

April 6, 1999

TO THE MISSISSIPPI STATE SENATE:

GOVERNOR'S VETO MESSAGE FOR SENATE BILL 3125

I am returning Senate Bill 3125, "AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION FOR FISCAL YEARS 1999 AND 2000," partly approved and partly not approved pursuant to the authority of Section 73 of the Mississippi Constitution and assign the following reasons for partial veto of this bill:

Section 18 of this bill mandates the spending of up to a half million taxpayer dollars for a study to determine if there is a statistical disparity between the number of minority contractors in the state and the number hired by state government. This provision was not requested by the Department of Finance and Administration, nor any agency of state government of which I am aware.

My opposition to racial quotas in public contracting is longstanding. I believe that these quotas are both constitutionally and morally wrong. I have spoken out on this subject repeatedly as Governor and vetoed bills which mandate them. Earlier this session I signed S.B. 2176 but commented on the unconstitutionality of the racial set-asides already a part of Mississippi law. The proponents of these policies are at it again. Until these discriminatory provisions of Mississippi law are removed, I see no reason to further promote the cause of racial quotas as this section mandates.

As Justice Scalia wrote in concurrence in the landmark U.S. Supreme Court case of The City of Richmond v. Croson in 1989 striking down public contracting quotas, "[T]hose who believe that racial preferences can help to 'even the score' display, and reinforce, a manner of thinking by race that was the source of injustice and that will, if it endures within our society, be the source of more injustice still." Since the Court has ruled that in the absence of a valid disparity study racial quotas can never be constitutional under any circumstances, this bill is a tacit admission by the Legislature that the racial quotas now in our public contracting statutes are blatantly unconstitutional and are ripe for a successful court challenge. As I said in my veto message for H.B. 234 in the 1995 session, I urge this legislature to adopt race and gender neutral policies.

Respectfully submitted,

KIRK FORDICE
GOVERNOR