



Published: 11.03.2007

AZ rights initiative divisive, group says

By Howard Fischer

CAPITOL MEDIA SERVICES

PHOENIX — Opponents of a proposed initiative to prohibit race- or sex-based preferences said Friday that they don't want those kinds of advantages.

But they don't want the proposed constitutional amendment that would make such advantages illegal either.

A series of speakers from various civic groups decried the Arizona Civil Rights Initiative as divisive and a setback for efforts by women and minorities to get a "level playing field."

Operating as the Protect Arizona's Freedom Coalition, organizers hope to persuade voters not to follow the lead of California, which adopted a similar measure in 1996.

But most did not directly address why banning preferential treatment is bad.

Daniel Ortega, a board member of Los Abogados, an association of Hispanic attorneys, said the initiative "would send us all back to the days when people got jobs based on who they knew and not what they knew."

He said the initiative would create new preferences "based on the good old boy network."

"They don't want to give people equal opportunity," Ortega said.

That theme was echoed by the Rev. Oscar Tillman, president of the Maricopa County NAACP. He said minorities battle many forms of discrimination, like some universities which give preferential admission to children of graduates.

"They create the playing field," he said. "Then tell us how we can play in it."

The state and most communities grant no special preferences in hiring or public contracts. The only Arizona regulation says agencies awarding small contracts must seek out at least one quote from a company owned by a woman or a minority.

In Tucson, however, qualified firms owned by women or minorities can submit a bid that is up to 7 percent higher than one provided by a non-minority company and still get the contract.

Tillman refused to directly address costs to taxpayers, instead saying some programs are needed to take care of "some of the inequities of

Draft text of Arizona Civil Rights Initiative

(a) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(b) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting.

(c) 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.

(d) Nothing in this section shall be interpreted as prohibiting action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state.

(e) For the purposes of this section, "state" shall include, but not necessarily be limited to, the state itself, any city, county, city and county, state and county, public university system, including the University of Arizona, Arizona State University, Northern Arizona University, community college district, school district, special district, or any other political

the past when you passed over us."

"And if preferences come into play in order to make that a level playing field, then that's what we're looking for," added Ron Busby, president of the Greater Phoenix Black Chamber of Commerce.

State Rep. Kyrsten Sinema, D-Phoenix, said she feared the initiative would wipe out the Governor's Commission to Prevent Violence Against Women and the Women in Applied Science and Education program at Arizona State University aimed at helping women in the College of Education.

But Max McPhail, director of the Arizona Civil Rights Initiative, said the University of Michigan still has programs aimed largely at helping women in science and engineering despite voter approval last year of a ban on discrimination in education.

"But they don't discriminate against men," McPhail said. "So if men want to come to the program, they're allowed."

Maricopa County Attorney Andrew Thomas is chairing the initiative drive.

Thomas has been battling Maricopa County Superior Court over what he calls "race-based" courts for those charged with drunken driving and special programs for those who have been convicted of repeat offenses. Court officials say programs aimed at people with different cultural and linguistic backgrounds help them complete probation.

A federal judge earlier this year refused to block the courts, saying Thomas has no legal right to sue. That case is now before the 9th U.S. Circuit Court of Appeals.

arizona

Draft text of Arizona Civil Rights Initiative

(a) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(b) Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting.

(c) 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.

(d) Nothing in this section shall be interpreted as prohibiting action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state.

(e) For the purposes of this section, "state" shall include, but not necessarily be limited to, the state itself, any city, county, city and county, state and county, public university system, including the University of Arizona, Arizona State University, Northern Arizona University, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the state.

(f) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then-existing Arizona anti-discrimination law.

(g) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United State Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

subdivision or governmental instrumentality of or within the state.

(f) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then-existing Arizona anti-discrimination law.

(g) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United State Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

All content copyright © 1999-2007 AzStarNet, Arizona Daily Star and its wire services and suppliers and may not be republished without permission. All rights reserved. Any copying, redistribution, or retransmission of any of the contents of this service without the expressed written consent of Arizona Daily Star or AzStarNet is prohibited.

<http://www.azstarnet.com/sn/printDS/news.azstarnet.com/stories/local>
<http://www.azstarnet.com/sn/printDS/azstarnet.com>
<http://gpaper202.112.207.net/b/ss/gpaper202/1>
[http://www.azstarnet.com/sn/printDS/209755?\[AQB\]pageName=](http://www.azstarnet.com/sn/printDS/209755?[AQB]pageName=)