

# Three states consider affirmative action ban

PHOENIX (AP) — With one brief criticism of affirmative action, John McCain has brought new attention to ballot issues aimed at dismantling preferential treatment programs for women and minorities.

The question is whether McCain's support for one of those initiatives, in Arizona, will make any difference.

Ward Connerly, the former University of California regent who is bankrolling the Arizona initiative and similar measures in Nebraska and Colorado, said he hasn't seen any increase in donations or GOP supporters flocking to his cause since McCain spoke up last month.

"We're of course delighted to have the senator's support," Connerly said. "As to whether it translates to any positive or negative effect on us, I don't think so."

McCain's comments also have drawn critics who pointed to comments he made a decade ago calling similar measures "divisive."

The ballot initiatives in Arizona, Colorado and Nebraska call for amending the state constitutions to ban any hiring practices, university scholarships and other public programs that favor one group over others. Arizona and Nebraska officials are still verifying petition signatures while Colorado has the initiative slated for the November ballot.

Connerly's group, the American Civil Rights Initiative, already has been successful with similar initiatives in California, Washington and Michigan. And he plans to continue four years from now in other states.

Ultimately, Connerly said, "the goal is to try to get either the Supreme Court or the Congress to get the policy changed at the national level."

Connerly said his ballot initiatives would attack programs like the Minority and Women-owned Business Enterprise Program in Tucson. It allows minority and women-owned businesses to bid more for city contracts than other groups and requires prime contractors to make a serious effort to hire them for work.

"Those clearly would be outlawed," Connerly said of the Tucson program. "Any standards that are applied to groups based on race. Any jobs where there are different standards for admissions."

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— Ward Connerly



Tucson officials said they crafted the program in response to a 1989 U.S. Supreme Court decision that struck down quotas for minority-owned construction companies. Because Tucson has only a small percentage of minority and women-owned businesses, "you have to adopt narrowly tailored measures to help you overcome that disparity," said Mark Neihart, who directs Tucson's procurement department.

McCain weighed in on Connerly's efforts in late July, saying on ABC's "This Week" that he endorsed the Arizona initiative — although he added that he had not read the details of the proposal.

Critics accused him of another "flip flop," pointing to a 1998 conversation about similar measures in which he told a Hispanic business group: "Rather than engage in divisive ballot initiatives, we must have a dialogue and cooperation and mutual efforts together to provide for every child in America to fulfill their expectations."

His campaign officials did not immediately respond to calls seeking comment.

Opponents in Arizona, Colorado and Nebraska criticize Connerly for billing the initiative drive as a civil rights cause. They say thousands of voters were likely duped into signing petitions because the initiatives were described as a ban on discrimination instead of an attack on programs that help women and minorities.

"If you put things in deceptive terms, like if you say 'We're trying to get civil rights protections for everybody,' then, you know, people say 'yes,'" said Shanta Driver, a lawyer for a Detroit-based affirmative action coalition called By Any Means Necessary. "They don't know those terms mean something completely different."

Driver's group has filed a lawsuit in Arizona seeking an

injunction to block state officials from putting the initiative on the ballot. Among

other claims, the lawsuit says that homeless people were offered water and food to

entice them to circulate and sign the petitions.

In Colorado, initiative opponents filed enough signatures Monday for a competing ballot question that would ban quotas and point systems while preserving support programs for women college students, male nurses and other underrepresented groups. Colorado elections officials are still verifying signatures for that competing initiative. And in Nebraska, lawyer and GOP presidential delegate David Kramer said

he has started challenging the ballot initiative with county elections officials. Kramer said petitioners left signature lists unattended, filled in information for signers and failed to explain the ballot initiative as required by law. His group, Nebraskans United, also has filed a lawsuit challenging the language in the initiative.

"It's misleading," Kramer said. "It talked about what this wouldn't do, instead of talking about the programs it would eliminate."

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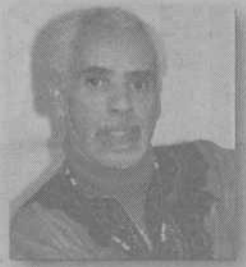
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