

No. 06A678

IN THE SUPREME COURT OF THE UNITED STATES

COALITION TO DEFEND AFFIRMATIVE ACTION, INTEGRATION AND
IMMIGRANT RIGHTS AND TO FIGHT FOR EQUALITY BY ANY MEANS
NECESSARY, *et al.*,

Petitioners,

v.

JENNIFER GRANHOLM, as Governor of the State of Michigan, *et al.*,

and

MIKE COX, in his capacity as Attorney General of Michigan, *et al.*,

Respondents.

**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE OF THE
MICHIGAN CIVIL RIGHTS INITIATIVE COMMITTEE AND THE AMERICAN
CIVIL RIGHTS FOUNDATION IN OPPOSITION TO PETITION TO VACATE
STAY**

This motion on behalf of Michigan Civil Rights Initiative Committee (MCRIC) and American Civil Rights Foundation (ACRF) to file the concurrently submitted brief amicus curiae is respectfully made pursuant to Supreme Court Rule No. 37. Consent to the filing of this brief has been granted by counsel for intervenor Eric Russell, and by counsel for the Attorney General of Michigan. These consents have been lodged with the Clerk of this Court. Counsel for Plaintiff and Petitioner Coalition to Defend Affirmative Action, Integration and Immigrant Rights and to Fight for Equality by Any Means Necessary (BAMN), Defendant Governor Jennifer Granholm, and Defendants University of Michigan, Michigan State University, and Wayne State University, have not responded to MCRIC and ACRF's request for consent.

MCRIC is registered with the Michigan Secretary of State as the official Ballot Question Committee for Michigan Proposal 06-02 (Proposal 2), reporting all campaign statements as required by Michigan law. MCRIC was also the source of information in favor of Proposal 2 as published by the website www.michiganedusource.org.

MCRIC was formed by the coauthors of Proposal 2 and other Michigan residents who want to eradicate the use of race, ethnicity, or sex in public decision making. MCRIC, its members, and its Executive Director, Jennifer Gratz, have been at the forefront of the protracted campaign to adopt Proposal 2 and are committed to achieving the passage of laws that prohibit the use of race, sex, or ethnicity in any public education, public contracting, or public employment context. Jennifer Gratz was the named plaintiff in the recent United States Supreme Court decision that prohibited the University of Michigan from automatically awarding 20 points to minority applicants to its undergraduate school. *Gratz v. Bollinger*, 539 U.S. 244 (2003).

ACRF is a nonprofit public benefit corporation, with members who are Michigan residents, that has been created to monitor and enforce laws that preclude government use of race, sex, or ethnicity, in public contracting, public education, or public employment. Ward Connerly is a board member of ACRF. Mr. Connerly was instrumental in the passage of California's Proposition 209, the sister initiative to Proposal 2, and worked closely with the MCRIC in getting Proposal 2 qualified for the November 7, 2006, statewide ballot.

In the concurrently submitted brief amicus curiae, MCRIC and ACRF will demonstrate how the Honorable Circuit Justice does not have jurisdiction to vacate the Sixth Circuit Court of Appeals' stay that is at issue. MCRIC and ACRF will also provide this court with facts regarding the effect of California's Proposition 209 that contradict Petitioner's allegations regarding the effect Proposal 2 will have on Michigan's underrepresented minority population.

For the foregoing reasons, MCRIC and ACRF request that the motion to file the accompanying brief amicus curiae be granted.

DATED: January 16, 2007.

Respectfully submitted,
SHARON L. BROWNE

By _____
SHARON L. BROWNE

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Michigan Civil Rights Initiative Committee
and American Civil Rights Foundation