



June 23, 2020

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

**RE: ACA5: Repeal of Proposition 209**

Dear President Pro Tem Atkins:

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.

This is why the California Applicants' Attorneys Association strongly supports Assemblymember Dr. Shirley Weber's 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.

Proposition 209, deceptively titled the California Civil Rights Initiative, passed by referendum in

2019 - 2020  
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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 to 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, to help all Californians build professional skills, and share prosperity, rather than concentrate wealth and power in the hands of the few.
- The striking shortage of physicians of color (especially Latinx and African-American physicians) has worsened since the Prop 209 ban on equal opportunity policies and programs, as the pipeline of Latinx and African-American medical students and residents in the 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 opportunity in California by providing equal access to higher education and good jobs. California has the opportunity to lead the nation in making equitable investments in

infrastructure, public employment, and public education.

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.

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 California's economy.

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 communities in truly equitable ways, and put California on a path toward a stronger future.

Sincerely,

A handwritten signature in black ink that reads "Joseph V. Capurro". The signature is fluid and cursive, with the first name "Joseph" being particularly prominent.

Joseph V. Capurro, Esq.  
President, California Applicant's Attorneys Association

Cc: The Honorable Gavin Newsom  
State Capitol, 1<sup>st</sup> Floor  
Sacramento, CA 95814

Assemblymember Dr. Shirley Weber  
State Capitol, Room 3123  
Sacramento, CA 95814