



June 17, 2020

The Honorable Jerry Hill
Chair, Senate Labor, Public Employment and Retirement Committee
Legislative Office Building, Room 545
Sacramento, CA 95814

Dear Senator Hill,

This letter is submitted on behalf of the Southeast Asia Resource Action Center (SEARAC) and the undersigned six organizations in strong support of Assembly Constitutional Amendment No. 5 (ACA 5), which will work toward eliminating discrimination in state contracts, hiring, and college admissions. Founded in 1979, SEARAC is a national civil rights organization that empowers Cambodian, Hmong, Laotian, Vietnamese, and other communities of color. We represent the largest community of refugees ever to be resettled in the United States. Today, our community numbers more than 3 million nationwide. California is home to more than 1 million Southeast Asian Americans (SEAA), including 778,000 Vietnamese Americans, 102,000 Cambodian Americans, 110,000 Hmong Americans, and 77,000 Laotian Americans.¹

Collectively, we strongly support ACA 5, which would repeal the harmful Proposition 209. Passed in 1996, Prop 209 prohibited public institutions from considering gender and race in state contracting, hiring, and education. Since then, the State of California has only reinforced the structural inequities experienced by women, people of color, and immigrants, and denied them valuable opportunities in workplaces, schools, and communities. ACA 5 would overturn this discriminatory law and create fair opportunities for all people.

ACA 5 would expand critical workforce opportunities

Overturing Prop 209 through ACA 5 will provide more opportunities for SEAs to succeed in the workforce. SEAs, people of color, and women continue to have unequal access to employment opportunities because of long-standing discrimination based on race and gender. To address the lack of equal opportunity meaningfully in California, policies must account for the full breadth of people's experiences, which are shaped by

¹ Analysis of 2018 data from the American Community Survey 1-Year estimates, a product of the United States Census Bureau. Retrieved from <https://data.census.gov>.

the systemic racism and sexism that prevent equal opportunity. ACA 5 would empower employers to do just that in their hiring decisions.

SEAAAs arrived in the United States in the aftermath of the US occupation of Southeast Asia during the ruthless Khmer Rouge genocide, bombings in Laos, and Vietnam War, which claimed millions of lives between 1955 and 1975. Violence, persecution, and environmental disaster forced refugees to make treacherous escapes across borders and out onto the open sea to refugee camps, which eventually led to the largest mass resettlement of refugees in America's history—more than 1.1 million in a span of three decades. SEAA refugees were scattered ad hoc across the country due to a lack of a national unified system of refugee resettlement at the time, and many refugees were left without long-term support in neglected communities.

This history continues to affect the socioeconomic security of SEAA refugees and their children today. Currently in California, over 400,000 SEAA are low-income, more than 190,000 who live in poverty. Across multiple measures of income, SEAAAs fare worse than average, and Cambodian, Laotian, and Hmong Americans have the lowest per capita income in California compared to all of the major racial groups.² Hmong and Cambodian women earn on average only 61 and 57 cents for every dollar that white, non-Hispanic men make.³ ACA 5 would uplift people's backgrounds as marketable assets in the workforce that will increase access to employment opportunities and help many SEAAAs obtain economic security and equity to thrive.

ACA 5 would expand access to public higher education in California

All students deserve opportunities based on a holistic understanding of their achievements and accomplishments and the barriers they have had to overcome. ACA 5 would equip California's public colleges and universities to provide all students, no matter their background, with the opportunity to pursue higher education.

SEAAAs' refugee legacy has challenged our students who have had to be resilient in the face of poverty, lack of culturally and linguistically sensitive education, criminalization, and discrimination in their communities. These factors have unfairly limited their opportunities in the California education system. Thirty percent of Cambodian and Laotian Americans and 23% of Hmong and Vietnamese Americans in California have not graduated from high school, compared with 10% of all adults. Another 23% of Cambodian, 23% of Hmong, 25% of Laotian, and 17% of Vietnamese Americans have graduated from high school but did not make it to college for any period of time.⁴

² Southeast Asia Resource Action Center (SEARAC) & Asian Americans Advancing Justice – Los Angeles (Advancing Justice – LA). (2020). *Southeast Asian American Journeys: A National Snapshot of Our Communities*. SEARAC & Advancing Justice – LA. Retrieved from https://www.searac.org/wp-content/uploads/2020/02/SEARAC_NationalSnapshot_PrinterFriendly.pdf

³ National Women's Law Center (2020). *Equal Pay for Asian American and Pacific Islander Women*. Retrieved from <https://nwlc.org/resources/equal-pay-for-asian-pacific-islander-women/>

⁴ Analysis of 2018 data from the American Community Survey 1-Year estimates, a product of the United States Census Bureau. Retrieved from <https://data.census.gov>.

Simply ignoring discrimination and structural inequities do not make them disappear. ACA 5 enables education systems to recognize the structural inequities historically marginalized communities have experienced and honors the resilience in overcoming such discrimination and inequities as a quality valued by our education system. ACA 5 combats the discrimination that historically marginalized people—like SEAs, people of color, and women—face in accessing equal opportunities in education.

ACA 5 would level the playing field and create opportunities for everyone

ACA 5 is about opportunity for all people. Since the passage of Prop 209, the number of women and Latinos employed by the State of California decreased in relation to the state's population growth.⁵ Each year, women- and people of color-owned businesses have lost \$1.1 billion in government contracts because of Prop 209.⁶ Black and Latinx students admitted to the University of California decreased 12% to 60%, depending on the campus.⁷

Overtuning California's ban on programs that promote equal opportunity is long overdue. The growing concerns about the economic harm of the COVID-19 pandemic only heighten the importance of bringing fairness to our public contracting and employment practices. Small businesses owned by women and people of color will be the hardest hit by any downturn in the economy. ACA 5 will ensure that any government solution to spur economic growth will actually help the most vulnerable in our community.

As representatives of SEAA-serving organizations across the state committed to equity, we strongly support ACA 5 and urge the California State Assembly to approve it because it will expand opportunities for all Californians to succeed. In the 21st century, the State of California needs to hire more women to positions of leadership, contract with businesses that reflect the diversity of California, and expand access to higher education for all Californians. Overtuning Prop 209 will begin to amend the historical and ongoing harm that women and people of color have experienced because of who they are. By empowering employers, colleges and universities, and the State of California to consider all aspects of a person, including their race and gender, ACA 5 will level the playing field and open opportunities for all Californians to achieve economic security and educational success.

Sincerely,



Quyen Dinh
Executive Director
Southeast Asia Resource Action Center (SEARAC)

⁵ Opportunity for All Coalition. (2020, March 31). Retrieved from <https://opportunity4all.org/about/>

⁶ Ibid.

⁷ Ibid.

Undersigned organizations:

The Cambodian Family Community Center

Hmong Cultural Center of Butte County

The Fresno Center

Khmer Girls in Action

Laotian American National Alliance

United Cambodian Community