

## Proposition 209 ~ A Decade Later

### The Impacts of Prop 209 on Public Education, Employment and Contracting

**Background:** The California Civil Rights Initiative (also known as Proposition 209), passed in 1996, banned all race-conscious affirmative action programs in California public education, employment and contracting.

#### **KEY IMPACTS OF PROP 209 IN CALIFORNIA INCLUDE...**

##### **Undergraduate Education**

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- The passage of Prop 209 had an initial *chilling effect on applications from African Americans, Latinos and American Indians* (“underrepresented minorities” or URM students) to CA public universities *across all selectivity levels.*<sup>i</sup>
- URM students constituted 21% of the 1995 entering freshman class in the UC system; only 15.5% of the entering class in 1998 (after 209 took effect); and 18.9% of the 2005 class, despite a considerable *increase* in the number of URM high school graduates across the state.<sup>ii</sup>
- The impacts of Prop 209 were most dramatic at the flagship campuses of UC Berkeley and UCLA. *In the fall of 2006, the freshman class at UCLA had only 96 African American students, the lowest number since the early 1970’s.*<sup>iii</sup>

##### **Graduate & Professional Schools**

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- Applications from URM Students *declined significantly* at UC Law and Medical schools in the wake of 209’s passage and implementation.<sup>iv</sup>
- In Boalt Hall (now Berkeley Law’s) first post-affirmative action class, out of a class of 270 students there was *1 African American (who deferred from the previous year), zero American Indians, and zero Filipino students.* Today, entering black law students at Berkeley, Davis and UCLA comprise *less than 3 percent* of the entering class, far below their enrollment levels in 1970 (let alone in the early 1990’s).<sup>v</sup> Latino enrollment likewise *dropped by nearly 50 percent* in the wake of Prop 209.<sup>vi</sup>
- At the UC Medical Schools, Prop 209 led to a *43 percent drop in URM enrollments* between 1995-1996 and 2001-2002.<sup>vii</sup>

##### **Diversity & Campus Climate**

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- The absence of a “critical mass” of URM students at both undergraduate and graduate UC schools has *increased feelings of isolation* among URM students and subjected them to greater stereotyping by the institution and the majority group. These outcomes also impact student performance, and frequently result in *hostile learning environments* for students of color.

##### **Minority-owned Businesses (MBEs)<sup>viii</sup>**

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- Only *one-third* of MBEs certified in California with Caltrans from 1996 (pre-Prop 209) are still in business.
- After Prop 209’s implementation, MBEs experienced a *greater than fifty-percent reduction* in total awards and contracts from Caltrans.
- MBEs owned by African American men and women and women of color experienced the greatest negative impact as a result of Prop 209.

##### **Women-owned Businesses (WBEs)<sup>ix</sup>**

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- After Prop 209 passed, real dollars awarded to certified WBEs *fell by approximately 40 percent*
- Only 36% of WBEs certified with Caltrans in 1996 are still in business today.
- Surviving WBEs still struggle to overcome gender bias in the transportation construction industry.

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<sup>i</sup> Mark C. Long, *College Applications and the Effect of Affirmative Action*, 121 J. ECONOMETRICS 319, 324 (2004).

<sup>ii</sup> University of California Office of the President, *Undergraduate Access to the University of California after the Elimination of Race-Conscious Policies at 23* (March 2003).

<sup>iii</sup> Rebecca Trounson, *A Startling Statistic at UCLA*, L.A. TIMES, June 3, 2006.

<sup>iv</sup> David L. Chambers et. al., *The Real Impact of Eliminating Affirmative Action in American Law Schools: An Empirical Critique of Richard Sander's Study*, 57 Stanford L. Rev. 1855, 1864-65 n.32 (2005); U.S. Comm'n on Civil Rights, *Beyond Percentage Plans: The Challenge of Equal Opportunity in Higher Education* 25 tbl. 2.6 (Nov. 2002).

<sup>v</sup> William C. Kidder, *The Struggle for Access from Sweatt to Grutter: A History of African American, Latino and American Indian Law School Admissions, 1950-2000*, 19 HARVARD BLACK LETTER L.J. 1, 10 tbl. 1 (2003).

<sup>vi</sup> *Id.*

<sup>vii</sup> U.S. Comm'n on Civil Rights, *Beyond Percentage Plans*, *supra* note iv.

<sup>viii</sup> Monique W. Morris, Sirithon Thanasombat, Michael D. Sumner, Sara Pierre, Jessica Z. Borja, *Free to Compete? Measuring the Impact of Proposition 209 on Minority Business Enterprises*, Discrimination Research Center (2006).

<sup>ix</sup> Monique W. Morris, Michael D. Sumner, Jessica Z. Borja, *A Vision Fulfilled? The Impact of Proposition 209 on Equal Opportunity for Women Business Enterprises*, Thelton E. Henderson Center for Social Justice, UC Berkeley School of Law (2007).