How does a pro-diversity vote fail in California?; Yumi Wilson is a professor at San Francisco State University, a lecturer at the University of California at Berkeley and the author of "The Social Media Journalist Handbook."

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ABSTRACT

Yumi Wilson is a professor at San Francisco State University, a lecturer at the University of California at Berkeley and the author of "The Social Media Journalist Handbook."

Eight minutes and 46 seconds. That's the time it took for many Americans to acknowledge that race does matter - not just in law enforcement, but in institutions throughout our country. ¶ Earlier this year, it seemed California had gotten the message about racial inequality. In June, the state assembly approved an amendment to repeal Proposition 209, which in 1996 banned the use of race, sex, color, ethnicity or national origin in public employment, education and contracting. The regents of the University of California system - which barred the use of quotas on race and gender in admissions and hiring a year earlier - endorsed the repeal. Then, the state Senate met amid fears of covid-19 and mustered the votes to place the repeal amendment - called Proposition 16 - on the November ballot.

With these developments, many assumed the state had changed since 1996, and that the use of affirmative action to remedy racial injustice would soon be allowed again.

Until the time came for the repeal amendment to be judged by California's voters, that is. Amazingly, Proposition 16 - which simply allows affirmative action to be used in public hiring, contracting and admissions - is in danger of failing.

A new poll by the Public Policy Institute of California found that 50 percent of likely voters would vote no on Proposition 16, while only 37 percent would vote yes. Twelve percent remain undecided. Another poll, by David Binder Research, offered a slightly rosier picture. It showed the proposition tied at 45 percent, with 10 percent undecided.

Even so, most political observers agree that things are looking bleak for Proposition 16. "I've run many ballot measures, and one thing that's commonly understood is that if you're not above 50 percent in the polling at this point in time, the measure almost always fails," says Democratic political strategist Garry South.

What's wrong with this picture? How could a measure that seeks to advance diversity fail in the most diverse state in the United States?

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The answer: Like so much here in California, it's complicated.

Theories about Prop. 16's challenges abound. The language on the ballot is unclear. The "Yes on 16" side has had less time to build support than most ballotinitiative campaigns. While the "yes" side has raised nearly 20 times the funding that the "no" side has, it has only recently ramped up its messaging.

With the presidential election, covid-19 and the economy looming so large, others argue that there may be too many priorities competing for voters' attention. California Assemblywoman Shirley Weber, a San Diego Democrat who introduced the Proposition 16 legislation in March, sums it up best: "People are worn out by so many initiatives, so the natural instinct is to vote no."

All of these factors may play a role. But it's also true that, even in a state as progressive as California, there is sincere opposition to using affirmative action to address racial inequality. Some Asian American communities, for example, worry that Proposition 16 will make University of California admissions less meritocratic and lead to discrimination against Asian American applicants, who are overrepresented in the state's public universities relative to their share of the population.

"Prop. 209 . . . was instituted in 1996 as an amendment to the constitution to say you cannot discriminate based on race, national origin, etc.," says Marc Ang, outreach director of California for Equal Rights, the official "No on 16" campaign. "Why fix something that ain't broke?"

The problem is, California's system is broken.

It's broken when it comes to K-12 public education. Across several achievement measures - standardized test scores, graduation rates, collegereadiness - student outcomes vary widely by race, with underrepresented minorities consistently falling behind.

It's broken when it comes to higher education. UC admission rates for Black and Latinx students have dropped 26 percentage points since the passage of Proposition 209, according to Natalie Wheatfall-Lum of the Education Trust-West. "Latinx students," she wrote, "make up more than half of California public school seniors but just a quarter of all UC undergraduates."

Our system is broken when it comes to public contracting. Proposition 209, according to an extensive January 2015 report by the Equal Justice Society, resulted in a loss of $1 billion annually for minority- and women-owned business enterprises.

As a woman of Black and Japanese heritage, I understand the discomfort of trying to define oneself by checking a single box. But I also teach at two California public universities and can attest to how demoralizing it is for students of color not to see more people who look like them - both in the classroom and in positions of leadership.

That's why we must all understand that Proposition 16 is about much more than racial categorization. It's about fixing what is broken in our state. It's about acknowledging that race, gender and other characteristics that define who we are - and, more important, how we are perceived by others - still matter.

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