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November 21, 2006

James D. Farrell
Director, Michigan Department of Civil Service
400 S. Pine St.
Lansing, MI 48913

Dear Mr. Farrell:

On November 7th, Michigan's citizens decisively voted to end affirmative action preferences in state hiring, contracting and education. What is critical for us all to acknowledge and act in accordance with is the recognition that the Michigan Civil Rights Initiative did not ban all forms of affirmative action.

The actions of and guidance provided by state and local officials over the next month or two can do a lot to ensure that state and local agencies comply with the new law without unduly restricting forms of affirmative action that are very likely to continue to be permissible.

It is for this reason primarily that I invited you to participate in the Leadership Assembly that Toward A Fair Michigan (TAFM) is convening on December 8th (copy of the invitation is attached). You are in an excellent position to move the conversation statewide in a positive direction – making it clear that it is possible both to advance toward fairness and equity while also remaining inclusive in outreach, and maintaining a diverse state workforce.

Conversations with state, local, and university officials in California reveal that after that state banned racial preferences, there ensued a period of confusion about just what was and was not permissible in the way of outreach in a post-preferences environment. TAFM aims to spearhead an effort to skip over this period of confusion, and to do what we can to make sure that progressive employment practices persist without reliance on illegal preference practices.

I enclose, as but one example of what might be done in this regard, a copy of a PowerPoint slide show from the Office of Civil Rights of the California State Personnel Board, describing "Permissible Affirmative Action" in a post-209 environment (available at http://www.spb.ca.gov/civilrights/ ) .

I hope you will yet decide to join with us on December 8th to pursue similar initiatives for Michigan. Note that Wanda Stokes of the Attorney General's Office will be there.

Sincerely yours,

W. B. Allen
Chairman of the Board

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TOWARD A FAIR MICHIGAN

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