

***THE LOS ANGELES NAACP, THE LOS ANGELES
SENTINEL AND THE CALIFORNIA AFRICAN-AMERICAN
COMMUNITY JOIN FORCES TO OPPOSE PROPOSITION
209 IN MICHIGAN AND CALIFORNIA***

With the passage of Proposition 209 in California in 1996, and its identical twin passage in Michigan (Proposal 2) in 2006. The white majority in both states wiped out decades of hard fought affirmative action programs in higher education, employment and public contracting rolling back African-American gains to 1950s levels.

The successes of affirmative action programs were gradual, but meaningful. The programs and processes resulted in a more diverse, integrated and well rounded population; advanced educational and occupational aspirations; enhanced critical thinking skills; facilitated the equitable distribution of resources; reduced, prevented or eliminated the effects of racial and social isolation; encouraged positive relationships across racial and economic lines by breaking the cycle of racial hostility to foster a community of tolerance, and the appreciation of students from varied and diverse backgrounds; and promotes participation in a pluralistic society in the United States, especially in the affected states of California and Michigan.

California Proposition 209 and Michigan's Proposal 2 cherry picked and singled out for permanent elimination only higher education preference programs that benefited African-Americans and other minorities (eliminating all preference based on race, sex, color, ethnicity, or national origin) while leaving intact preferences for family alumni connections (legacy admissions), athletics, grades, arts, or other special skills or attributes preferences.

Since the "Jim Crow" Era anti-equality and anti-affirmative action interest groups have become more sophisticated, and quickly learned from their mistakes of the sixties

and seventies that without imposing extreme and almost impossible burdens on minority affirmative action programs after they were repealed to prevent reversal, modification or amendments, such affirmative action programs would continue to survive anti-affirmative actions attacks.

This resulted in these special interest groups pursuing and passing constitutional amendments to state constitutions prohibiting affirmative action legislations. The purpose and goal, based on the historic fact, that no minority group has ever sponsored and pass a statewide constitutional amendment in any state in the United States of America, would make repeal, modification or amendments to such laws, as a practical matter, for minorities impossible.

California Proposition 209, and Michigan's Proposal 2 were designed specifically to do just that: To reallocate political power, and/or reorder the decision-making process, so as, to place "special burdens" on California and Michigan's African-Americans and other minority groups' ability to modify or repeal the anti-affirmative action constitutional amendments through the political process.

California 209 and Michigan's Proposal 2 "burdens all future attempts" to implement race-conscious admissions policies by having to obtain an affirmative vote of two-thirds of the state assembly and senate, or 10% of those who voted in the last governor's race, and finally a majority of the voters who vote on the new initiative.

Whereas, if other citizens wanted to effect a change, repeal or modification of any other admission policy concerning a California or Michigan university or college he/she would have a multitude of options for seeking change, such as; lobbying the admissions

committee by letter or in person, petitioning the schools trustees, its dean of admissions, the schools' presidents, their local legislative representative, the governor, etc.

In other words, the political process for implementing changes unrelated to race were not changed by the passage of California's Proposition 209 or Michigan's Proposal 2, only race related admissions changes are drastically and heavily burdened. The ordinary California or Michigan citizen's rights to redress for non-race related admissions policies post-209 or Proposal 2 are not loaded with "special burdens."

The 6th Circuit Court of Appeals, which includes Michigan, Ohio, Kentucky and Tennessee has said this is unconstitutional and violates the 14th Amendment equal protection clause stating: (in its three judge panel decision) "The equal protection injury imposed by Proposal 2 is not the Michigan electorate's attempt to end affirmative action, but the method by which it sought to do so." *Coalition to Defend Affirmative Action, v. Regents of the University of Michigan, et al.*

This same issue is before the 9th Circuit Court of Appeals, and a ruling is expected in the spring on whether to ask the three judge panel did in the 6th Circuit. However, a positive ruling in California's 9th Circuit may depend on several factors including: 1) Whether the 6th Circuit Court of Appeals in its En Banc hearing (hearing before all the Justices on the Court) affirm the three judge panel's decision. 2) Whether the 9th Circuit follows the decision of the 6th Circuit. 3) Whether the California African-American community joins in supporting the attorneys handling the cases in Michigan and California, Scheff, Washington & Driver (BAMN), 645 Griswold, Suite 1817, Detroit, Michigan 48226, (313) 963-1921, the Los Angeles NAACP and other African-American organizations. 4) Whether California can flood the 9th Circuit Court of Appeals with

numerous Amicus Curiae (Friends of the Court) briefs supporting the overturning of Proposition 209. 5) Whether we can get thousands upon thousands to march on the 9th Circuit Court of Appeals on the day of oral argument. 6) Whether the African-American community cares enough about our future to Act.

To see BAMN's brief, and Amicus Curiae briefs filed by the Los Angeles NAACP and others to affirm the 6th Circuit three judge panel's decision over-turning Michigan's Proposal 2 (California 209), and a complete list of community organizations in support of overturning Proposition 209, please see L. A. Sentinel website, www.lasentinel.net, or the Los Angeles NAACP website www.naacp-losangeles.org or call the Los Angeles NAACP President Leon Jenkins at (310) 397-1171.

By: Leon Jenkins, President Los Angeles NAACP

List of Community Leaders and Groups Supporting the overturning of Proposition 209 by the 9th Circuit Court of Appeals:

Los Angeles NAACP, and all 54 California Branches of the NAACP, the California State Conference NAACP, BAMN, SCLC, Los Angeles Urban League, Brotherhood Crusades, Alliance for Equal Opportunity in Education, Coalition for Black Student Equity, California Law Professors and Constitutional Historians, California Social Science Researchers, Coalition of Black Clergy and Community Leaders Association just to name a few.