant patterns emerge from the data. Poles and Italians do better in their representation in executive positions than they do as board members. The opposite is true of Blacks, whose major source of representation comes from appointments to boards of directors rather than from holding top executive positions. No Poles were located among the public utilities and banks reviewed in this study, either as directors or as officers. As for Italians, 16 were associated with banks or savings and loan institutions. However, there were no Italians in the executive suites of the utilities.[5] On the other hand, three out of the five corporations with Black directors were public utilities. The number of Latins was not large enough to yield any significant pattern.

Hopefully, this study of four ethnic groups in the corporate structure of metropolitan Chicago will be extended to include their representation in major civic groups such as public boards and commissions, influential private agencies and associations, foundations, and social clubs. Similar studies of other ethnic groups such as Czechs, Greeks, Lithuanians, etc. should be conducted in the Chicago area. Given the lack of adequate research on American ethnic groups, similar surveys should be undertaken in other large cities.

As such studies accumulate, the result may be a national profile for each of America's ethnic groups showing precisely the extent to which each of them share in the power

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[5] An Italian, however, does serve as an officer of the two subsidiaries of one of the utilities.

and affluence of the nation. In the process the nation will learn to what extent the American corporation is a "truly public institution bound to the same criteria of selection that today affect government service—freedom from bias, and the requirement at the same time to represent and reflect all parts of the American population."[6]

A Note on Method

Trying to determine ethnic origin is a hazardous enterprise. In order to make this study as accurate as possible, knowledgeable leaders from the Polish, Italian, and Latin communities were asked to identify ethnic names by studying the lists of directors and officers in each annual report. In cases of doubtful ethnic origin the individual's office was contacted directly. Each corporation having no apparent representation from any of the four ethnic communities was informally contacted to double check the preliminary findings. In regard to Blacks, all available studies were utilized and persons familiar with the Black community were consulted. Also helpful were several lawyers and business leaders who were generally knowledgeable about many of the corporations studied. If there are any errors in the final tally for each group, the margin of error would not be sufficiently great to invalidate the findings of this study.

A manual describing in full the method used is being prepared by the author and will be distributed through the National Center for Urban Ethnic Affairs in Washington and the Institute of Urban Life in Chicago.

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[6] Nathan Glazer and Daniel P. Moynihan, *Beyond the Melting Pot*, 1963, p. 208.

THE 106 CHICAGO-BASED CORPORATIONS

Abbot Laboratories
Admiral
Allied Mills
Allied Van Lines
American Bakeries
American Hospital Supply
American National
Amsted Industries
Baxter Laboratories
Beatrice Foods
Bell Federal
Bell & Howell
Borg-Warner
Brunswick
Bunker Ramo
Carson Pirie Scott
CECO
CENCO
Central National Bank
CFS Continental
Chemetron
Citizens Bank Park Ridge
Chicago Bridge and Iron
Chicago-Milwaukee
Chicago and North Western
Chicago, Rock Island and Pacific
Combined Insurance
Commonwealth Edison
Consolidated Foods
Continental Illinois Corporation
CNA Financial
De Soto
Donnelley (R. R.) & Sons
Drovers National Bank
Exchange National Bank
First Chicago
First Federal
FMC
General American Transportation
Goldblatt Brothers
Gould
Harris Bankcorp
Hart, Schaffner & Marx
Heller (Walter E.) International
Hilton Hotels
Home Federal
Household Finance

Illinois Bell Telephone
Illinois Central Industries
Illinois Tool Works
Interlake
Inland Steel
International Harvester
International Minerals & Chemical
Jewel
Kemperco
Kraftco
Lakeview Trust
LaSalle National Bank
Libby, McNeill and Libby
Marcor
Maremont
Marleman
Marshall Field
Masonite
McDonald's
McGraw-Edison
Morton-Norwich Products
Motorola
Nalco Chemical
National Boulevard Bank
National Can
National Tea
Northern Illinois Gas
Northern Indiana Public Service
Nortrust
Northwest Industries
Northwest National Bank
Outboard Marine
People's Gas
Pioneer Trust
Pullman
Quaker Oats
St. Paul Federal
Santa Fe Industries
Searle (G. D.)
Sears Bank & Trust
Sears, Roebuck
Signode
Spector Industries
Square D
Standard Oil (Indiana)
Sunbeam
Swift
Talman Federal
Trans Union

UAL
U.S. Gypsum
UNICOA
Universal Oil Products
Walgreen
Ward Foods
Washington National
Wieboldt Stores
Wrigley (William) Jr.
Zenith Radio