

ELECTION 2020 | At stake in California; CAPITOL JOURNAL; Is Prop. 16 the fix for racial inequity?

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Body

California voters are being asked again whether they believe affirmative action based on race, ethnicity and gender is necessary to combat discrimination -- or is itself discriminatory.

Supporters of Proposition 16 say it's needed to level the playing field and to mitigate systemic racism.

They point out that Latino and Black students are underrepresented at the University of California compared with their high school graduation numbers.

And supporters argue that businesses owned by Latino and Black people and women often get short shrift in government contracting that historically tends to favor "the old boys' network."

Opponents of the ballot measure contend that when one group is favored at the expense of another -- when university slots are granted or denied because of a student's race or ethnicity -- that's discriminatory.

Proposition 16 would repeal a bitterly fought 1996 ballot measure that banned affirmative action in public education, contracting or employment based on race, ethnicity, gender or national origin.

That measure was Proposition 209, and the campaign was nasty. Opponents of 209 ran TV ads equating the measure's backers with Ku Klux Klansmen in white robes and hoods.

Critics of 209 saw a window of opportunity to repeal it when a white Minneapolis cop killed a Black man, George Floyd, by kneeling on his neck. That galvanized the Black Lives Matter movement and inspired the California Legislature to place Proposition 16 on next Tuesday's ballot.

Systemic racism isn't easily defined. But one thing it means is that the system is stacked against many people of color from birth.

Children living in low-wealth communities attend overcrowded schools that don't have the resources to adequately prepare them for college. Their teachers are young, inexperienced and anxious to move on to more affluent, better-equipped campuses. Latino students often have language barriers.

Parents who didn't go to college might be in low-paying jobs and don't have the influential contacts who could help guide their children into prestigious universities. That's just for starters.

"The language of a colorblind public policy is a political head fake," says Los Angeles County Supervisor Mark Ridley-Thomas, who is Black. "One of the most significant blemishes on California's records is Prop. 209."

Michele Siqueiros, president of the Campaign for College Opportunity, which fights to expand student access to public universities, says: "We have a system that provides preferential treatment to wealthier students from top high schools. Schools in wealthier communities have access to more resources.

"There's inequality in terms of the quality of education that students receive in California and everywhere."

There is no question that many Black and Latino people deal with an outsize share of disadvantages and inequities, whether that's measured by economics or vital services such as healthcare and higher education.

Proposition 16 critics point out, however, that inequality often is complicated. Although white and Asian people are generally better off economically than Black and Latino people, there are some white and Asian students who come from poor backgrounds and are trying to be first-generation college grads. Would they be discriminated against if Black and Latino applicants were given preference in admittance to the University of California?

"There are lots of poor kids from immigrant families today going through what I went through when I first came to this country from communist China at age 10 not speaking any English," says Ying Ma, communications director for the No on 16 campaign.

"At the very least I'd expect the state not to discriminate against me or people who look like me."

"Proposition 16 is just outright discrimination," says Betty Chu, former mayor of Monterey Park and once an attorney for the L.A. Unified School District and L.A. Community College District.

"It's aimed at decreasing the number of Asians in the public universities and increasing the population of Latinos."

That's denied by Proposition 16 supporters, who say access should be expanded for everyone.

UC undergraduate enrollment last fall was 33% Asian, 25% Latino, 21% white and 4% Black, according to the university website. Since 1999, the Latino percentage has doubled from 12% and the whites' fallen by nearly half from 38%. Asian and Black percentages didn't change much -- down 2 percentage points and up 1, respectively.

The pool of high school graduates breaks down this way: 51% Latino, 26% white, 13% Asian and about 6% Black, according to the Public Policy Institute of California.

Those numbers are troubling and point to the need to find ways to get more Latino and Black students into UC schools. This is essential to reducing inequity and helping to generate a more diverse slate of future leaders and innovators in California.

Richard Sander, a UCLA law professor, longtime activist in housing integration and leading opponent of Proposition 16, notes that UC has been using affirmative action based on socioeconomic status -- rather than race and ethnicity -- to help and recruit students from poor families and underperforming schools. Of those students, 90% are Black or Latino, he says.

But Siqueiros asks: "If we're doing all these other things to try to get at race, why not just directly use race" in affirmative action?

Proposition 16 is supported by two major business groups -- the California Chamber of Commerce and the California Business Roundtable.

"Prop. 16 will help allow small, minority and women-owned businesses better access to capital, especially in applying for and receiving important state contracts," Roundtable Chairman Brett Bittel says.

Gilbert R. Vasquez, former chairman of the Los Angeles Latino Chamber of Commerce and partner in a large minority-owned CPA firm, says, "There's a constant barrier for ethnic minorities and women" who seek government contracts.

Government bureaucrats who award contracts "don't want to change, and they've been doing business primarily with white-owned firms," he says. "They need to bring in new vendors, not just go to the people they know. We're just sort of afterthoughts."

Independent polling shows Proposition 16 headed for defeat. But it's supported by Democrats, and they're apparently voting in record numbers. So, a surprise outcome is conceivable.

I'm a "no" vote. I can't bring myself to erase from the California Constitution language that decrees "the state shall not discriminate against, or grant preferential treatment ... on the basis of race, sex, color, ethnicity or national origin."

California has a long history of doing just the opposite.

And clearly Black and Latino students need heftier boosts.

UC should significantly step up its program -- with a lot more state money -- of helping high school students based on their socioeconomic status. More tutoring and recruiting of students desiring to become the first of their families to attend college.

Gov. Gavin Newsom and the Legislature should make socioeconomic diversity in our public universities a top priority.

California's governors and legislators still haven't fulfilled their decades-long promise of significantly improving inner-city schools. That would help disadvantaged kids of all races and ethnicities, and particularly Latino and Black students.

If beefed-up schools and socioeconomic-based affirmative action don't get more Latino and Black students into the UC system, then maybe we'll need to rethink racial and ethnic preferences. And go to the voters with another Proposition 16.

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