



June 22, 2020

**VIA Online Portal to Author, Senate Appropriations Committee**

The Honorable Shirley Weber  
California State Assembly  
State Capitol Building, Room 3123  
Sacramento, CA 95814

**RE: ACA 5 (Weber) – Government preferences – SUPPORT**

Dear Assemblymember Weber:

**The League of Women Voters of California writes in strong support of ACA 5**, which if approved by the legislature and the voters of California, will repeal Proposition 209 (1996) and reauthorize traditional affirmative action in public education, employment, and contracting.

**Proposition 209 is failing California's diverse communities.** When the League signed the original ballot argument against Proposition 209, we did so because we knew it was a poison pill disguised as a civil rights initiative. 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.

**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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

**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.<sup>4</sup> During the debate

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<sup>1</sup> Bleemer, Z. 2019. *The impact of Proposition 209 on under-represented UC applicants, and the effect of subsequent UC admission policies on URG enrollment*. University of California Office of the President Institutional Research and Academic Planning. Retrieved at [ucop.edu/institutional-research-academic-planning/\\_files/uc-affirmative-action.pdf](http://ucop.edu/institutional-research-academic-planning/_files/uc-affirmative-action.pdf).

<sup>2</sup> Ibid, 1.

<sup>3</sup> Ibid, 8.

<sup>4</sup> Sumner, M. 2008. *The Impact of Proposition 209 on Public Employment in California*. Thelton E. Henderson Center for Social Justice, University of California, Berkeley School of Law. Retrieved at [law.berkeley.edu/wp-content/uploads/2016/07/Proposition-209-and-Public-Employment-Workforce-Diversity.pdf](http://law.berkeley.edu/wp-content/uploads/2016/07/Proposition-209-and-Public-Employment-Workforce-Diversity.pdf)

over affirmative action and after the passage of Proposition 209 in the mid1990s, further gains toward equality were stalled.<sup>5</sup>

In California... [w]hite [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.<sup>6</sup>

**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.<sup>7</sup> 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'<sup>8</sup>

**Proposition 209 has done lasting harm to our state. 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,



Carol Moon Goldberg  
President

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<sup>5</sup> Ibid, p.22.

<sup>6</sup> Ibid pp.2, 22.

<sup>7</sup> *Equal Opportunity: The Evidence from California*. 2012. Thelton E. Henderson Center for Social Justice, University of California, Berkeley School of Law. Retrieved at [law.berkeley.edu/files/thcsj/EOTheEvidence.pdf](http://law.berkeley.edu/files/thcsj/EOTheEvidence.pdf)

<sup>8</sup> Lohrentz, Tim. 2015. *The Impact of Proposition 209 on California's MWBEs*. The Equal Justice Society. Retrieved at [equaljusticesociety.org/wp-content/uploads/2019/10/ejs-impact-prop-209-mwbcs.pdf](http://equaljusticesociety.org/wp-content/uploads/2019/10/ejs-impact-prop-209-mwbcs.pdf)