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Affirmative Inaction

San Diego County Supervisors last year began demanding that firms doing business with the county show they are conducting "affirmative action" programs to build up the representation of minorities in their work force. This policy was questionable enough to begin with, and it now appears to be pulling the rug out from under the county's road improvement program.

Contractors were surely left scratching their heads when they were told that in order to receive county contracts they must establish hiring policies increasing the number of Negroes, Mexican-Americans and other minorities on their payrolls. The Civil Rights Act of 1964 prohibits applying any test of race, creed, color or sex in deciding who shall or shall not be hired.

Now the federal and state officials in charge of dispensing gasoline-tax funds to counties for highway construction are pointing out that San Diego County is violating a basic rule in awarding contracts. By demanding that a contractor have a minority hiring plan in order to receive a contract, the county is departing from the requirement that contracts be awarded to the lowest bidder.

If our supervisors persist in their policy they will forfeit state and federal aid for highway programs. That is bad enough, but it is becoming more and more apparent that their demand for "affirmative action" programs is not the proper way to achieve the equity of opportunity that Americans desire — if not in terms of competitive bidding, then for the simple reason that it invites contractors to violate federal law.

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