



U.S. Department of Justice
Civil Rights Division

Assistant Attorney General

Washington, D.C. 20530

1/5/95

Steve -

Here's the whole
package. It's a
pretty scary picture!

Helaine

Display 1995-1996 Bill Text - INFORMATION
BILL NUMBER: ACA 2

BILL TEXT

INTRODUCED BY Assembly Member Richter

DECEMBER 5, 1994

Assembly Constitutional Amendment No. 2 A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 31 to Article I thereof, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

ACA 2, as introduced, Richter. Civil rights.

The California Constitution provides that a person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin.

This measure would prohibit the state or any of its political subdivisions from using race, sex, color, ethnicity, or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education, or public contracting.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California at its 1995-96 Regular Session commencing on the fifth day of December 1994, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 31 to Article I thereof, to read:

SEC. 31. (a) Neither the State of California nor any of its political subdivisions or agents shall use race, sex, color, ethnicity, or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the

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BILL NUMBER: ACA 2

BILL TEXT

State's system of public employment, public education, or public contracting.

(b) This section shall apply only to state action taken after the effective date of this section.

(c) Allowable remedies for violation of this section shall include normal and customary attorney's fees.

(d) Nothing in this section shall be interpreted as prohibiting classifications based on sex that are reasonably necessary to the normal operation of the State's system of public employment or public education.

(e) Nothing in this section shall be interpreted as invalidating any court order or consent decree that is in force as of the effective date of this section.

(f) Nothing in this section shall be interpreted as prohibiting state action that is necessary to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the State.

(g) Nothing in this section shall be construed as prohibiting a public agency from obeying a court order requiring the consideration of racial, ethnic, national origin, gender, or religious characteristics to remedy the effects of its own past discriminatory practices.

(h) If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent permitted by federal law and the United States Constitution. Any provision held invalid shall be severable from the remaining portions of this section.

12TH STORY of Level 1 printed in FULL format.

Copyright 1994 The Chronicle Publishing Co.
The San Francisco Chronicle

DECEMBER 19, 1994, MONDAY, FINAL EDITION

SECTION: NEWS; Pg. A2

LENGTH: 1022 words

HEADLINE: Demos Hope to Offer Alternative Initiatives
Response to 'right-wing' proposals

BYLINE: Edward Epstein, Chronicle Staff Writer

BODY:

Still smarting from a stinging defeat over Proposition 187 in last month's election, California Democrats vow that from now on, they will not allow conservatives to dominate the state's initiative process.

Starting with the 1996 elections, the Democrats plan to come up with their own statewide propositions, some of which will be offered to counter initiatives like voter-passed Prop. 187, which denied government benefits to illegal immigrants. Others will seek to advance the party's policy goals, perhaps in the areas of welfare and campaign-finance reform.

In an interview, state chairman Bill Press admitted that the Democrats made a serious error in their strategy of fighting 187, which the party officially opposed. "I think we made a mistake not having something on the ballot against 187," he said.

Press said party leaders, still trying to sort out the wreckage of the election setback, are meeting to decide how to proceed.

"There are lots of conversations going on about what the ballot will look like in 1996. One thing for sure is that we're not going to accept a totally defensive posture," he said.

"The initiative process has been perverted in California," Press charged. "It's no longer citizens trying to express their point of view. It is being used by right-wingers with a pure, extreme agenda to try to influence elections."

MORE EXPLOSIVE THAN PROP. 187

If Proposition 187 set the angry tone for California's 1994 election, 1996 could be the year of an anti-affirmative action initiative, which has been officially named the California Civil Rights Initiative. It could be even more explosive than Proposition 187.

Berkeley-based organizers of the initiative say they still are deciding whether to try to get the measure on the March 1996 primary ballot or on the November general election ballot. Given time constraints, they probably will try for November, when the nation elects a president.

The San Francisco Chronicle, DECEMBER 19, 1994

That could mean bad news for the Democrats, and for President Clinton's expected re-election bid. The possible initiative has been informally dubbed the "angry white men's initiative." In a state where white voters constituted about 78 percent of the turnout in November, it could provide another chance for voters angry with the status quo to voice their discontent and could spell electoral disaster for a liberal party associated with affirmative action.

The heart of the proposed amendment to the state constitution forbids the state or any local government from using "race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education or public contracting."

'DIRTIEST CAMPAIGN'

A supporter of the initiative, professor Frederick R. Lynch of Claremont-McKenna College outside Los Angeles, said the fight over the proposition could be bitter. "It could be the dirtiest campaign in California history. The other side won't be caught flat-footed, as they were on 187," said Lynch, who has written against affirmative action programs.

Press was not sure what a Democratic-backed initiative on affirmative action would say. "We may be open to some modification to make sure affirmative action doesn't discriminate against white males, which it shouldn't," he said.

Thomas Wood, who works for the California Association of Scholars, a conservative-minded group of faculty at the state's universities, is one of the initiative's organizers. He denies it is anti-civil rights.

"We want to enshrine the basic principles of the 1964 federal Civil Rights Act," he said.

That landmark law forbade discrimination on the basis of race, sex or ethnicity. Affirmative action came about later "to shift the emphasis from equality of opportunity to equality of results, and from individual rights to group entitlements," as a brochure circulated by the group pushing the initiative said.

Backers said they have drawn the initiative narrowly to avert court challenges. It does not cover existing state programs, says nothing about federally ordered affirmative action and says that any section of the amendment found to be in conflict with federal law shall be dropped.

SMALL BUDGET SO FAR

The initiative is being organized on a small budget so far, but backers have put together an advisory board of well-known figures, mostly from the conservative side of politics. They include 1992 GOP Senate candidate Bruce Herschenson, state Senator Tom Campbell, R-Los Altos, independent state Senator Quentin Kopp of San Francisco and Sally Pipes, president of the Pacific Research Institute for Public Policy in San Francisco.

Campbell said the initiative could have the side-effect of helping Republicans in 1996. "It could bring out conservative voters. But you don't know what other initiatives will be on the ballot."

The San Francisco Chronicle, DECEMBER 19, 1994

He said the initiative poses a dilemma for Clinton and the Democrats. "Suppose the presidential nominee for the Republicans is squarely for color-blind government, and he (Clinton) is against it," Campbell said. Given that it is mainly whites in California who vote, he said, such a position could hurt Clinton. On the other hand, Democrats still rely on minority turnout to provide victory margins, so coming out against such an initiative could hurt Clinton's standing with minorities.

ALTERNATIVE CHOICES

That's where Press' idea comes in, by providing voters with another option for a more moderate choice.

His idea is not new. In 1988, for instance, there were competing campaign reform initiatives on the ballot. Both passed. State law provided that the one with the most votes would go into effect, along with non-conflicting parts of the second.

But after a long court fight, the state Supreme Court ruled that only the initiative with the most votes should take effect. However, most of the No. 1 campaign reform initiative was found to be unconstitutional, so neither initiative took effect.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: December 19, 1994

10TH STORY of Level 1 printed in FULL format.

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The Washington Post

December 27, 1994, Tuesday, Final Edition

SECTION: FIRST SECTION; PAGE A3

LENGTH: 1173 words

HEADLINE: Effort to Outlaw Affirmative Action Promoted in California;
Civil Rights Groups See Initiative as Political-Cultural Grenade

SERIES: Occasional

BYLINE: John Boudreau, Special to The Washington Post

DATELINE: BERKELEY, Calif.

BODY:

The headquarters for the California Civil Rights Initiative, a measure that would outlaw affirmative action, is located on Martin Luther King Jr. Way.

"A lot of people see an irony," says Glynn Custred, one of two scholars leading the fight to overthrow the decades-old government attempt to redress discrimination. They want to end government programs that give minority and female preference for jobs, promotions, contracts and college admissions with a proposed state constitutional amendment.

And traditional civil rights groups are taking them very seriously. California voters gave the nation a jolt from the right last month when they passed Proposition 187, which would deny non-emergency medical care and education to illegal immigrants. Now the state could be on the verge of doing it again. Conservatives hope to place the anti-affirmative action measure on the 1996 presidential primary ballot.

"The tide has turned," says Thomas Wood, executive director of the conservative California Association of Scholars and the initiative's co-architect. "There is an anti-affirmative action issue coming down the pike in California that is going to make 187 look like kindergarten."

Noting that voters here are angry and worried about their economic future, Constance Rice of the NAACP Legal Defense and Educational Fund in Los Angeles said, "This state is already dangerously polarized."

The measure, which has been endorsed by the California Republican Party, needs 615,000 valid signatures to qualify for the ballot as a statewide proposition. If approved by voters, it would bar the use of ethnicity or gender "as a criterion for either discriminating against, or granting preferential treatment to, any individual or group." It also would require agencies to reimburse legal costs of successful plaintiffs.

"Affirmative action is like the Vietnam War," said Custred, a California State University anthropology professor. "We got into it with the best of intentions. It turned into a quagmire. Now it's time to get out."

The Washington Post, December 27, 1994

"It's reversed Jim Crow," he added. "We will never have a color-blind society. But we need a color-blind legal code."

The authors of the anti-affirmative action measure argue that affirmative action contradicts the 1964 Civil Rights Act, which prohibited discrimination for reasons of color, race, religion or national origin. In addition, they said it penalizes qualified minorities by tainting them as so-called quota hires and rarely helps the economically disadvantaged.

"People are really livid about affirmative action," Wood said. "It compromises or distorts the American principle that people shouldn't be discriminated against on the basis of their race, sex, creed or national origin."

He said he believes California's political landscape, in an era of limited dreams and resources, is fertile ground for their populist ideas. Wood and Custred are confident that California voters, who approved Proposition 187 by a 2-to-1 ratio in November, are ready to send another powerful message to the state Capitol -- and beyond.

"If we get this on the ballot and raise the money and support we need, the race is ours to lose," Wood said. "I would not want to be the campaign manager for the opposition. Who wants to be opposed to equal rights?"

Civil rights advocates view the initiative as a cultural-political hand grenade.

"You can call it Willie Horton goes to college," said Eva Paterson, executive director of the Lawyers Committee for Civil Rights in San Francisco, referring to the television ad during the 1988 presidential campaign in which Massachusetts Gov. Michael S. Dukakis was attacked for allowing a convicted felon, who was black, out of prison. "It's the politics of polarization. It will re-segregate society.

"I believe affirmative action is flawed," she said. "But no one has come up with an answer for admitted racism."

Rice, the western regional counsel for the NAACP Legal Defense and Educational Fund, said that studies show that black males continue to lag behind white counterparts with equal education in terms of salaries. Affirmative action is the only way to bridge that gap and allow minorities to break into professional ranks, long the bastion of white males, she said.

"This is a door-closing measure," Rice said. "As long as the statistics are 100 percent white and male, no one ever raises the question, 'Is there anything wrong with this picture?' But as soon as you begin to level the playing field and make resources available [to minorities], all of a sudden we have a constitutional crisis. It's so hypocritical."

Custred and Wood call themselves neoconservatives. Their cramped, bare-light bulb office resembles a warren for university teaching assistants. The genial scholars emphatically rummage through piles of papers, refer to articles and books as required reading and speak with reasoned sincerity. They like to point out that their fiercest opponents have been unable to call them racists.

The Washington Post, December 27, 1994

Wood, whose field is philosophy, said he has been denied academic appointments because he is white. "I was once told by a member of a search committee at a university, 'You'd walk into this job if you were the right gender,' " he said.

Custred said affirmative action threatens the state's educational system. He and colleagues became concerned with proposed legislation, which later failed, requiring proportional representation of minorities among public university graduates. The push for diversity, he maintained, overshadows academics. Minority students may be bumped up to a higher level of college than they are prepared for, he said.

"There are large numbers of under-prepared students coming in," Custred said. "Are we going to be a remedial institution or an institution of higher education?"

Furthermore, the two academics said they want to head off potential demagogues who could use affirmative action to fuel racism.

"Affirmative action was created with the best of the American character: to right a wrong," Custred said. "But instead we've created an apparatus that has led us down the path of Balkanization where everything is decided by race, ethnicity and gender."

Civil rights advocates, though, said the measure will further inflame fears in a state strained by racial tensions and in economic shock.

"There's a very low flash point out here," Rice said. "When you pander to the lowest primal fears, it's a dangerous situation."

She added, "How the state reacts will depend on who has the most money to support or oppose [the initiative]. That's the sad fact."

Assemblyman Bernie Richter, a Republican from Chico, introduced a similar anti-affirmative action amendment in the state Assembly in early December. His legislation would support preferences only for economically disadvantaged people applying for entry-level positions.

"I would prefer that Democrats help put this on the ballot and join us," he said. "My message to my Democratic friends is: Either support it now or be run over by it later."

GRAPHIC: PHOTO, THOMAS WOOD AND GLYNN CUSTRED ARE LEADING THE BALLOT EFFORT, WHICH THEY CALL THE CALIFORNIA CIVIL RIGHTS INITIATIVE. NICK LAMMERS FOR TWP

LANGUAGE: ENGLISH

LOAD-DATE-MDC: December 27, 1994

2ND STORY of Level 1 printed in FULL format.

Copyright 1995 McClatchy Newspapers, Inc.
Sacramento Bee

January 3, 1995, METRO FINAL

SECTION: EDITORIALS; Pg. B6

LENGTH: 1174 words

HEADLINE: THE NEXT FREIGHT TRAIN

BYLINE: John Jacobs, Political Editor

BODY:

WHEN THE "three strikes" package of crime legislation was unveiled last year -- and later when it went on the ballot -- Democratic legislative leaders Willie Brown and Bill Lockyer and Democratic gubernatorial candidates Kathleen Brown and John Garamendi jumped out of the way. They could spot a freight train barreling down the track, and felons don't vote.

It was harder when Proposition 187 came along. That measure, which passed by a 3-2 margin, would, if deemed constitutional, deny education and nonemergency health benefits to illegal immigrants. It was fueled by voter rage at taxpayer money being used to pay for these services, and that rage was stoked by Gov. Pete Wilson's re-election campaign, which highlighted the theme.

But Proposition 187 struck at some of the core values of Democratic activists, civil libertarians and Hispanic groups, many of whom don't believe children should be denied access to health and education because of where their parents choose to live. Most Democratic candidates opposed the measure and for many, including Kathleen Brown, the issue contributed to their defeat.

Now comes a measure, the California Civil Rights Initiative, aimed right at the heart of the Democratic Party's core constituencies: liberals, minorities and public employee unions.

INTRODUCED AS a constitutional amendment last year by Assemblyman Bernie Richter, R-Chico, the measure would "prohibit the state or any of its political subdivisions from using race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education or public contracting."

What this means, in short, is no discrimination. But more important, no affirmative action programs for women or minorities, either. No preferences for minority contractors (a Republican-appointed state Supreme Court just affirmed the validity of such programs last week in a 6-1 decision); no special programs for admission of minorities to college; no special race-based programs for government jobs, including police and firefighting. Polls have shown that such programs are highly unpopular with voters.

If "three strikes" and Proposition 187 were freight trains, this initiative could be a heat-seeking missile that, if it's not disarmed, explodes the Democratic Party coalition. Richter plans to introduce it again in the new session. Republicans see it as a wedge issue that they would love to put on

Sacramento Bee, January 3, 1995

the November 1996 ballot if the Legislature does not approve it (and possibly even if it does). Last week Wilson came close to endorsing it.

Democratic incumbents would be forced to choose between voting to protect race-based programs, which would infuriate many voters, including angry white males, whose overwhelming Republican votes last November gave the GOP control of Congress and possibly the state Assembly. Or they could vote against such programs and draw the ire of minority activists, who would punish them.

"We believe very strongly," said Richter staffer David Reads, "that this will be the defining issue for all candidates running in 1996, particularly Democrats in moderate and conservative districts. Does this help us solidify a Republican majority? I believe it does."

WHEN RICHTER'S measure came up last year, it died in the Assembly Judiciary Committee. The Legislative Black Caucus and Hispanic Caucus both opposed it. "There's little doubt in my mind that if this bill goes forward," Assemblywoman Barbara Lee, D-Oakland, chair of the Legislative Black Caucus, said at the time, "We will have turned the clock back 30, 40 or 50 years." Maybe so, but most voters don't see it that way, including Democrats.

"There ought to be a Democratic response to this immediately," said one top legislative staffer. "Either we deal with the issue or embrace it. But we can't be out there just saying we're against it and defending the status quo. These are programs we have supported and funded and many have been successful. But they are very hard to defend. It's like 'three strikes,' which sounds so logical to the public."

One option would be to liberate Democrats to vote their districts and provide enough votes to approve several bills in the Assembly and Senate to end these programs. If Wilson signed them into law in 1995, it would be hard to argue that an initiative would be necessary the following year.

There is a huge problem with this strategy, however. Richter's constitutional amendment that would supplement the bills would require 54 votes, which means at least 14 Assembly Democrats would have to swallow it.

If a significant number of Democrats split over race and over whether to repudiate affirmative action programs they have sponsored for 20 years, the retribution to follow could make the current speakership war, by comparison, look like a walk in the park.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 4, 1995

LEVEL 1 - 15 OF 29 STORIES

Copyright 1994 The San Diego Union-Tribune
The San Diego Union-Tribune

August 11, 1994, Thursday

SECTION: NEWS; Ed. 1,2,3,4,5,6,7,8; Pg. A-3

LENGTH: 746 words

HEADLINE: Bill to end affirmative action programs killed

BYLINE: ED MENDEL
Staff Writer

BODY:

Backers of a "color-blind" bill aimed at eliminating all state and local government affirmative action programs lost their first battle yesterday, but confidently predicted eventual victory in the Legislature or through an initiative.

"This is just the first shot in a salvo that will be heard all over America," said Assemblyman Bernie Richter, R-Chico, whose ACA 47 was rejected on a party-line vote by the Assembly Judiciary Committee.

Richter, who was joined by supporters at a news conference afterward, said the committee hearing was a historic first debate on an issue that has been difficult to discuss in the past because of charges of racism.

But at an emotional hearing that drew an overflow crowd to a small committee room, opponents said Richter's bill is not the birth of a nationwide movement but an attempt to create a wedge issue that Republicans can use against Democrats in legislative campaigns.

"It's very unfortunate that we use these difficult times, with issues such as this, to further polarize our state," said Assemblyman Richard Polanco, D-Los Angeles.

The measure would put a proposed state constitutional amendment on the ballot that would prevent all state and local government agencies from operating affirmative action programs. Racial minorities and women could not be given preference for government jobs, government contracts or positions in public schools, colleges or universities.

Federal affirmative action programs would not be affected by the measure.

Currently, the state and many local government agencies have hiring goals

aimed at creating a work force that roughly mirrors the percentage of minorities in the population. Many agencies also set aside a percentage of their contracts for bids from businesses owned by minorities, women and the disabled.

ACA 47 is co-authored by 43 members of the Legislature, all of them Republicans except for Sens. Robert Presley, D-Riverside, and Quentin Kopp, I-San Francisco. The bill is similar to an initiative backed by a group called the California Civil Rights Initiative, whose advisory board includes Kopp and state Sen. Tom Campbell, R-Stanford.

The San Diego Union-Tribune, August 11, 1994

The initiative was ~~written by~~ Thomas Wood, executive director of the California Association of Scholars in Berkeley, and Glynn Custred, a professor at California State University, Hayward. The initiative was filed with the secretary of state last year, but backers say there was no attempt to gather signatures.

Wood said the initiative will be refiled and supported by a grass-roots drive to gather signatures for the 1996 ballot. Denying an accusation by opponents, both Wood and Richter said their measures are not part of a nationwide drive to ban affirmative action programs orchestrated by Patrick Buchanan, a former GOP presidential candidate.

Richter said he introduced the bill because of a "faculty rebellion" at California State University, Chico. About 40 percent of the faculty signed a petition opposing an affirmative action program launched by a new president at CSU Chico last year.

In several state and national polls, said Richter, there is strong public support for eliminating affirmative action programs. He said some of the polls

show that affirmative action is opposed by a third of African-Americans and more Latinos.

Richter and his supporters said affirmative action programs encourage racism, the thing they are supposedly aimed at eliminating. He said the programs can help "sow the seeds of race hate deep into the fabric of American society."

But opponents of the bill said that affirmative action is needed to correct centuries of discrimination that still continues today. They said minorities are not competing on a level playing field.

Judith Kurtz, an attorney for Equal Rights Advocates, criticized the proposal "to dismantle longstanding efforts to remedy the discrimination faced by women and minorities -- especially when California will become the only state where minorities will be a majority of the population in the next five years."

University of California Regent Ward Connerly, an African-American businessman appointed by Republican Gov. Pete Wilson, said he opposes UC affirmative action programs because they have "reached the point of diminishing returns."

Others echoed the view, noting that highly qualified Asian students have

turned away from UC Berkeley because Asians are over-represented on the campus.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: August 12, 1994

6TH STORY of Level 1 printed in FULL format.

Copyright 1994 McClatchy Newspapers, Inc.
The Fresno Bee

December 30, 1994 , HOME EDITION

SECTION: TELEGRAPH, Pg. A3, PEOPLE

LENGTH: 720 words

HEADLINE: Wilson in favor of abolishing affirmative action, quotas

BYLINE: Ken Chavez Bee C, Apitol Bureau

DATELINE: SACRAMENTO

BODY:

Gov. Wilson said Thursday he favors abolishing the state's affirmative-action laws, saying government jobs and entry into college should not be awarded on the basis of race or sex but on individual merit.

"I don't think that it's fair to give preference based upon race or gender. I think what we should do is make those judgments based upon merit after affording real equality and opportunity of access," the Republican governor said in an interview.

In other comments, Wilson also said:

* He enjoys the speculation surrounding his prospects for a spot on the GOP's presidential ticket in 1996, saying it gives him clout in national-policy debates.

* He would not rule out the possibility of mounting a "favorite son" campaign for president in California as a way of brokering a divisive primary battle among closely matched Republican presidential candidates.

* He supports his party's upcoming attempts in Congress to deny welfare to legal immigrants, a position he said does not conflict with his campaign statements drawing a distinction between government services for legal and illegal immigrants.

* His goals for his second term as governor include changes in welfare, education, the legal system and restructuring California's regulatory laws and lowering tax rates so they are favorable to job creation.

Wilson's remarks on affirmative action put him in philosophical agreement with a highly controversial proposal to amend the state Constitution in a way that would wipe out preferential treatment programs for women and ethnic minorities. Affirmative-action programs have been in place for decades as a way of rectifying past discriminatory practices.

An effort to put the so-called "colorblind society" amendment on the ballot failed in the legislature earlier this year, but the proposal's author, Assemblyman Bernie Richter, R-Chico, has re-introduced the measure for the coming legislative session. Others are contemplating an initiative drive to qualify the measure for the ballot in 1996.

The Fresno Bee, December 30, 1994

Programs for poor preferable

Wilson stopped short of endorsing the specifics of either effort, but said affirmative-action policies should be abolished in favor of programs that help the poor, particularly disadvantaged children, gain the opportunities they need for self-improvement.

"Making it (hiring and other decisions) purely on the basis of race and gender is wrong," Wilson said. "I can think of people I know who are members of minority groups who are extraordinarily gifted and who, by their own effort, have become quite wealthy and don't need any preference. They're doing just fine in an open competition.

"But what is true is that there are a lot of people who -- not because of color necessarily, people of all colors -- are poor and not provided equal access and equal opportunity. . . . What we really need to focus on is whether we are affording, realistically, a quality of opportunity and access to all children. I think that's what we want."

Wilson railed against quotas -- fixed hiring percentages for women and minorities -- in his 1990 campaign for governor but he stopped short that year of calling for an end to affirmative-action goals.

Quota systems

On Thursday, Wilson linked the two, saying, "I don't think we should be awarding either jobs or places in a graduate school class based upon race or gender because if you do, essentially you are talking about a quota system, and I don't think what we want are quotas.

"We don't want to deny anybody access but I don't think you give preference by virtue of gender or membership in an ethnic group."

Asked whether he would favor abolishing affirmative action while offering more programs to expand opportunities for poor children, Wilson answered "Yes."

Turning to the question of whether he likes being mentioned as a possible presidential candidate in 1996, Wilson said he enjoys the talk as a way to gain more leverage in national policy discussions.

"I hope it gives me all kinds of clout," he said. "It affords an opportunity to affect public policy, and with a Republican majority in both houses of Congress, there are now opportunities that were a pipe dream before November."

Since his re-election, Wilson has hedged on the question of whether he'll run for national office.

GRAPHIC: Gov. Wilson says that programs to help the poor are better than affirmative action.

LOAD-DATE-MDC: December 31, 1994

5TH STORY of Level 1 printed in FULL format.

Copyright 1994 The San Diego Union-Tribune
The San Diego Union-Tribune

December 30, 1994, Friday

SECTION: NEWS; Ed. 1,2,3,4,5,6,7,8; Pg. A-3

LENGTH: 840 words

HEADLINE: Governor would drop affirmative action laws Sees merit as the key, rather than race, gender

BYLINE: KEN CHAVEZ
McClatchy News Service

BODY:

Gov. Pete Wilson said yesterday he favors abolishing the state's affirmative action laws, saying government jobs and entry into college should not be awarded on the basis of race or sex but on individual merit.

"I don't think that it's fair to give preference based upon race or gender. I think what we should do is make those judgments based upon merit after affording real equality and opportunity of access," the Republican governor said in an interview.

In other comments, Wilson also said:

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He wouldn't rule out the possibility of mounting a "favorite son" campaign for president in California as a way of brokering a divisive primary battle among closely matched Republican presidential candidates.

He supports his party's upcoming attempts in Congress to deny welfare to legal immigrants who are not U.S. citizens, a position he said does not conflict with his campaign rhetoric drawing a distinction between government services for legal and illegal immigrants.

His goals for his second term as governor include changes in welfare, education, the legal system and restructuring California's regulatory laws and lowering tax rates so they are more favorable to job creation.

Wilson's remarks on affirmative action put him in philosophical agreement with a proposal to amend the state constitution in a way that would wipe out preferential treatment programs for women and ethnic minorities. Affirmative-action programs have been in place for decades as a way of rectifying past discriminatory practices.

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The San Diego Union-Tribune, December 30, 1994

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"But what is true is that there are a lot of people who -- not because of color necessarily, people of all colors -- are poor and not provided equal access and equal opportunity. . . . What we really need to focus on is whether we are affording, realistically, a quality of opportunity and access to all children. I think that's what we want."

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Turning to the question of whether he likes being mentioned as a possible presidential candidate in 1996, Wilson said he enjoys the talk as a way to gain more leverage in national policy discussions.

"I hope it gives me all kinds of clout," he said. "It affords an opportunity to affect public policy, and with a Republican majority in both houses of Congress, there are now opportunities that were a pipe dream before November."

He also left open the possibility of running a "favorite son" campaign in California. Under that scenario, Wilson would run for president only in California, capturing the state's delegates himself so that the state could wield more clout at the GOP's 1996 national convention in San Diego. "The advantage could be if you're in a situation where the two leading contenders are essentially deadlocked, and you have the ability to break the deadlock -- (it) gives you a little bargaining power," he said.

In the area of immigration, Wilson said rollbacks in welfare services for legal immigrants who are not U.S. citizens are justified because it should be the responsibility of those who sponsor immigrants -- particularly those who are relatives -- to provide for the newcomers' well-being if they cannot provide for themselves.

GRAPHIC: 1 PHOTO; Gov. Pete Wilson

LANGUAGE: ENGLISH

LOAD-DATE-MDC: December 31, 1994

4TH STORY of Level 1 printed in FULL format.

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The San Francisco Chronicle

DECEMBER 31, 1994, SATURDAY, FINAL EDITION

SECTION: NEWS; Pg. A1

LENGTH: 697 words

HEADLINE: Wilson Backs State Ban On Affirmative Action

BYLINE: John Wildermuth, Chronicle Staff Writer

BODY:

Governor Wilson has come out in favor of ending affirmative action hiring policies in California, stepping squarely into what is likely to be the bloodiest political fight of 1996.

The governor's ~~aides spent yesterday qualifying Wilson's call for ending hiring preferences based on race and gender,~~ which have been a mainstay of government anti-discrimination efforts since the 1960s.

In an interview published in yesterday's Sacramento Bee, Wilson said he supports changes in the way California deals with affirmative action in the schools and in the workplace.

"I don't think we should be awarding either jobs or places in a graduate school based upon race or gender, because you're talking about a quota system," Wilson said in a transcript provided by his office. "We don't want to deny anybody access, but I don't think you give preference by virtue of gender or membership in an ethnic group."

Affirmative action is an explosive subject, especially in the aftermath of the overwhelming November victory of Proposition 187, which tapped into a groundswell of anger against illegal immigrants and minorities.

Even if Wilson wanted to abolish affirmative action, aides stressed, the governor might not get his wish on the politically sensitive subject.

"You don't always have your way around here," said Paul Kranhold, a spokesman for the governor. "There are a lot of things that (Wilson) has supported and tried to do that have just died in the Legislature."

Although Wilson declined to support either a proposed constitutional amendment or a possible initiative on affirmative action, he left the door open by saying that he needed to give careful study to both.

Republican Assemblyman Bernie Richter of Chico proposed a constitutional amendment last year that would have banned any preferential treatment on racial, ethnic or gender grounds by the state or local governments. The measure died on a party-line vote in the Assembly Judiciary Committee, but Richter already has submitted a new version for the coming legislative session.

If, as expected, the new proposal goes nowhere, Richter and a number of other California conservatives are ready to turn in an initiative that would put an

The San Francisco Chronicle, DECEMBER 31, 1994

affirmative action ban on the November 1996 ballot. The measure is known officially as the California Civil Rights Initiative, but it has been informally dubbed the "angry white men's initiative," and is designed to appeal to white middle-class voters concerned that they are losing the battle for a shrinking number of openings in top schools -- as well as jobs and promotions.

"People who pursue policies of quotas and preferences go to war against the main ideals of the United States," Richter said yesterday. "They don't realize the destructiveness of trying to insert people into an environment where they can't make it, just to meet some quota."

~~Wilson said that along with abolishing affirmative action, he would increase government support of measures that help poor children get a better start in life, such as providing child care, preschool and school breakfast programs.~~

Any attempt to scale back or eliminate the state's affirmative action programs is going to end in a political free-for-all, warned Alex Pitcher, president of the San Francisco branch of the NAACP.

"The NAACP was responsible for bringing about affirmative action years ago, and we're not about to let the clock be turned back," he said. "I'm positive this would be one of the greatest motivating factors ever in getting people to register and vote."

Partisan political observers suggested that Wilson's new attack on affirmative action is a political ploy intended to improve his standing among Republican conservatives in advance of the GOP presidential primaries.

"More and more we're seeing the real Pete Wilson, a calculating political animal," said Bob Mulholland, a campaign adviser to the state Democratic Party. "In 1994, he saw that Proposition 187 was going to be the hot issue, so he supported that. Now, it looks like affirmative action will be the issue in 1996, so here he is again."

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 2, 1995

11TH STORY of Level 1 printed in FULL format.

Copyright 1994 The Hearst Corporation
The San Francisco Examiner

December 25, 1994, Sunday; Fifth Edition

SECTION: NEWS; Pg. A-17

LENGTH: 1454 words

HEADLINE: A crusade against "affirmative action"

COLUMN: JOAN STEINAU LESTER

BYLINE: JOAN STEINAU LESTER

DATELINE: Emeryville

BODY:

THE CALIFORNIA back-to-the-'50s gang, who gave us "three-strikes" and Proposition 187, now hopes to abolish affirmative action.

The gang aims to outlaw all such programs with the misnamed California Civil Rights Initiative, a proposed state constitutional amendment that would ban all state edicts giving preferential treatment to women and minorities in contracting, hiring and school admissions.

And honestly, many of us wonder why we need these programs. Can't we just hire, or admit to school, the most qualified person?

What does it matter who does the job as long as the job holder is the best? We've all heard, and some of us have said, "I don't care whom I hire, or work with, as long as they're the best qualified."

Which of course, brings up the question, How do we recognize the best?

In real life, we all tend to hire people much like ourselves. Those are the people we automatically recognize as "qualified."

They speak like us, walk like us, dress like us, and have similar cultural references.

We have colleagues or friends in common, or old school ties. These are people who are part of our world. We "know" them. We know how to evaluate them.

It's a stretch to see the qualifications of people who are different. When I'm hiring, the person with a background similar to mine is easily seen as meritorious. I am likely to understand her references and how she thinks. Unfamiliarity all too often means discomfort and even mistrust.

We all acknowledge this comfort zone when we speak of a prospective employee as a "good fit." And we know it in our guts, when we enter a new place and look for the cues which tell us we belong.

I am continually amazed by how many businesses hire clones. At one firm I know well, each senior executive looks like the CEO, sharing similar Ivy

The San Francisco Examiner, December 25, 1994

League college experiences along with his gender and race. This is the comfort zone come to life, and these are the guys who are "qualified" by the "standard."

Let's face it. Jobs are traditionally filled through networks of people we know, from neighbors, relatives, or religious and professional groups.

Think back to jobs you've had. How many of them were found or enhanced by a "connection"?

This is so common that part of the cultural wisdom we pass on to young adults as they set out in the work world is, "It's not what you know. It's who you know." And "who" you know is likely to be heavily influenced by "who" you are. Since the United States is still so socially segregated, by race, ethnicity and class, we are led right back to the beginning. We hire people who look a lot like ourselves.

Affirmative action was initiated to break this circular process, which for most good jobs effectively shut out anyone other than white males of particular ancestry, the people who already have the jobs. Even today, in many situations, only certain white males are allowed in the club anyway. If you are Jewish, Italian, Irish or Catholic, for example, you might be excluded. Not to mention being gay.

"Affirmative action" means setting goals (not quotas) and training people to help make job sites and universities more inclusive and representative.

Affirmative action has had a hard road, as would any program designed to change centuries of inequality. It's an awkward and artificial construct in a country where people value freedom of choice above all.

"This is a free country," we say as we grow up. "I can do whatever I want."

Affirmative action runs against that deeply held value.

And, not surprisingly, affirmative action programs are often flawed. Resistance has surfaced to programs half-heartedly administered, conducted with a cynical wink. White male applicants for jobs are sometimes told (illegally and often erroneously) that they are rejected for reasons other than their qualifications.

Yet many companies have instituted affirmative action voluntarily because they've discovered that well-run programs make good business sense.

In other words, they work.

A benchmark study by corporate giant IDS in Minneapolis has documented the impact of voluntary corporate affirmative action programs, finding some of them directly responsible for generating up to 25 percent increases in sales.

A law outlawing the ability of a firm to choose such a program will severely hinder businesses from being competitive.

Affirmative action programs are often confused in the public mind with those rare but highly publicized instances of court-mandated quotas known as "consent decrees."

The San Francisco Examiner, December 25, 1994

These are numerical yardsticks reluctantly imposed by judges after years, often decades, of foot-dragging, documented by wheelbarrows full of statistical evidence rolled into federal courts.

Such was the case of the Los Angeles Fire Department (cited by backers of the California Civil Rights Initiative), where there was a 20-year history of non-compliance with even its own agreements.

These high-profile "quota" cases are the equivalent of keeping kids after school.

That's not the way any teacher wants to teach. It's a method of last resort. But sometimes it works.

Do we then judge a whole educational system by its after-school punishment program, or believe that is typical of its pedagogy?

In any case, it's not likely that a state law would have any impact on consent decrees issued by federal courts.

The reality is that affirmative action, limited and flawed as it is, has profoundly changed the face of the U.S. workforce. It has given a "leg -up" to a generation of workers who still don't receive parity in pay for any given job. If they can get it. (Unemployment rates for people of color historically average twice that of whites. This continues.)

Affirmative action is the program largely responsible for opening the doors and allowing the entry to mid-management of the layer of women and people of color we've squeezed in over the last 30 years.

A long-range alternative to affirmative action is taking on social and residential exclusion. Changing these patterns would diversify our personal networks and end the need for artificial mechanisms to increase candidate pools.

This long-range solution involves all of us, to halt ongoing discrimination by realty companies, mortgage holders, neighborhoods and social organizations. It means monitoring our own subtle stereotypes and being willing to live through a transitional discomfort zone.

That's quite a commitment. Can we make it? Until we do, we better keep the ability to do some social engineering.

Otherwise, we'll be running right back to the '50s, when the preferential treatment, however unintentionally, went all one way: affirmative action for white guys.

Joan Steinau Lester, author of "The Future of White Men and Other Diversity Dilemmas," is CEO of Equity Institute.

LANGUAGE: English

LOAD-DATE-MDC: December 27, 1994

8TH STORY of Level 1 printed in FULL format.

Copyright 1994 The Hearst Corporation
The San Francisco Examiner

December 30, 1994, Friday; Fourth Edition

SECTION: NEWS; Pg. A-22

LENGTH: 1667 words

HEADLINE: Girding for battle over anti-affirmative action initiative

COLUMN: LETTERS TO THE EDITOR

BODY:

In her column "A crusade against 'affirmative action'" (Opinion Page, Dec. 25), Joan Steinau Lester fires the far left's first shot in the upcoming war over the California Civil Rights Initiative.

The proposed initiative would add a constitutional amendment banning all forms of state government-sanctioned preferential treatment of women and minorities in contracting, hiring and school admissions.

Lester tries to make a case for affirmative action by invoking the specter of her favorite bogeyman, the ever-evil white male riding roughshod over the rest of society. She has no doubt that without affirmative action, white males would willingly go back to pre-civil rights ways of the '50s.

Lester believes that white men should willingly look the other way when they are passed over for an employment opportunity or an educational opportunity because they bear the burden of restitution for the discrimination of generations past.

To compound the felony of her morally weak argument, she mentions that historically preferential treatment of white men was limited to a narrow cultural and religious subgroup of whites. If your last name sounded foreign or if you only believed in the Old Testament, you could pretty much count on not being hired if you were up against one of the "inner circle." She then moves on without seeing that the same subgroups of white males, while not enjoying all the benefits of preferential treatment given to white male Protestants, must suffer the indignity of being discriminated against under the banner of affirmative action.

Reverse discrimination, also known as affirmative action, is punishing men who have had nothing to do with past discrimination. The practice of government-sanctioned discrimination against white males is leading to a growing resentment and hostility among both white males and whites in general.

No rational person, white male or otherwise, thinks it is OK to discriminate. Today's generation of white males should not have to accept a racial spoils system just to make up for the sins of the past.

Robert L. Gaskin
San Francisco

Don't scapegoat Libya

The San Francisco Examiner, December 30, 1994

B.J. Cutler's piece linking the Libyan government with the bombing of Pan Am Flight 103 in 1988 is full of accusations but no reliable evidence ("No justice for Pan Am 103 killers," Opinion Page, Dec. 21, 1994).

Cutler states, "By 1990, American and Scottish detectives read CIA and Britain's MI6 had traced the bomb's detonator to Libyan intelligence operations." It wasn't until late 1990 that the finger was being pointed at Libya. Before then, American officials were pointing the finger at Syria. As the American-led war with Iraq over the latter's invasion of Kuwait was approaching, however, the Bush administration decided that it needed Syria on its side. Who better to blame for the bombing than Libyan leader Moammar Gadhafi, America's favorite Middle Eastern villain?

It has long been standard practice for Western intelligence agencies to link anti-Western governments with terrorist acts even when the evidence doesn't warrant such accusations.

Before Americans decide it's time to bomb Libya in order to bring to justice the alleged perpetrators of the Pan Am bombing, let's remind ourselves that, in the process, we might be causing as much damage to innocent Libyan civilians as the actual Flight 103 terrorists caused to Americans. It would be a disservice to the families of the victims to blame the wrong people.

Hugo Zuniga
San Francisco

Migden's Bayview concern

Bill McGregor (letter, Dec. 22) takes issue with Harold McCoy's quote, "Even if fear is based on perception, it sends the wrong message" (news story, "Migden outrages Bayview residents," Dec. 15).

Unfortunately, McGregor then goes on to confuse "perception" with "truth." A board member might perceive the entire Bayview neighborhood as one whose visitors require high-level protection. The truth, however, verified by statistics and comparisons with other neighborhoods, does not support this belief.

My own belief is that government officials will propagate untruths based on perception, not facts. Don't encourage them.

Stephanie Allen Gowin
San Francisco

Thank you for your accurate and timely appraisal of Supervisor Carole Migden's nefarious and supercilious behavior, directed (apparently) only toward blacks (editorial, "Fear in City Hall, loathing elsewhere," Dec. 19). Migden's response is at best disingenuous (letter, Dec. 19, commenting on the Dec. 15 story about her blocking a Board of Supervisors meeting in Bayview - Hunters Point because of security concerns).

Migden could easily become president of the San Francisco Board of Supervisors. She discarded an endorsement that she desperately needed from The Frederick Douglass Symposium, subsequently losing vital African American votes. Her rationale for this behavior was to force the symposium to change its position on another ballot measure, and her approach ran the gamut of lobbying, arm-twisting, threatening and calling in all black political chits owed to her.

The San Francisco Examiner, December 30, 1994

In the end, she tried to destroy our efforts to get out a slate card by influencing possible donors not to contribute. She was advised this would not be successful.

James L. Howard
President
The Frederick Douglass Symposium
San Francisco

Elders told the truth

In the wake of the November 1994 elections, Clinton and his fellow Democrats are eager to demonstrate how readily they will accommodate the right wing. By telling the truth, Dr. Joycelyn Elders became the latest casualty of this right-wing swing in the White House.

As surgeon general, Elders demonstrated a real commitment to improving the health of all Americans, despite the political pressure conservative Republicans put on her.

She advocated that schools take an active role in promoting healthy behavior, including healthy sexual behavior. She defended the right of same-sex couples to adopt children and she denounced homophobia in organizations like the Boy Scouts.

She brought the nation's attention to widespread domestic violence. She suggested that drugs be legalized to cut down on crime.

If Clinton had a real commitment to the poor and to working people, he would implement Elder's suggestions. Instead, to appease the right wing, Clinton lost one of the last voices of reason in his government.

Nancy Reiko Kato
National organizer
Radical Women
San Francisco

New Year wish

To the person who found my black shoulder bag on the Muni, brought it to the bus driver who returned it to lost-and-found, where it stayed in the safe until I picked it up like a lost child: Thank you and a wish for you also to have such good luck in the New Year.

Bernice Sachs
San Francisco

LANGUAGE: English

LOAD-DATE-MDC: December 31, 1994

1ST STORY of Level 1 printed in FULL format.

Copyright 1995 American Political Network, Inc.
The Hotline

January 3, 1995

SECTION: WHITE HOUSE '96

LENGTH: 1534 words

HEADLINE: GOP '96: WELD HINTS AT RUN

BODY:

WELD: Bill Weld said 12/29 that "family feasibility and (the) field" would be "key issues" to consider before running for

president, but added that he "wasn't at the point where he was actively trying to determine whether those factors would allow him to make the run." Weld: "I'm really not even engaged in a thinking or decision-making process about that" (Connolly, BOSTON

HERALD, 12/30). Connolly reported 12/29 that there is a "distinct possibility" that Weld will run. Weld adviser John Moffitt: "I think he would match up very well against Bill Clinton. I just think he's what the country is looking for right

now." And, "based on interviews with an array of supporters, advisers and confidants, there seems little doubt but that Weld is taking a very hard look at a White House run" (HERALD, 12/29).

A BOSTON GLOBE/KRC communications research poll surveyed 400 voters 12/16-18. The poll found that 61% feel that Weld ought to

serve out his term as governor while 24% said he should seek higher national office (12/30).

DOLE: Bob Dole, asked if he's running: "That decision's in the process of being made, and I had a meeting as recently as yesterday with some of my political friends. So we haven't forgotten about the election in 1996, but I think right now I need to focus on what happens starting next Wednesday, January 4th, in the United States Senate" ("Face the Nation," CBS, 1/1).

NEWSWEEK's "Conventional Wisdom" gives Dole an up-arrow: "Spears

Newt on book deal. Could void his Contract, too. The grownups are back" (1/9 issue). U.S. NEWS' "Washington Whispers" reports

that Dole supporters in NH "are sounding out local colleges as to whether they may be interested" in having him as a commencement speaker (1/9 issue).

WILSON: Pete Wilson, asked whether he would like to be president: "I would like it at some point, but, you know, that's

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something that may not come. I have a job that I like very much"

("Late Edition," CNN, 1/1). Wilson recently came out "in favor of ending affirmative action hiring policies in California, stepping squarely into what is likely to be the bloodiest political fight of 1996." In an interview with the SACRAMENTO BEE, Wilson said he "supports changes" in the way CA deals with affirmative action. Wilson: "I don't think we should be awarding either jobs or places in a graduate school based upon race or gender, because you're talking about a quota system. We don't want to deny anybody access, but I don't think you give preference by virtue of gender or membership in an ethnic group."

Some "partisan political observers suggested that Wilson's new attack on affirmative action is a political ploy intended to improve ~~his standing among Republican conservatives~~" before the '96 pres. election. CA Dem adviser Bill Mulholland: "More and more we're seeing the real Pete Wilson, a calculating political animal. In 1994, he saw that Proposition 187 was going to be the hot issue, so he supported that. Now, it looks like affirmative

action will be the issue in 1996, so here he is again." CA Assemblyman Bernie Richter (R) introduced a constitutional amendment last year that would have banned "preferential treatment" on racial, ethnic and gender grounds by the state. The measure died, but Richter has already introduced a new version. ~~If, as expected, the new version goes nowhere, some CA conservatives may try to get the measure on the '96 ballot as~~

a proposition (Wildermuth, S.F. CHRONICLE, 12/30). S.F. EXAMINER's Hull makes a prediction for Wilson in '95: "For much of the year he will deny any interest in running for president.

By year's end, he will remain a leading contender, if not for president, then most likely for the Republican vice-presidential nomination" (12/30). George Will, on Wilson's attacks on the fed. gov't: "He has given sharp focus to today's counterrevolution against the disruption of constitutional balance. His challenge kindles memories of earlier acts of resistance, acts associated with names such as Jefferson, Madison, Jackson and Calhoun" (NEWSWEEK, 1/9 issue).

CONVENTION ANGST: Queer Nation/San Diego co-founder Keith Ramsey says he is "organizing a group called Protest: GOP '96" in an effort to "coordinate demonstrations" at the '96 GOP convention. Ramsey said he "anticipates large-scale protests" at the convention: "With the GOP's historical opposition to women's equality, lesbian and gay civil rights, and freedom of choice,

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and with the party's support for Proposition 187, insensitivity to environmental issues, and hawkish pro-war stances, the possibilities for expressing popular dissent against Republican policies are virtually endless" (Price, W. TIMES, 12/28).

ODDSMAKERS: U.S. NEWS' "Washington Whispers" reports that "sources at Ladbrokes, the British bookmakers, say that the odds

against Bill Clinton's re-election are the longest for any incumbent since they began accepting wagers on the race for the White House in the LBJ era." But at 5-2, Clinton remains the favorite. Other odds: Bob Dole at 5-1; Newt Gingrich, Lamar Alexander, Dick Cheney and Jack Kemp are at 8-1; Colin Powell at

12-1. Odds for Al Gore are 12-1 in the event that Clinton does not run (1/9 issue).

LANGUAGE: ENGLISH

LOAD-DATE-MDC: January 4, 1995

14TH STORY of Level 1 printed in FULL format.

Copyright 1994 The Washington Post
The Washington Post

December 15, 1994, Thursday, Final Edition

SECTION: EDITORIAL; PAGE A27

LENGTH: 829 words

HEADLINE: Clinton Shows His Core Values

SERIES: Occasional

BYLINE: George F. Will

BODY:

Last week, while the president was promising to set sail for the political center, his administration continued tacking leftward. His lawyers intervened in two Supreme Court cases that involve what might, and should, be a burning issue in 1996. This issue is: Do we want colorblind government or today's racial spoils system?

Clinton's lawyers filed a brief in defense of a law giving preference, in the awarding of contracts, to certain government-approved minorities. His lawyers also joined those who want to continue a court-ordered program in Kansas City, ostensibly about "desegregation," that in 10 years has cost Missouri \$ 1.3 billion.

In the first case, Clinton's lawyers are defending a law that gives contractors substantial bonuses for subcontracting at least 10 percent of any contract to "disadvantaged" businesses. A Colorado contractor, rejecting the lowest subcontracting bid on a highway guardrail, gave the contract to a Hispanic-owned firm and received from the U.S Department of Transportation a \$ 30,000 "bonus." The low bidder says the law licenses racial discrimination against him.

There has been no showing of past discrimination in Colorado's highway construction trade. However, under the challenged law, certain groups (blacks, Hispanics, Asian Americans and Native Americans) are presumed to be disadvantaged, regardless of their personal histories or current affluence.

In Kansas City, Clinton's lawyers want to continue, perhaps forever, government by judiciary. That began in 1984, when a federal judge started ordering what he called remedies for past discrimination in schools.

He has ordered, among much else, a \$ 32 million "dual theme" magnet school for computer and classical Greek education, containing magnificent computers and a field house with an indoor track, a weight room, handball courts and an Olympic-size pool. The judge has also decreed an agricultural school with live animals and a greenhouse. And a technical vocational school featuring lasers, optics and robotics. And field trips around this country and to foreign countries, financed by court-ordered "desegregation" funding.

The U.S. Constitution guarantees to every state "a republican form of government," meaning government by elected representatives. Kansas City may

The Washington Post, December 15, 1994

well wonder what happened to that guarantee.

Today Missouri spends almost 50 percent of its education budget on 9 percent of its students, in Kansas City and St. Louis (which also is under court control). Per pupil spending in Kansas City is \$ 13,500, compared with \$ 7,500 in the most affluent of suburban districts. The judge has assigned children to schools by race and decreed class sizes, and Clinton's lawyers support his desire to continue because the district's test scores are "at or below national norms."

As this is written, Clinton is preparing to address the nation about his core convictions, just as soon as he and advisers decide what they are. "What should I be saying?" he recently asked a confidant who (this peculiar "confidant" evidently blabbed to the Los Angeles Times) replied: "Nothing. You've talked enough. Give the people a break. Give us all a break and let us trim the Christmas trees and get through the holidays before you say anything else."

Sound advice. However, a president speaks constantly through the actions of his administration. So, people wonder what Clinton believes in? The answer is provided by his administration's actions in the Colorado and Kansas City cases, and many other related actions. He believes in a racial and ethnic and sexual spoils system, administered in the name of group rights and "diversity." So much for Clinton's "centrism."

This spoils system deserves to be the central issue in 1996. California may make it that. As Proposition 187 demonstrated this year regarding immigration, California can shape the nation's political conversation. And in 1996 the following proposed amendment to California's constitution probably will be on the state's ballot:

"Neither the state of California nor any of its political subdivisions or agents shall use race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education or public contracting."

Presidential candidates will be drawn into the debate about this. Indeed, there might be, and should be, a similar "colorblindness" amendment to the U.S. Constitution put forward by then.

Speaking about the case of the Colorado contractor, Rep. Kweisi Mfume (D-Md.), head of the Congressional Black Caucus, defends a 10 percent set-aside for minorities this way: "What the flip of that is, is that it's establishing, in the process, a 90 percent set-aside for white males." The 1996 election should be a referendum on whether Americans, white or black, want to live in an America run like that.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: December 15, 1994

16TH STORY of Level 1 printed in FULL format.

Copyright 1994 The Times Mirror Company
Los Angeles Times

December 7, 1994, Wednesday, Home Edition

SECTION: Part A; Page 23; Column 2; Metro Desk

LENGTH: 472 words

HEADLINE: SACRAMENTO FILE: 5 MEASURES CALL FOR A PANEL TO REGULATE GAMBLING INDUSTRY

BYLINE: By Jerry Gillam, Times Staff Writer

BODY:

A new state commission to regulate California's rapidly growing gambling industry would be established under five separate measures introduced on the opening day of the 1995-96 legislative session.

The author of one of the bills, SB 5, Sen. Tom Hayden (D-Santa Monica), said gambling interests have spent \$5.3 million on campaign contributions and lobbying activities in Sacramento since 1990.

For that reason, Hayden said his proposal includes fund-raising prohibitions, limits on initiative contributions, and other conflict-of-interest provisions to guarantee that the commission can remain independent of the gambling industry.

Three of the five commissioners would be appointed by the governor, and one each by the Speaker of the Assembly and the Senate Rules Committee.

Other gambling regulatory measures were introduced by Sen. Quentin Kopp (I-San Francisco), Sen. Ken Maddy (R-Fresno), Assemblyman Phillip Isenberg (D-Sacramento) and Assemblyman Curtis Tucker Jr. (D-Inglewood).

ASSEMBLY

Bill Introductions

* None of the Above: AB 17 by Assemblywoman Jackie Speier (D-Burlingame) would add a "none of the above" category on the general election ballot for statewide and legislative offices.

* Paddling: AB 7 by Assemblyman Mickey Conroy (R-Orange) calls for paddling as a punishment for minors who are convicted of graffiti crimes.

* ~~Affirmative Action~~: ACA 2 by Assemblyman Bernie Richter (R-Chico) would prohibit the state and its political subdivisions from using race, sex, color, ethnicity or national origin as criteria for discriminating against or granting preferential treatment to any individual or group in public in the areas of public employment, education or contracting.

* English Only: AB 24 by Assemblyman Richard Mountjoy (R-Arcadia) would require the state and its political subdivisions to take steps to preserve, protect and enhance the role of the English language as the official language of the state.

SENATE

Bill Introductions

* Parliamentary Government: SCA 1 by Sen. Alfred Alquist (D-Santa Clara) would create a parliamentary form of state government with a 120-member, single-house legislature that would elect the governor.

* Term Limits: SB 2 by Sen. Quentin Kopp (I-San Francisco), upon approval by voters, would impose term limits on local elected officials.

* Drive-by Shootings: SB 9 by Sen. Ruben Ayala (D-Chino) would make those convicted of first-degree murder committed in a drive-by shooting subject to the death penalty or life imprisonment without possibility of parole.

* State Budget: SCA 2 by Sen. Quentin Kopp (I-San Francisco) would require a simple majority vote instead of a two-thirds majority vote to pass the state budget, and forfeiture of legislative pay for each day the budget is not adopted after the June 15 constitutional deadline.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: December 8, 1994

LEVEL 1 - 18 OF 29 STORIES

Copyright 1994 The Houston Chronicle Publishing Company
The Houston Chronicle

February 13, 1994, Sunday, 2 STAR Edition

SECTION: C; Pg. 8

LENGTH: 636 words

HEADLINE: Ballot initiative in California seeks to outlaw racial quotas

BYLINE: THOMAS D. ELIAS; Scripps Howard News Service

DATELINE: LOS ANGELES

BODY:

LOS ANGELES -- A new political war over affirmative action and ethnic quotas may break out in California.

A small group of anti-quota activists fired the first round last month, submitting the text of a proposed ballot initiative to the state attorney general for certification.

The potentially precedent-setting measure would ban use of race, sex, color, ethnicity and national origin in public employment, contracting and education.

"This initiative is designed to make sure we have a color-blind society with individual rights rather than group entitlements," says Glynn Custred, a professor of anthropology at the Hayward campus of the California State University and the measure's chief author.

"Things have become absurd in the national university system," adds Custred, who hopes to qualify his initiative for California's March 1996 presidential primary ballot. "The system is being bent out of shape by what comes under the general rubric of political correctness."

Custred's planned proposition is in part a backlash against a California legislative bill which would mandate that graduating classes at public universities reflect the ethnic composition of the state's populace. That proposal has passed the legislature twice, only to be vetoed by Gov. Pete Wilson.

To get the anti-affirmative action proposition on the ballot, the sponsors, formally called the California Civil Rights Initiative, must gather 616,000 voter signatures. Custred is now searching for a petition-circulating firm to drum up signatures next year.

The cause has already been adopted by prominent national conservatives like Pat Buchanan, William Buckley and William Rusher, who believe that if the measure were to succeed in California it would likely be adopted in other states as well.

The Houston Chronicle, February 13, 1994

Even though Custred and the few activists now helping him are delighted to have support from the political right, they insist their proposition is completely non-partisan.

"We're trying our best to get the left involved, too," the initiative author declares. "We've been trying to make contact with the Democratic Leadership Council and we don't care a bit about any political implications this might have."

Custred said one of his major worries is that "we don't want to be known as a conservative pet. We really want to make mainline Democrats our allies. My problem, in a way, is that conservatives have picked up on this. But I'd also like Ross Perot's United We Stand people to come aboard."

But he says the conservative campaign consulting firm of Butcher, Forde will soon begin raising money for the expected campaign.

Custred, in fact, says he sees his cause as "a liberal issue. It will open the universities to the very best students, no matter what their background."

Even though Asian-Americans now make up more than 35 percent of the student body at the largest and most popular campuses of the University of California -- Berkeley and Los Angeles -- some Asian activists contend they are subject to an unofficial quota in university admissions.

"We have suspected this for a long time," says Stewart Kwoh, director of the Asian-Pacific-American Legal Center in Los Angeles. But Kwoh has not become a public supporter of the CCRI proposition, nor have any other prominent Asians.

Custred, however, believes the notion of color-blind hiring, college admissions and building contract awards is "the only principle that could work in a diverse society like we have now.

"Martin Luther King said he dreamed that one day his children would be judged by the conduct of their character and not the color of their skin. That's what we want, too."

He firmly denies any suggestion that his initiative might be considered racist.

LANGUAGE: ENGLISH

AD-DATE-MDC: February 15, 1994

LEVEL 1 - 17 OF 29 STORIES

Copyright 1994 Denver Publishing Company
Rocky Mountain News

March 6, 1994, Sunday

SECTION: NEWS/NATIONAL/INTERNATIONAL; Ed. B; Pg.18A

LENGTH: 494 words

HEADLINE: California ballot initiative would outlaw quotas
Group plans proposal to make public schools, employment 'color blind'

BYLINE: Thomas D. Elias; Scripps Howard News Service

DATELINE: LOS ANGELES

BODY:

A new political war over affirmative action and ethnic quotas may break out in California.

A small group of anti-quota activists fired the first round last month, submitting the text of a proposed ballot initiative to the state attorney general for certification.

The potentially precedent-setting measure would ban use of race, sex, color, ethnicity and national origin in public employment, contracting and education.

"This initiative is designed to make sure we have a color-blind society with individual rights rather than group entitlements," says Glynn Custred, a professor of anthropology at the Hayward campus of the California State University and the measure's chief author.

"Things have become absurd in the national university system," adds Custred, who hopes to qualify his initiative for California's March 1996 presidential primary ballot. "The system is being bent out of shape by what comes under the general rubric of political correctness."

Custred's planned proposition is in part a backlash against a California legislative bill that would mandate that graduating classes at public universities reflect the ethnic composition of the state's populace. That proposal has passed the legislature twice, only to be vetoed by Gov. Pete Wilson.

To get the anti-affirmative action proposition on the ballot, the sponsors, mainly called the California Civil Rights Initiative, must gather 616,000

ter signatures. Custred is searching for a petition-circulating firm to drum signatures next year.

The cause has already been adopted by prominent national conservatives such as Pat Buchanan, William F. Buckley and William Rusher, who believe that if the measure succeeds in California it is likely to be adopted in other states as well.

Even though Custred and the few activists helping him are delighted to have support from the political right, they insist their proposition is non

Rocky Mountain News, March 6, 1994

-partisan.

"We're trying our best to get the left involved, too," the initiative author declares. "We've been trying to make contact with the Democratic Leadership Council and we don't care a bit about any political implications this might have."

Custred says he actually sees his cause as "a liberal issue. It will open the universities to the very best students, no matter what their background."

LANGUAGE: English

LOAD-DATE-MDC: April 2, 1994

LEVEL 1 - 2 OF 29 STORIES

Copyright 1994 McClatchy Newspapers, Inc.
Sacramento Bee

November 17, 1994, METRO FINAL

SECTION: MAIN NEWS; Pg. A3

LENGTH: 947 words

HEADLINE: ANOTHER WEDGE ISSUE LOOMING

BYLINE: Dan Walters

BODY:

Political practitioners call them "wedge issues" and the name says it all: concerns that have the emotional impact to define politicians and motivate -- some would say divide -- voters.

Abortion is a wedge issue; so is capital punishment. Gun control can be a potent political icon. And in their heyday, Proposition 13 and the issue of tax cuts could make or break politicians.

Illegal immigration emerged this year as a driving and divisive political issue, encapsulated in Proposition 187, which was overwhelmingly approved by voters and will, if upheld by the courts, deny public health and educational benefits to undocumented immigrants.

The firestorm in California over Proposition 187 exploded into the national political arena as major political figures, including President Clinton, and major broadcasting and print media joined the debate. The fact that Gov. Pete Wilson rode illegal immigration, as well as crime, into a landslide re-election attests to its potency.

Illegal immigration continues to reverberate and will, one suspects, play a role in the 1996 presidential elections, since Clinton -- who strenuously opposed Proposition 187 -- will be campaigning for a second term among California voters who strongly supported it; and since one of the major Republican hopefuls, Jack Kemp, also denounced it.

It could, however, be joined by an even more explosive cultural/political fragmentation grenade: affirmative action, the highly contentious policy that's become ingrained in public and private hiring, college admissions, contract bidding and other transactions by which society's benefits are distributed.

Those who benefit from it -- ethnic minorities, women, the disabled, etc.

see it as correcting a tilt against them. But there is a rising backlash
inst
firmative action from white males and others who see it as reverse
discrimination, of attempting to correct social maladies, real and contrived,
by
stacking the competitive rules against them.

There is, meanwhile, a raging argument among sociologists, journalists,
political scientists, radio talk show hosts and others who debate such things,
whether affirmative action works, whether it's just and whether it exacerbates
the stratification and tribalization of American society. The current vehicle
for that debate is a new book, "The Bell Curve," which examines the role of

Sacramento Bee, November 17, 1994

human intelligence in social development and postulates the theory that much of intelligence is genetic.

It is, in short, the wedge issue to top all wedge issues and it's likely to show up on the California ballot in 1996 as "The California Civil Rights Initiative," which would outlaw affirmative action by barring the use of ethnicity or gender "as a criterion for either discriminating against, or granting preferential treatment to, any individual or group . . . "

The measure has been kicking around political circles for a couple of years. Assemblyman Bernie Richter R-Chico, introduced it in the Legislature this year and touched off a bitter debate that ended when Democrats killed it.

Republicans now appear to have enough seats to control the Assembly, and Richter is certain to return with a new bill that will get a more favorable hearing. In the meantime, the sponsors of the measure -- a coalition of academics, libertarians and Jews, who have for years opposed affirmative action programs -- are putting together a new initiative drive, saying it's needed to create a "colorblind society." And they are drawing the interest of Republican readers who see it as having the same kind of divisive, definitional and/or motivational effects as Proposition 187 -- only more so.

Stay tuned for more developments.

DAN WALTERS' column appears daily, except Saturday. Write him at P.O. Box 15779, Sacramento, 95852, or call (916) 321-1195.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: November 18, 1994

LEVEL 1 - 23 OF 29 STORIES

Copyright 1994 The Hearst Corporation
The San Francisco Examiner

February 3, 1994, Thursday; Fourth Edition

SECTION: NEWS; Pg. A-17

LENGTH: 1000 words

HEADLINE: The quota busters from Berkeley

COLUMN: PATRICK J. BUCHANAN

BYLINE: PATRICK J. BUCHANAN

DATELINE: WASHINGTON

BODY:

IN NOVEMBER 1916, Republican candidate Charles Evans Hughes, confident his commanding lead in the Electoral College guaranteed victory over Woodrow Wilson,

retired to bed early, telling aides he did not wish to be disturbed.

After California's returns were wired east, however, a small troop of reporters approached the candidate's suite, for comment.

"The president has retired for the night!" an aide responded.

"Well, when he wakes up," one reporter cracked, "tell him he isn't president anymore."

Eighty years later, the Golden State is more crucial than ever, with 54 electoral votes, a fifth of those needed to win. And no one is more cognizant of California's political weight than Bill Clinton, first Democrat in 28 years to carry the state. Given his weakness in the South, Clinton must have California to win again.

But if the GOP can take back California, it is halfway home. As Barry Goldwater used to say, it is as simple as that.

But retaking California will not be easy because the GOP was not just defeated there in '92, it was demolished, with just 31 percent of the vote.

To win back California, the party must win back the Perot vote, that vast middle-class constituency, alienated and populist, that felt itself abandoned by the Beltway.

To the point: If the GOP is casting about for a populist issue to reunite old coalition and to slice Bill Clinton's new coalition asunder, that issue is at hand.

The "California Civil Rights Initiative" will be on the ballot in '96 if backers can gather 616,000 signatures.

What does the initiative do? It amends the state Constitution to read: "Neither the state of California nor any of its political subdivisions shall

The San Francisco Examiner, February 3, 1994

use race, sex, color, ethnicity or national origin as a criterion either for discriminating against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education or public contracting."

The initiative is a quota buster.

"No more government hiring by sex or skin tone," says the Orange County Register. "No racial quotas in university admissions. No more awards of public contracts on the basis of race rather than merit. No more dividing people up by groups rather than honoring them as individuals."

If the initiative should win in California, like the tax-cutting and term-limit propositions that came out of the West, it would sweep the nation.

Among the absurdities that impelled Bay Area scholar Glynn Custred to write the initiative is an annual bill introduced in Sacramento that would mandate that the graduating class of every state college reflect California's ethnic composition.

Politically, the initiative's appeal is obvious. A 1988 California field poll found 75 percent of voters opposed to racial preferences, including majorities in every single ethnic group.

Not only would the initiative reunite the old Reagan coalition, it would attract Jewish voters with memories of what quotas meant to their parents, and Asian voters whose kids are victimized because they work too hard and succeed too often.

Clinton would be forced to choose between the wing of his party that still believes in judging men on their merits, not their color, and the part that embraces quotas as a necessary instrument of equality. On an issue of vital interest to each, Clinton would have to choose between his New Democrat constituency or Jesse Jackson and the NAACP.

As '96 is the year term limits take effect in California, forcing Democrats to take sides on the initiative could devastate the party.

Custred & Co. had hoped to have the initiative on the ballot by 1994, but they are shooting for the winner-take-all presidential primary that has been moved up to March 1996.

Meanwhile, Republicans in the 22 other states with ballot initiatives ought to be looking to put racial quotas to a popular vote; and the national GOP could write a version of the initiative into the 1996 party platform.

This matter is more crucial than politics, or California in '96, or even presidency. It is about whether America is going to remain one country, or whether there is a Bosnia in our future. From the racial resentments and ethnic hatreds aired daily on radio and TV, it is clear America is headed toward Balkanization.

The initiative would ring down the curtain on race-based and gender-based entitlements. Rooted in the grand idea that enabled our immigrant ancestors to come together to build this nation, it provides common ground upon which

The San Francisco Examiner, February 3, 1994

blacks, Asians, whites and Hispanics can stand together, to "grow" that nation,
the common ground that success here depends not on who your parents were, but
on
who you are.

Patrick J. Buchanan is a syndicated columnist.

LANGUAGE: English

LOAD-DATE-MDC: February 05, 1994

LEVEL 1 - 25 OF 29 STORIES

Copyright 1994 The Houston Chronicle Publishing Company
The Houston Chronicle

January 17, 1994, Monday, 2 STAR Edition

SECTION: B; Opinion; Pg. 7

LENGTH: 747 words

HEADLINE: Civil rights proposition could stop discrimination against all Americans

BYLINE: WILLIAM F. BUCKLEY JR.

BODY:

CLOSE your eyes, please, and think back to the situation 30 years ago (if you are over 30; if not, kindly use your imagination). There is a huge fight going on in Congress over a civil rights bill sponsored by Sen. Hubert Humphrey. He wants to declare it a violation of federal law to discriminate against American citizens simply because of their color.

On the other side of the aisle, Sen. Barry Goldwater is protesting the bill. He says very convincingly that he abhors racial discrimination (he did not permit it when he was involved in the Goldwater merchandising enterprise), but that it is nowhere written in the Constitution that if Sam Legree has a fried chicken restaurant, he can be required to take in customers he doesn't want to take in.

The Goldwater opposition was strong: It had all of the solid South, segregationist for 100 years, on his side, and not a few strict constitutional constructionists.

The debate between the Humphrey forces and the Goldwater forces goes on, and Goldwater charges that, as written, the proposed civil rights act might be used prejudicially against non-black citizens. Humphrey insists that nothing of the sort will ever grow out of his act, but he consents slightly to alter the language, so that now it reads:

"Neither the [United States government] nor any of its political subdivisions or agents shall use race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education or public contracting."

Anything wrong with that?

Fast-forward to 1994. If Hubert Humphrey were here, he'd say, there is nothing at all wrong with that language. But replace "the United States government" above with "the state of California" and you have what two academics have proposed as an amendment to the California Constitution.

The Houston Chronicle, January 17, 1994

When a constitutional initiative is proposed in California, it goes first to the attorney general. He then refers it to a "policy analyst" and issues a "summary of the chief purpose and points of the proposed measure." Having done this, the attorney general advised that if this measure is passed, it will result in the elimination of affirmative action programs costing "tens of millions of dollars annually," and also student assistant programs based on race, costing "about \$ 50 million annually."

He estimates the money that would be freed up to use in nondiscriminatory aid to education at \$ 120 million or more.

There are two problems, one of them for civil rights believers of the Humphrey school. Theirs is to raise the money needed to secure the 616,000 signatures to put the initiative on the ballot in November. Conservative resources were greatly depleted by the attempt to promulgate the school voucher system last year, and many activists were demoralized by that initiative's failure.

The problem for today's liberals is that although most of them are formally opposed to discrimination against people even if they are white and male, there is an activist minority to cope with.

The polls show that more than 70 percent of the people nationwide oppose discrimination. But there is a heavy vote in California -- blacks and Hispanics in particular -- who, as we can see from the policy analysis above, have preferential treatment from the act passed in 1964 and its successor acts.

The California liberal legislator faces the quite hideous problem of having either to a) back the California Civil Rights Initiative, affirming opposition to discrimination; or b) oppose it -- in order to appease ethnic minorities.

Now who would want to force liberal California politicians to speak out of only one side of their mouth? The sponsors of this initiative and, presumably, all the Republicans and the Humphrey Democrats who believe that current practices are a mutation of what was intended 30 years ago when the great civil rights bill was passed.

Experts who have looked at the initiative predict that if the money is raised to plant it before the voters in November, a revolution will have been effected as resonant as Proposition 13, which mobilized the voters against runaway taxation.

If the California initiative is passed, meaning will once again be transfused into legislative efforts to eliminate

discrimination.

LANGUAGE: ENGLISH

LEVEL 1 - 20 OF 29 STORIES

Copyright 1994 The Hearst Corporation
The San Francisco Examiner

February 9, 1994, Wednesday; Fourth Edition

SECTION: NEWS; Pg. A-18

LENGTH: 1520 words

HEADLINE: Wayward investigative effort in figure skating assault

COLUMN: LETTERS TO THE EDITOR

GOP racial strategy

Just when I thought Pat Buchanan was beginning to think sensibly, he had to spoil it by backing the California Civil Rights Initiative, the anti-quota bill its backers hope to put on the ballot in 1996 ("The quota busters from Berkeley," Op-Ed, Feb. 3).

Buchanan wants to revive the old Nixon strategy of pitting the white middle class against racial minorities, hoping to split up the Democrats and ensure a Republican win by forcing Clinton to choose between his "new Democrat constituency or Jesse Jackson and the NAACP." With Louis Farrakhan and his ilk spouting racism, we don't need a revival of the old Nixon tactics to rile up the minorities once again.

It's one thing to be competent and complain that someone incompetent took a job you were qualified for merely because he belonged to a racial minority that had been given special privileges. It's a totally different matter to deny a competent minority member a job because of the color of his skin or his religious preference.

Buchanan consistently crosses that line between honorable racial compromise and racism. If he would support job creation and expanding the American economy to provide enough jobs for both the white middle class and minorities, he would be making a difference instead of merely exacerbating the problem.

Robert Prentiss
Francisco

Affirmative action program rights past racial wrongs

Patrick Buchanan's condemnation of the "California Civil Rights Initiative" (Opinion, Feb. 1) is just another racist smoke screen for Buchanan's bigotry. This is the man who, during the last primary campaigns, labeled Adolf Hitler a "courageous" person.

As a black woman, I can testify that most people of color I come in contact with support affirmative action plans, goals, tables and set-aside programs to right past racial wrongs.

We have always had affirmative action in this country. Until the 1960s and President Kennedy's brave actions, affirmative action meant giving a white male the job. PEGGY M. SPATES JOHNSON Chula Vista

So much for Ollie North, how about the Robb scandal?

Now that former Democratic Congressman Lionel Van Deerlin has had his day with Ollie North (Opinion, Jan. 28), one can assume he will devote equal time to an unbiased commentary on North's opponent (Virginia's U.S. senatorial election), incumbent Democratic Sen. Charles Robb, about whose "charges of personal scandal" Van Deerlin allotted an entire sentence without elaboration. TEREK QUACKENBUSH Valley Center

LEVEL 1 - 4 OF 29 STORIES

Copyright 1994 Denver Publishing Company
Rocky Mountain News

November 6, 1994, Sunday

SECTION: EDITORIAL; Ed. F; Pg. 103A

LENGTH: 1014 words

HEADLINE: Courts retreat on racial remedies

BYLINE: George F. Will; Washington Post Writers Group

BODY:

In this season of sulphurous politics, with people doubting the ability of government institutions to produce social progress, something sensible has happened. Acting on behalf of a Maryland Hispanic with the unlikely name of Daniel Podberesky, a federal appeals court has unanimously declared unconstitutional a scholarship program that restricts eligibility to students of a particular race.

Podberesky sailed through high school with a 4.0 average and scored 1,340 on his SATs but was denied the right to compete for a Banneker Scholarship at the University of Maryland. The Banneker program, comparable to programs at two-thirds of America's colleges and universities, awards about 30 scholarships to African-Americans.

In overruling a lower court's approval of the program, the appeals court declared the program a violation of the 14th Amendment guarantee of equal protection of the laws, and of the 1964 Civil Rights Act. The appeals court rejected the university's claim that the program was justified by rectifying four present effects of past discrimination by the university.

The university says the four effects include the university's poor reputation among African-Americans, the underrepresentation of African-Americans in the student population, low retention and graduation rates of African-American students, and a campus atmosphere "perceived as being hostile to African-American students." The lower court said any of these four would justify the Banneker program.

The appeals court, by saying that none of the four does, has set standards so exacting that few if any scholarship programs exclusively for a particular racial or ethnic group will be constitutional.

The appeals court said that race-based government actions are constitutional if there is strong evidence that the actions are truly remedial, meaning narrowly targeted only at effects of past discrimination. The court warned that if the lingering effects of past discrimination are not of sufficient magnitude to justify race-conscious actions, such actions might be motivated by "simple racial politics" or "notions of racial inferiority."

The court said that if mere knowledge of past discrimination by an institution produces a poor reputation of the institution among minorities, and if that justifies race-based preferences, such preferences will be justified as long as there are history books. Furthermore, the current social climate,

Rocky Mountain News, November 6, 1994

irrespective of past discrimination by the university, is a sufficient explanation of a poor racial atmosphere on campus. And the underrepresentation and low retention and graduation rates of African-American students also can be explained by social factors other than past offenses by the university.

The fact that African-Americans from outside Maryland - indeed, blacks from outside the United States - are eligible for Banneker scholarships suggests that the program's rationale is not just remedying past discrimination. Rather, the program aims to produce "diversity." That may be a legitimate university goal, but it cannot be legitimately pursued by racially exclusive programs. Neither does a university's desire to have "role models" and "mentors" for African-American students make racially exclusive programs constitutional.

This ruling comes three months after a federal judge declared unconstitutional the University of Texas Law School policy of maintaining separate admissions programs for whites and minorities. Such rulings suggest that courts are prudently retreating from permissiveness regarding "race-conscious" government programs.

However, this course correction by the judiciary may be coming too late to forestall more forceful and comprehensive measures. In 1996 the country may again be swept up in a California controversy.

Today California's Proposition 187, the ballot initiative that would deny most non-emergency state services to illegal immigrants, demonstrates the power of Californians to pull the other seven-eighths of Americans into an argument. Two years from now an even more furious debate probably will rage around the California Civil Rights Initiative, which would allow California voters to make the following into law:

"Neither the state of California nor any of its political subdivisions or agents shall use race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education or public contracting."

The continent-wide reverberations of this debate could lead to a similar amendment to the U.S. Constitution, mandating color-blind public policy.

Some people will say that such an amendment, and the California initiative, and the decision against the Banneker program represent retreats from progress." But as C.S. Lewis said, "We all want progress, but if you're on

the wrong road, progress means doing an about-turn and walking back to the
point
road; in that case, the man who turns back soonest is the most progressive."

LANGUAGE: English

LOAD-DATE-MDC: November 8, 1994

LEVEL 1 - 26 OF 29 STORIES

Copyright 1994 The Denver Post Corporation
The Denver Post

January 16, 1994 Sunday 1ST EDITION

SECTION: PERSPECTIVE; Pg. F-05

LENGTH: 815 words

HEADLINE: Dr. King's dream didn't include quotas

BYLINE: Tom Tancredo, Special to The Denver Post

BODY:

The Rev. Martin Luther King, Jr. said, "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character."

These words have ignited the flames of freedom in countless souls. Over the years, however, the cherished goal of a color-blind society, which was so eloquently described by King, has been sacrificed on the altar of political expediency.

During the Kennedy and Johnson administrations, executive orders were issued to require federal contractors to maintain nondiscriminatory employment practices. Following the vision of King's speech, the actual language of the orders plainly prohibited discrimination that either favored or disfavored any one individual or group on the basis of race.

But the altruistic attempt to assure equal treatment was soon reshaped and adulterated by ideologues. In the late 1960s, after the passage of the 1964 Civil Rights Act, the emphasis began to shift from equality of opportunity to equality of results, and from individual rights to group rights. Reverse discrimination - or, as it is euphemistically called, "affirmative action," - found its way onto the American political landscape. Americans soon divided into two camps: those who could lawfully be preferred under affirmative-action guidelines and those who could lawfully be discriminated against.

As government-sponsored discrimination continued, the seeds were sown for the balkanized contemporary American society with which we now wrestle. Amid the conflicting claims of multiculturalism, Afro-centrism, feminism, the men's movement, children's rights, gays and lesbians, etc., some common center has been lost. Individuals have been encouraged to so classify themselves in order to obtain a "victimized" status.

The response to this phenomenon has taken many forms. Perhaps the most

positive is the attempt, now under way in California, to place an amendment to the state constitution on the 1994 ballot. It is called the California Civil Rights Initiative and it is designed to give the electorate of that state something they have never had before: an opportunity to vote directly against discrimination.

The language of the amendment is simple. It says that California and any of its political subdivisions may not use race, sex, ethnicity, color or national origin as a criterion for discriminating against, or granting preferential

beliefs, and give Colorado the opportunity to make King's noble dream the law
e land.

Tom Tancredo is president of the Independence Institute, a Golden-based conservative think tank. He formerly served in the Bush administration as regional administrator of the Department of Education.

TYPE: OP-ED

LOAD-DATE-MDC: September 27, 1994

LEVEL 1 - 13 OF 29 STORIES

Copyright 1994 The San Diego Union-Tribune
The San Diego Union-Tribune

August 21, 1994, Sunday

SECTION: OPINION; Ed. 1,2; Pg. G-3

LENGTH: 980 words

HEADLINE: The preferential treatment backlash

BYLINE: PETER SCHRAG

SCHRAG is a columnist and editorial page editor of The

BODY:

A Republican attempt to prohibit California government agencies from discriminating for or against individuals on the basis of race, ethnicity or gender got a three-hour hearing in the Assembly Judiciary Committee this month, followed by the predictable brushoff from the committee's majority Democrats. "It is one of the most dangerous pieces of legislation I have witnessed in my four years here," said Assemblywoman Barbara Lee, D-Oakland.

We should only be so lucky.

The California Civil Rights Initiative (CCRI), a constitutional amendment that would have required a two-thirds vote in each house of the Legislature in order to go on the ballot, had as much chance as a snowball in a furnace. It was sponsored by Assemblyman Bernie Richter of Chico and had some 42 legislative co-sponsors, one of whom was a Democrat and one an Independent.

It's a simply worded proposition. Its key passage says, "Neither the state nor any of its political subdivisions or agents shall use race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group in the operation of the state's system of public employment, public education or public contracting."

Put that proposition to the voters unadorned and you're likely to get a sweep. It's as American as Abraham Lincoln and Martin Luther King Jr.: Judge people as individuals on what they can do, on the content of their character, not on what group they belong to or the color of their skin.

It's not the way things work, either in the universities, where much of the and inspiration for CCRI comes from, or many other places in the public

arena. Everywhere there are preferences based at least partly on something
in hiring, in college admissions and in a thousand subtle other ways.

The reasons for some official preferences are obvious enough: 1) to make up for the lingering effects of past discrimination and 2) to try to get in the professions, in the civil service and on the campuses people who, at the very least, are not strikingly different in pigmentation from the rest of the populace.

But as the backers of the CCRI point out, the thing has gone to the point where new offenses are committed in the effort to remedy the old: Should there

The San Diego Union-Tribune, August 21, 1994

be scholarships reserved for blacks or Hispanics? Should college departments be offered bounties for bagging minorities in their faculty recruiting? Should there be legislative requirements of racial proportionality, not only in university admissions, but in graduation rates?

Should people of the right color or sex be given preference in contracting with public agencies, even if it costs the public more? And to what extent should success of a particular ethnic group -- Asians in academic achievement for example -- itself become a reason for race-based restrictions against them?

In some instances, these things have reached such totemic proportions that just questioning them is regarded as evidence of racism.

But it's not the whole story. Even CCRI's sponsors, who now hope to get the measure on the ballot by the initiative route, acknowledge that there are colleges that give preference in admission to children of alumni or, as at the University of California, to the offspring of legislators. And there are almost without doubt fire and police departments, and probably other public agencies well, where it still doesn't hurt to be related to somebody, or at least to know them, whatever the civil service regulations say.

More important, there are legitimate sensibilities and experiences that come with certain backgrounds that may well be important in the selection of police officers or in enriching the composition of a campus. Where two candidates are otherwise similarly qualified, what's wrong with giving preference to the one whose parents are immigrants and grew up in the barrio?

CCRI's backers point out, correctly, that economic disadvantage could be used more legitimately to accomplish almost the same thing. But the very precision in CCRI's language is likely to run colleges and other state agencies afoul, on the one hand, of federal laws that encourage affirmative action and, on the other, to invite still more suits from disappointed applicants every time there's a suggestion that race or gender might have been used, however marginally, as a criterion.

All that being said, however, CCRI nonetheless reflects a set of increasingly serious problems and grievances that, as the state becomes ever more diverse, will become all the more vexing.

At what point do objective criteria and real performance become secondary to the politically correct imperatives of diversity, as in some cases they already are, thereby making it harder and harder to maintain standards of quality? To what extent do preferences for marginal candidates lead to frustration when its beneficiaries are overwhelmed?

The questions run on: To what extent will the real achievements of minorities be diminished by the suspicion that they, too, got some kind of break? To what extent does the whole process generate mutually self-validating backlash that further institutionalizes race in our society? And at what point, given our growing diversity, do the definitional problems about who is what -- definitions, ironically, that squint right back to the slaveholders' racial distinctions -- become both absurd and totally unmanageable?

The problem may lie as much in the idea of subjecting these processes to a rigid legal formula as in the formula chosen. And it lies in the unchecked

The San Diego Union-Tribune, August 21, 1994

spread of the idea that everything -- college admissions, college graduation, a job -- is an entitlement not to be abridged without due process.

But the complaint of the CCRI people is real enough, and it has legs.

GRAPHIC: 1 DRAWING

LANGUAGE: ENGLISH

LOAD-DATE-MDC: August 22, 1994

LEVEL 1 - 10 OF 29 STORIES

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The San Francisco Chronicle

SEPTEMBER 2, 1994, FRIDAY, FINAL EDITION

SECTION: EDITORIAL; Pg. A25; OPEN FORUM

LENGTH: 440 words

HEADLINE: For Race-Blind Public Policy

BYLINE: Jim Christie

BODY:

THE FIGHT for race-blind public policy in California has been joined. Career affirmative-action activist Eva Paterson (Open Forum, August 22) calls the California Civil Rights Initiative, proposed for the 1996 ballot, a "bit of racial mischief."

Paterson, a queen bee in the hive of the Bay Area's handout advocacy elite, says that because columnist Pat Buchanan rightly senses that the initiative is a populist issue, there must be something sinister in its intent.

Buchanan has merely said the initiative is a potential populist issue. He isn't running around the state or country stumping for it. On the contrary, this initiative effort, with only a handful of staffers and barely any money in the bank, has attracted support from right, center, and, yes, the left.

Conservative activist William Rusher sits on the initiative advisory board, but so do moderate state senators Tom Campbell and Quentin Kopp. Support from the left is in the development stage, but traditional Democrats at the Hoover Institution like the initiative's language, as do some people at the Progressive Policy Institute and the Sacramento Bee editorial board, both center-left.

"Institutional racism" will be another likely accusation. Should that come as a surprise? No, that body of opinion that calls itself the civil rights establishment, but which has had no mercy for those -- white, black, Asian, Latino or Native American -- who have stood up for the individualism and meritocracy, doesn't know another way.

In the past, any one of any race knew better than to question affirmative action in public, for fear of being denounced with every "ism" in the dictionary. But the times, they are a changin'. The private resentments fueled by affirmative action have gained respectability because of the tactics of Paterson and company.

They have cluttered American life with intrusive regulations. They have
even
broad powers to such outside institutions as federal courts to force local
governments to become social engineers. They have tried to destroy those of
minority backgrounds who had the audacity not to follow their commands. And
they
have insidiously encouraged a vast number of Americans to believe that they are
not welcome at the table, while they sit at places of honor.

There's no doubt that if, as the initiative proposes, racial discrimination
in public agency hiring is made illegal, Paterson and company will have a

The San Francisco Chronicle, SEPTEMBER 2, 1994

slice of their power base taken away. But if there weren't racial opportunists having their way with affirmative action, there would be no need for the initiative.

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LOAD-DATE-MDC: September 2, 1994

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The San Francisco Chronicle

AUGUST 24, 1994, WEDNESDAY, FINAL EDITION

SECTION: EDITORIAL; Pg. A20; LETTERS TO THE EDITOR

LENGTH: 1432 words

HEADLINE: LETTERS TO THE EDITOR

BODY:

'HYPOCRISY IS A TWO-WAY STREET'

Editor -- This letter is in response to a letter from Matthew L. Peterson (Chronicle, August 22).

Dear Mr. Peterson: I'm always amazed at the hypocrisy that is constantly demonstrated by right-wing zealots in this country. Whenever a liberal-minded politician or individual expresses a view that is contrary to the right-wing mind set, that person is immediately branded a "pink" un-American. To the contrary, whenever a right-winger exercises her/his First Amendment rights, she is immediately labeled as "defenders of freedom." Right-wingers are all for active lobbying and participation as long as it furthers their ultra-conservative agenda, but the moment a liberal group does likewise, they are accused of pushing their values and lifestyles on the rest of us.

Right-wingers are just uptight because their fire does not appeal to a majority of Americans. The Republicans don't control the White House and Congress due to the deep ideological divisions within their party.

Yes, Republicans do deserve credit for helping to pass legislation such as NAFTA and the crime bill in the House on Sunday. But, that's because all politics are local and most Americans are moderates. The heavy anti-NAFTA lobbying by labor and Ross Perot didn't appeal to the majority. And during the crime bill debate, the gun-nuts' political death threats were just plain too much. In each case, a different coalition of Democrats and Republicans put aside partisan wrangling and did what was best for the country.

I wonder if the Republicans can do the same thing. If the GOP wants to assume control of the White House and/or Congress in 1996, its first challenge is to take responsibility for the actions and policies of the increasingly powerful right-wing Christian elements in the party.

PIETER VAN ZANDT

San Mateo

The San Francisco Chronicle, AUGUST 24, 1994

Almost every article one reads about Clinton and the Democrats in the House blames the president for being 'weak' and unable to get the support of all of the members of his party. It is a seldom published fact that the 'Democrat majority' means nothing in reality, particularly in the House of Representatives. The Black Caucus often opposes many of the proposals put forward by that 'majority,' and the Southern Democrats have not voted with the Democrat Party since civil rights was enacted.

I think the American people would be better served if they were informed about reasons for discord among the Democrats rather than blaming a president for not accomplishing an impossible feat.

B.D. HOUGH

Orinda

'REVERSE DISCRIMINATION'

Editor -- The Open Forum piece by Eva Paterson (''Buchanan Is Trying To Divide Californians,'' Chronicle, August 22) evinces either her colossal ignorance or her intentional deception. One would think that a director of a lawyer's committee for civil rights would recognize that both our federal and state constitutions provide for the civil rights and for the 'equal protection of the laws' for all persons.

Thus, the California Civil Rights Initiative would simply and finally end the reverse discrimination that has resulted from the well-intentioned affirmative action laws as administered by Eva Paterson and her ilk. It is high time that she and her ilk stop the McCarthyism toward people like Mr. Buchanan and others who recognize that it is wrong to remedy past discrimination by denying equal opportunity to Asians, Jews and males who had nothing to do with that past.

L.D. MANNE-BERG, Esq.

San Francisco

TOO GOOD TO BE TRUE

Editor -- In every other country where universal coverage is the key of

LEVEL 1 - 12 OF 29 STORIES

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AUGUST 22, 1994, MONDAY, FINAL EDITION

SECTION: EDITORIAL; Pg. A19; OPEN FORUM

LENGTH: 521 words

HEADLINE: Buchanan Is Trying To Divide Californians

BYLINE: Eva Paterson

BODY:

JUST WHEN we thought Patrick Buchanan was but an unpleasant memory from the 1992 presidential campaign, he has resurfaced, adopting a new and divisive cause.

Buchanan recognizes, as do most pundits, that California's electoral votes are the jewel in the crown of whoever wants to be elected president in 1996.

He has concluded that the Republican Party must find a populist issue to win back the Perot voters, fracture the coalition that put Clinton in the White House and rebuild the old Reagan coalition.

What issue, pray tell, has Mr. Buchanan selected? When all else fails, play the race card. The people who brought you Willie Horton are proposing to use racial tensions as a way to get themselves back into the White House.

In a recent syndicated column, Buchanan explained his plan for winning the 1994 presidential election by winning California's 54 electoral votes.

"To win back California, the party must win back the Perot vote, that vast middle-class constituency, alienated and populist, that felt itself abandoned by the Beltway.

"To the point: If the GOP is casting about for a populist issue to reunite its old coalition and to slice Bill Clinton's new coalition asunder, that issue is at hand."

The vehicle Buchanan is using is called the "California Civil Rights Initiative." This bit of racial mischief would amend the state Constitution by making all voluntary affirmative action by public entities illegal.

As civil rights advocates, we will readily admit that affirmative action is a volatile and controversial issue for many people of good will.

Some of our Asian and Jewish friends are understandably concerned about past and current ceilings imposed on their communities in school and university admissions.

Working-class whites confront an evolving American culture and a shrinking economy. The Buchananites manipulate these concerns, exacerbating strained relations between communities in our state.

The San Francisco Chronicle, AUGUST 22, 1994

The Buchananites are too often successful in setting allies against each other.

They use Asian Americans, for example, as a shield from behind which to throw rocks at corrective measures, such as affirmative action, that try to balance 200 years of legally sanctioned racial and ethnic discrimination. Demagogues who have never done a thing for Asian Americans suddenly become their biggest advocates.

Thankfully, on August 10, the Assembly Judiciary Committee, recognizing that we need programs to guarantee opportunity to people of color and women, refused to vote to put the so-called "Civil Rights Initiative" on the ballot.

"May you live interesting times," is an old curse. These times are fraught with peril if we do not come to terms with the American dilemma, race. Patrick Buchanan and his ilk want to further divide us. To ensure opportunity for groups who have been discouraged, left out and locked up, we must grapple with this troubling issue.

We Californians, who live in the nation's most diverse state, must refuse to amend our Constitution and turn back the hands of time vis-a-vis racial justice.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: August 22, 1994