

Reading the Props. 16: This Is Simple Repeal. Really!

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Body

Sep 30, 2020(Fox Hounds: <http://www.foxandhoundsdaily.com/>Delivered by Newstex) Every two years, I read the full text of all statewide ballot propositions because at least one Californian should.Next is Prop 16. Whatever you think of affirmative action and Prop 16, give the proposition this. There aren't many ballot measures that actually make the California State Constitution shorter.

Prop 16, a constitutional amendment, is the simplest thing on the California ballot, at least in form. It's a straight-out repeal of Section 31 of Article I of the state constitution it takes back Proposition 209, which was passed in 1996. And that makes it a welcome choice for voters. Because California's initiative process is so inflexible we're the only place on earth where an initiative passed by voters can't be changed without another vote of the people (unless the initiative explicitly permits amendment) California voters rarely get a chance to reconsider a measure. After a generation, they get this chance at 209. The good thing about that is that the choice is clear. Prop 209 used the language of non-discrimination, but state and federal law already prohibited discrimination. What distinguished Prop 209 was its ban on 'preferential treatment' essentially affirmative action. California, and specifically its universities, which were a target of Prop 209, have figured out ways to become much more diverse despite this proposition. But given the deep and persistent inequities in society, is non-discrimination really enough? Or do we need remedies that aren't equal now, to make up for our long history of inequality. That's a question you can answer for yourself. Prop 16 is the rare measure that doesn't need a close reading to be understood.

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