

Congress of the United States
Washington, DC 20515

June 22, 2020

The Honorable Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

The Honorable President Pro Tem Toni Atkins
State Capitol, Room 205
Sacramento, CA 95814

The Honorable Speaker Anthony Rendon
State Capitol, Room 219
Sacramento, CA 95814

RE: Repeal of Proposition 209

Dear Governor Newsom, President Pro Tem Atkins, and Speaker Rendon:

We have an historic opportunity to advance racial and gender equality in a time when women and communities of color are bearing dramatic disproportionate burdens of a global health pandemic, a national economic crisis, police brutality, and incarceration. California does not currently have the tools it needs to address these and other burdens in the short or long term. I invite you to consider endorsing Assemblymember Dr. Shirley Weber's (D-San Diego) historic bill to restore affirmative action, the California Act for Economic Prosperity. This bill would give a new generation of Californians a chance to repeal Proposition 209, which bars affirmative action in public contracting, public employment, and public education.

Demonstrations across the state and across the country in the wake of the police killing of George Floyd have sparked wider conversations about the historical and ongoing economic, legal and policy structures that have prevented African Americans and other people of color from taking advantage of public resources to advance and protect themselves and their communities. Federal policies literally "redlined" people of color out of federally-subsidized mortgages for most of the 20th century, practices that still have effects today; studies and court cases have concluded that federal agencies have consistently denied federal loans to farms and businesses owned by people of color; and federal drug policies have notoriously had the effect of disproportionately incarcerating Black men and women. Attempts at the state and federal level which began in the 1970s in the name of taking "Affirmative Action" to combat these injustices faced a backlash as early as the 1980s. In California, that backlash culminated in Proposition 209.

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Proposition 209, deceptively titled the California Civil Rights Initiative, passed by referendum in 1996 amidst an orchestrated campaign of dog-whistle politics attacking all attempts to level the playing field for women and people of color. Before Prop 209, those efforts at advancing equity had made real progress. But the Wall Street-backed authors of the initiative saw a threat to their economic stranglehold from an increasingly diverse and highly educated population in California; a population better situated to compete in jobs, education, government contracts and other areas of the state's economy. In passing Prop 209, those groups limited competition in their industries and benefited their own businesses by erecting new institutional barriers burdening the ability of California's women and people of color achieve positions of economic and business leadership.

Proposition 209 has had immediate, on-going, and long-lasting deleterious effects for California's women and people of color:

- One study estimates that women and people of color lose out on \$1.1 billion *each year* in public contracting dollars -- lost opportunities to invest in women- and people of color-owned businesses, help all Californians build professional skills, and share prosperity, rather than concentrate wealth and power in the hands of the few.¹
- The striking shortage of physicians of color (especially Latino and African-American physicians) has worsened since the Prop 209 ban on equal opportunity policies and programs, as the pipeline of Latino and African-American medical students and residents in the estimable UC system has dwindled severely. This restricts access to cultural-competence and geographic equity in healthcare for vulnerable communities, threatening everyone's health.

Now, 24 years later, as we work to fight the effects of COVID-19, federal relief efforts are a start at rebuilding our economy and our society, but we must do much more to ensure that California rebuilds stronger. Our efforts will be hobbled as long as Prop 209 is the law. Prop 209 prevents California's leaders from addressing structural economic and educational barriers to advancement and equality.

For historical and social reasons women and people of color make up the majority of the critical workforce on the frontlines of the COVID-19 virus. Before the novel virus, we did not fully appreciate the vital work women and people of color do to enable all Americans to live our lives. The critical work they do has been historically under-paid and under-valued, and the women and people of color who provide that labor are more vulnerable to the economic and health effects of the pandemic. Building a stronger nation after COVID-19, a nation in which we endeavor to prevent and prepare for the next pandemic, requires expanding economic

¹ Lohrentz, Tim. "The Impact of Proposition 209 on California's MWBEs." *Equal Justice Society*, Jan. 2015, equaljusticesociety.org/wp-content/uploads/2019/10/ejs-impact-prop-209-mwbcs.pdf.

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opportunity in California by providing equal access to higher education and good jobs, and contributes to health and security.

California leads the nation in forming public policy. With a state population that is 40 million strong, and demographic diversity that current trends indicate the nation is soon to mirror, California is critical to the future of the nation. Thus, the California Congressional delegation has a direct interest in repealing Prop 209. The effects of decisions made to rebuild California post-COVID-19 will ripple across House and Senate legislative committees, where California Members hold key leadership positions.

California has the opportunity to lead the nation in making equitable investments in infrastructure, public employment, and public education. The lessons from these investments will contribute to calculations and analyses that California Members will use on the Committees on Transportation & Infrastructure and Education & Labor, among others, as Congress works to help our nation recover. A recent report on infrastructure policy indicates that persistent lack of investment has left millions of people in the nation's urban and rural communities without safe drinking water, sidewalks, parks, or other critical infrastructure.² Congressional action in the wake of the novel coronavirus presents an opportunity to create jobs, educate our workforce, and expand business opportunities. Repealing Prop 209 will help ensure these economic benefits in California are accessible to a broad cross section of residents, including individuals with barriers to employment, and will ensure that our federal investments contribute to a future of shared prosperity.

Achieving national prosperity and resilience will require that California lead the way, as it has so often, in removing barriers to implementing equity strategies like affirmative action as one of the many tools available to decision-makers. This bill will remove barriers to women and people of color advancing in the workforce and to public investment in woman- and minority-owned small businesses that generate good jobs; jobs we will need to rebuild our economies.

Momentum is growing for this critical legislation after a strong bipartisan showing in its first committee vote in the State Assembly. We urge you to consider endorsing this legislation.

Too many Californians have been artificially and intentionally held back by unequal opportunities for far too long. We can work together, in this critical moment, to rebuild our nation and our communities in truly equitable ways, and put California and the nation on a path toward a stronger future.

² Flegal, Chione L. "National Infrastructure Week – Five Recommendations to Create Equitable Infrastructure Investments." *PolicyLink*, 13 May 2019, www.policylink.org/blog/infrastructure-week-2019-recommendations.

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Sincerely,



Karen Bass
Member of Congress

Sent on behalf of the following signatories:

Dianne Feinstein
U.S. Senator

Kamala D. Harris
U.S. Senator

Barbara Lee
Member of Congress

Katie Porter
Member of Congress

Ro Khanna
Member of Congress

Ted W. Lieu
Member of Congress

Alan Lowenthal
Member of Congress

Jackie Speier
Member of Congress

Jared Huffman
Member of Congress

Julia Brownley
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Mark DeSaulnier
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Jerry McNerney
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Lucille Roybal-Allard
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Jimmy Gomez
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TJ Cox
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Juan Vargas
Member of Congress

Doris Matsui
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Linda T. Sánchez
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