

## Symposium Overview

On November 5, 1996, 54% of voters in California cast a ballot in favor of Proposition 209, the California Civil Rights Initiative, which "prohibits the state, local governments, districts, public universities, colleges, and schools, and other government instrumentalities from discriminating against or giving preferential treatment to any individual or group in public employment, public education, or public contracting on the basis of race, sex, color, ethnicity, or national origin." Initially, Proposition 209 had a devastating effect on the racial and ethnic diversity of the student body at several schools within the University of California system.

Initial anti-affirmative action efforts in Michigan failed, with residents voting against the initiative. The Supreme Court also upheld the constitutionality of the University of Michigan Law School's admissions program when it issued its decision in *Grutter v. Bollinger* in 2003.

However, on November 7, 2006, 58% of voters in Michigan cast a ballot in favor of Proposal 2, which amended the state constitution to "prohibit state and local government from discriminating against or granting preferential treatment to any individual or group based on race, sex, color, ethnicity or national origin in the areas of public employment, public contracting and public education." The effects of Proposal 2 on diversity at the University of Michigan are still unknown, but they are likely to be more devastating than those of Proposition 209 at schools such as the University of California-Berkeley and UCLA.

Unlike the state of California, which is richly diverse in terms of race and ethnicity, the state of Michigan is over 80% white. The diversity of perspectives that is cherished and celebrated by the University of Michigan community and *MJR&L* is threatened with the passage of ballot initiatives like Michigan's Proposal 2, which bans the use of race and gender in school admissions. With the recent passing of Proposal 2 and the Supreme Court decisions regarding voluntary desegregation in public schools, it is crucial to maintain an open dialogue regarding race and education.

The Symposium will explore a broad range of questions concerning the current effects of Proposition 209 in California and the potential effects of Proposal 2 on public university education and leadership within the state of Michigan, potential legal alternatives to affirmative action, and existing and emerging efforts to remedy K-12 educational disparities, among other things.

Most notably, we present this Symposium with the hope of preserving the University of Michigan's long-standing commitment to diversity and as an answer to University of Michigan President Coleman's request to "Show others what a U-M education looks like."

## Directions and Information

### Symposium Location

University of Michigan Law School  
Jason Honigman Auditorium  
Room 100 Hutchins Hall  
625 South State Street  
Ann Arbor, Michigan  
Ph: 734.763.6100 Fax: 734.764.6043

### From M-14:

Downtown Ann Arbor exit (Main Street). Main Street to Hill Street. Left onto Hill Street, then left onto State Street. The Law School is one block on the right, between Monroe Street and South University Avenue.

### From US-23:

Exit 37B (Washtenaw-Ann Arbor). Right onto Washtenaw Avenue. Left onto Hill Street, then right onto State Street. The Law School is one block on the right, between Monroe Street and South University Avenue.

### From I-94:

Exit 177 (State Street). From Detroit: turn right. From Chicago: turn left. Approximately 2 miles on State Street is the Law School which is located between Monroe Street and South University Avenue.

### Parking

There is parking in a lot on Thompson Street between Madison and Jefferson Streets (two blocks west of the Law School). Limited on-street metered parking is available.

### Banquet Location

The Dahlmann Campus Inn  
615 East Huron Street  
Ann Arbor, Michigan 48104  
Ph: 734.769.2200

### Accommodations

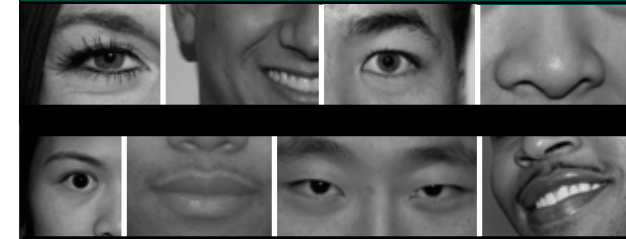
A list of local hotels and inns is available by fax or e-mail. Please contact Maureen Bishop at 734.763.6100 or maureena@umich.edu

*Michigan Journal of Race & Law*  
University of Michigan Law School  
625 South State Street  
Ann Arbor, MI 48109-1215

# MJR&L

*Michigan Journal of Race & Law*

presents



From Proposition 209 to  
Proposal 2: Examining the  
Effects of Anti-Affirmative  
Action Voter Initiatives

February 9, 2008

Sponsored by:

University of Michigan Law School

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Center for Afroamerican and African Studies  
University of Michigan

University of Michigan Ross School of Business

National Center for Institutional Diversity  
University of Michigan

**Schedule of Events**

**Saturday, February 9, 2008**

8:45 a.m. Breakfast  
 9:45 a.m. **Keynote Address**  
**Dean Frank Wu**

10:10 a.m. Break  
 10:20 a.m. **Panel I:**  
 Ending Affirmative Action: The Current Effects of Proposition 209 in California and the Potential Effects of Proposal 2 on Public University Education in Michigan

12:00 p.m. Lunch  
 1:30 p.m. **Panel II:**  
 Measuring Diversity in Other Ways: Potential Legal Alternatives to Affirmative Action

3:10 p.m. Break  
 3:25 p.m. **Panel III:**  
 Existing and Emerging Efforts to Remedy K-12 Educational Disparities

5:05 p.m. Break  
 5:15 p.m. **Closing Keynote Address**  
**Dean Guy-Uriel Charles**

6:30 p.m. Dinner Banquet (Campus Inn)  
**Summary Address**

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**Symposium Panels**

**Panel I: Ending Affirmative Action: The Current Effects of Proposition 209 in California and the Potential Effects of Proposal 2 on Public University Education in Michigan**

This panel focuses on the likely impact of the passage of Proposal 2 on public university education in Michigan by examining the effect of Proposition 209, the California constitutional amendment similar to Michigan's, on California public universities. Panelists will examine whether Michigan universities will have an equivalent experience to California universities by looking at the similarities and differences between the two states in regards to economics and class, racial and ethnic diversity, and local and statewide politics.

**Panel II: Measuring Diversity in Other Ways: Potential Legal Alternatives to Affirmative Action**

This panel focuses on possible alternatives to using race and gender classifications to achieve classroom diversity. Topics will include whether other quantifiable characteristics can maintain diversity and whether alternative proxies of race and gender would be legal under most federal and state constitutions. Panelists will analyze the effectiveness and legality of the various techniques for obtaining and retaining diversity that have been popularly debated. Panelists will discuss the methods public universities have embraced when faced with restrictions on the use of race or gender classifications

**Panel III: Existing and Emerging Efforts to Remedy K-12 Educational Disparities**

This panel focuses on K-12 public schools. A frequent argument is that affirmative action at the university level is often too late and that the real assistance needs to be made at the K-12 level. This panel will examine several questions including: What duty, if any, do affirmative action supporters have to refocus their efforts on these children after the passage of ballot initiatives like Proposal 2? What disparities should be targeted first? How should they be targeted? Are lawyers in a unique position to address these disparities? Does Proposal 2 limit the techniques that can be used at the K-12 level?

**Speakers**

**Susan Benton**, Partner, Winston & Strawn LLP, Chicago

**Guy-Uriel Charles**, Interim Co-Dean & Russell M. & Elizabeth M. Bennett Professor of Law, University of Minnesota

**Sumi Cho**, Professor of Law, Depaul University College of Law

**Matthew Fletcher**, Assistant Professor of Law & Director of the Indigenous Law & Policy Center, Michigan State University College of Law

**Kim Forde-Mazrui**, Justice Thurgood Marshall Distinguished Professor in Law, University of Virginia School of Law

**Luis Fuentes-Rohwer**, Associate Professor of Law, Indiana University School of Law-Bloomington

**Cheryl Harris**, Professor of Law, University of California at Los Angeles School of Law

**Emily Houh**, Professor of Law, University of Cincinnati College of the Law

**Michael Kaufman**, Professor and Associate Dean for Academic Affairs, Loyola University Chicago School of Law

**Freda Kapor Klein**, Founder and Board Chair, Level Playing Field Institute

**Margaret Montoya**, Professor of Law, University of New Mexico School of Law

**Daria Roithmayr**, Professor of Law, University of Southern California Gould School of Law

**Frank Wu**, Dean and Professor of Law, Wayne State University Law School

**Registration**

Name: \_\_\_\_\_  
 Affiliation: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_  
 Email: \_\_\_\_\_

**Fees**

Admission to the Banquet is not guaranteed unless your registration is received by February 1, 2008.

Please check the appropriate boxes:

General Audience  
 Symposium \$35     Banquet \$40     Both \$75

Non University of Michigan Students  
 Symposium Free     Banquet \$35     Both \$35

University of Michigan Students, Faculty, and Staff  
 Symposium Free     Banquet \$35     Both \$35

Vegetarian Meal at the Banquet     Yes

TOTAL \$ \_\_\_\_\_

Please mail completed form and check payable to:  
*Michigan Journal of Race & Law*  
 by February 1, 2008.

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