

With Prop 16, the Slave Reparations Task Force, and Much Else, the California Legislature Has Gone Off The Deep End

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Body

Oct 03, 2020(The Volokh Conspiracy: <http://reason.com/volokh> Delivered by Newstex) Is California's deep-blue legislature out of control? It sure seems that way to me. Recently, Gov. Newsom approved a clearly unconstitutional bill[1] mandating racial and LGBTQ quotas for boards of directors of private companies.

That's pretty brazen. He also signed[2] legislation creating a task force to examine the possibility of slave reparations—even though California was never a slave state. A third example is last month's legislation forcing[3] California State University students to take an ethnic studies course. If a conservative legislature had interfered with a curricular matter like that, the mainstream media would be going bananas. Probably the most consequential legislation to pass in the last few months is the effort to repeal these words from the state constitution: "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." Put there in 1996 by Proposition 209, those words were a response to over-the-top race-preferential admissions policies at the University of California and similar preferences for woman-owned and minority-owned businesses in public contracting. The Left has been gunning for Prop 209 ever since. The legislature in particular has tried twice before. But maybe the third time is a charm. Prop 209, however, can't be repealed without the consent of voters. So all the legislature could do was call for a referendum. Called Prop 16, it's on the ballot for this election. I'll be voting no. Prop 16 is not an effort to help the disadvantaged. Under current law, the University of California is free to give a leg up in admissions to students from low-income families. And it's been doing so for decades (partly in response to Prop 209). In part as a result of these efforts to help the disadvantaged, but mostly just in the ordinary courses of things, the entering admitted class at the University of California this year is about 41% under-represented minority (Latino or African American). So why is Prop 16 thought to be necessary? Instead of helping the disadvantaged, the point of Prop 16 seems to be to allow the UC to again give preferential treatment based purely on race or ethnicity. Its effect will thus be to benefit students from high-income families. Most polls have Prop 16 losing. But the pro-16 campaign has raised over \$12 million, so this could easily change. Most of the pro-16 money comes huge donations. The wife of an Oakland real estate developer has given \$3.5 million and lent the campaign an additional \$2 million. The wife of the Netflix CEO has donated \$1 million. Then there are the extremely ill-advised corporate donations. Pacific Gas & Electric—which just emerged from bankruptcy a few months ago—has given the pro-16 side \$250,000. You'd think they'd be focused on avoiding brown outs and fires. But apparently being viewed as "woke" is more important for a public utility these days. Similarly, Kaiser Foundation Health Plan has given over \$1 million—rather than spend its funds on dealing with COVID19 pandemic. It's almost as if the corporations that can least afford to get distracted from their core mission decided they would lead the charge for Prop 16. By contrast, the NO side has raised only about \$1 million. Its largest single donation so far was for \$50,000 from Students For Fair

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Admissions—the valiant little group fighting anti-Asian discrimination at Harvard University. Overwhelmingly, the NO side donations are for \$200, \$100 or less—chump change by the standards of the pro-16 side. Many of the NO side donors are Chinese immigrants who don't have a lot. But they are willing to sacrifice to ensure that the system will be fair to their children and grandchildren. And it's not just money. It is truly inspiring to see hard many of our volunteers have been working to stop Prop 16. If you would like to contribute to the NO side campaign, here is the link.^[4] Large, small, or somewhere in between, your donation will have the potential to make a difference here. Thank you for whatever you can do! [1]: <https://www.foxbusiness.com/business-leaders/california-governor-signs-corporate-boardroom-diversity-law> [2]: <https://www.cnn.com/2020/10/01/us/california-bill-slavery-reparations-trnd/index.html> [3]: <https://edsource.org/2020/gov-newsom-signs-assembly-bill-1460-requiring-ethnic-studies-at-csu/638506> [4]: <https://www.efundraisingconnections.com/c/CaliforniansforEqualRights/>

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