

**Reverse All State Bans on Affirmative Action**  
**Defend Public Education, Voting Rights & All the Great**  
**Gains of the Civil Rights Movement**  
**Save Dr. King's Vision of America**  
**Build the New Civil Rights Movement**

**ALL OUT TO CINCINNATI NOVEMBER 17<sup>TH</sup>!**

**Tuesday, Nov. 17<sup>th</sup> – Rally 8am, Fill the Courtroom 9am**  
**Sixth Circuit Court of Appeals** (100 East Fifth Street, Cincinnati, Ohio 45202)

On Tuesday, November 17<sup>th</sup>, the Sixth Circuit Court of Appeals will hear constitutional challenges filed by BAMN (The Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary), United for Equality and Affirmative Action Legal Defense Fund (UEAALDF), the ACLU and the NAACP to Proposal 2, the ban on affirmative action in Michigan.

The outcome of this case will determine the legality of the state bans on affirmative action in California, Washington, Nebraska and Michigan, and the threat of bans in other states. If successful, it will stop the efforts of Ward Connerly and his racist backers to win state-by-state bans on race-conscious college admissions and scholarship programs.

The devastating effects of the ban on affirmative action in California – a huge drop in Latina/o, black and other minority student enrollment at the University of California flagship universities coupled with a more hostile campus climate for the tiny number of under-represented minority students who attend these universities, are being repeated in Michigan since the ban on affirmative action was passed by referendum (Proposal 2) in 2006.

The University of Michigan freshman class had 443 black students in fall 2005 but only 290 by fall 2009. During the same period, Hispanic students fell from 312 to 224 and Native American students from 57 to 21. Minority enrollment at the University of Michigan Law School dropped 31%, and at Wayne State University Medical School, 64%. **The number of 1st year black students at Wayne State Medical School plummeted from 43 to 14.**

The November 17<sup>th</sup> hearing presents black, Latina/a, Native American students and all anti-racist activists with a critical opportunity to reverse the racist attack on minority students' educational opportunities and rights. It is a chance to expose the right-wing lie that the election of the nation's



first black president means that affirmative action and other desegregation and anti-discrimination policies are no longer needed and are simply divisive.

**We do NOT live in a 'post-racial' America.** As long as institutional racism continues to delimit educational opportunities for minority students, race-conscious measures must continue in every state.

Winning the BAMN challenge to the constitutionality of Proposal 2 extends beyond the defense of affirmative action. Our victory would be an important step towards defeating the whole array of attacks on the basic principles and gains of the civil rights movement. The fundamental right of black, Latina/o, immigrant, other minority and poor children in America to receive a public education is now in jeopardy. The right of minorities to equal voting rights and other basic and fundamental democratic rights won by the civil rights movement are also under attack. Indeed, the driving principle of the civil rights movement – that the only

way to defeat institutional racism and all other socially created inequalities is to implement a set of public policies/laws that the government is bound to enforce – is being called into question by both liberals and conservatives.

A central social, political and legal justification for the old Jim Crow was that the government should play no, or at most a minimal role, in combating discrimination, prejudice, inequality and injustice. Private, individual rather than public, collective measures were seen as the foundation for achieving prosperity and progress. This ideology was pressed by politicians of all the major political parties including both left and right wing populists.

The BAMN challenge to Prop 2 rests on evidence that enforcing the new Jim Crow, like the old Jim Crow, requires an attack against voting rights, suppressing all honest discussion of racism and eviscerating the right to a public education, first for minorities and then for all the most vulnerable and poor students and, finally, for everyone. While our legal argument is irrefutable, we have no chance of prevailing unless new young leaders step forward and mobilize for this hearing. Only the power of the new civil rights movement, determined to tell all the powers that be that the lie of separate but equal cannot be restored no matter how it is clothed, can win our case. If we speak out, organize and mobilize, we can win. If we fail however, no other voice will speak for us or the oppressed.

Today, not only Republican but also key civil rights, labor, progressive and Democratic Party leaders are pressing the view that private, market-based solutions are the only way to redress inequality. There is near-unanimous agreement between the leaderships of both political parties that the gains of the civil rights movement should be placed on the backburner and that today's captains of industry should be entrusted with the power to oversee and determine the character of black, Latina/o, other minority and poor students' educational opportunities. The premise of this new paternalistic Jim Crow is that closing the achievement/opportunity gap between black and other minority students and more privileged white students can best be solved through market principles.

This theory is driving the campaign to dismantle public education, to force charter schools on black, Latina/o and poor communities despite massive popular opposition, and to turn inner-city public schools into separate, segregated, unregulated, stripped-down, regimented vocational schools, devoid of art, music, sports, AP and other vital academic offerings. It is also behind the concerted campaign of liberal faculty and administrators at many elite universities to get young minority students to emulate Booker T. Washington.

On these campuses, minority students are urged to seek and rely on the support of private

benefactors/philanthropists to maintain desperately-needed targeted scholarship, recruitment and retention programs to compensate for the loss of programs ended by the ban on affirmative action. Instead of standing up and becoming leaders of the new integrated civil rights movement, these young and talented students are urged to sell the new Jim Crow to their communities. They are being urged to promote the ideology of black and Latina/o inferiority and to encourage cynicism, growing atomization and despair.

BAMN opposes this whole sordid plan. We know the vast majority of Americans support the right of all to a quality public education. We know from the outpouring of hope and support expressed in the campaign of Barack Obama how deeply Americans of all races believe in standing on Dr. King's vision for America. And we know from that campaign that most Americans believe that progress for America and the ascension of young black and other minority political leaders to power are inextricably bound together. BAMN intends to prove them right.

We reject the view that blacks or Latinas/os must accept abuse to attain an education, a career or the hope of a decent, fulfilling life. We do not believe that separate can ever be equal. We do not accept the popular lie that integration failed; rather, judging from all the evidence of how successful school integration and magnet school programs are in closing the achievement gap and improving educational outcomes, we believe the problem is there has been too little integration rather than too much. Finally, we reject the theory that we should have to seek charity or philanthropy to achieve equality or even the hope of a decent education. We reject all notions that the laws of the free market should replace the legal and social conclusions of *Brown v. Board of Education* and the other far-reaching achievements and conclusions of the civil rights movement. We stand for and on the vision of Dr. King for America. We believe that every American deserves freedom, equality, justice, and dignity and so we fight for a truly egalitarian America.

In 2003, BAMN mobilized 50,000 students to Washington DC to defend affirmative action, winning the landmark *Grutter* decision. On April 1, 2003, when the students, youth and their supporters marched through streets of Washington DC, we announced the birth of a new civil rights movement. To defeat Proposal 2, all bans on affirmative action and the momentous attacks we are facing on public education, we must build the power of this young movement and keep marching.

BAMN invites everyone who stands for justice and equality to march with us on November 17 in Cincinnati. But most of all, we invite black, Latina/o, immigrant, and other minority youth and students to become leaders of the new movement and to assume your rightful place at the forefront of this nation.

***For more information and to be added to the list of schools and organizations participating, please contact Donna Stern, UEAALDF/BAMN National Coordinator at 313-468-3398 or donnaestern@gmail.com***

*For more info on the lawsuit see BAMN.COM or UEAA.NET*