

RESOLUTION IN SUPPORT OF AFFIRMATIVE ACTION AGAINST THE SUPREME COURT'S RULING TO TERMINATE EQUITABLE COLLEGE ADMISSIONS IN THE U.S.

WHEREAS, students nationwide have endlessly fought to protect and keep affirmative action programs, initiatives, opportunities, and policies across all higher education institutions in order to create and expand opportunities for the access, retention, and acceptance of students of color, poor students, disabled students, LGBTQIA+ students, and other marginalized groups;

WHEREAS, the Supreme Court's historic decision on June 28th, 2023, effectively ended race-conscious admission programs at colleges and universities across the country¹;

WHEREAS, the Supreme Court excluded Military schools/academies from this ruling because they have "potentially distinct interests"¹. Rather than racial equity and diversity in higher education, this decision adds insult to injury by, as best stated by Justice Jackson, preparing "Black Americans and other underrepresented minorities for success in the bunker, not the boardroom";

WHEREAS, students at the University of California (UC) have fought for affirmative action policies decades after Proposition 209 "passed in 1996, prohibited UC and other state entities from using race, ethnicity or sex as criteria in public employment, public contracting and public education"² created a rift and irreparable harm towards the prior admission, access and retention of students of color at the UC, and this Council stands on the shoulders of countless UC and UCLA activists and advocates who came before us;

WHEREAS, the U.S. Commission on Civil Rights defines affirmative action as measures "that permit the consideration of race, national origin, sex or disability, along with other criteria, and which is adopted to provide opportunities to a class of qualified individuals who have either been historically or actually been denied those opportunities and/or to prevent the recurrence of discrimination in the future"³ in order

¹ <https://www.npr.org/2023/06/29/1181138066/affirmative-action-supreme-court-decision>

² <https://www.ucop.edu/academic-affairs/prop-209/index.html>

³³ <https://time.com/6291230/affirmative-action-dissent-jackson-sotomayor/>

³ <https://www.aclu.org/other/what-affirmative-action>

to support equitable opportunities, decisions, and diminish barriers of discrimination against marginalized identities;

WHEREAS, Black civil rights leaders of the 1960s were the first advocates and originators, and their affirmative action initiatives were pushed by and codified in executive orders⁴ by Presidents John F. Kennedy and Lyndon B. Johnson in efforts to expand civil rights and correct centuries of institutional and systemic racism in the United States;

WHEREAS, the UC adopted affirmative action practices in the 1960s such as the landmark 1978 Supreme Court case *Regents of the University of California v. Bakke*⁵ in order to increase diversity among its student body, with UC's ability to use affirmative action policies affirmed by that case;

WHEREAS, at UCLA, the High Potential Program (HPP) marked the beginning of student-run, student-initiated recruitment program that united community organizers from the Los Angeles area and granted them direct access to the university, until ultimately being shut down and taken over by UCLA administration;

WHEREAS, the HPP was terminated in 1971 due to the violent assassinations of two of the program's students, Bunchy Carter and John Huggins, and the program was stolen and manipulated by the administration into two components: Early Academic Outreach Program (EAOP) and the Academic Advancement Program (AAP) without justice to Carter nor Huggins;

WHEREAS, at the time, the Third World Coalition, which was led and initiated by students in the Black Student Association, the American Indian Student Association, the Asian Coalition, the Jewish Student Union, and United Mexican American Students, was the first iteration of progressive student of color organizations uniting, forming the basis for what would grow to be the Affirmative Action Coalition in the 1990s and the Mother Organizations Coalition of today;

WHEREAS, the majority of universities were previously free in the U.S. especially public state schools, until they stopped only admitting white students. Race plays a factor in systemic oppression despite the Supreme Court's decision;

⁴ https://ballotpedia.org/Affirmative_action_in_California

⁵ <https://www.theatlantic.com/education/archive/2018/10/how-lewis-powell-changed-affirmative-action/572938/>

WHEREAS, President Ronald Reagan mainly pushed for an end to free college because of the protests in California to teach African American studies when he was Governor then pushed for it throughout the US⁶;

WHEREAS, prior to Prop 209, it was clear how affirmative action policies at UCLA increased the racial diversity of the UCLA freshman classes between the years 1979 and 1994 (Table 1);

Table 1: Incoming Freshman Class Profile at UCLA		
Identity Group	1979	1994
Latinx	6%	18%
Asian American	21%	44%
African American	5%	7%
White	67%	29%

Source: Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (734)

WHEREAS, opposition to UC affirmative action policies only rose to state and national prominence in 1994, when UC Regent Ward Connerly, also known as the “father of Proposition 209,” called for the ending of UC affirmative action policies;⁷

WHEREAS, UCLA students organized against Regent Connerly’s attacks on affirmative action at a UCLA-hosted Board of Regents meeting with a march on UCLA’s “Historic Sites of Activism,” where fifty UCLA students marched along the following path:⁸

1. Murphy Hall: Commemorating the Asian Radical Movement’s two-day protest in front of Murphy Hall in 1969;

⁶ <https://post45.org/2019/02/angela-davis-the-l-a-rebellion-and-the-undercommons/>

⁷ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (734)

⁸ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (736)

2. Schoenberg Quad: Site of the UCLA South African Apartheid Protests;
3. Campbell Hall: Site of the killing of two Black student leaders and activists Bunchy Carter and John Huggins in 1969;
4. Tongva Steps: Site of the UCLA Protest against the Vietnam War and Martin Luther King, Jr.'s 1965 speech at UCLA;
5. James West Alumni Center: Site of the Board of Regents meeting;

WHEREAS, the UCLA Afrikan Student Union hosted a debate and town hall⁹ between Black student leaders and Regent Connerly that energized hundreds of students to testify against the ending of affirmative action programs at UC;

WHEREAS, student pressure against the administration led to UC President Jack Peltason, the UC Academic Senate, and all UC Chancellors including UCLA Chancellor Charles E. Young to firmly oppose ending affirmative action at the UC;¹⁰

WHEREAS, UCLA Chancellor Charles E. Young came to the UCLA Undergraduate Students Association Council meeting to seek student-administration solidarity against attacks on affirmative action, declaring “I’m very concerned about a much more central attack on the whole concept of affirmative action. We’ve got to really work to make people understand why affirmative action is not merely important but absolutely essential”¹¹ to Council;

WHEREAS, the UC Board of Regents, led by Regent Connerly and Governor Pete Wilson, introduced two motions SP-1¹² and SP-2¹³ to be voted on at their July 1995 meeting to eliminate affirmative action programs for race and gender in admissions as well as hiring and contracts, respectively;

WHEREAS, former UCLA USAC External Vice President and now President York Chang mobilized a delegation of students to the July Regents meeting in San Francisco, joining with thousands of students, faculty, and community members and the Rev. Jesse Jackson to protest these motions;¹⁴

⁹ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (737)

¹⁰ <https://www.latimes.com/archives/la-xpm-1995-07-21-mn-26379-story.html>

¹¹ • Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (737)

¹² <https://regents.universityofcalifornia.edu/governance/policies/4401.html>

¹³ <https://regents.universityofcalifornia.edu/governance/policies/4401.html>

¹⁴ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (765)

WHEREAS, the UC Board of Regents went against overwhelming opposition from students, faculty, and Californians to eliminate affirmative action practices at UC along a 14-10 vote¹⁵ on motions SP-1 and SP-2;

WHEREAS, USAC launches with the UC Student Association “12 Days of Action,”¹⁶ a statewide campaign of student advocacy organizations, union organizing groups, and USAC offices to sponsor cultural events and forums on affirmative action;

WHEREAS, “12 Days of Action” culminated in an October 12 rally of 2,200 students in Bruin Plaza, a march along Westwood Boulevard to Wilshire Boulevard, and the occupation of Wilshire Boulevard by thirty-three students that was broken by LAPD, who arrested thirty-one students including USAC President York Chang and USAC External Vice President John Du;¹⁷

WHEREAS, Regent Connerly and Governor Wilson qualify the Proposition 209: The California Civil Rights Initiative on the November 1996 California ballot as a way to apply UC’s ban on affirmative action to all California public universities, colleges, and institutions;

WHEREAS, USAC purchased a full-page ad in *The Daily Bruin* calling for a protest and march in response, where 600 students occupied five floors of Bunche Hall and then marched to Murphy Hall to demand Chancellor Young: (1) continue outreach programs, (2) protect scholarships for marginalized communities, (3) support the student campaign against Proposition 209, and (4) refuse to implement Regental policies banning affirmative action;¹⁸

WHEREAS, Chancellor Young declares “Proposition 209 would have a devastating effect on the university as well as the state and could radically reduce the extraordinary diversity that we have managed to achieve within the University of California system,”¹⁹ though is unable to stop the elimination of affirmative action at UCLA, being pressured into an early retirement by Regents;

¹⁵ <https://www.latimes.com/archives/la-xpm-1995-07-21-mn-26379-story.html>

¹⁶ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (756)

¹⁷ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (757)

¹⁸ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (758)

¹⁹ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (759)

WHEREAS, Angela Davis returns to UCLA to speak to 300 students at an anti-Proposition 209 rally, where 700 students march again from Westwood Plaza to Wilshire Boulevard in opposition to the measure;²⁰

WHEREAS, despite overwhelming student opposition, Proposition 209 is approved by 55% of California voters on November 5, 1996;²¹

WHEREAS, Proposition 209 ended affirmative action in all California public admissions, hiring, and contracting decisions by enacting a “color-blind” policy of prohibiting the state of California from “discriminating against or granting preferential treatment on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, and public contracting”²²;

WHEREAS, the passage of Proposition 209 necessitated the formation of the Affirmative Action Coalition,²³ made up originally of the Afrikan Student Union at UCLA, the Movimiento Estudiantil Chicano/a de Aztlán de UCLA (MEChA), the Asian Pacific Coalition at UCLA, Samahang Pilipino, and the American Indian Students Association (AISA), and USAC.

WHEREAS, the Affirmative Action Coalition united with the goal of repealing Proposition 209, holding a series of protests against the implementation of Proposition 209, culminating in the “Days of Defiance”²⁴ campaign and a occupation of Royce Hall that led to the arrest of 88 student protesters;

WHEREAS, in the immediate aftermath of Proposition 209’s passage, freshman Black student enrollment at UCLA dropped 42%, freshman Latinx enrollment dropped by 33%, and freshman Native American enrollment dropped by 62%, compared to prior year enrollment number²⁵ with additional significant decreases in transfer diversity;

WHEREAS In 1998, the Academic Advancement Program (AAP) and the UCLA Alumni Association, in response to declining enrollment among marginalized students,

²⁰ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (786)

²¹ [https://ballotpedia.org/California_Proposition_209_Affirmative_Action_Initiative_\(1996\)](https://ballotpedia.org/California_Proposition_209_Affirmative_Action_Initiative_(1996))

²² [https://ballotpedia.org/California_Proposition_209_Affirmative_Action_Initiative_\(1996\)](https://ballotpedia.org/California_Proposition_209_Affirmative_Action_Initiative_(1996))

²³ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (808)

²⁴ Steven Halpern, *A View from Kerckhoff: A History of Student Life at UCLA* (808)

²⁵ <https://dailybruin.com/1998/06/28/proposition-209-damages-diversity>

expanded their outreach efforts to underrepresented minorities that were admitted to UCLA to address the drastic damage done to diversity at our institution;²⁶

WHEREAS, the student-initiated and student-run recruitment, access, and retention projects of Mother Organizations evolved in response to the co-optation of these original 1998 outreach programs by the UCLA administration, and have since then worked to address the low access, retention, and graduate rates of historically marginalized groups at UCLA;²⁷

WHEREAS, following the passage of the CARE Referendum in Spring 1999, the Student Initiated Outreach Committee was created by the Mother Organizations in order to address the falling admission rates of historically underrepresented and marginalized communities at UCLA, which was a direct result of the passing of Proposition 209. The CARE Referendum additionally supported the maintenance of the Campus Retention Committee under the Student Retention Center, which was created in 1992 following Samhang Pilipino, Afrikan Student Union, MEChA de UCLA, and AISA's withdrawal from AAP;

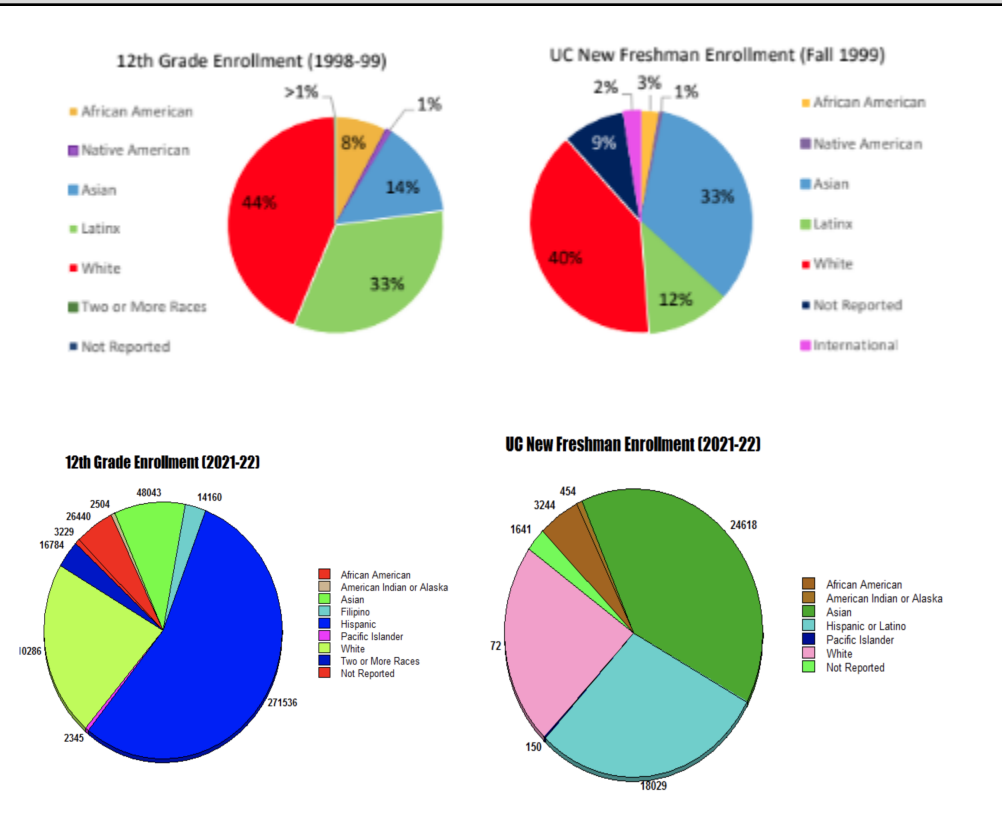
WHEREAS, the demographics of graduates from California high schools is no longer representative of new freshman enrollment at UC (Graph 1) since the passage of Proposition 209, leading to significant under-enrollment of Black, Latinx, and Native American students;

²⁶ <https://dailybruin.com/1998/06/28/proposition-209-damages-divers>

²⁷

[http://www.cpo.ucla.edu/src/#:-:text=There%20are%20six%20\(6\)%20projects,over%20a%20thousand%20UCLA%20students.&text=The%20Campus%20Retention%20Committee%20administers,over%20a%20thousand%20UCLA%20students.](http://www.cpo.ucla.edu/src/#:-:text=There%20are%20six%20(6)%20projects,over%20a%20thousand%20UCLA%20students.&text=The%20Campus%20Retention%20Committee%20administers,over%20a%20thousand%20UCLA%20students.)

Graph 1: High School Graduation Demographics vs. UC New Freshman Enrollment Since Prop. 209's Passage



Source: California Department of Education (2022). Retrieved from <https://data1.cde.gov/dataquest/>. University of California (2022). Data retrieved from <https://www.universityofcalifornia.edu/infocenter/fall-enrollment-glance>

WHEREAS, despite decades of labor by students of color at UCLA, the continued ban on race-conscious admissions at UC as a result of Proposition 209 has led to a dramatic decrease in the racial diversity of the student body at UCLA — with enrollment of Black students at 6%, Native American students at less than 1%, Asian students at 35%, Latinx students at 21%, Pacific Islander students at less than 1%, White students at 26%, and mixed students at 6%;²⁸

WHEREAS, in 2006 the Asian Pacific Coalition at UCLA launched the statewide *Count Me In* campaign with student, faculty, and staff organizers at UC Berkeley, UC Irvine, UC San Diego, and the UC Student Association, which yielded changes in how UC disaggregates data about the Asian Pacific Islander Desi American (APIDA) community, leading to 2010 insights on the continual under-enrollment of communities relative to

²⁸ <https://www.ucla.edu/about/facts-and-figures>

the APIDA mean enrollment:²⁹ Hmong (-13.1%), Bangladeshi (-10.4%), Filipino (-10.0%), Thai (-9.4%), Cambodian (-9.2%), Indonesian (-8.4%), Pakistani (-7.4%), Vietnamese (-3.5%), Sri Lankan (-1.5%), and Korean (-1.1%);

WHEREAS, throughout the UC, freshman Black and Latinx students admitted have decreased by between 12% and 60% depending on campus, with these statistics being larger when including data on transfer admission;³⁰

WHEREAS, California has been one of only 8 states in the nation that outlaws affirmative action policies that promote equal opportunity for all, and we have seen the devastating effects that it has had on students and people of color, the remaining 42 states would only harm millions of more people;

WHEREAS, businesses owned by women and people of color lose more over \$1.1 billion annually in government contracts as a result of Proposition 209;³¹

WHEREAS, dozens of students, faculty, staff, alumni, and community members pushed the UC Board of Regents to unanimously endorse ACA 5 and the repeal of Proposition 209 on June 15, 2020;³²

WHEREAS, the Opportunity 4 All campaign's historic win in May, for the immigrant rights movement that UC, has shown how campaigns like affirmative action bring justice to marginalized groups, because undocumented students should have equal access, they should have a seat at the table;

THEREFORE LET IT BE RESOLVED, that the UCLA Undergraduate Students Association acknowledges that "color-blind" policies only serve to blind institutions from the real impacts of systemic racism on communities of color, and that Proposition 209's ban on affirmative action at UC has resulted in institutional blindness to race and sex;

LET IT FURTHER BE RESOLVED, that the UCLA Undergraduate Students Association sees affirmative action as a vital mechanism of inclusivity, diversity, and socioeconomic mobility at California's public institutions;

²⁹ http://care.gseis.ucla.edu/wp-content/uploads/2015/08/2013_iCount_Report.pdf

³⁰ <https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:52ee8082-35eb-41ee-8650-f6a63a9d206c#pageNum=1>

³¹ <https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:52ee8082-35eb-41ee-8650-f6a63a9d206c#pageNum=1>

³² <https://www.latimes.com/california/story/2020-06-15/uc-regents-to-consider-backing-affirmative-action>

LET IT FURTHER BE RESOLVED, that the UCLA Undergraduate Students Association honors the work of recruitment, access, and retention projects by the Mother Organizations at UCLA, the Opportunity for All Coalition, the High Potential Program, and the countless other campus and community organizers who have fought for the repeal of Proposition 209 in California and the security and protection of affirmative action;

LET IT FURTHER BE RESOLVED, that the UCLA Undergraduate Students Association calls on Chancellor Gene Block and all members of the UCLA administration to consistently voice their public support for affirmative action to whatever extent possible;

LET IT FURTHER BE RESOLVED, that lack of diversity hurts all of us. Diversity and equity is crucial to the wellness of our student body; wellness for all students is not possible unless built on a foundation that acknowledges and aims to address the inherently inequitable institution that is UCLA and the UC. UCLA Undergraduate Students Association insists that UCLA Chancellors and administrators work along University of California President Michael Drake to share our learned lessons with our university partners to achieve a better higher education landscape;

LET IT FURTHER BE RESOLVED, regardless of the white supremacist institutional efforts to divide communities through affirmative action, affirmative action is still so important to keep admitting, retaining, and uplifting students of color;

LET IT FINALLY BE RESOLVED, that the UCLA Undergraduate Students Association encourages all members of the UCLA community to become involved in actions to repeal this federal measure as a means to reinstate equitable opportunity for all students, especially those from our state's most vulnerable marginalized communities, beyond just California's public institutions of higher education, but nationwide.