



October 27, 2010

On Nov. 2, 2010, Arizona will vote on a measure nearly identical to California's Proposition 209. In 1996, California voters did not realize that their vote for Prop. 209 would not only systematically sacrifice diversity in our public schools, but that the dwindling of numbers of underrepresented minorities would also lead to hostile campus climates and discrimination on our campuses.

Proposition 209 had dramatic and tragic effect on the matriculation of minorities. Immediately following the passage of 209, the most selective California institution, UC Berkeley cut its admission of African American and Latino students by over 50%. Similarly, Boalt Hall, UC Berkeley's law School, only graduated 14 Latinos, 1 African American, no American Indians, and no Filipino students in its first graduating class after the passage of 209. What does it mean for the future of low-income communities and communities of color to have restricted access to higher education, the most reliable guarantee of financial stability and upward mobility? The effects are long term and incalculable.

Numbers have improved through the determined efforts of students, activists, community members, alumni, and school administrators willing to employ more holistic review. But as long as Prop. 209 remains in effect, our universities are too often inaccessible to low-income students of color.

Access for low-income students of color is being newly constrained as they face ever-increasing fee hikes and declining state and federal support for need-based student aid. Overly concerned with high-test scores and GPA, some research universities are spending hundreds of millions of dollars every year to attract students that have no financial need, while providing inadequate support for low-income students. The same communities targeted by Prop. 209 once again bear the burden.

The negative effects of Prop. 209 do not stop even for the few that make it through. In the absence of true diversity and dialogue, increasingly homogeneous student bodies have led to ignorance, hostility, and even hate crimes. Hostile academic climates, intolerance, and feelings of isolation, although rarely discussed, are a reality for many low-income students and students of color, particularly in graduate schools. Recent objectionable and offensive incidents such as the Compton Cookout, the carving of swastikas, and the hanging of a noose on a UC campus library are the escalation of common occurrences and sentiments on our campuses. It's no coincidence that UC San Diego, which has been the site of some of the most shocking displays of racism in our universities, had only 1.7% African American enrollment in 2007.

Where did Californians go wrong? California voters did not realize that in the race for quality education, students begin from different starting lines. They come from different quality

schools, they live in different quality housing, they earn different family incomes. These differences have an effect on educational attainment.

Californians did not have the foresight to realize that in the absence of equitable admissions, selective colleges almost exclusively rely on GPA and standardized test scores, scores that are highly correlated with high school quality, parent education and family income and not necessarily with a child's intelligence or potential. The more schools rely upon standardized tests in making admissions decisions, the greater the adverse effect on racial and ethnic minorities and the socioeconomically disadvantaged. Sadly, voting yes on Prop. 209 legalized a preference for higher income families and those with access to high quality schools, college preparatory classes and college-educated parents.

The truth is that we are not all similarly situated. Those that have no running shoes, proper equipment, or coaches because their parents never got the opportunity to run the distance do need some training and support programs to compete. *Equitable opportunity is NOT preference.*

And yes, these programs serve particular racial groups and different ethnicities. But they also serve white women and low-income communities of all colors. They do so because America is still in the process of addressing historic wrongs that have lingering contemporary consequences. If you believe discrimination is wrong, don't constitutionally entrench a socioeconomic preference for the already well equipped, trained, and funded. Don't create a bad educational environment for the few exceptional individuals that overcame disparity, disadvantage, stereotype threat and other hurdles. In voting for Prop. 209, Californians legitimized disparity-- don't do the same.

The passage of Prop. 107 will only increase discrimination and legitimize inequality. Be the stewards of true equality, vote NO on Proposition 107 for diversity, justice and fairness.

Sincerely,

Students Helping Assure Racial Equity, Justice, and Diversity, UCLAW
National Lawyers Guild, Southern California
National Lawyers Guild, Los Angeles
National Lawyers Guild, UCLAW
Native American Law Student Association, UCLAW
Immigration Law Society, UCLAW
OUTLaw, UCLAW
La Raza Law Students Association, UCLAW
National Lawyers Guild, Whittier Law School
Asian and Pacific American Law Students Association, University of San Diego Law School
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