

# THE DEFEAT OF PROPOSITION 16 WAS NOT A FLUKE

By Gail Heriot

In view of Prop 16's late summer polling results, it wasn't surprising that Prop 16's leadership would argue that voters were confused. What's surprising is that some in the media accepted this story so readily. Now that Prop 16 has been rejected, it's important to show why the narrative that "the voters were confused" is incorrect.

**WHAT POLLS SHOW:** The polls have been consistent for decades. Whenever the issue is stated fairly and clearly, opposition to race and sex preferences is overwhelming. For example, in 2003, 2006, 2013, and 2016, the Gallup has asked the [following question](#) of poll respondents:

***"Which comes closer to your view about evaluating students for admission into college or university—applicants should be admitted solely on the basis of merit, even if that results in few minority students being admitted (or) an applicant's racial or ethnic background should be considered to help promote diversity on college campuses, even if that means admitting some minority students who otherwise would not be admitted."***

The responses were consistent: The number of respondents choosing "solely on merit" is always at least **twice** as great as the number choosing "help promote diversity." In 2016, it was 70% for "solely on merit" vs. 26% for considering racial or ethnic background.

Note that the question was posed so as to take account of the arguments on both sides. Respondents were alerted to the possibility that without considering race or ethnic background "few minority students" may be admitted. Note also that, if anything, the question is unfair to the "NO on 16" campaign, since most "NO" voters are willing to take into consideration things other than academic achievement (such as low income); they simply oppose using race or ethnicity as the measure of disadvantage.

In 2019, Pew Research conducted [a similar poll](#) that focused on employment instead of college admissions. Like the Gallup poll, the Pew poll gave respondents two choices:

***"When it comes to decisions about hiring and promotions, companies and organizations should—***

***... Only take qualifications into account, even if it results in less diversity.***

***Or ...***

***... Also take race and ethnicity into account in order to increase diversity."***

The results were consistent with the Gallup poll: 74% chose "only take qualifications into account," while 24% chose "also take race and ethnicity into account."

This was not because respondents didn't see any value in racial and ethnic diversity in the workplace. When asked how important it is "for companies and organizations to promote racial and ethnic diversity in their workplace," 75% said it is either "very important" or "somewhat important." Only 24% said it was "not too important" or "not at all important." They did not, however, believe race or ethnicity should be taken into consideration in hiring or promotions.

Pew Research also undertook [a poll on the consideration of race and ethnicity in college admissions](#) in 2019. The results were similar to those in the Gallup poll, except they were a little **more critical** of considering race or ethnicity than the Gallup respondents. Among adults, 73% said race and ethnicity should not be a factor. Majorities of all races and ethnicities agreed. Only 26% of adults said they should be either a major (7%) or a minor (19%) factor.

Among Republicans/Leans Republican, 85% opposed considering race or ethnicity as a factor. Among Democrats/Leans Democratic, the figure was 63%.

I can personally attest to the fact that many left-of-center Californians opposed Prop 16. Some helped out the campaign in large or small ways. I suspect that anyone who goes through our list of donors will find quite a few registered Democrats among them. They weren't confused about Prop 16. They understood it all too well.

The bottom line is that public opinion on this issue hasn't changed much over time. In 1993, public opinion experts Drs. Paul Sniderman and Thomas Piazza, co-authors of *The Scar of Race*, wrote that the racial preference agenda is controversial precisely because the support for it among Americans is so weak. That support tends to come from so-called elites, who are surprised when they learn that their position is unpopular among Americans more generally. The rejection of Prop 16 is yet another reminder that preferential treatment based on race or sex is unpopular.

The YES on 16 campaign is also seeking to blame 16's loss on the ballot language produced by Attorney General Xavier Becerra (a Democrat). The YES campaign says that language was unfair. But there was not a hint of any dissatisfaction with that language until it became clear that Proposition 16 was destined to lose. In July, it was the NO on 16 campaign that objected to the ballot language. While the NO side brought a lawsuit to correct what it viewed as misleading ballot language, as far as anyone could tell the YES side was happy with the language. Instead, YES side brought a lawsuit against the NO side, arguing that its ballot pamphlet *argument* was misleading. Both lawsuits were unsuccessful.