

race-conscious remedies cake recipe



Race-Conscious Remedies

- Prop 209 (public education, employment, and contracting)
- Federal equal protection

209 Exceptions

- Compelled by federal law
- Recent intentional discrimination by entity

Crosby Line of Case Law

Race-conscious data tracking and disparity analysis:

- Anecdotal evidence
- Statistics and patterns
- Implicit bias evidence
- Recent discrimination
- Good faith consideration of race neutral alternatives

Examples of Strong Policy Language

- Oakland
- Stockton
- San Francisco
- Hayward
- Long Beach
- Culver City
- Los Angeles

Resources

- CA Reparations Report
- Repository of City Racial Equity Policies and Decisions
- Government Alliance on Race & Equity (GARE) Map
- Stanford's Basic Income Lab

Stay the Course

DO:

- Bring in equal protection experts to consult with agencies

DO NOT:

- Walk back your policy if you have the evidence

Groups Targeting Race-Conscious Programs in California

- Pacific Legal Foundation
- Alliance for Fair Board Recruitment
- Judicial Watch

Race Neutral Alternatives

- Test for three years to determine efficacy and remediation
- Use proxies (e.g., zip codes, socioeconomic status, disability and/or gender intersectionality)