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## **The Potential Impact of the Michigan Civil Rights Initiative on Employment, Education, and Contracting**

The Michigan Civil Rights Initiative, if approved by the voters of Michigan in November, is likely to have a broad impact on employment, education and contracting in our state. We can predict this because of the outcomes in California, where a nearly identical constitutional amendment called Proposition 209 was adopted in 1996.

Although described by its supporters as a civil rights effort, the MCRI, like Prop. 209, appears to confer no additional civil rights on the basis of race, gender, ethnicity or national origin. Prop. 209 has resulted in the elimination of services such as college preparation programs for students of color, summer science programs for girls, outreach to notify minority- and women-owned businesses of government contracting opportunities, and funding for training of minority doctors and nurses. It has ended the requirement that state boards reflect the population of the state and resulted in the end of numerous voluntary K-12 school integration efforts.

It has also led to significant decreases in:

- government contracts awarded to minority- and women-owned businesses
- the percentage of women working in the construction trades
- hiring of minority and female university professors in the University of California system
- enrollment of minority students on University of California campuses

The impact on underrepresented students of color at the University of California has been severe. In 2006, UCLA, which is located in the county with the second largest African American population in the United States, will enroll the smallest number of entering African American freshmen since at least 1973. The sharp drop in minority enrollments in law, business, and medicine is raising serious concerns about the supply of physicians willing to serve in underserved areas of California and about the development of leaders ready to serve the state, especially in communities of color.

Should the initiative pass in Michigan, the following kinds of programs could be eliminated or amended, depending on interpretation by the courts: education outreach programs including science, math or technology programs for girls; recruitment and support programs for high school and community college students in career education programs that are nontraditional for their gender, such as men in nursing or early elementary education and women in engineering or the skilled trades; and scholarships that are specifically targeted for women or members of racial, national or ethnic groups, including students descended from various European nationalities.

California's experience also indicates that Michigan could expect ongoing legal challenges against the state, counties, municipalities and school districts that are perceived, rightly or wrongly, as operating educational, employment or contracting programs that impermissibly consider race, gender, ethnicity or national origin.

The Cherry Commission, the authors of *A New Agenda for a New Michigan*, and other Michigan leaders have recently emphasized that turning the Michigan economy around requires all Michigan citizens to have the broadest possible access to education. In order to attract or create knowledge economy jobs, we need well-educated workers and creative innovators. For some of our citizens, affirmative action in its broadest sense, including outreach efforts, pre-college programs, and other means of increasing access, remains an important avenue to opportunity.

Michigan's schools are among the most segregated in the country. Segregated schools attended by minority children often have high concentrations of poverty, high teacher and student turnover, less access to advanced courses, and other barriers to educational attainment.

Women still lag significantly behind men in physical sciences, technology, engineering, mathematics and business degrees, and therefore in the well-paying jobs for which those degrees are required, as well as in the skilled trades and other heavily "male" jobs.

Evidence from California indicates that Proposition 209 has eroded or eliminated previously legal, court-sanctioned efforts by state and local governments and educational institutions to reach out to women and minorities in order to reverse historic discrimination and exclusion by providing fair and equal access to opportunity. Affirmative action remains an important tool for disrupting old patterns of exclusion and segregation, promoting diverse classrooms and workplaces that foster innovation, ensuring equity, meeting the country's workforce needs, generating upward mobility, and creating a diverse cadre of leaders prepared to lead Michigan and the nation through a difficult period of economic transition. Expanding opportunity benefits women and men of all racial and ethnic groups by developing the nation's talent pool and stimulating economic growth. The choice Michigan makes in November will, therefore, have a long-term impact on our future.

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