

California ballot proposal threatens to reverse Arnn political legacy

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Cal-i-fornia voters will decide in November whether their state will uphold its gen-er-ation-old ban on racial pref-erence in public insti-tu-tions.

A new ballot ini-tiative, known as Propo-sition 16, would undo the results of the Cal-i-fornia Civil Rights Ini-tiative, which voters approved in 1996 in a cam-paign co-chaired by Hillsdale College Pres-ident Larry Arnn. Also known as Propo-sition 209, the older ini-tiative pro-hibited dis-crim-i-nation and pref-er-ential treatment on the basis of race, sex, color, eth-nicity, or national origin in public employment, public edu-cation, and public con-tracting.

"Propo-sition 16 for-sakes the only prin-ciple that can nourish and sustain equal rights: each is alike before the law," Arnn said in an email. "That prin-ciple was strengthened in the Cal-i-fornia con-sti-tution by Propo-sition 209. To weaken it is to abandon the hope of the nation pursued from its beginning by the greatest Amer-icans, including those who built our college."

In 1996, 55% of voters sup-ported the Cal-i-fornia Civil Rights Ini-tiative.

Propo-sition 16, which is on California's ballot this year, would reverse it. Other mea-sures on the ballot include estab-lishing a task force to study repa-ra-tions, imple-menting racial quotas for private cor-po-ra-tions in Cal-i-fornia and a required minimum number of under-rep-re-sented minorities on their boards of directors, and requiring every high school student take a course on ethnic studies in order to graduate.

Assem-bly-woman Shirley Weber (D-79) intro-duced ACA 5, the bill that put Propo-sition 16 on the ballot, stating that "the ongoing [coro-n-a-virus] pan-demic, as well as recent tragedies of police vio-lence, is forcing Cal-i-for-nians to acknowledge the deep-seated inequality and far-reaching insti-tu-tional failures that show that your race and gender still matter."

According to Arnn, Propo-sition 209 intended to treat everyone the same, with a few excep-tions.

"Its intent was simple: race and sex are not factors to be taken into account in gov-ernment employment, con-tracting, and admis-sions except where they con-stitute "bonafide" (this word is taken from the 1964 Civil Rights Act) qual-i-fi-ca-tions for the job, con-tract, or matric-u-lation," Arnn said. "An example might be hiring police of one race or another to patrol the neigh-bor-hoods pre-dom-i-nantly of that race. In other cases, all are to be treated the same."

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Prop 209 was co-written by Glynn Custred and Tom Wood. Custred is a professor emeritus of anthropology at California State University East Bay, and Wood received his Ph.D. in philosophy from the University of California, Berkeley.

After hitting the press circuit to spread the word, Custred and Wood eventually met Arnn, then the president of the Claremont Institute, who expressed his interest and desire to help the campaign.

"He surprised and delighted us by saying he was backing it," Custred said. "He was our first campaign manager and it was an important phase in the campaign since he brought the weight of the Claremont Institute to bear on the issue."

Arnn eventually passed the campaign torch to Ward Connerly, a regent of the University of California. Connerly now also heads the "No to Prop 16" campaign.

Arnn said that in "neither the California state constitution nor the federal Constitution is there a barrier to giving college admission preference to people who are poor."

"During the 1996 campaign, I asked the opposition why that was not enough," Arnn said. "If it is not enough, it seemed a logical fact that those who support race preferences want to admit richer people of one color over poorer people of another. There is a Stanford study from a few years back that says that most of the students admitted under racial preferences come from the suburbs, not the inner city. I think that is a shame and hope to be able to help with it."

Custred said Prop 209 aimed to bring the country closer to the American Founding principles of human equality.

"Our principles did not correspond with our practice," he said. "After 1964, we are finally reaching a point where we are bringing our principles into practice. Individual rights, not group rights. That was our message and it seemed to work. Now what's happening is a reaction taking us back to segregation, to a time when people were counted not by the content of their character but the color of their skin."

Attempts to erase moral responsibility through racial reparations only serve to undercut human equality, Arnn said.

"If unnamed individuals or groups are claimed to harm some people who are identified only by their color (and not by any harm that has come to them), then the connection between the law and moral responsibility is broken," Arnn said. "If people are punished for crimes that they have actually committed, then they have selected their own punishment. If they are punished for crimes that others committed, or may not have been committed by anyone, that is injustice, and injustice breeds more of the same."

Audrey Dow, who works for the Campaign for College Opportunity and currently assists the Campaign to pass Prop 16, said that proponents of the Prop 209 "fundamentally misunderstand the difference between equality and equity."

"Proposition 209 had a critical flaw in its logic," she said in an email. "It assumed that we live in a color-blind world where race doesn't matter when we know race is a determining factor in so many aspects of life from where you go to school, where you live, to how your resume is reviewed when you apply for a job."

According to Dow, there has been a "systemic failure through affirmative action" to adequately represent minority groups.

However, an editorial from Aug. 28 in the Orange County Register points out that since the passage of Prop 209, diversity has actually increased in the state.

"From 2014 to 2018 alone, the proportion of California's state civil service that was non-White increased from 53.9% to 57.5%...Both public employment and public university enrollment have continued to diversify even after

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passage of Prop 209, [which] con-tra-dicts the idea that Prop 209 is an imper-meable barrier to diversity and oppor-tunity," the edi-torial said.

In a memo, Con-nerly crit-i-cized the authors of Prop 16 for wanting quotas, rather than true diversity.

"The State of Cal-i-fornia has com-pletely gone crazy over racial grievance," Con-nerly wrote in the memo. "Together, these mea-sures demon-strate again that backers of racial pref-er-ences have never cared about so-called 'diversity.' They have always wanted racial quotas. Now, they even raise the ante with forced racial indoc-tri-nation and mandatory payment of money based on race."

The campaign's exec-utive director, Wen-yuan Wu, said "Prop 209 is not a cat-e-gorical ban on affir-mative action."

"There are a plethora of legal analyses to prove that Prop 209 is a ban on dis-crim-i-nation and pref-er-ential treatment, not a ban on affir-mative action," Wu said. "Rea-sonable race con-sciousness is per-fectly legal under Prop 209. Prop 16 is a mandate that would kill California's con-sti-tu-tional prin-ciple of equality under the law."

The media has attempted to portray the "No to Prop 16" cam-paign as "a con-ser-v-ative crusade," according to Wu.

"We think we are on the side of reason and morality," she said. "This is not a par-tisan issue."

Prop 16 will be put on the ballot just 24 years after Prop 209 became law.

"Cal-i-fornia has moved steadily to the left for 25 or 30 years," Arnn said. "Factors include the movement of people in and out of the state, the leftward march of the edu-cation system and espe-cially of its elite grad-uates, the dom-i-nance of one political party, and the machine that party has been able to build."

Custred said that Prop 16 may be passed because of the success of the Left's march through the insti-tu-tions.

"Uni-ver-sities, schools, and enter-tainment intro-duced the idea that Blacks can never be properly rep-re-sented. A whole gen-er-ation of younger people started to believe that," he said. "The reigning value of those days has flipped and become some-thing else."

Despite the move leftward, public support has fal-tered. An article from the Los Angeles Times cited a poll pub-lished by the The Public Policy Institute of Cal-i-fornia showing that 31% of likely Cal-i-fornia voters sur-veyed said they would vote for Prop 16, while 47% said they oppose it. Twenty-two percent were unde-cided.

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