

# REPEAL PROP. 209 AND PASS ACA 5 TO LEGALIZE EQUAL OPPORTUNITY

•MAY 12, 2020•ECONOMIC EQUITY, HEALTH EQUITY

An old, bad law, Prop. 209, is keeping California from fully responding to the COVID-19 pandemic. Happily, a measure to start undoing this decades-old mistake, ACA 5, is now moving through the legislature.

By every measure, COVID-19 has exposed the structural inequality that communities of color face in our country. Here in California, African American and Latinos suffer [disproportionately](#) and data from the [State Public Health Department](#) shows that African American, Latinx, and Native Hawaiian and Pacific Islanders over age 18 are dying at disproportionate rates. Across the U.S., we know that African Americans' deaths far exceed the average and even other [communities of color](#).

We also believe that the true impact on AAPI communities, especially immigrants, is being underestimated by a lack of clear data. Unfortunately, [diverse and disparate Asian American communities](#) still get lumped together in an artificially homogenous way that distorts the real impact on specific communities.

## PROP. 209 KEEPS CALIFORNIA FROM FIXING THE UNDERLYING PROBLEMS

The COVID-19 pandemic has also created an economic crisis. While to date, more than \$650 billion has been set aside for federal small business support, estimates project that less than [ten](#) percent of those funds will reach businesses owned by people of color. Based on anecdotal evidence, Greenlining believes that figure is closer to less than five percent in California. What makes this so tragic is that a decade ago, it was businesses owned by people of color that, despite suffering more than other businesses, [carried our economy forward](#) and out of the worst years of the Great Recession.

**“Race-neutral solutions can’t fix problems steeped in race.”**

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Furthermore, our country has an alarming gender wage gap, and women --especially women of color -- are paid less than their male counterparts. With industries that like food service and travel being upended, [studies indicate](#) that women of color in particular are at great risk for unemployment during this crisis.

Unfortunately for California, this natural disaster could become a long term catastrophe if we continue to face these challenges in a race-blind manner. California needs to be able to allocate resources by race, ethnicity, and gender to make sure that folks that are most disproportionately impacted receive the resources they need. Even before the pandemic, we know that businesses owned by women and people of color lack access to capital and other resources but cannot be targeted directly by state agencies because of Prop 209. Research has shown that over the past 25 years, Prop. 209 has cost these businesses approximately \$1 billion in revenue and growth. The only way we can address this is by relying on race and ethnicity data to target our response, which means that it's time to finally repeal Prop. 209.

## A RELIC OF THE BAD OLD DAYS WE CAN END WITH ACA 5

Prop. 209 passed in 1996, part of a wave of regressive ballot initiatives: Prop. 187 (eventually blocked by the courts) took away public benefits from undocumented immigrants, while Prop. 227 established English-only classrooms and [Prop. 184](#) ("3-Strikes and You're Out") filled our prisons, often with people accused of nonviolent offenses.

Prop. 209 is one of the last major remnants of this embarrassing period in California's history and now more than ever we need to rebuild a 21st century California that reflects the values and diversity of our communities. We need to unite to put an end to discrimination and ensure everyone has a fair shot at a full recovery from COVID-19.

Right now the legislature is considering ACA 5 -- short for Assembly Constitutional Amendment 5 -- which would put repeal of Prop. 209 on the November ballot. [Introduced by Assemblymember Dr. Shirley Weber \(D-San Diego\)](#), ACA 5 has passed through committee and will go to the floor of the State Assembly, where it needs to pass with a two-thirds vote. Then it needs to pass the Senate to get on the ballot.

Legislators and their staff need to hear from you to ensure they understand how important this issue is to all Californians. The Opportunity for All Coalition has created an [online tool to contact your legislator](#) to support ACA 5. Let your representatives know that repealing Prop. 209 is essential for California to fully recover from the COVID-19 crisis.

For instance, our colleague De'Zhon Grace wrote in [Capitol Weekly](#) that African Americans are dying disproportionately from COVID-19-related illnesses, but our state leaders' hands are tied in their ability to base a strategy around this simple fact. While they can use zip codes and other crude proxies for race, geographic location and other data are not enough to produce focused and efficient solutions to this crisis.

Californians deserve a state with public policies based on data, research, and reality. To ensure that the sickest and most in need receive attention, we need targeted economic and public health policies. To ensure taxpayer money is well spent, we need the ability to direct scarce funds where they are most needed. To move past a regressive and misguided moment in California's history, we need to repeal Prop. 209.

*Kelsey Lyles is Greenlining's Health Equity Policy Lead. Adam Briones is Greenlining's Economic Equity Director. To receive updates on our ongoing response to the Coronavirus pandemic, sign up for [The Greenlining Institute's newsletter](#).*