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The Leadership  
Conference

April 30, 2020

The Honorable Freddie Rodriguez

Chair, Assembly Committee on Public Employment and Retirement

1020 N Street, Room 153

Sacramento, CA, 95814

**RE: ACA 5 (Weber) -- Support**

Dear Chair Rodriguez,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all persons in the United States, **we write in support of Assembly Constitutional Amendment (ACA) 5**, which by reinstating affirmative action in public higher education, employment, and contracting will afford all Californians equal opportunities to fully participate in society, combating discrimination and prejudice against women and people of color.

As a national organization, we have tracked the negative impact bans on equal opportunity programs and policies have had on marginalized communities in states, especially in California. ACA 5 provides an opportunity to rectify that negative impact and ensure that all communities have equal access to opportunities in public higher education, employment, and contracting. California's future as a state, and our future success as a nation, depends on educating and engaging all people, whether they are White, Black, or Brown, to be prepared to participate in civic life. ACA 5 would do this by ensuring:

**Equitable Access to Higher Education**

Higher education still remains the surest path to social and economic mobility, which is why it is critically important for communities that have historically been excluded from higher education opportunities to be fully and affirmatively included. Without full inclusion in higher education opportunities, people of color are being locked out from fully participating in the economy as reflected in the 133 percent pay disparity between college graduates and non-college graduates in California.<sup>1</sup> Additionally, it is important for colleges to reflect the diversity of our society. Since California is one of the most diverse states in the country, the public colleges and universities in California should reflect its residents on their campuses and not the two and three percent of Black students represented at University of California-

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<sup>1</sup> Akhtar, Allana & Kiersz, A. "[College Grads Still Earn More Than Workers with No University Degree. This Map Shows the States with the Widest Salary Gaps.](#)" *Business Insider*. July 15, 2019.



Berkeley<sup>2</sup> and University of California-Los Angeles<sup>3</sup> respectively. Moreover, not only does affirmative action promote equality in college admissions, it also benefits the students who attend college and better prepares them for their future success in society by giving them an academic experience based in the diversity of our society.

### **Equitable Participation in Government Contracts and Employment**

Since Proposition 209 was enacted, minority and women-owned business enterprises (MWBEs) have lost over \$1 billion in state government contracts.<sup>4</sup> This is very different from the national leader California once was following *City of Richmond v. J. A. Croson Co.*, which allowed for affirmative action programs to be maintained as a way to remedy historical discrimination.<sup>5</sup> Missing out on these government contracts can have a profound effect on the economies of these communities, preventing entrepreneurs from growing their businesses while enduring the disadvantage of starting with less capital due to racism and sexism. These additional barriers all but ensure building any intergenerational wealth will be unduly difficult for these communities. Repealing Proposition 209 would also allow for the increased inclusion of people of color and women in state hiring practices during a time that California continues to diversify quickly, making it crucial that people working for the state look like the state.<sup>6</sup>

Now, more than ever, it is important for California to lead the country in ensuring fair access to public higher education, public contracts, and state employment. While we are a nation of states, California's influence on the rest of the country is difficult to overplay, and California must seize this opportunity to show how great the benefits can be when a state chooses to embrace its diversity and be inclusive of all its residents. If you have any questions or need additional information, please contact CJ Powell, Higher Education Program Analyst at The Leadership Conference, at [powell@civilrights.org](mailto:powell@civilrights.org).

Sincerely,

Vanita Gupta  
President & CEO

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<sup>2</sup> National Center for Education Statistics. "[College Navigator – University of California-Berkeley](#)." Fall 2018.

<sup>3</sup> National Center for Education Statistics. "[College Navigator – University of California-Los Angeles](#)." Fall 2018.

<sup>4</sup> Lohrentz, Tim. "[The Impact of Proposition 209 on California's MWBEs](#)." Equal Justice Society. January 2015.

<sup>5</sup> Ibid.

<sup>6</sup> Public Policy Institute of California. "[California's Future: Population](#)." February 2015.