

Nos. 11-15100, 11-15241

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**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

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COALITION TO DEFEND AFFIRMATIVE ACTION, INTEGRATION  
AND IMMIGRANT RIGHTS AND FIGHT FOR EQUALITY  
BY ANY MEANS NECESSARY (BAMN), et al.,  
*Plaintiffs-Appellants,*

v.

EDMUND G. BROWN, JR, in his official capacity as Governor of the State of  
California, and MARK YUDOF, in his official capacity as President of the  
University of California,  
*Defendants-Appellees,*

and

WARD CONNERLY and AMERICAN CIVIL RIGHTS FOUNDATION,  
*Defendants-Intervenors-Appellees.*

On Appeal from the United States District Court  
for the Northern District of California, Case No. 3:10-cv-00641-SC

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**MOTION OF CALIFORNIA SOCIAL SCIENCE RESEARCHERS  
AND ADMISSIONS EXPERTS FOR LEAVE TO LATE FILE  
*AMICI CURIAE* BRIEF IN SUPPORT OF  
PLAINTIFFS-APPELLANTS**

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Pursuant to Federal Rules of Appellate Procedure Rule 29(b), the California Social Science Researchers and Admissions Experts named below move for leave to file the accompanying brief as *amici curiae* in support of plaintiffs-appellants for the following reasons:

1. The accompanying brief was originally submitted to the United States Court of Appeal for the Sixth Circuit for its upcoming *en banc* review in *Coalition to Defend Affirmative Action, et al. v. Regents of the University of Michigan, et al.*, Case 08-1387, a case which examines the same core issues as the instant appeal. This Court should have available to it the same information as is available to the Sixth Circuit.

2. *Amici* are social scientists and scholars who have extensively studied issues related to access, diversity and race relations in K-12 and postsecondary institutions. Several *amici*, including Tyrone Howard, Darnell Hunt, Sylvia Hurtado, Bob Laird, Claudia Mitchell-Kernan, and Abel Valenzuela, have served on, or are currently serving on, undergraduate and graduate admissions committees, particularly at UCLA and UC Berkeley. Many *amici* have also worked on research and policy directly related to the topics addressed in the accompanying brief.

3. California's Proposition 209 amended the state constitution to ban the use of race-conscious admissions at state universities. *Amici* have an interest in

presenting to the Court the 14 years of empirical data that documents the detrimental effects California Proposition 209 has had on underrepresented minorities in the state who seek access to the University of California. Although Proposition 209 also has constrained the access of underrepresented minorities to the University of California's transfer student, graduate student, and faculty ranks, the accompanying brief focuses primarily on the negative effect on freshman admissions. It pays particular attention to the case of African American students in California, since blacks have experienced the most deleterious effects.

4. The empirical evidence presented in the accompanying brief is relevant to the Court's determination of whether Proposition 209 violates the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution.

5. Fourteen years of empirical evidence concerning minority access to the University of California documents the substantial burden that the ban on race-conscious admissions has placed on racial minorities. There has been a significant drop in the admission of qualified African American, Latino and Native American students, particularly at the top University of California campuses, and the ban has removed any recourse they had for directly remedying the situation. *Amici* members are well-positioned, by virtue of their interest and previous study to inform the Court about these effects. The following are the *amici* biographies:

- a. **Charles Alexander** is Director of the Academic Advancement Program (AAP) at University of California, Los Angeles (UCLA).

AAP supports students from educationally disadvantaged backgrounds, including first-generation college students and students from low-income families and underrepresented populations. At UCLA, Alexander is also Associate Vice Provost for Student Diversity in the Division of Undergraduate Education, and Associate Adjunct Professor in the Division of Public Health, School of Dentistry. Dr. Alexander oversees AAP programs, including academic advising, peer learning, mentoring, research opportunities and scholarships. Previously, Alexander was the associate dean for student affairs in the School of Dentistry at University of California, San Francisco (UCSF). He founded UCSF's Dental Careers Program, which offered the nation's first dental post-baccalaureate program. Prior to that, Alexander created and ran student diversity programs at Marquette University and Brandeis University. A past president of the National Association of Medical Minority Educators, Dr. Alexander received UCSF's Martin Luther King, Jr. Award for leadership and inspiration in advancing social and economic justice goals. He has also served as chair of the Robert Wood Johnson Foundation's Dental Pipeline Project II Advisory Committee. He is a member of many organizations, including the American Association of Blacks in Higher Education and the National Association of Diversity Officers in Higher Education.

- b. **Walter R. Allen** is Professor of Education and the holder of the Allan Murray Cartter Chair in Higher Education at the Graduate School of Education and Information Studies in the University of California, Los Angeles. He is also Professor of Sociology at UCLA and Co-Director of CHOICES, a longitudinal study of college attendance among African Americans and Latinos in California. Dr. Allen has held teaching appointments at the University of California, Los Angeles (1989-present), the University of Michigan, University of North Carolina, Chapel Hill, Howard University, Duke University, University of Zimbabwe, and Wayne State University. Dr. Allen's research and teaching focus on family patterns, socialization and personality development, race and ethnic relations, African American males, health inequality and higher education. He has also worked as a consultant to courts, communities, foundations, business and government. Dr. Allen's research has been the subject of media coverage in print (*Le Nouvel Observateur-Paris*, *Wall Street Journal*, *New York Times*, *Jet Magazine*, *USA Today*), on radio (National Black

Network News, WABC-NYC, WBZ-Boston) and on television (ITN-London, CBS News/Rather, CBS Sixty Minutes, NBC Evening News/Brokaw, MacNeil-Lehrer, GLOBO-Brazil, and BET/Black Entertainment Television). His more than eighty publications appear in numerous prestigious journals. He has co-authored (with R. Farley) *The Color Line and the Quality of Life in America*; co-edited two books, *Beginnings: The Social and Affective Development of Black Children* (with G. Brookins and M. Spencer) and *Black American Families, 1965-84* (with R. English and J. Hall); and co-authored (with E. Epps and N. Haniff) a third book, *College in Black and White: African American Students in Predominantly White and Historically Black Public Universities*. He is also guest co-editor (with A. James) of “Comparative Perspectives on Black Family Life,” *Journal of Comparative Family Studies* and guest co-editor (with G. Carroll) of “Affirmative Action in Higher Education,” *Journal of Negro Education*.

- c. **Patricia Gándara** is Professor of Education in the Graduate School of Education and Information Sciences at UCLA. She is currently co-director of the Civil Rights Project/Proyecto Derechos Civiles at UCLA. She has been a bilingual school psychologist, a social scientist with the RAND Corporation, and a director of education research in the California State Legislature. Since 1990, she has been a professor of education in the University of California system. She also served as commissioner for postsecondary education for the State of California, associate director of the Linguistic Minority Research Institute, and the co-director of PACE (Policy Analysis for California Education). Professor Gándara was recently named to President Obama's Advisory Commission on Educational Excellence for Hispanics and is a fellow of the American Educational Research Association and recipient of its Presidential Citation at the 2011 AERA annual conference. Patricia is a past fellow at the Rockefeller Foundation Bellagio Center in Bellagio, Italy, and the Educational Testing Service in Princeton. She was a French-American Foundation/Sciences Po visiting scholar at Sciences Po in Paris. In 2005, she was awarded the Distinguished Public Service Award from UC Davis and the Outstanding Researcher in Higher Education Award from the American Association of Hispanics in Higher Education. She has written or edited six books and more than 100 articles and reports on educational equity for racial and linguistic

minority students, school reform, access to higher education, the education of Latino students, and language policy. Her two most recent books are *The Latino Education Crisis: The Consequences of Failed Social Policies* (Harvard University Press, 2009) and *Forbidden Language: English Learners and Restrictive Language Policies* (Teachers College Press, 2010).

- d. **Charles P. Henry** is Professor and the H. Michael and Jeanne Williams Chair of African American Studies at the University of California, Berkeley. In 1994, President Clinton appointed him to the National Council on the Humanities for a six-year term. Former president of the National Council for Black Studies, Henry is the author/editor of seven books and more than 80 articles and reviews on Black politics, public policy, and human rights. Most recent publications include: *Ralph Bunche: Model Negro or American Other* (New York: New York University Press, 1998); *Foreign Policy and the Black (Inter)national Interest*, edited by, Charles P. Henry, (Albany: State University of New York Press, 2000); and *Long Overdue: The Politics of Racial Reparations*, New York University Press, Nov. 2007. Before joining the University of California at Berkeley in 1981, Henry taught at Denison University and Howard University. Henry was chair of the board of directors of Amnesty International U.S.A. from 1986 to 1988 and is a former NEH Post-doctoral Fellow and American Political Science Association Congressional Fellow. Professor Henry was Distinguished Fulbright Chair in American History and Politics at the University of Bologna, Italy for the Spring semester of 2003. In the fall of 2006, Henry was one of the first two Fulbright-Tocqueville Distinguished Chairs in France teaching at the University of Tours. UC Berkeley Chancellor Birgeneau presented Henry with the Chancellor's Award for Advancing Institutional Excellence in April 2008.
- e. **Tyrone Howard** is Professor of Urban Schooling in the Graduate School of Education & Information Studies at UCLA. Professor Howard is currently the Chair of the UCLA Committee on Undergraduate Admissions and Relations with Schools (CUARS). He also is the Faculty Director of Center X, the Founder and Director of the Black Male Institute, and an Associate faculty member in the Bunche Center for African American studies at UCLA. Dr. Howard is also the Faculty Associate Director for the Academic Advancement

Program at UCLA, which is the nation's premier student retention program for underrepresented students. Formerly, Professor Howard was an Assistant Professor in the College of Education at The Ohio State University. Dr. Howard is the author of the 2010 book, *Why Race and Culture Matters in Schools: Closing the Achievement Gap in America's Classrooms* published by Teachers College Press. He has authored more than 50 peer-reviewed journal articles, book chapters, and other academic publications and reports. He has published his research in *The Journal of Higher Education*, *Teachers College Record*, *Theory & Research in Social Education*, *The Journal of Negro Education*, *Urban Education*, and several other well-regarded academic journals. Additionally, Professor Howard has delivered over 75 keynote addresses and presented more than 150 research papers, workshops, and symposia at national higher education, education research, teacher education, and social studies conferences. Best known for his scholarship on race, culture, and education, Dr. Howard is one of the most renowned scholars on educational equity, the African American educational experience, Black males, and urban schools. In 2007, Professor Howard received an Early Career Scholar award from the American Education Research Association, the nation's premier educational research association. He has received more than \$5 million in research grants from the National Board for Professional Teaching Standards, the Department of Education, and other sources to fund his research. In 2007, Professor Howard received the UCLA GSE&IS Distinguished Teaching Award. Dr. Howard has been a guest on National Public Radio, has been featured in *Diverse Issues in Higher Education*, has been recognized in *Who's Who in Black Los Angeles*, and is a regular urban education contributor to the *New York Times*.

- f. **Darnell Hunt** is Director of the Ralph J. Bunche Center for African American Studies and Professor of Sociology at UCLA. Dr. Hunt has written extensively on race, media, and access to higher education, including numerous scholarly journal articles, research reports, and popular magazine articles. He also has published four books related to these issues: *Screening the Los Angeles "Riots": Race, Seeing, and Resistance* (Cambridge University Press, 1997), *O.J. Simpson Facts and Fictions: News Rituals in the Construction of Reality* (Cambridge University Press, 1999), *Channeling Blackness: Studies on Television and Race in America* (Oxford University Press, 2005),

and (with Ana-Christina Ramon) *Black Los Angeles: American Dreams and Racial Realities* (NYU Press, 2010). He was principal investigator on a major Bunche Center study funded by the Ford Foundation (2002-2008) that analyzed African American access to the University of California in the aftermath of California Proposition 209. Professor Hunt stepped down this year as chair of UCLA's Committee on Undergraduate Admissions and Relations with Schools, the Academic Senate committee that sets admissions policy at UCLA. He also served recently as UCLA's representative to the Board on Admissions and Relations with Schools, the University of California faculty body to whom the UC Regents have delegated authority to establish systemwide admissions policy. Prior to his positions at UCLA, Professor Hunt chaired the Department of Sociology at the University of Southern California. Over the past two decades, he also has worked on several projects exploring the issues of access and diversity in the Hollywood industry. He authored the last three installments of the *Hollywood Writers Report*, released by the Writers Guild of American (WGA) in 2005, 2007 and 2009. He was principal investigator of *The African American Television Report*, released by the Screen Actors Guild (SAG) in June of 2000. He also worked as a media researcher for the U.S. Commission on Civil Rights' 1993 hearings on diversity in Hollywood.

- g. **Sylvia Hurtado** is Professor of Higher Education and Organizational Change in Graduate School of Education & Information Studies at UCLA and Director of the Higher Education Research Institute at UCLA. Professor Hurtado also is the former Chair of the University of California Board of Admissions & Relations with Schools (BOARS) and a former member of the UCLA Committee on Undergraduate Admissions and Relations with Schools (CUARS). Just prior to coming to UCLA, she served as Director of the Center for the Study of Higher and Postsecondary Education at the University of Michigan. Professor Hurtado has published numerous articles and books related to her primary interest in student educational outcomes, campus climates, college impact on student development, and diversity in higher education. She has served on numerous editorial boards for journals in education and served on the boards for the American Association of Higher Education (AAHE), the Higher Learning Commission, and is past-President of the Association for the Study of Higher Education (ASHE). *Black Issues In Higher*



*Education* named her among the top 15 influential faculty whose work has had an impact on the academy. Professor Hurtado has coordinated several national research projects, including a U.S. Department of Education-sponsored project on how colleges are preparing students to achieve the cognitive, social, and democratic skills to participate in a diverse democracy. She is launching a National Institutes of Health project on the preparation of underrepresented students for biomedical and behavioral science research careers. She has also studied assessment, reform, and innovation in undergraduate education on a project through the National Center for Postsecondary Improvement.

- h. **Bob Laird** is the former director of undergraduate admission at UC Berkeley. After spending 22 years in admissions and outreach, he retired in 1999. During his retirement ceremony, the University awarded him the Berkeley Citation, its highest honor for staff. While at UC Berkeley, he was a frequent presenter at national admissions conferences and he served on the Guidance and Admission Assembly Council of the College Board from 1997-2000 and on the College Board's Overseas Schools Project Advisory Committee (East Asia) in 2000-01. Since his retirement from Berkeley, Laird has been an independent consultant on higher education admissions policy and has written extensively on admissions and equity issues, including *The Case for Affirmative Action in University Admissions*, published in 2005 by Bay Tree Publishing. As a consultant, his clients have included the University of Florida, West Virginia University, Herricks Unified Free School District (New Hyde Park, New York), John Cabot University in Rome, and Standards for Success (a joint project of The Pew Charitable Trusts and the American Association of Universities). His most recent articles are "Regents, president betray students," which appeared in the *San Francisco Chronicle* (December 20, 2009) and "The Trouble with Transferring: It Shouldn't be So Difficult," which appeared in the March 27, 2009, issue of *The Chronicle of Higher Education*. His work has also appeared in the *Sacramento Bee* and *National CrossTalk*, among other places.
- i. **Claudia Mitchell-Kernan** is a Professor in the Departments of Anthropology and Psychiatry and Bio-Behavioral Sciences and Dean of the Graduate Division and Vice Chancellor of Graduate Studies Emeritus at UCLA. For 22 years, Professor Mitchell-Kernan was

responsible for graduate admissions, student academic affairs, student support, and diversity at UCLA. She also served as Acting Vice Chancellor for Student Affairs for a period of 18 months, an assignment that included oversight of undergraduate admissions as well. Before coming to UCLA in 1973, she was a member of the faculty at Harvard University. Professor Mitchell-Kernan is widely known for her early work in linguistic anthropology, and her classic sociolinguistic studies of African Americans continue to be widely cited. Her most recent book, *The Decline in Marriage Among African Americans*, co-edited with M. Belinda Tucker, was published in 1995 by Russell Sage Foundation. Throughout her career, Professor Mitchell-Kernan has maintained an active record of service nationally to federal agencies that sponsor research. President Clinton appointed her to a six-year term on the National Science Board (1994-2000), which provides advice to the President and Congress on issues affecting science and technology and governs the National Science Foundation. At the national level, she has served on the Board of Directors of the Consortium of Social Science Associations, and the Government Relations Advisory Committee of the Council of Graduate Schools. Other recent service includes: the Board of Directors of the Council of Graduate Schools; Chair of the CGS Advisory Committee on Minorities in Graduate Education; Chair of the Board of Directors of the Graduate Record Examination; Board of Higher Education and Workforce of the National Research Council; and the Advisory Board of the National Security Education Program.

- j. **Chon Noriega** is Professor in the Department of Film, Television, and Digital Media, and Director of the Chicano Studies Research Center (CSRC) at UCLA. As Director of the CSRC, Professor Noriega has hosted each year since 2006 an Education Summit that brings together scholars, educators, community representatives, policy makers, and students to discuss the critical issues that Latina/o students face at each segment of the education pipeline. Recent Summits have focused on research related to Chicano/Latino access to the University of California in the aftermath of Proposition 209. Professor Noriega is author of *Shot in America: Television, the State, and the Rise of Chicano Cinema* (Minnesota, 2000) and editor of nine books dealing with Latino media, performance and visual art. He has produced two documentaries, most recently “Casa Libre/Freedom House” (2008), about a homeless shelter for undocumented, unaccompanied minors.

For the past decade, Noriega has been active in media policy and professional development, for which Hispanic Business named him as one of the Top 100 Most Influential Hispanics. He is co-founder of the 400-member National Association of Latino Independent Producers (NALIP, established in 1999) and served two terms on the Board of Directors of the Independent Television Service (ITVS), the largest source of independent project funding within public television. In addition to his work in media, Noriega has curated numerous arts projects, including the current traveling exhibition *Phantom Sightings: Art After the Chicano Movement*. Professor Noriega's awards include the Getty Postdoctoral Fellowship in the History of Art (for art history) and the Rockefeller Foundation Film/Video/Multimedia Fellowship (for documentary production).

- k. **Gary Orfield** is Professor of Education, Law, Political Science and Urban Planning at UCLA. He was the co-founder and Director of The Civil Rights Project, the nation's leading research center on issues of civil rights and racial inequality, which moved from Harvard University to UCLA in 2007. It was renamed the Civil Rights Project/Proyecto Derechos Civiles at UCLA with Professor Orfield as the co-Director. Professor Orfield's principal interest is in the development and implementation of social policy, with a focus on the impact of policy on equal opportunity for success in American society. School desegregation and the implementation of civil rights laws have been central issues throughout his career. Recent works include six co-edited books since 2004 and numerous articles and reports. A recent piece, "A Life in Civil Rights," appears in the October 2010 issue of *PS: Political Science & Politics*. Recent books include, *Dropouts in America: Confronting the Graduation Rate Crisis* (2004), *School Resegregation: Must the South Turn Back?* (with John Boger) (2005), and *Higher Education and the Color Line: College Access, Racial Equity and Social Change* (with Patricia Marin and Catherine Horn) (2005). In addition to his extensive scholarly work, Professor Orfield has been involved in the development of governmental policy and has served as an expert witness in several dozen court cases related to his research, including the University of Michigan Supreme Court case which upheld the policy of affirmative action in 2003 and has been called to give testimony in civil rights suits by the United States Department of Justice and many civil rights, legal services, and educational organizations. In 1997, Professor

Orfield was awarded the American Political Science Association's Charles Merriam Award for his "contribution to the art of government through the application of social science research." He was also awarded the 2007 Social Justice in Education Award by the American Educational Research Association for "work which has had a profound impact on demonstrating the critical role of education research in supporting social justice." He is a member of the National Academy of Education.

- l. **Jody Priselac** is Adjunct Professor in the Graduate School of Education and Information Studies and Executive Director of Center X at UCLA. In her role as the head of Center X, she coordinates work to transform public schooling in order to create a more just and equitable society. The Center's day-to-day work focuses on aiding with teacher and administrator professional development in urban schools. Professor Priselac's current research focuses on understanding how to bring about change in teacher practice in teaching mathematics in urban schools. She is specifically interested in examining what facilitates change; how change occurs, and the role of professional development in change. Select writings include: J. Priselac (2003), "Providing High Quality Professional Development," Presentation at the Council of Chief State School Officers, The No Child Left Behind Act Teacher Quality Braintrust Meeting, Washington, D.C.; Priselac, J., Powell, Peitzman, Montagna (April 2003), "Making Connections: Antiracist Pedagogy and Social Justice Teacher Education," Paper presented at the annual meeting of the American Education Research Association, Chicago, Illinois; Priselac, J. (2003), "Take the Challenge: Teach Mathematics Differently," Invited Keynote Address at the annual conference of the Los Angeles City Teachers of Mathematics Association. Los Angeles, California; Priselac, J., Kriegler, S. (April 2002).
  
- m. **Daniel Solorzano** is a Professor of Social Science and Comparative Education in the Graduate School of Education and Information Studies at the University of California, Los Angeles (UCLA). He also has a joint appointment as Professor in the Chicana and Chicano Studies Department and is an affiliated Professor in the Women's Studies Department. He is the Director of the University of California All Campus Consortium on Research for Diversity (UC/ACCORD), an interdisciplinary, multi-campus research center devoted to a more

equitable distribution of educational resources and opportunities in California's public schools and universities. His teaching and research interests include critical race and gender studies on the educational access, persistence, and graduation of underrepresented undergraduate and graduate Students of Color in the United States. Dr. Solorzano has authored around sixty research articles and book chapters on issues of educational access and equity for underrepresented minority populations in the United States. Over his 38-year career in higher education Solorzano has taught in the California Community College (East Los Angeles College; Santa Monica College), California State University (California State University Northridge; California State University Bakersfield), and University of California (UCLA) Systems. In 2006, Professor Solorzano received the UCLA Education Department Distinguished Teacher Award and in 2007 he was awarded the UCLA-wide Distinguished Teacher Award. In 2010, Solorzano also received the UCLA Ronald McNair Scholars Program Mentor of the Year Award. In 2011, Solorzano was given the American Education Research Association (AERA) Multicultural/Multiethnic Education Special Interest Group's Carlos J. Vallejo Memorial Award for Lifetime Scholarship.

- n. **Chris Tilly** is Director of UCLA's Institute for Research on Labor and Employment and Professor in the Urban Planning Department. Professor Tilly studies labor markets, inequality, urban development, and public policies directed toward better jobs. He is particularly interested in understanding how combinations of institutions and markets generate unequal labor outcomes, and in how public policy and collective action can successfully be directed toward improving and equalizing such outcomes. Within this framework, Professor Tilly has examined part-time and contingent work, gender and racial disparities, job mobility, and other issues. Although most of his research has been focused on the United States, he has traveled frequently to Latin America and the Caribbean over the past 30 years, and has written about development issues and social movements in Argentina, Brazil, Cuba, Haiti, Mexico, and Central America. He has recently broadened his research agenda to include a new emphasis on jobs in Mexico, as well as undertaking comparative analyses with European colleagues. In addition to conducting scholarly research, he served for 20 years (1986-2006) as editor of *Dollars and Sense*, a

popular economics magazine, and frequently conducts research for advocacy groups, community organizations, and labor unions. He served on the Program Committee and later the Board of Directors of Grassroots International from 1991-2003, ending that time as the Chair of the Board. Before becoming an academic, he spent eight years doing community and labor organizing.

- o. **M. Belinda Tucker** is a social psychologist and Professor of Psychiatry and Biobehavioral Sciences at UCLA, a former Associate Dean in the Graduate Division, and currently the Vice Provost of the Institute for American Cultures at UCLA. Professor Tucker is also a Faculty Associate of the Bunche Center for African American Studies, for which she served as Interim Director from 1989-1991. For 25 years, Professor Tucker has examined the nature of close, personal relationships in a sociocultural context, using a variety of research methods. She has conducted a number of major studies, including a survey and re-interview of more than 3,400 residents in 21 cities across the U.S. She has studied inter-ethnic relations, the transition to adulthood among urban black youth from distinct cultural groupings, social adaptation of developmentally delayed adults over the life-course, and the impact of incarceration on family members and close ties. For the last five years, Tucker directed the National Institute of Mental Health-funded Family Research Consortium IV, a national collaborative network and training program for scholars interested in family mental health. The Department of Psychiatry and Biobehavioral Sciences has honored Professor Tucker with its Outstanding Research Mentor Award in 1998 and the Outstanding Graduate Teaching Award in 2004.
  
- p. **Abel Valenzuela** is Professor of the Department of Urban Planning and the César E. Chávez Department for Chicana/o Studies. Professor Valenzuela is currently the Vice Chair of the UCLA Committee on Undergraduate Admissions and Relations with Schools (CUARS) and currently the UCLA representative to the University of California Board of Admissions & Relations with Schools (BOARS). His research is primarily concerned with the issues faced by minorities and immigrants in the U.S. His work focuses on three key interrelated areas: 1) immigration and labor markets, 2) poverty and inequality, and 3) immigrant settlement patterns. His work combines ethnographic, in-depth interviews, participant observation, and

quantitative methods to document and explain the processes that govern the incorporation of immigrants to the U.S. Professor Valenzuela is currently working on further publishing articles and completing a manuscript on day labor in a national context. His groundbreaking work on day labor continues to drive his primary research agenda. In addition, Professor Valenzuela is undertaking research on non-union supermarket janitors (subcontractors), immigrant-serving community based organizations, and the organizing campaigns of security guards and car wash attendants. At UCLA, Professor Valenzuela Directs the Center for the Study of Urban Poverty, teaches courses on labor and employment, immigration and U.S. society, urban poverty and public policy, and planning issues in minority communities. He is also the Chair of the University of California Committee on Latino Research.

- q. **Howard Winant** is Professor of Sociology at the University of California, Santa Barbara, where he is also affiliated with the Black Studies and Chicana/o Studies departments. He is the Founder and Director of the University of California Center for New Racial Studies, a MultiCampus Research Program that operates on all ten UC campuses (<http://www.uccnrs.ucsb.edu>). Professor Winant's research and writing focuses on racial theory and social theory, and the comparative historical sociology, political sociology, and cultural sociology of race, both in the US and globally. Professor Winant is most well known for developing the theory of racial formation along with Michael Omi. He is the author of *The New Politics of Race: Globalism, Difference, Justice* (UMinnPress, 2004); *The World Is a Ghetto: Race and Democracy Since World War II* (Basic, 2001), *Racial Conditions: Politics, Theory, Comparisons* (UMinnPress, 1994); *Racial Formation in the United States: From the 1960s to the 1990s* (co-authored with Michael Omi - Routledge, 1986 and 1994); and *Stalemate: Political Economic Origins of Supply-Side Policy* (Praeger, 1988).
- r. **David K. Yoo** is Professor of Asian American Studies and Director of the Asian American Studies Center at UCLA. A historian of the United States, Dr. Yoo is author of *Growing Up Nisei* (2000) in which he examines issues of race, generation, and culture among Japanese Americans in California in the early decades of the twentieth century. Recently released is his book from Stanford University Press entitled

*Contentious Spirits* (2010) that focuses on the role of religion in Korean American history, 1903-1945. In addition, Professor Yoo has co-edited and co-authored three books dealing with Asian American religions, including the influential anthology, *New Spiritual Homes* (1999). His numerous journal articles and book chapters have appeared in venues like the *American Quarterly* and *Amerasia Journal*. Prior to his arrival at UCLA, he taught at Claremont McKenna College and the Claremont Colleges, where he served as chair of the Department of History and the Intercollegiate Department of Asian American Studies. Professor Yoo has been a Senior Fulbright Scholar (Korea) and a recipient of fellowships from the Rockefeller Foundation, the John Randolph Haynes and Dora Haynes Foundation, UCLA Institute of American Cultures, and the Huntington Library. He has collaborated on various research projects funded by the Pew Charitable Trusts, the Social Science Research Council, and the Lilly Endowment. Professor Yoo has served on many professional and community-based boards, including election to the council of the American Historical Association, Pacific Coast Branch, and chair of the managing board of the Asian Pacific American Religions Research Initiative. In the realm of public history, Professor Yoo has been a consultant to local museums and historical societies and guided students in conducting oral history interviews.

6. Pursuant to Circuit Rule 29-3, counsel for *Amici* has sought consent from the parties in this case for the late filing of the attached brief. Plaintiffs-Appellants have indicated their consent to the filing. Defendants-Intervenors-Appellees Ward Connerly and the American Civil Rights Foundation have indicated their opposition. Counsel for *Amici* did not receive a response from Defendants-Appellees Edmund G. Brown, Jr. and Mark Yudof, prior to this filing.



7. Appellees are not prejudiced by this late filing. Oral argument in this case will not be heard until February 13, 2012. There is thus time for Appellees to file a response to this proposed brief should they seek to do so.

8. The attached brief complies with the length requirements of Rule 29(d) of the Federal Rules of Appellate Procedure because it is less than half the length of the appellants' principal brief. It also complies with the formatting requirements set forth in Rule 32 of the Federal Rules of Appellate Procedure.

WHEREFORE, the named California Social Science Researchers and Admissions Experts request leave to file the accompanying *Amici Curiae* Brief in Support of Plaintiff-Appellants

Respectfully submitted,

Dated: January 6, 2012

s/ Winifred V. Kao  
WINIFRED V. KAO  
Counsel for *Amici*