



THE CARBON VALLEY HERALD'S ELECTION 2008

Amendment 46: Discrimination and Preferential Treatment by Governments

Voters to make a decision on affirmative action

By Jen Reeder

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Amendment 46 proposes an amendment to the state constitution that would essentially end affirmative action by prohibiting Colorado governments from "discriminating against" or "granting preferential treatment" on the basis of race, sex, color, ethnicity or national origin in public employment, education and contracting.

The ballot question is:

"Shall there be an amendment to the Colorado constitution concerning a prohibition against discrimination by the state, and, in connection therewith, prohibiting the state from discriminating against or granting 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; allowing exceptions to the prohibition when bona fide qualifications based on sex are reasonably necessary or when action is necessary to establish or maintain eligibility for federal funds; preserving the validity of court orders or consent decrees in effect at the time the measure becomes effective; defining 'state' to include the state of Colorado, agencies or departments of the state, public institutions of higher education, political subdivisions, or governmental instrumentalities of or within the state; and making portions of the measure found invalid severable from the remainder of the measure?"

The case for:

"The time has come for

the government to no longer discriminate based on race and gender in public hiring and education," said Jessica Corry, executive director of the Colorado Civil Rights Initiative.

On the subject of gender-based preferential treatment, she said 56 percent of college students in public institutions in Colorado are women.

"So basing public policy by perpetuating discrimination against males in a time when women represent a thriving majority of all college students is just bad public policy," Corry said.

Under Amendment 46, public schools could not fund programs promoting girls in science, but it would not prevent private corporations from funding the programs, she said.

The amendment's applications to race are similar, but there are also some "very different ones," Corry said.

"Race as we know it is a dissolving concept," Corry said. "We've seen a 20-fold increase in the number of interracial marriages in this country since the 1960s, and by 2041, whites will be the minority in this country."

She said at the University of Colorado, where she sits on the Diversity Commission, students from Spain "qualify for racial preference" because they are considered Hispanic, while students from Italy do not.

"People from Iraq are considered white, though I think most people would consider Iraqi refugees to be extremely disadvantaged because of the current international turmoil," Corry said.

Preferential treatment should be given based not on race and gender but on the basis of academic achievement and economic disadvantage, she said, though she acknowledged that Amendment 46 does not call for aid for people with economic disadvantages.

Corry said she might support preferential treatment for race if there was a blood test or another way to confirm a person's race, but it doesn't exist.

Ward Connerly is involved with "our effort," Corry said. Connerly is a prominent African American opponent of affirmative action who founded the American Civil Rights Institute, a national non-profit

organization in opposition to racial and gender preferences. He was also the force behind California's Proposition 209, an amendment to that state's constitution similar to Colorado's Amendment 46.

"Our opponents will make it seem like Ward Connerly flew to Colorado on his Learjet and handed us a pot of money, but for the last 10 years, without Ward Connerly, we've been fighting to have this put on the ballot," she said.

Still, "To us, he's a civil rights hero," Corry said.

Since Proposition 209 passed and was implemented in California in 1996, she said students who would have qualified for affirmative action feel more pride in their accomplishments.

"When they sit down in that classroom, it's no longer presumed that they got there because of their race and gender. They had to meet the same rigorous academic requirements that every other person in the room did," she said. "That's a powerful realization."

She said that minority enrollment has declined in California's state college system since Proposition 209, but that it isn't serious.

"In California, there's a slight under-representation, but it's not this 'sky is falling' reality," she said. "Women and minorities are doing exceptionally well."

For more information, visit www.coloradocri.org.

The case against:

"Coloradans should vote no on Amendment 46 because our state really is at its best when all Coloradans have a chance to achieve their full potential," said Linda Meric, director of 9to5, National Association of Working Women. "Amendment 46 would limit that fair shot for the American Dream for many Coloradans by eliminating equal opportunity for women and girls and people of color in our state."

Meric said Amendment 46 would eliminate initiatives that work to close the pay gap for women, encourage girls to study science and math, provide mentoring for students of color and train people of color for jobs in the health care

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Amendment 50: Limited gaming

By Andrew Gloor
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Written to ease Colorado gaming restrictions, Amendment 50 would allow voters in Central City, Blackhawk and Cripple Creek to decide whether casino hours should be extended, approve additional games such as roulette and craps and increase maximum single bets to \$100. Residents in these communities would have the chance to approve all, some or none of the issues independently of one another.

Seventy-eight percent of the tax revenues, after adjusting distributions to current recipients for growth, would go to community colleges state-wide. The funds would focus on student financial aid and improved classroom instruction. The remaining 22 percent would go toward communities affected by gaming, such as Gilpin and Teller counties and the three towns.

The amendment would also require a statewide vote to raise the gaming tax rate above 20 percent if passed.

The case for:

Proponents of the bill state the estimated \$200 million raised in the first five years of its life would be an excellent boon to the 16 community colleges in the state.

"It allows Colorado to provide new funding for community colleges," said Katy Atkinson, communications director for Coloradans for Community Colleges.

"(The amendment) allows new funding for schools without a tax increase," she said, adding it also empowers the voters in those communities to determine their own fate, instead of a larger legislative body making the choice for them.

According to Atkinson, this measure would not create unlimited gaming, similar to Las Vegas. "Even should this pass, we'll still be at the lowest bet limit," she said, noting that Colorado would be tied for lowest bet limit in the country.

"We're not hoisting it on a community that doesn't want it," Atkinson said. "What we're doing now, if anything, is provide more local control than they've ever had before."

Currently there are 42 casinos in Colorado, but bigger casinos have wanted to come into the state, Atkinson said, and this measure gives them the incentive to do so

without opening the flood gates of unlimited gaming.

Opponents are concerned that increased funding from gaming would supplant current funding and hurt community colleges. Atkinson said specific language in the measure states the revenue would supplement funding, not replace it.

"In some areas there's a chance this may provide more diversity in those communities. If there's an extension of hours and more overnight guests, there might be more economic diversity. It will be positive for the rest of state."

The case against:

Amendment 50 is bad for voters because "it's not the job of Colorado voters to maximize profits of casinos," said Scott Yates, spokesman for the group opposing Amendment 50, Keep Vegas Out.

According to Yates, the gaming industry has been in a slump in 2008, and this amendment is a way to boost casino business. It would signal a gold rush style influx of gaming concerns, especially larger companies that would try to expand their business outside of Gilpin and Teller counties.

In addition, it would degrade the historic nature of the towns that currently allow small stakes gambling. Yates added there would be safety concerns, using the example of a gambler drunkenly careening down the mountain early in the morning. Quality of life would also decrease.

"The history of gambling around the country is that bankruptcies go up, suicides go up and there's no reason to think Colorado would be different," Yates said.

If the three municipalities had the option to vote for increased hours of operation and gaming limits, Yates claims that they would vote to pass them as soon as possible, if only to be competitive with each other.

Appropriations of the money for town projects are also a concern for Yates, as he pointed out past studies have proven money allocated for community improvement went instead to elected officials' personal projects.

"I think it's risky for community colleges to tie their fate to that of casinos," Yates said.

There are no TABOR regulations in the legislation, so if the state legislature decided to remove or reduce current college funding, they could.



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Amendment 46: affirmative action in the crosshairs

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industry, among other things.

"All of those would be eliminated if Amendment 46 were to pass," she said.

Meric said that women earn 79 cents to every dollar earned by men, and even less for women of color. There is also an education gap that students of color face in both K-12 and higher education, she said.

"Amendment 46 would take away some of the tools that Colorado currently has available to close those gaps and achieve equal opportunity," she said.

The wording of Amendment 46 can be "deceptive" and confusing to voters, she said.

"Amendment 46 sounds good but it is very deceptively worded," Meric said. "It's called the civil rights initiative when actually what it would do is roll back civil rights. It says that it would prohibit discrimination and preferential treatment, when what it would do is roll back initiatives that actually provide solutions to end discrimination."

She said there have also been complaints from voters that not only is the language itself deceptive, but that the people asking residents to sign petitions to put it on the ballot were misleading.

"They were claiming it would be good for people of color, that

it would protect programs that it would actually roll back," she said.

Amendment 46 is almost entirely funded by Connerly, a Californian multimillionaire who has tried to place the exact same language, "word for word," on the ballot on more than a dozen states around the country, she said.

"He is a carpetbagger whose only official endorsement came in Michigan from the Klu Klux Klan," Meric said.

By contrast, there are numerous individuals and organizations that oppose Amendment 46, including the Denver Metro Chamber of Commerce, the Colorado Council of Churches, labor unions, colleges and elected officials like Gov. Bill Ritter.

"Frankly, in Colorado we need a diverse, well-educated workforce to be able to compete in the global economy," she said. "And now more than ever that is critical to our state, as one of the states with the highest rate of growth of women-owned businesses. We can't afford Amendment 46."

"The kinds of initiatives that would be eliminated by Amendment 46 have actually provided better jobs, better educations and better lives for millions of Americans," Meric concluded.

For more information, visit www.votenoamendment46.com.