

Nix of Prop 2 delay does not deter its opponents

By Carrie Budoff

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DETROIT (NNPA) - A group that is fighting to overturn Michigan's ban on affirmative action said that their battle will continue despite the U.S. Supreme Court's refusal on Jan. 19 to delay implementing the ban.

"Our motion for the Court to uphold a temporary delay was denied by the full Supreme Court," said attorney Shanta Driver, national co-chair of the Coalition to Defend Affirmative Action By Any Means Necessary, known as BAMN. "But this means that our full case is bound to end up before the Supreme Court."

Driver said she felt that prospects for the ongoing case in front of U.S. District Judge David Walton and the U.S. Supreme Court, if necessary, are still good.

Still pending before the U.S. Sixth Circuit Court is another case filed by BAMN, Detroit Mayor Kwame Kilpatrick, and others.

A White University of Michigan law school applicant, Eric Russell, intervened in BAMN's lawsuit in front of Walton to protest a temporary delay on implementing Proposal 2. Walton had granted the delay with the agreement of all parties, including three Michigan universities, Michigan Governor Jennifer Granholm and Attorney General Mike Cox.

The U.S. Sixth Circuit Court upheld Russell, and the plaintiffs, which include BAMN, the Rainbow Coalition, and others appealed.

Cox then defected to Russell's side.

"It is time the universities stop the stalling tactics and legal maneuvering. The voters have spoken, and Proposal 2 is the law of the land," Cox ruled.

The Center for Individual Rights, a deep-pockets national "charitable" organization. CIR receives most of its funding from libertarian and conservative foundations like the Scaife Foundation, represented Russell.

According to Media Transparency, CIR "has had broad political impact in bringing and arguing numerous cases before numerous courts across the country that have effectively wiped out affirmative action at a number of large public universities, including those in Texas, California, Louisiana, and

Michigan."

CIR President Terrence Pell said in a release, "Today's decision puts to rest the idea that Michigan's Prop. 2 somehow violates federal law. Justice Stevens' ruling makes clear the citizens of Michigan had every right to ban the use of racial preferences in their state."

BAMN's ongoing suit contends that in fact Proposal 2 violates the First and Fourteenth Amendments of the U.S. Constitution. Proposal 2, passed by 58 percent of

Michigan voters in November, bans affirmative action in state government hiring, contracting and school admissions.

Driver said that it was highly unusual for the entire U.S. Supreme Court to reject its motion, since only Justice John Paul Stevens initially considered it. Stevens referred it to the full Court, which did not comment on the denial.

"This shows that the Court takes this as a very serious issue," Driver said. (See Prop 2, Page 14)

Katrina effort studied

NEW ORLEANS (AP) - Mayor Ray Nagin told a Senate committee Monday he doesn't see the will to fix his hurricane-battered city when compared with the billions spent on the war in Iraq.

"I think it's more class than anything, but there's racial issues associated with it also," Nagin said.

Nagin also asked for Congress to change the laws and regulations to speed up the flow of federal aid.

"From my perspective, not having the resources at the local level is the absolute killer of this recovery," Nagin told the Senate's Homeland Security and Governmental Affairs Committee, which is looking into the government's hurricane response.

As of Jan. 18, the Federal Emergency

Management Agency has agreed to pay for \$334 million for infrastructure repairs in New Orleans, but the state has forwarded only \$145 million to the city so far.

State officials have said city leaders failed to provide required documentation, which they called cumbersome.

"I strongly urge you to return responsibility and accountability to the local government," he said.

Nagin's testimony comes nearly a week after President Bush drew fire for failing to mention recovery efforts along the Gulf Coast in his State of the Union speech.

Sen. Barack Obama, the Illinois Democrat and presidential hopeful, addressed the committee, saying the president's failure to mention the disaster contributes to

(See Rebuilding, Page 14)



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