To: Recipient list suppressed:;
From: "William B. Allen" <allenwi@msu.edu>
Subject: To ANCORE Attendees: TAFM to intervene in Suit against Proposal 2

Good Morning! I want you to know that it will be announced today that TAFM has petitioned the U.S. District Court to intervene in the BAMN constitutional challenge to Michigan's Article 1, Section 25, approved by the voters on November 7th as Proposal 2. TAFM shall intervene in opposition to the constitutional challenge, and also in opposition to the request from Michigan's three leading universities to delay implementation of the constitutional provision. We will be represented by the Center for Individual Rights.

You doubtless need no further explanation of the opposition to the constitutional challenge. Regarding the universities' request for a delay in implementation, we express opposition because we are persuaded that the argument for delay is fundamentally in error and unserious. Notice, to begin with, that the Amendment applies not only to admissions, but to employment and contracting. **The universities have requested a delay in implementation in general, based on the calendar of admissions, when the calendars for employment and contracting have no relation to the calendar for admissions**. It would be unwarrantable to in the latter cases to delay the law, even if it were warrantable to do so with respect to admissions. However, in the case of admissions, the matter is not less serious. For the universities seem to be deliberately misleading the public. **The reference to students already admitted designedly obscures the reality that virtually no student has as yet been rejected. The idea of a double standard could only apply if students were "admitted and rejected" on different standards. Since the universities will not seriously move to reject applicants for nearly four months yet, they have more than enough time to assure that everyone is treated in the same manner as the handful of students who have already been admitted.** Moreover, it is unacceptable that the universities should request a delay in implementing the law based on admissions practices that they have not comprehensively identified, including specific identification of those practices that may be in violation of the amendment. **In short, they seek a blank check to discriminate,** even though they have not "confessed" to discriminating previously. This is especially important in the case of Wayne State and Michigan State, since it is highly likely that they can identify few or no practices in undergraduate admissions that are suspect. **Finally, everyone needs to be aware that admissions policies and practices vary with the departments affected, and so also do the schedules.** Undergraduate admissions are subject to one set of criteria and calendars, while graduate and professional schools are subject to another. **The request for delay obscures the fact that the claims made for undergraduate admissions are not wholly applicable for graduate and professional admissions.** Accordingly, this delay should not be granted.

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