



**Negative Reaction:** Glynn Custred (left) and Tom Wood want Affirmative Action to disappear in California.

# The Next Big Initiative

Affirmative Action's days may be numbered in California

BY HAL PLOTKIN

**T**HE SO-CALLED Save Our State initiative got all the publicity in 1994, but a widely ignored event last March laid the groundwork for a public debate that will make the rhetoric surrounding Proposition 187 seem calm and well reasoned by comparison.

In a quiet session of the state Assembly Judiciary Committee, Assemblymember Bernie Richter, R-Chico, handed the Democrats a ticking time bomb known as the California Civil Rights Initiative. If enacted, it would prohibit the state of California, or any of its agencies, from discriminating against anyone on the basis of race, sex, color, ethnicity or national origin. As with a public denunciation of Three Strikes or Proposition 187, politicians opposing the CCRI might be expected to suffer at the polls.

The measure, unanimously supported by Republican legislators, was spiked by Democrats on the committee who fear it will decimate Affirmative Action programs.

"It is one of the most dangerous pieces of legislation I have witnessed in my four years here," fumed an agitated Assemblymember Barbara Lee, D-Oakland.

Thanks to the recent ascendancy of Republicans in Sacramento, the CCRI's legislative backers, including state senators Tom Campbell, R-Los Altos Hills, and Quentin Kopp, I-San Francisco, are now planning to reintroduce the measure as a series of statutes that will

outlaw all forms of racial or gender discrimination in three areas: public education, public employment and public contracting. In addition, Richter plans to reintroduce his constitutional amendment banning discrimination during the next session of the state Legislature, where it must receive a two-thirds vote in both houses before it can be placed on the ballot.

"We want to write this into the Constitution," Richter explains, "so it can't be reversed flippantly."

Acknowledging the difficulty of winning that many votes in Sacramento, the CCRI's authors are also looking to the initiative process, planning to gather the 700,000 signatures that will allow them to place the matter before the voters without the approval of the state Legislature. If they succeed, the initiative is likely to appear on the state's next general election ballot in 1996, on which its presence could threaten President Clinton's hopes of holding on to California's huge cache of electoral votes. It is just the sort of emotional, hot-button issue that could make an already unpopular president anathema to moderate and conservative voters if he opposes it. Support of the measure, however, would likely alienate the president's traditional Democratic constituents.

In a recent press conference, President Clinton tipped his hand on the issue, announcing his opposition to a Bush administration ruling prohibiting the use of race as a selection criteria in government employment policies. Clinton's position puts him at odds with the roughly 70 percent of the

American public, measured by the Gallup organization and others, who say they oppose using race as a criteria for hiring or firing government employees.

**A**T THE CENTER of the issue is a difference over the implementation of Affirmative Action programs by state government agencies, such as the University of California and California State University systems and the Transportation and Commerce departments. According to the CCRI's backers, Affirmative Action has slowly mutated into a system of quotas, set-asides and racial preferences that is at odds with the historic underpinnings of the civil rights movement.

"We are creating a nation of victims divided up, all trying to get a piece of the racial spoils system," says CCRI coauthor Glynn Custred, an anthropology professor at California State University, Hayward. "Of course there are racists in society, but we do not live in a racist society."

Critics of the CCRI scoff at the notion that Affirmative Action programs ended a hiring system based on merit, pointing out that minorities have traditionally been passed over for government jobs and faculty positions simply because they are minorities. The CCRI has been labeled as an attempt to return to an egalitarian past that never existed.

"Affirmative Action programs were established with the knowledge that the system of hiring in

Continued on page 18