



June 22, 2020

The Honorable Shirley Weber
 Assemblymember
 State Capitol, Room 3123
 Sacramento, CA 95814

Re: ACA 5 (Weber)—SUPPORT

Dear Assemblymember Weber,

The undersigned organizations write in support of ACA 5, which will create equal opportunities for all Californians by fighting discrimination against women and people of color and restoring affirmative action in public contracting, public employment and public education. **ACA 5 ensures that as California meets the hardships and challenges of this pandemic, vulnerable communities and diverse small businesses are prioritized in state-level recovery programs.**

We strongly believe that our government agencies and institutions must be given the ability to actively create and expand access to opportunities for Black, Indigenous and people of color, women and gender expansive people in order to meaningfully address racial and gender disparities in hiring and education.

There is ample evidence that equality remains elusive for some Californians. As we weather the COVID-19 pandemic, we are seeing existing disparities exacerbated and hard truths exposed about discrimination and injustice in California. The most glaring, disturbing example is that, [according to the Los Angeles Times](#), African-Americans are dying of COVID-19 at a shockingly high rate: in Los Angeles,

African-Americans make up 9% of the population, but 17% of the total deaths. California's ban on equal opportunity programs has left women and people of color more vulnerable to the virus, at a higher risk of unemployment, and with fewer investment opportunities to keep their small businesses open.

Proposition 209 caused immediate and lasting declines in public university enrollment and wages of underrepresented groups. Immediately after the passage of Proposition 209, there was a 12 percent drop in enrollment of students from underrepresented groups across the University of California system. The UCs have since implemented race-blind policies and workarounds in response to the drop off, but they have not been nearly as successful as affirmative action in reducing disparities in admissions. Beyond admissions, Proposition 209 created further declines in college graduation rates and graduate school admission and completion rates. Furthermore, there is evidence that average wages for underrepresented applicants declined significantly after the passage of Proposition 209.

Proposition 209 continues to prevent people of color and women from becoming public servants. Leading up to the 1990s, California's civil service was growing increasingly diverse. During the debate over affirmative action and after the passage of Proposition 209 in the mid-1990s, further gains toward equality were stalled.

In California...white [Non-Hispanic] (NH) women and men of color working in the public sector earn less than White (NH) men, and women of color earn the least. White (NH) men are overrepresented and people of color are underrepresented in top-level positions such as chiefs and managers. White (NH) women, who were underrepresented in top positions in the 1990s, have made large gains; however, men and women of color remain underrepresented.

Proposition 209 diverted billions of dollars of investment from women and Black and Brown-owned businesses. The state and local governments were forced to implement race and gender-blind contracting programs, and as a result, Black, Brown, and women-owned businesses were and are significantly less likely to be selected for public contracts. This marked not only a disinvestment in California's diverse communities, but also the unravelling of years of growth and advancement for Black and Brown entrepreneurs. As one female contractor noted:

When Proposition 209 passed, I was working on \$200,000 worth of projects. The day after Proposition 209 passed, the senior project manager walked up to me and said, 'Hey, Prop 209 passed, and we don't have to use you anymore'

Proposition 209 has done lasting harm to our state. Nearly twenty-five years later, it is clear that the proposition has hurt, not helped, Californians by prohibiting time-tested affirmative action programs that bolster education and job opportunities for women and people from Black and Brown communities. We are a majority-minority state, yet our public institutions continue to favor white people and men. Affirmative action was a vital tool to make our schools and workforce more diverse. ACA 5 will restore this instrument to California so that we can once again endeavor to make our institutions and workforce reflect the diversity of our state. We know that ACA 5 cannot undo the last quarter century of regression, but it will help the next generation of students, public servants, and entrepreneurs. With that in mind, **we strongly support the passage of ACA 5 so that it is on the ballot for voters to decide.**

Sincerely,

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