

COMMENTARY

Tuesday, October 7, 2003

EDITORIAL

Gender-biased Saferide policy violates rights

During the summer, the Office of Civil Rights notified coordinators of the University's long-running Project Saferide that they would need to restructure the program or shut it down. The OCR, a Department of Education agency whose mission is to "ensure equal access to education and to promote education excellence throughout the nation through vigorous enforcement of civil rights," said that because the program receives federal funding, yet serves only women, it violates provisions of Title IX of the Education Amendments of 1972.

To preserve the valuable transport service, the project will shortly merge with Night Ride — a program established in 2001 as a unisex counterpart to Saferide — forming the new "Assault Prevention Shuttle" service. However, our biggest complaint is: Why didn't this happen sooner?

There are several legal and philosophical problems with a public university offering sex-dependent benefits or services without offering effectively equal services to the other sex. The most glaring is the violation of regulations cited by the OCR: Title IX states that, barring certain exceptions that don't apply to programs like Project Saferide, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

So, Saferide is illegal, for the same reason that offering a disproportionately small number of female sports at a state school is illegal.

But the program's very existence creates a more subtle, fiscal problem. As of spring 2003, 18,421 students attend the University; last spring, the ASUO Programs Finance Committee allocated \$42,619. Thus, every male student would have paid about \$2.31 for a service offered only to females. This may work out to a small amount per capita, but collectively, about 8,500 men across campus paid nearly \$20,000 for a program they couldn't use.

Finally, the very reason for Saferide's gender restriction is unfair. According to Saferide's Web site, the program "remains a safe space for women who fear sexual assault and are uncomfortable riding with men." That one person fears a group of people is a poor justification to limit that group's rights. If a hypothetical white person had a negative experience with a Hispanic person and isn't comfortable, say, with sharing a vehicle with any Hispanic person, that's hardly a reason to limit a University transportation program to whites, and is moreover unfair to potential Hispanic riders. Furthermore, charging all Hispanics at the University to help pay for such a service would be absurd. Likewise, disqualifying men from riding with Saferide is unfair to them, particularly those men who have lived a life respecting and avoiding harassment of women.

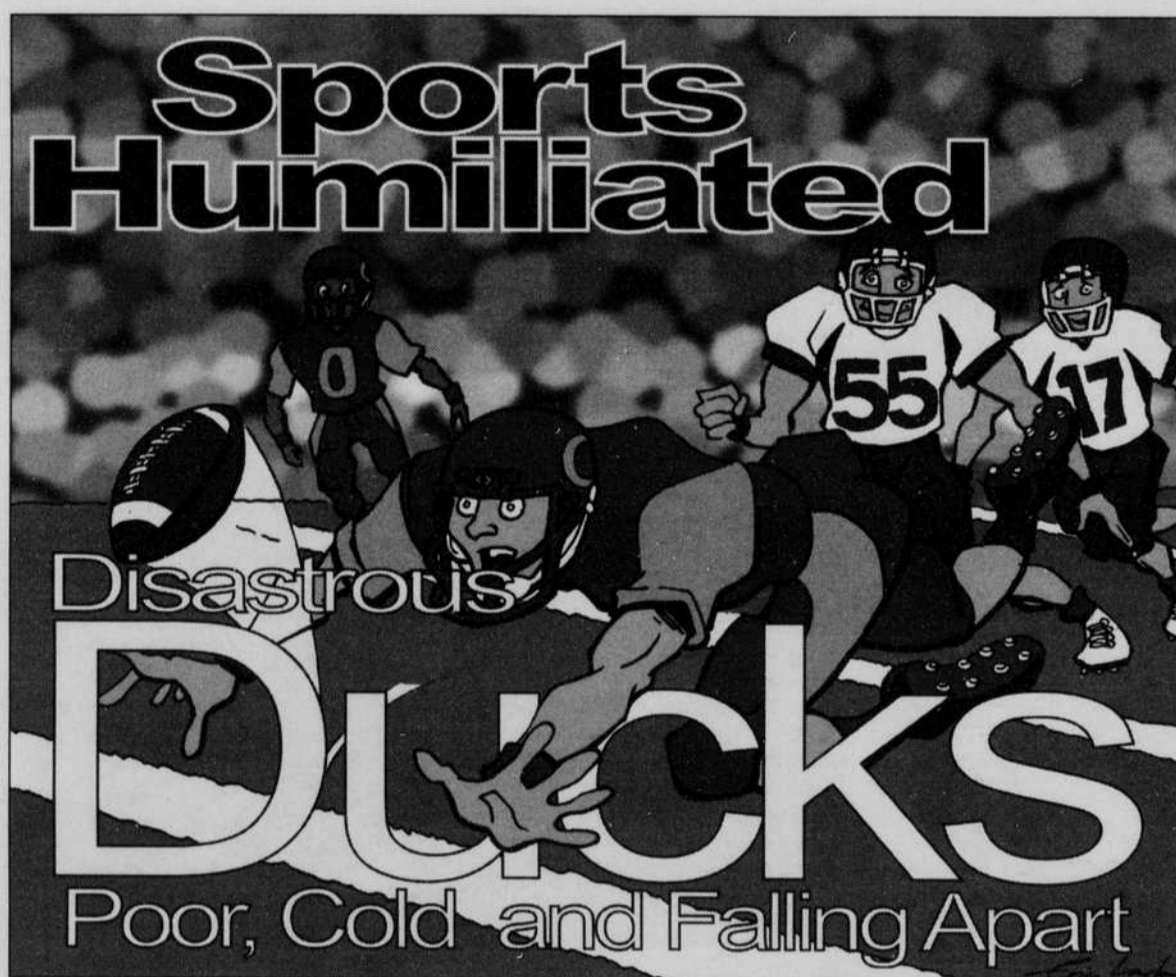
Now, surely the framers of the Constitution, the Fourteenth Amendment and Title IX didn't intend for women to feel uncomfortable, or worse, subject them to dangerous situations. But combining Night Ride and Saferide into a single program protects men and women alike from assault in a way that is fiscally fair, constitutionally cogent and socially responsible.

EDITORIAL POLICY

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COLORBLIND POLITICS

Today, as Californians flock to the polls, the question on everybody's mind is: Who will get more votes in the recall election, the porn star or the pornographer?

(Both are 500-1 shots in Las Vegas. Seriously.)

In addition to the recall, Californians will be voting on Proposition 54, a serious proposal with serious consequences. Dubbed the Racial Privacy Initiative, it would, if passed, forbid the government from collecting data on race. It reads, in part:

"The state shall not classify any individual by race, ethnicity, color or national origin in the operation of public education, public contracting or public employment."

Proposition 54 is a "Don't ask, don't tell" policy for minorities. Opponents call it statistical ethnic cleansing. Supporters say that race — like sexual orientation — is no business of the government and that this initiative represents a major step forward in America's quest for a color-blind society.

I agree, but the initiative does not go nearly far enough in protecting racial privacy. Government employees and school administrators would still be able to figure out an applicant's ethnicity and use it against them. If Oregonians are interested in protecting their racial privacy, I would suggest they adopt a proposition similar to Proposition 54 with the following important additions:

1. "The state shall not classify any individual by name ..."

With a last name like Jagermath, my race is exposed every time I sign on the dotted line, whether the government collects racial data or not. And according to a recent study, that could cost me my next job. When researchers from the University of Chicago and MIT responded to help-wanted ads using fictitious résumés, they found that the résumés with white-sounding names (like Emily) were 50 percent more likely to get a call back than the ones with black-sounding names (like Lakisha). Moreover, giving the fictional black applicants a higher quality résumé did not sig-

nificantly improve their chances of landing an interview.

2. "The state shall not classify any individual by home address or high school ..."

If America were no longer racially segregated, then it wouldn't matter if the government knew where we lived. But as it is, providing the state with even the most vague geographical information could potentially compromise your racial privacy. Ninety-five of the 96 black-majority counties in America are in the South, where over half of the black population still lives. A random person from Gary, Ind., or Detroit has an 85 percent chance of being black. Conversely, a random person from the state of Idaho has a less-than-1-percent chance of being black.



David Jagermath
Critical mass

In our schools, racial segregation today is greater than it was before Brown v. Board of Education, according to Harvard sociologist Gary Orfield. Sixty-three percent of white students go to schools that are racially exclusive (that is, the schools are at least 90 percent white). Forty percent of public schools in large cities in America are considered "intensely segregated." Information about our past education must be kept from the government in order to protect our racial privacy.

3. "The state shall not classify any individual by employment history ..."

Let's do some role-playing: Say you are a government employer and you see a résumé that lists U.S. senator as a previous occupation. Considering that there were only two black U.S. senators in the entire 20th

Century (Carol Moseley-Braun and Edward Brooke), the same number as in the 19th Century, what would you assume about the applicant's race? Now say the applicant was a state governor. There was only one black governor in the entire 20th Century (Douglas Wilder of Virginia) — again, the same number as in the 19th Century. Or maybe the applicant was President of the United States of ... Well, you get it.

4. "The state shall not conduct interviews in-person or over the phone ..."

Face-to-face interviews should be banned for obvious reasons, but now we know that phone interviews are dangerous to our racial privacy as well. A study by John Baugh, a linguistics professor at Stanford University, shows that most Americans can accurately identify the race of a speaker just from the word "hello." Linguistic racial profiling is a growing problem, especially in the housing, banking and insurance industries, watchdog groups say. TWB (talking while black) might cost you your next job, loan or home unless we demand that all interviews be conducted exclusively through e-mail.

Conclusion

Until we pass laws banning all information on résumés and college applications except for our Social Security number, GPA and e-mail address, our racial privacy will always be threatened. Colorblindness is an admirable goal, but we will not truly be "one nation, indivisible" until we have become color-hard-of-hearing as well. The terrible blight of racism that has stained our great country will not be completely cleansed until we all suffer from color-stuffy noses, so that we cannot color-smell or color-taste. Only then can we legitimately say that America stands for liberty and justice for all.

Contact the columnist at davidjagermath@dailyemerald.com. His opinions do not necessarily represent those of the Emerald.