

Commentary

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An Attempt at an End Run on Prop. 209

■ **LAPD:** The City Council is rushing to pass a consent decree that would lock in minority hiring preferences for 20 years.

By SHAWN STEEL
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Election Day is next Tuesday. No one gets to cast their vote until then. Right?

Think again.

The Los Angeles City Council is rushing to place a pre-election straitjacket on Proposition 209 even if it wins at the ballot box.

Proposition 209 would ban racial preferences in hiring and contracting by all governmental and public agencies. The initiative is supported by 54% of likely voters, according to the most recent Los Angeles Times Poll. And that has the quota crowd ready to man the barricades.

The council's weapon is a consent decree resolving a class action discrimination case against the Los Angeles Police Department, Tipton-Wittingham vs. City of Los Angeles, that would force the department to adopt rigid hiring goals for women, Asians, Latinos and African Americans. Proposition 209, by its own terms, would not apply to court orders or federal consent decrees entered into before the initiative's passage. A decree imposing racial goals on the LAPD would therefore remain enforceable despite the obvious will of the voters.

Even discounting its impact on 209, the consent decree is dubious. Incredibly, it would be binding for nearly 20 years, even though the lawsuit's allegations have yet to be thoroughly investigated. It would not completely settle the Tipton lawsuits; City Hall could still be sued for millions of dollars now and in future litigation. Officials estimate that the city would immediately have to pay \$1.6 million in fees for the plaintiffs' lawyers, including the ACLU and the NAACP, in addition to ongoing attorneys fees and stipends for consultants called for by the decree.

The decree is hopelessly complicated and bureaucratic, establishing a new commission at taxpayer expense to handle bias complaints, notwithstanding the fact that an independent police commission already exists. The LAPD has moved in good faith to implement the Christopher Commission recommendations. In 1995, the department received only 170 complaints of excessive force—many found to be without merit—out of approximately 150,000 arrests.

At one time in the not-too-distant past, the LAPD had a reputation as one of the most effective and incorruptible public agencies in the world. The proposed consent decree would be little more than an oppressive, 20-year constraint, threatening to further undermine morale and confidence among rank-and-file officers.

So why rush this ineffective and expensive consent decree through now? Mayor Richard Riordan, who has publicly opposed Proposition 209, nevertheless opposes this consent decree. On the City Council, Laura Chick and Mike Feuer also are urging a wait-and-see position. There is no good reason to approve it now—except to attempt an end run around Proposition 209's prohibition on preferences and quotas.

This is not the first time the City Council has sought to back-door the voters of California. On Nov. 9, 1994—one day after Proposition 187 was approved by 59% to 41% statewide and by 51% of Los Angeles voters—the council joined a federal lawsuit seeking to toss it out. With eight lawsuits already filed in federal and state courts against 187, including one by the ACLU, the council's move was unnecessary. "What the voters are angry about is their elected officials taking their money to take an activist position to overturn what they did when they approved Proposition 187," Councilman Joel Wachs said at the time. "That is what they see as the arrogance of elected officials."

The council's maneuverings on 187 and the proposed consent decree suggest that the Riordan-backed reforms of the City Charter should be given serious consideration. The mayor's proposal would create a 15-member commission to rewrite Los Angeles's 71-year-old charter and would give citizens more power to decide local issues. For, whatever the City Council's agenda—from opposing popular ballot initiatives to attempting to handcuff the LAPD—members should not hold the voters hostage to their whims. Even those who oppose Proposition 209 should be disturbed and frightened by this arrogant move to defeat in the back rooms what could not be defeated at the polls.

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