

# FACING RACE

2012 Legislative Report Card on Racial Equity





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# INTRODUCTION

*For four straight years, Washington State has been mired in budget turmoil. The Great Recession, combined with Washington State's deeply regressive tax system (the most regressive in the nation, according to the Institute for Taxation and Economic Policy), has led to difficult times for state residents and difficult decisions for lawmakers.*

In hard times, it is important for communities to come together around shared values of justice, equality and opportunity. Although everyone has been impacted by the Great Recession, not everyone has suffered equally. In fact, while communities of color and low-income people have been hit hard by budget cuts and job losses, the wealthiest Washington residents have thrived. Our common fate rests on our ability to ensure that all families – not just the wealthy – have the resources they need, and the state Legislature plays a critical role in achieving this shared prosperity.

Over the past two years, Washington State legislators have passed 712 bills. Did they vote for legislation that promoted fundamental values like fairness and opportunity for all? Or did they vote for laws that, intentionally or not, widen race-based gaps in education, health, income, economic stability, and opportunity? The Legislative Report Card on Racial Equity answers these questions.

## DEFINING RACIAL JUSTICE, LEVELS OF RACISM

**RACIAL JUSTICE** works to eliminate racial disparities resulting from interpersonal, institutional and structural racism. Equitable outcomes for all are central to racial justice efforts.

**INTERPERSONAL RACISM** is the public expressions of racial prejudice, hate, bias and bigotry between individuals. Hate crimes are an example of interpersonal racism.

**INSTITUTIONAL RACISM** is when racial disparities are created and/or exacerbated by key societal institutions such as hospitals, public schools and private corporations. Disparate outcomes are the measure of institutional racism—regardless of whether there is racist intent by the institution or the individuals acting on behalf of the institution. Racial profiling, predatory lending, and disparities in health treatment are examples of institutional racism.

**STRUCTURAL RACISM** is the normalization and legitimization of an array of dynamics—historical, cultural, institutional, and interpersonal—that routinely gives an advantage to whites while producing cumulative and chronic adverse outcomes for people of color. Structural racism is the interaction of disparate outcomes across institutions. Separate and unequal schools, for instance, are a product of the interplay of numerous factors such as historic employment discrimination, housing segregation, and racialized poverty. Structural racism is the most profound and pervasive form of racism that is deeply embedded in all aspects of society.

*Source: Applied Research Center*

# RACE MATTERS IN WASHINGTON

## FACTS ABOUT RACE IN WASHINGTON:

*According to the U.S. Census, people of color represent nearly 30 percent of Washington residents. That proportion is expected to continue growing over time. People of color in Washington are also younger than the overall population, in some cases significantly so. The state's median age is 37 years old, but for people who identify as multiracial and Latinos the median ages are 19 and 24, respectively. Simply put, Washington's people of color are core to today's recovery and tomorrow's prosperity.*

Washington is also home to a large and growing immigrant and refugee population. The state ranks 10th in the U.S. in the number of immigrant residents, and nearly two-thirds of all Asians and more than one third of Latinos are immigrants. As a result, the impact of policy decisions on immigrants must be considered in discussions of racial equity.

Washington policymakers have a responsibility to understand these demographics and to recognize the increasingly significant role that people of color play in our state. Yet despite their growing numbers, communities of color do not enjoy an equal social or economic position. Present-day and historical barriers to home ownership, wealth accumulation, educational achievement, health and health care, political participation, and equal treatment in the justice system have led to widely disparate outcomes. Some examples include:

- People of color are far more likely to be unemployed, even when accounting for education, age, and gender.<sup>1</sup> In 2011, the unemployment rate for all Washingtonians was less than 10 percent, but unemployment disparities were vast. While 9.1 percent of white residents were unemployed, the rate of unemployment was 19.3 percent for African Americans and 14.8 percent for Latinos.<sup>2</sup>
- Washington's tax code is lopsided. The wealthiest one percent of residents contribute less than three percent of their income in state taxes, while the poorest 20 percent pay 17 percent of their income in state taxes. The racial dynamic is similar. People of color and immigrants are more likely to have smaller paychecks, yet they pay a larger share of earnings in state taxes.
- Due to barriers in access to quality, affordable health care, communities of color suffer from poorer health outcomes than their white counterparts, even when those outcomes are avoidable. For example, African American men and women are much more likely to die of heart disease and stroke than whites. This disparity exists despite the existence of low-cost, highly effective preventive treatment.<sup>3</sup>
- Washington State is ranked in the bottom five U.S. states at closing the achievement/opportunity gap. More African American, Latino, Pacific Islander, and Native American students are behind in reading and math, and students of color are far more likely to drop out of school than white students.<sup>4</sup>

- The disproportionate representation of people of color in Washington State's court, prison and jail systems is evidence of unequal treatment. The over-representation of people of color in Washington's criminal justice system cannot be explained by people of color committing more crimes or more violent crimes.<sup>5</sup> Yet youth of color comprise 45 percent of the state's juvenile detention and rehabilitation population, despite only comprising 27 percent of the state's youth population.<sup>6</sup> African American and Latino defendants also face heavier sentences for less serious crimes than comparably situated white defendants, especially for drug and property crimes.<sup>7</sup>
- Racially discriminatory lending practices have led to vastly inequitable outcomes for homeowners in the foreclosure crisis. African American and Latino borrowers were 30 percent more likely than whites to have been given a subprime mortgage, and this inequity exists across income brackets. For borrowers earning \$150,000 to \$250,000, the rate of subprime loans was 20 percent for whites, compared to 50 percent for Latinos and 62 percent for African Americans. As a devastating consequence, between 2007 and 2009, African American and Latino borrowers were 76 and 71 percent more likely than whites to lose their home to foreclosure.<sup>8</sup>

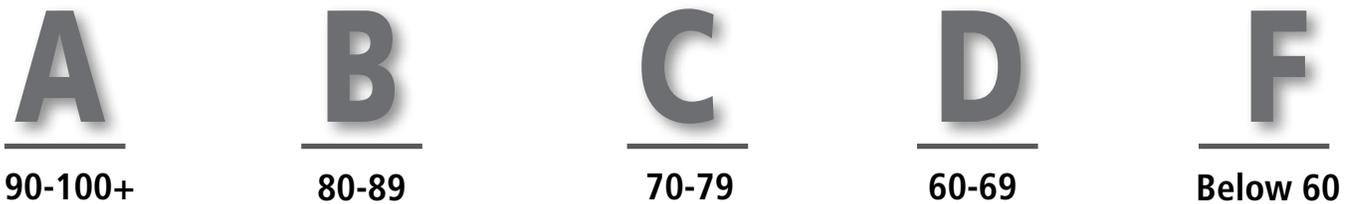
However policy remedies do exist for these disparities. And it is the role of the state Legislature to advance values and policies that promote a vibrant, healthy, and equitable society for all residents. Legislators should proactively address inequitable outcomes in areas such as job creation, educational achievement, and criminal justice, and eliminate barriers to racial equity that exist in everything from health care to social and human services.

# METHODOLOGY

*This report examines 25 bills from the 2011 and 2012 Regular Session that have the most direct impact on racial equity. While these bills affect all Washingtonians, they have a particular impact on disparities between white residents and people of color. This report evaluates legislators' votes on these bills. Legislation is analyzed for both positive and negative effects, and each bill meets at least one of six criteria:*

- Does the legislation explicitly address racial outcomes and work to eliminate racial inequities?
- Will the legislation increase access to public benefits and institutions for communities of color?
- Does the legislation advance enfranchisement and full civic participation for everyone in the state?
- Will the legislation protect against racial violence, racial profiling, and discrimination?
- Is the legislation enforceable? Are adequately funded mechanisms in place to ensure accountability?
- Will the legislation exacerbate existing racial inequities, or have unintended consequences on communities of color?

Each legislator has been given a letter grade based on their voting record and leadership in authoring legislation that promotes racial equity.



This report highlights legislation that promotes racial equity and would decrease disparities in seven issue areas: immigrant rights, housing, education and youth, health, civil rights and criminal justice, tribal sovereignty, and families and workers. An additional category, institutional racism, examines legislation that has a negative impact and increases racial disparities in opportunities and outcomes.

The report grades each legislator based on their individual voting record (90 percent of their overall grade) and leadership in authoring racial equity legislation (10 percent of their overall grade). Votes for equity legislation increase the legislator's grade, while votes for legislation that would exacerbate racial disparities decrease it.

For each piece of the selected racial equity legislation for which the legislator is the primary sponsor, the legislator receives five percentage points. Each bill a legislator sponsored that would create or increase racial disparities (an institutional racism, or crises averted bill) reduces their score by five percentage points. A legislator can score more than 100 percentage points if they are the primary sponsor of more than two pieces of the selected racial equity legislation.

Occasionally, legislators do not vote on a particular bill because of an excused absence. For the purpose of this report, excused absences are not included in the calculation of grades. This report also includes a section on budget and revenue, although due to the complexity of budget legislation the bills analyzed in that section are not included in the grading. For a complete racial equity budget analysis, see “Facing Race: How Budget Cuts Are Increasing Racial Disparities.”<sup>9</sup>

All the bills featured in the main sections of the report have passed the Legislature. However, the report also highlights “Missed Opportunities” and “Crises Averted,” which are not included in the grading because the bills did not receive a full floor vote. “Missed Opportunities” are bills that would advance racial equity that the Legislature failed to pass, while “Crises Averted,” are bills that would have exacerbated racial inequities that also did not pass.

## DATA LIMITATIONS

Some statistics in the report lack information about one or more racial or ethnic groups. Where possible, we have used data in each section that includes consistent racial and ethnic categories. We were not always able to find data that included every category.

In other cases, members of one race or ethnic group are included in another category. For example, the U.S. Census Bureau follows the Office of Management and Budget’s standards for maintaining, collecting, and presenting data on race. According to those standards, the category “white” includes any “person having origins in any of the original peoples of Europe, the Middle East, or North Africa.”<sup>10</sup> However, many immigrants from the Middle East and North Africa do not believe that this categorization reflects their lived experience of race in the United States.

Additionally, statistics that aggregate members of diverse communities can be misleading. Many of the statistics available for this report aggregate all Asian communities. Some Asian communities in Washington State, such as Japanese and Chinese communities, have been established in the state longer and tend to have higher incomes, rates of insurance, educational attainment, and better outcomes in other categories than the Southeast Asian communities that have immigrated to the United States more recently. Data that refer to “Asian” residents of Washington State may not represent the actual experience of some Asian communities.

The data on American Indians and Alaska Natives also suffers from a number of problems. These include chronic undercounting by as much as 12 percent in the decennial census,<sup>11</sup> a lack of disaggregation<sup>12</sup> by relevant factors, racial misclassification on official documents, and small sample size.<sup>13</sup> Additionally, many immigrants are members of indigenous communities in their countries of origin. Data about immigrants does not disaggregate members of indigenous communities.

# REPORT FINDINGS

## THE LEGISLATURE RECEIVED A “D” OVERALL

The Legislature overall earned a D for its voting on racial equity bills. *The combined House-Senate score was 63 percent. The House did slightly better than the Senate, receiving a 66 percent compared to a 61 percent. The Legislature also had 8 missed opportunities – meaning that 8 bills which would have advanced racial equity never received a full floor vote.*

SENATE GRADE	HOUSE GRADE	COMBINED LEGISLATURE GRADE
61%	66%	63%

### Legislators are Leading for Racial Equity:

6 Representatives – Billig (3rd District), Cody (34th District), Hansen (23rd District), Kenney (46th District), Lias (21st District), and Pollet (46th District) – received A's. Some of these received an A based on their voting records without additional leadership points, while others grades included leadership points. Phyllis Gutierrez Kenney had the highest grade in the House and the highest grade in the Legislature, with a 100 percent.

Senator Kohl-Welles (36th District) received the only A in the Senate, with a 90 percent score. The second highest grade in the Senate was an 85 percent, and four Senators received this score: Harper (38th District), Murray (43rd District), Prentice (11th District) and Regala (27th District). Senator Frockt (46th District) received an 89 percent; which is an average between his grade when he served in the House (2011) and in the Senate (2012).

### Some Lawmakers are Not Making the Grade:

60 legislators (40 Representatives and 20 Senators), or 41 percent of the Legislature received failing grades. Of those failing, 19 legislators live in a district with over 30 percent constituents of color. Over 8 times more legislators received an F than those that received an A.

### Information on Legislation Included in Report:

Legislators were graded on 13 bills that received a full floor vote. Twelve of these bills advance racial equity in Washington and will have a positive impact on communities of color. Examples include the Affordable Care Act, the Foreclosure Fairness Act, and reducing the maximum sentence for gross misdemeanors by one day, which ensures that immigrant families do not face extreme and unequal punishment for minor offenses.

Legislators were also graded on one bill that is an example of institutional racism (a policy that has a negative impact on communities of color and will increase racial disparities in Washington). By restricting access to health care for low-income immigrant families, this bill will exacerbate existing health inequity.

The four “Crises Averted” bills highlighted through out the report are also examples of institutional racism, yet they did not pass the legislature. The eight “Missed Opportunities” featured are bills which would have advanced racial equity in Washington, but never received a full floor vote.

All bills are outlined in the following sections and legislators’ individual grades can be found at the back of the report.



## IMMIGRANT RIGHTS

Founded on the values of freedom and opportunity, the United States has always been a draw for diverse groups of people, cultures and traditions. It is through this diversity that we draw our strength. Throughout our history, our success as a country has always been dependent on the contributions of immigrant families.

Today, Washington is home to 886,262 immigrants and nearly 1 in 5 Washingtonians are either Latino or Asian.<sup>14</sup> With our state's rapidly shifting demographics, the role that immigrant families play in our economy is increasing. The combined purchasing power of Latinos and Asians in Washington is \$32.6 billion, and immigrants contributed \$1.5 billion in tax revenue to the Washington state economy in 2007.<sup>15</sup> Immigrant entrepreneurs have added tens of thousands of jobs to our economy, and immigrant workers are a crucial component of our state's workforce.

Despite these contributions, immigrant families often face unequal treatment and discrimination. Progress in our state depends on the Legislature passing policies that expand rather than restrict the potential of Washington's immigrant population.

***The combined purchasing power of Latinos and Asians in Washington is \$32.6 billion, and immigrants contributed \$1.5 billion in tax revenue to the Washington State economy in 2007.***<sup>15</sup>

**SB 5168 (2011): Protecting lawfully present immigrants from extreme and unequal punishment for minor offenses (Prentice)**

*Good bill, passed*

Under federal law, people who are lawfully present but not citizens must be deported after being sentenced to 365 days or more behind bars, even if part or all of the sentence is suspended.<sup>16</sup> In Washington State, courts routinely sentence misdemeanor offenders to the maximum 365 days even though most, if not all, of that sentence is suspended in favor of community supervision.

Thus, while misdemeanor offenders who are citizens can continue to go to work, go to school, and be with their families, a misdemeanor for immigrants and refugees who are not yet citizens results in their automatic deportation.

SB 5168 shortens the maximum sentence for a gross misdemeanor by one day (from 365 days to 364 days). As a result, fewer immigrants will be deported for misdemeanors. This bill helps restore equity to the system and ensures that immigrants and refugees do not face unequal and severe punishment for low-level offenses.

**SB 5023/HB 1146 (2011): Protecting immigrants from legal scams and exploitation (Prentice/Kenney)**

*Good bill, passed*

After the passage of the federal Immigration Reform and Control Act of 1986, the state sanctioned “immigration assistants” to support people seeking legal status with translation and other non-legal services. However, as an unintended consequence, the designation provided legitimacy to so-called “notarios,” or non-lawyers who often provide both legal and non-legal services for exorbitant costs without the necessary knowledge or qualifications.

SB 5023/HB 1146 eliminates the state registry for immigration assistants, thus removing the legitimacy of “notarios,” while still allowing individuals to provide translation and non-legal immigration-related services. The bill provides additional protections to ensure that immigrants, the majority of whom are people of color, receive sound legal advice on immigration matters from qualified attorneys and Board of Immigration Appeals-accredited organizations.

## MISSED OPPORTUNITY

### **HB 2568 (2012): Prohibiting Mandatory E-Verify (Kenney)**

*Good bill, passed out of the House Committee on Labor and Workforce Development and the House Rules Committee before stopping at the House policy cutoff*

HB 2568 would have kept E-verify voluntary for employers, and prohibited state and local governments from mandating employer participation. E-verify is an internet-based employment eligibility verification system used to check the work authorization of new hires. The system results in discriminatory outcomes for immigrant workers – including naturalized U.S. citizens and legal immigrants – because these workers are more likely to be the subject of errors in the database.<sup>17</sup>

Data shows that legal immigrants are 30 times more likely than non-immigrants to be erroneously disqualified for work under E-verify.<sup>18</sup> If mandatory E-verify were implemented in Washington, 17,411 legal workers and U.S. Citizens would lose their jobs, and up to 78,993 additional legal workers and U.S. Citizens would have to go to a Social Security Administration office to correct information in the database or risk losing their jobs.<sup>19</sup> Almost 20 local jurisdictions in Washington now require businesses to enroll in E-verify to be eligible for certain public contracts, despite the flaws in its accuracy. By prohibiting mandatory use of a flawed system, this bill would have benefited immigrants and non-immigrants alike.

## CRISIS AVERTED

### **SB 5407/HB 1577 (2011): Restricting access to driver's licenses based on immigration status (Haugen/Armstrong)**

*Bad bill, passed out of the Senate Transportation Committee before stopping in the Senate Rules Committee*

SB 5407/HB 1577 was one of several bills introduced during the 2011 session that would have restricted or eliminated access to driver's licenses for immigrants without social security numbers. Restricting access to driver's licenses directly threatens the safety of communities throughout Washington. By providing access to licenses, the state ensures that drivers are trained, tested and can secure insurance.<sup>20</sup>

Immigrants are a crucial component of our economy and add value through billions of dollars in tax revenue and thousands of jobs to Washington.<sup>21</sup> Many of our industries are also dependent on an immigrant workforce, and barriers to transportation would harm the state's economy at a time when we can least afford it. Because of the benefits to all residents, other states are considering expanding access to driver's licenses. For example, the New York State Department of Insurance estimated that expanding license access for immigrants based on immigration status would reduce the premium costs by 34 percent and save New York drivers \$120 million.<sup>22</sup>

This bill would have had tremendous negative consequences for workers and families, public safety, insurance premiums, and key industries.<sup>23</sup>

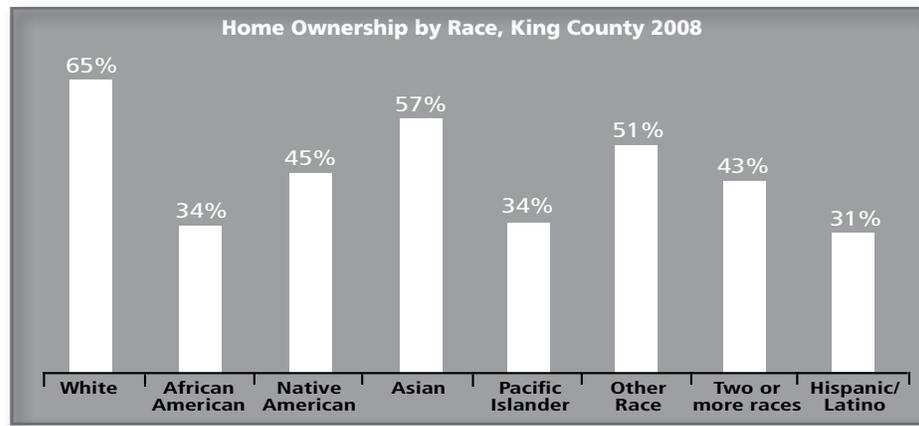


# HOUSING EQUITY

Everyone deserves access to safe and affordable housing, regardless of their economic status. Access to housing is directly related to other indicators of well-being such as educational attainment, health and employment.

Our state's social indicators show a distinct racial imbalance in home ownership. The embedded racial inequities in our country's housing and economic systems have produced an accumulation of advantages for whites while simultaneously disadvantaging people of color.<sup>24</sup> Historically, policies and practices have created and exacerbated the housing disparity gap, including the GI Bill, legislation affecting Native people, housing discrimination, segregation, and inequities in employment hiring and compensation practices.<sup>25</sup> As a result, people of color are less likely to be homeowners than their white counterparts (see the chart below for an example of homeowner rates in one Washington county) and have higher rates of homelessness.

**People of color are less likely to own a home in King County**



United Way of King County

In addition, the foreclosure crisis has hit communities of color particularly hard, with families of color having a much higher likelihood of foreclosure than white families. A study by the Center for Responsible Lending forecasts that the foreclosure crisis will wipe out a generation of wealth in communities of color and exacerbate the existing income and equity gap between white and non-white families.<sup>26</sup>

The Legislature made small strides in 2011 and 2012 to increase access to housing and to protect families from foreclosure. However, barriers to housing still remain and will need to be addressed in future sessions.

### **HB 1362 (2011): Foreclosure Fairness Act (Orwall)**

*Good bill, passed*

The foreclosure crisis has impacted millions of families throughout the country, but it has hit communities of color the hardest. From 2007 to 2009, African American and Latino borrowers were 76 and 71 percent more likely to experience foreclosure than white borrowers, despite the fact that they have lower rates of home ownership.<sup>27</sup> This is mainly because people of color are more likely to be targeted for subprime loans – with African Americans and Latinos 30 percent more likely than whites to have a subprime mortgage, even when controlling for income.<sup>28</sup>

HB 1362 requires that banks send a letter to people facing foreclosure outlining their options for mediation and counseling, and requires banks to offer a face-to-face meeting between the lender and debtor. Given the disproportionate impact of the foreclosure crisis on communities of color, this bill will provide additional options and resources to families of color who are facing foreclosure.

### **HB 2048/SB 5952 (2012): Generating revenue to invest in ending homelessness (Kenney/Kohl-Welles)**

*Good bill, passed out of the House Committee on Labor and Workforce Development and the House Rules Committee before stopping at the House policy cutoff*

HB 2048/SB 5952 generates revenue to end homelessness across the state by maintaining and temporarily increasing document recording fees. The revenue from these fees supports programs at the local and state level that prevent homelessness, including housing vouchers, emergency shelters, and short-term housing assistance.

Due to a variety of structural factors, communities of color are more likely to face poverty and homelessness. According to the Census, poverty rates across the nation increased for every racial group, but there are vast differences based on race. The 2011 poverty rate for whites was 9.9 percent. However, for Latinos it was 26.6 percent and 27.4 percent for African Americans. Because communities of color are more likely to live in poverty, they are also more likely to be homeless. The U.S. Conference of Mayors found that people of color make up 65 percent of all homeless people staying in shelters and transitional housing programs nationwide, despite only comprising 31 percent of the U.S. population.<sup>29</sup>

The impact of race-based disproportionality in the criminal justice system also exacerbates the disparities in homelessness. Those newly released from prison are very frequently denied housing, often making homelessness their only alternative.

By providing additional funding to important programs targeted at reducing homelessness in Washington, this bill will provide a crucial safety net for all residents.



## **Dixie Mitchell**

Seattle, WA

I am a 72-year old grandmother, mother, foster mother and well-known member of my Central District community. Last Fall was a hard time for my family. The home that we lived in for 44 years was about to be foreclosed on. This is the home that I raised nine biological children and cared for over fifty foster children in.

Although my house was paid off in full in the 1980s, I recently took out a loan to make home repairs and help one of the foster children in my care. But then my loan was bundled and resold, causing my interest rate to skyrocket. Soon after, my husband Luster suffered a massive stroke that left him paralyzed and unable to work. With Social Security as my only income, I quickly fell behind on my loan payments. My monthly income was just \$2,200 in Social Security and my monthly mortgage was \$2,052.

I did everything in my power to save my home. I filed for bankruptcy, reached out to various organizations and even attempted to get my loan modified on numerous occasions. But Ocwen Financial, the company that owned my mortgage, refused to work with me. I reached the point where I was only one month away from having my home auctioned off on the steps of the courthouse.

Thankfully I was able to work with Washington CAN! and their national allies at the New Bottom Line. We created an online petition sharing my story and gathered over 7,000 signatures from people throughout the country who supported me. I shared my story with the national and local media and eventually pressured Ocwen Financial to modify my loan.

Although my story is one of success, there are thousands of Washingtonians that are currently facing foreclosure. The Foreclosure Fairness Act is an important step in the right direction, but we need to keep fighting until we see widespread principal reduction and policy change that prioritizes the needs of homeowners over the profits of big banks.

**SB 6315/HB 2642 (2012): Fair Tenant Screening Act (Frocket/Stanford)**

**Components of SB 6321/Kohl-Welles and HB 2564/Ormsby were folded into SB 6315 by amendment**

*Good bill, passed*

Tenant screening reports (which tenants pay for with each rental application) provide detailed information on a tenant's history, including eviction, credit score, conviction history and status as a victim of domestic violence. However, the information it contains is frequently inaccurate, incomplete and/or impossible for a prospective tenant to access or correct. The reports also do not include the outcome of eviction lawsuits, penalizing tenants who were unlawfully evicted.

A 2011 investigation found that tenants of color were being screened differently (with more thorough and expensive reports), with 69 percent of screenings showing patterns of inconsistencies favoring white tenants.<sup>30</sup> These discriminatory practices mean people of color have a much higher risk of being denied housing. SB 6315/HB 2642 requires landlords to disclose what screening company they use, the criteria considered in making rental decisions, and the reason for any adverse action (such as the denial of housing).

This increased transparency will be helpful in preventing discriminatory treatment for tenants, particularly tenants of color. While this bill was an important step in the right direction, the way eviction and domestic violence records are reported and the high cost of tenant screening reports remain important issues for the Legislature in the upcoming session.



# EDUCATION & YOUTH EQUITY

## (CLOSING THE OPPORTUNITY GAP)

Everyone wants their children to succeed in school and have the opportunities they need to thrive. Policy and budget decisions related to education must be centered on ensuring that all children are provided with the proper tools for success both inside and outside the classroom.

Educational attainment is a strong predictor of future earnings and often determines the educational attainment of your children.<sup>31</sup> However, there is a large and persistent gap between the educational opportunities available to children in low-poverty neighborhoods versus children in high-poverty neighborhoods.<sup>32</sup> Because people of color are more likely to live in poverty, inequitable educational opportunities based on economic status distinctly disadvantages students of color. In addition, a lack of teachers of color, unequal discipline rates and low academic expectations for students of color all combine to impede the educational advancement of students of color. These factors have led to students of color underperforming in relation to white students across the country.

Efforts to reduce the opportunity gap will strengthen our educational system and increase opportunities for all students. The recent *McCleary v. State Supreme Court* decision found that Washington is not fulfilling its constitutional duty to fully fund education. This decision provides a critical opportunity for our state and Legislature to focus resources on closing the opportunity gap.

As indicated from the reading test scores below, students of color continue to lag behind white students in Washington. In addition, dropout rates are disproportionately high among students of color, with American Indians more than twice as likely as whites to drop out of high school.<sup>33</sup>

### Less Opportunity and More Barriers Lead to Lower Test Scores

	American Indian	Asian/Pacific Islander	African American	Hispanic	White	Limited English
Advanced	7%	10%	2%	2%	10%	0%
Proficient	20%	26%	19%	12%	30%	3%
At Basic	33%	32%	32%	31%	36%	16%
Below Basic	40%	33%	46%	55%	24%	80%

4th Grade National Assessment of Educational Progress (NAEP), Reading Test Scores 2008-2009 in Washington OSPI

By passing legislation that supports youth and strengthens our educational system, the state Legislature can play an active role in ensuring the long-term success of Washington's future workers and entrepreneurs.

### **SSB 6494 (2012): Limiting the impact of truancy on a student's criminal record (Hargrove)**

*Good bill, passed*

In many areas in Washington, students of color are disproportionately involved in the truancy process.<sup>34</sup> There are many reasons why a student may miss school, and the likelihood of truancy is influenced by socio-economic status, school policies and procedures, relationships with teachers, academic expectation levels, and family and community dynamics. In addition, a state-funded analysis of the differential truancy rates of African American, Latino, Asian, Pacific Islander, Native American, and white students in Washington found that inadequate cultural competence among school staff was an important factor in the long-observed differential rates of truancy and dropouts.<sup>35</sup>

Given the complexity of truancy and the persistent racial inequities in the education system, the response to truancy must be "...multidimensional/multi-modal and aligned with the needs and strengths of local communities, schools and students."<sup>36</sup>

SSB 6494 allows schools to recognize the nuanced nature of truancy. Previously, truancy petitions often led to contempt citations if the youth did not appear in court. This bill removes the requirement for schools to file truancy petitions for 17 year olds, and ensures that courts cannot issue a bench warrant to youth for failure to attend their first court appearance. This bill will help protect students of color (who are disproportionately represented in truancy statistics) from deeper involvement with the criminal justice system.

### **HB 2592 (2012): Extending foster care for youth enrolled in higher education (Roberts)**

*Good bill, passed*

People of color are disproportionately represented in the foster care system in Washington. African American children make up 4.2 percent of the state's population, but 10.5 percent of children in foster care. Native American children make up 2 percent of the population, yet 8.4 percent of children in foster care.<sup>37</sup> Compared with their peers, young adults aging out of foster care are on average less likely to have a high school diploma, pursue higher education, and earn a living wage, and are more likely to be involved in the criminal justice system.<sup>38</sup>

In 2011 the Legislature passed HB 1128, allowing foster youth up to 21 to stay in care if they were in a secondary program. HB 2592 builds on this progress by extending foster care services for youth between the ages of 18-21 that are enrolled in a postsecondary program. Such a program is proven to work. In a state pilot program created in 2006 for 50 youth per year, participants attended college for a longer period, received food stamps for fewer months, and were less likely to be arrested for a misdemeanor or crime.<sup>39</sup>

This bill will provide important support to youth of color and to all youth in foster care as they transition into adulthood.



## **Tia Griffin**

Spokane, WA

When I was a student in the late 80's I had great teachers and multiple opportunities to pursue extracurricular activities and my dream of being a singer/songwriter. I sang in annual talent shows and I particularly enjoyed competing on the track team in Spokane. Because of investments that our state made in our public schools, I graduated from high school and went on to earn two college degrees. As an African American woman I learned to visualize myself succeeding and never doubted my ability to achieve my goals.

Investments in school quality, unfortunately, have changed in Washington State. Over the years, funding cuts have increased class sizes and reduced access to books that students need for homework. Teachers are less able to give the personal attention that students deserve. My children have experienced racially motivated hate speech that has created a hostile environment where students of color feel unsafe. Our family has struggled to address these situations so they do not happen again. This is no way to encourage a safe and effective learning environment.

My son Darneal has special learning needs and works overtime to succeed. Like me, he was lucky enough to have a teacher determined to see all students succeed, despite the challenges the school system faces. These teachers are rare and are becoming harder to find. Educators are wedged and pushed into the deep corners of a bureaucratic system that demands more and more while offering less funding. I want my children to have the same quality education I enjoyed growing up so they can compete in our global economy. The political excuses around the difficulties of raising revenue must stop. We need to adequately fund education and ensure that all students have the attention and resources they need to succeed in school and life.

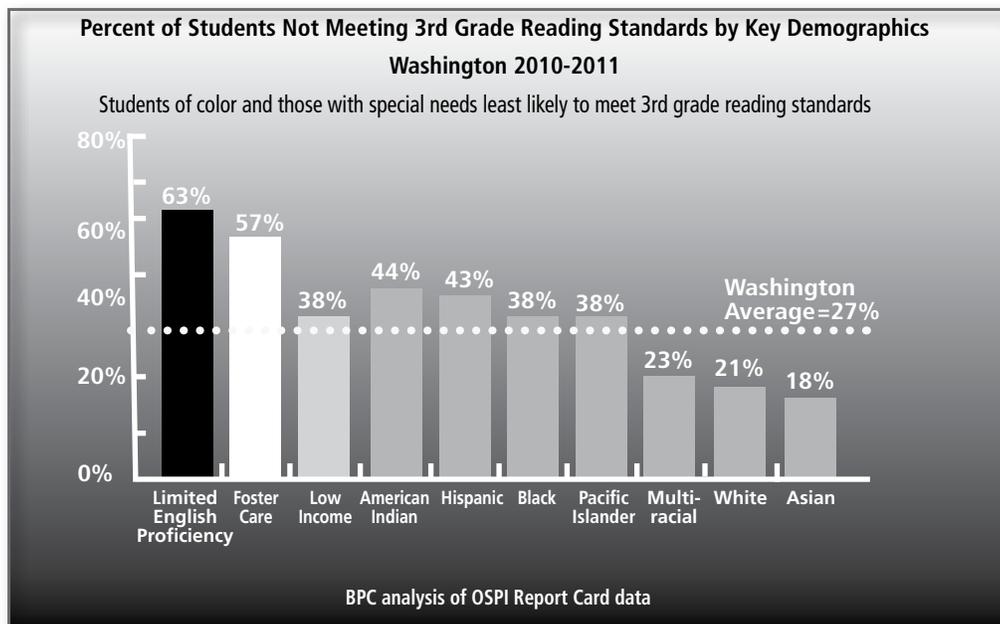
## MISSED OPPORTUNITY

### HB 2448/SB 6449 (2012): Broadening access to high-quality early learning opportunities (Goodman/Harper)

*Good bill, passed out of the House Early Learning Committee and Ways and Means Committee, but stopped in the House Rules Committee.*

Early learning investments are proven to improve student achievement and close educational achievement gaps. Eighty-five percent of brain development occurs by age three, and such programs begin to address educational preparedness before students enter their first K-12 classroom.

Because students of color are more likely to be low-income and lack access to the same opportunities as white students, an academic achievement gap is evident as early as third grade (see chart below). Early learning can bridge this gap and advance racial equity within our educational system.



Early Learning Action Alliance, "Raise the Bar and Close the Opportunity Gap in the Early Years"

HB 2448/SB 6449 would have established universal voluntary early learning for 3- and 4- year olds in Washington, with a concurrent focus on birth to three programs. This bill would have been a major step toward addressing academic opportunity and achievement gaps. A budget proviso created a subcommittee of the Early Learning Advisory Council to discuss investments in programs for children birth to age three. Expanding access to the Early Childhood Education and Assistance Program in the 2013 session will be a step toward the same goal and turn a missed opportunity into real opportunity for children of color.



## HEALTH EQUITY

Access to affordable health care is essential for a healthy and prosperous state. Given the recession and high rates of unemployment, programs that increase health care access are more important than ever. Earlier this year, the number of uninsured Washingtonians surpassed 1 million. In the same time period, devastating cuts have been made to programs that protect the health and well-being of Washingtonians, with a disproportionate impact on low-income people and people of color.

Disparities in health outcomes have many causes, some of which include inadequate access to care, poor quality of care, and socioeconomic determinants such as income, education, transportation, air and water quality, and employment. Across the country, infant mortality and chronic diseases (such as diabetes, high blood pressure, cancer and others) continue to affect people of color at rates far higher than those for whites.<sup>40</sup> People of color also experience rates of preventable hospitalization that, in some cases, are almost double that of whites. For example, African Americans have higher hospitalization rates from influenza, and African American children are twice as likely to be hospitalized and more than four times as likely to die from asthma as white children.<sup>41</sup>

The toll that health disparities have on communities of color is considerable. In addition to the impact on individual health, there is a substantial economic toll from lost productivity.<sup>42</sup> Reducing disparities in health is a fundamental step towards improving racial equity, public health and economic security and must be a top priority for legislators.

## ESSHB 2319 (2012): Implementing the Affordable Care Act (Cody)

*Good bill, passed*

The health and stability of Washington families is dependent upon affordable insurance. Those who are uninsured frequently face medical debt or go without necessary care, and many of them die prematurely.<sup>43</sup> Because people of color are more likely to be low-income and face barriers to care, they are also more likely to be uninsured (see chart below). Communities of color also have higher rates of poverty and chronic disease, making the need for insurance that much greater.

RACE / ETHNICITY	PERCENTAGE OF UNINSURED IN WASHINGTON STATE
White	11.4%
American Indian	17.2%
Pacific Islander	17.2%
Asian	14.4%
Two or more races	14.4%
Native Americans	25%

Data from Washington State Office of the Insurance Commissioner, "State of the uninsured: Health coverage in Washington State," 2011<sup>44</sup>

The 2010 National Healthcare Disparities Report documented that racial and ethnic minorities often receive poorer care than whites, while facing more barriers in seeking preventive care, acute treatment or chronic disease management. The report is produced by the Agency for Healthcare Research and Quality in the U.S. Department of Health and Human Services.

ESSHB 2319 creates the Affordable Care Act (ACA), increasing the affordability and accessibility of health care. The bill allows for the creation of a Health Benefits Exchange (which provides sliding scale premium assistance based on income) and the optional implementation of the Medicaid expansion (which would provide coverage to an additional 350,000 Washingtonians).

ESSHB 2319 also gives the state the directive to design and implement the Basic Health Option. Through the Basic Health Option, an estimated 160,000 people who cannot afford coverage through the Exchange will have access to health insurance at an affordable rate. The program will also cover 14,000 lawfully present, low-income immigrants and refugees who would otherwise have no access to health coverage.

It is important to note that although funding was provided to begin designing the Basic Health Option, legislators will still need to actively pass legislation in the upcoming session to implement the program. Nevertheless, signing the Affordable Care Act into law in our state is a critical step forward in providing health coverage to all Washington residents.



**Joselito Lopez**  
Mountlake Terrace, WA

I am a 41 year-old, full-time student at Central Washington University studying to get my degree in legal studies, and am also working part-time to afford the cost of tuition.

In 2007 while I was on the operating table for a double-bypass, open-heart surgery, I found out that I had lost my job and that my insurance company dropped me because I was too expensive to cover. Without a way to pay for my medical bills, I was forced into bankruptcy. After the surgery, I was denied coverage multiple times because of my pre-existing condition. During this time I was uninsured and unemployed. The only way for me to see a doctor was through charity care and visits to the emergency room. This was insufficient for my medical condition, and I would sometimes go unchecked and without heart medication. I wanted to have insurance and be able to see the doctor, but I simply could not afford it.

Thanks to the Affordable Care Act, I can no longer be denied coverage because of my pre-existing condition. I am now covered through my employer; however, it is still a stretch for me to afford my insurance and my coverage is not extensive enough to properly treat my condition. Although things have improved for me, I still have medical debt, and struggle to afford the care I need to keep me healthy. I hope our Legislature implements the Basic Health Option – it would be a lifeline for people like me.

## MISSED OPPORTUNITY

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### **SB 6126/HB 2226 (2012): Improving access to dental care in underserved communities (Frockt/Cody)**

*Good bill, passed out of the Senate Health and Long-Term Care Committee, but stopped in the House Rules Committee.*

Oral health is vital to overall health and wellness. However, many communities of color and low-income families lack access to affordable primary and preventive dental care. This results in a higher incidence of diseases, many of which if untreated have been linked to lifelong health issues and even death. In fact, in Washington, dental problems are the number one reason uninsured patients visit hospital emergency rooms for a health issue not generally classified as an emergency.<sup>45</sup>

Currently, 34 out of 39 counties in Washington face a shortage of dental care.<sup>46</sup> Lack of dental care was identified as one of the greatest areas of need among Chinese, Filipino, Korean, Vietnamese, and Hispanic elders in Snohomish County.<sup>47</sup> In addition, low-income children in Washington are 44 percent more likely to have untreated cavities and children of color are 18 percent more likely to have untreated decay by the third grade.<sup>48</sup>

SB 6126/HB 2226 would have created an evidence-based mid-level dental provider proven to expand access to underserved populations. This policy will modernize outdated laws, freeing up local dentists to hire providers and create much needed jobs, while providing affordable and timely care to communities of color and low-income families. This proven solution is already being employed in Minnesota and Alaska to extend culturally competent care and increase access to communities that need it most. This bill was a missed opportunity that should be adopted into law at the next opportunity.



## CIVIL RIGHTS & CRIMINAL JUSTICE

Protecting the basic rights and civil liberties of all Washingtonians must be a top priority for our state Legislature. Our country has a long history of upholding civil rights and expanding the rights of groups that have previously faced unequal treatment.

It is the job of the Legislature to protect and advance civil rights and ensure that all people, and particularly people of color and other marginalized groups, enjoy equal rights and treatment under the law.

***“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”***

***– Martin Luther King, Jr., Letter From Birmingham Jail***

### **SHB 1793 (2011): Restricting access to juvenile records (Darneille)**

*Good bill, passed*

A juvenile record impacts a youth’s ability to pursue higher education and attain employment later in life. Throughout the country and in Washington State, youth of color are disproportionately arrested, referred to juvenile court, prosecuted, detained and sentenced to secure confinement compared to their white peers.<sup>49</sup> Youth of color in Washington are also less likely to receive a diversion (an approach that keeps youth from formal processing and further contact with the juvenile justice system) than white youth.<sup>50</sup>

This bill limits the ability of a juvenile record to be used against youth later in life by prohibiting reporting agencies from including juvenile adjudications in reports for those over 21, and by requiring the destruction of all juvenile records 30 days after the Governor issues a full and unconditional pardon. The bill also establishes a task force to make recommendations on cost-effective ways to restrict public access to juvenile records. Restricting access to juvenile records will increase opportunities and possibilities for all youth, and particularly for youth of color due to their over-representation in the juvenile justice system.

## **ESSB 6239 (2012): Affirming marriage equality (Murray)**

*Good bill, passed*

For lesbian, gay, bisexual and transgender couples and families of color, the intersection of laws, stigma, disproportionate access and race-based discrimination collide in ways that create significant challenges.<sup>51</sup> Due to the widespread racial disparities that exist along almost every social indicator, same-sex couples of color have “...more to gain from legal recognition of their relationships and more to lose when states pass amendments banning marriage and other forms of partner recognition.”<sup>52</sup> ESSB 6239 legalizes same-sex marriage in Washington, thus helping further racial equity and civil rights in our state.

This bill allows same-sex couples to enjoy the 1,138 federal benefits and protections of marriage that are only available to couples that are legally married. Same-sex couples will now have access to medical, health, and illness benefits, employment benefits, estate and taxation benefits, Social Security, and a host of other legal benefits and protections. Both African American and Latino same-sex couples are more likely to raise children than white same-sex couples (at comparatively lower wages), so this bill will provide additional support and stability to those families.<sup>53</sup>

Marriage equality was brought to the ballot and approved during the November election. By passing this bill, the Legislature took a bold step towards equality and paved the way for Washingtonians to stand up for the rights of all same-sex couples.

## **MISSED OPPORTUNITY**

### **HB 2612/SB 6138 (2012): Strengthening voting rights by ensuring that everyone has an equal opportunity to elect the candidate of their choice (Kenney/Prentice)**

*Good bill, passed out of the House and Senate State Elections Policy Committees, but did not receive a floor vote*

The Washington Voting Rights Act would have created equal opportunities for all voters to influence local elections and elect the candidates of their choice. It would do this by providing remedies in instances where the combination of at-large election systems and polarized voting patterns deny some communities and neighborhoods representation in local elections.

In at-large elections all candidates must run citywide or countywide. This means that areas exhibiting “polarized voting” allow voting blocs with slim majorities to dominate local elections.<sup>54</sup> Where white voters make up a majority of the electorate and vote in a bloc, they effectively deny voters of color an equal opportunity to elect candidates of their choice and influence elections. The outcomes are often stark. For example, with at-large elections, in nine Eastern Washington counties Latinos comprise more than 33 percent of the population but only 4 percent of elected officials.<sup>55</sup>

This bill would have provided voters the ability to challenge at-large election systems that deny equal opportunity to all voters. If successful, the challenge would result in the creation of district-based elections at the local level, ensuring fair representation for all voters in local elections throughout the state.

## **SB 6283/HB 2468 (2012): Abolishing the death penalty (Regala/Carlyle)**

*Good bill, was introduced but did not pass out of the Senate Judiciary Committee*

In Washington, aggravated first-degree murder is punishable by death. An analysis of aggravated murder convictions in Washington since 1981 (the year the death penalty was reinstated) finds that the state is more likely to impose the death penalty on African American defendants than white defendants convicted of the same offense.<sup>56</sup> Juries have imposed a death sentence in 58 percent of capital cases involving African American defendants, compared to 37 percent in cases with white defendants.<sup>57</sup> Looking at comparable single-victim crimes, white defendants received death sentences 26 percent of the time, while people of color received death sentences 47 percent of the time.<sup>58</sup>

Data in Washington also indicates that the race of the victim impacts whether the state imposes a death sentence. Prosecutors asked for the death penalty in 28 percent of cases with one white victim, but only 18 percent of cases involving a victim of color.<sup>59</sup> For cases with a white defendant and a non-white victim, the rate is less than 13 percent.

Death penalty cases are also extremely expensive. A 2006 study found that taxpayers pay nearly \$800,000 in additional costs beyond what is spent on a non-death penalty trial, and costs continue to rise.<sup>60</sup> SB 6283/HB 2468 would have replaced the death penalty with life in prison without parole, ending the racially inequitable and costly application of capital punishment in Washington State.

## **CRISIS AVERTED**

The continuous mass incarceration of people of color threatens our country's values of freedom and opportunity. Growing evidence shows that racial bias—often implicit, unacknowledged or unconscious—plays a large role in decisions and judgments made routinely by powerful actors within the criminal justice system.<sup>61</sup> For example, in Washington State similarly situated youth of color face harsher sentencing by probation officers, African American felony drug offenders are 62 percent more likely than similarly situated white offenders to be sentenced to prison, and drivers are more likely to be searched at traffic stops if they are people of color even though the rate of seizure during a search is higher for white drivers.<sup>62</sup>

Moreover, current rates of incarceration have not been proven to keep communities safer. Rather, "...continued growth in incarceration will prevent considerably fewer, if any, crimes—and at substantially greater cost to taxpayers."<sup>63</sup> In fact, each year Washington State spends \$34,500 to house a prison inmate compared to \$6,500 on a student's public education.<sup>64</sup> Mass incarceration also goes against a growing body of scientific research which shows that early prevention is an effective and worthwhile investment of public resources.<sup>65</sup>

To reduce racial disparities in Washington's criminal justice system, the Legislature must focus resources on prevention and expand access to opportunities and support for youth.

***Each year Washington State spends \$6,500 on a student's public education and \$34,500 to house a prison inmate.***

### **HB 1126 (2011): Amplifying the use of racial profiling (Ross)**

*Bad bill, was introduced but never moved out of the House Committee on Public Safety and Emergency Preparedness*

HB 1126, introduced at the request of Attorney General Rob McKenna, would have increased criminal penalties and allowed injunctions to be issued against individuals that law enforcement deemed as possible gang members, with little or no due process. To issue an injunction, law enforcement would merely have to prove that a gang exists, is active in the area, and the subject is a “member or associate” of that gang.<sup>66</sup> There is no requirement in the bill that the subject needs to have committed a crime.<sup>67</sup> Routine factors such as who a teen hangs out with or how an individual dresses could cause them to be suspect.

This law would contradict both research and the findings of the federal government’s Office of Juvenile Justice and Delinquency Prevention, which emphasize the need for investments in prevention and intervention for the majority of youth, with arrest and suppression targeted at the small number of individuals committing violent crimes. Evidence also suggests that gang injunctions are ineffective, and can be actively harmful.<sup>68</sup> If passed, this bill would have increased racial profiling and amplified disparities within our criminal justice system, while spending scarce public resources.

### **HB 2588/SB 6478 (2012): Reinforcing racial disparities through collecting DNA upon arrest (Darneille/Fraser)**

*Bad bill, passed out of the House Public Safety and Emergency Preparedness Committee, but stopped in the House Rules Committee*

*A similar bill (HB 1369/SB 5240) was defeated in the Legislature in 2011*

This bill would have required DNA samples to be collected upon arrest for a variety of crimes, expanding Washington’s DNA database to include individuals who have not been convicted of a crime.

Given the fact that people of color are stopped, searched, and arrested at much higher rates than whites, the DNA database would be disproportionately composed of people of color.<sup>69</sup> A racially skewed database will produce racially skewed results. Because people of color will be over-represented, the database will return a disproportionate amount of people of color as suspects.<sup>70</sup>

When arrestees who have not been convicted of a crime are added to a DNA database, their families are also brought under the surveillance lens of the criminal justice system.<sup>71</sup> This would result in the African American population being over four times as likely as the white population to be under surveillance.<sup>72</sup>

USA Today reviewed the database system and found wide variations in effectiveness from state to state.<sup>73</sup> Its use threatens to lead to unjust treatment of people of color, who because of their overrepresentation in the database would stand the greatest chance of being wrongfully arrested and incarcerated.

Collecting DNA upon arrest would exacerbate current racial inequities in our criminal justice system.



# TRIBAL SOVEREIGNTY

There are 29 federally recognized American Indian tribes and seven non-federally recognized tribes in Washington State. American Indian tribes are recognized by both the United States and other governments as sovereign and have a government-to-government relationship with the United States. Tribal sovereignty is a critical issue in the American Indian community and allows tribes to oversee themselves without interference from the government.

Both federal and state policies and practices have undermined and threatened tribal sovereignty and the well-being of Indian people. In addition, the failure of Congress to provide necessary resources to create and maintain an effective health care system for Native Americans has been deeply detrimental to the long-term health of many American Indian and Alaska Native populations.<sup>74</sup> As a result, vast disparities in socioeconomic, maternal and child health, and mortality indicators exist between American Indians/Alaska Natives and the general populations.<sup>75</sup>

In the 2011 session, the Legislature passed one bill to advance tribal sovereignty.

## **ESSB 5656 (2011): Washington State Indian Child Welfare Act (Hargrove)**

*Good bill, passed*

Indian children are currently over-represented in the welfare system, being placed in out-of-home placements at a rate of 2 to 3 times the percentage of their population.<sup>76</sup> There are also systemic concerns around delays in establishing permanent residency for Indian children.<sup>77</sup> The federal Indian Child Welfare Act (ICWA) was established to protect the best interests of Indian children and promote stability and security among Indian tribes and families. However, application at the state level remains challenging and there is confusion among stakeholders over which specific laws and policies of ICWA apply to a case.<sup>78</sup> In 2004, the Ombudsman received 15 complaints about ICWA and in 2007 that number rose to 52.<sup>79</sup>

ESSB 5656 establishes a Washington State Indian Child Welfare Act, ensuring the consistent application and enforcement of federal and state laws and policies. This bill will also "...prevent the need for out-of-home placement of Indian children and when placement is necessary, promote placements that reflect and honor the child's tribal culture and maintains the child's relationship with the tribal community."<sup>80</sup> Clarifying the federal ICWA will enhance Washington State's ability to protect the rights and interests of Indian children and tribes.<sup>81</sup>



## FAMILIES & WORKERS

The recession has sent shockwaves throughout Washington and the country, creating instability and insecurity for many families. High unemployment, the rising numbers of uninsured and high costs of health care, along with the foreclosure crisis have all had a profound impact on Washingtonians. Policies that provide resources and support to families and workers are essential to our recovery and future stability.

The recession has fallen particularly hard on people of color. Families of color have much lower median family incomes than whites. In addition, people of color are more likely to be concentrated in lower-wage jobs such as non-union construction jobs and agricultural work, while underrepresented in professional and office jobs.<sup>82</sup> Thus, people of color are more likely to be in unstable employment and less likely to have adequate savings to weather the storm.

Investing in families and workers will increase racial equity in our state, and help ensure that Washington has a productive workforce and a strong economy.

### **SB 6226 (2012): Promoting stability by extending reauthorization periods for subsidized child care (Frockt)** *Good bill, passed*

SB 6226 extended the period of time between reauthorization for parents of children receiving subsidized child care. This bill removed the six-month reauthorization that often led to eligible children moving in and out of child care due to slight fluctuations in income or delays in processing. For low-income families, access to affordable and consistent child care is often the difference in parents' ability to retain work and look for work.

This bill will provide increased stability to low-income families and families of color by providing them with "...the opportunity to get better child care for their children for a longer period of time."<sup>83</sup> Sixty-three percent of parents agree that the 12-month extended eligibility program has had a positive impact on the stability of their child care.<sup>84</sup> Given that families of color are more likely to be low-income and have higher rates of unemployment than white families, this consistency is even more important. SB 6226 will also result in significant administrative cost savings to process authorizations.

## MISSED OPPORTUNITIES

### **SHB 2413/SB 6397 (2012): Protecting workers from pesticide drift (Reykdal/Kohl-Welles)**

*Good bill, passed out of the House Labor & Workforce Development Committee and the House Health and Human Services Appropriations and Oversight Committee, but stopped in the House Rules Committee*

According to the latest report from the Pesticide Incident Reporting and Tracking Review Panel (PIRT), “drift from agricultural pesticides is a persistent source of documented illnesses.” In 2008, state agencies determined that 83 people were sickened by pesticide drift or spray incidents involving crop dusters or air-blast sprayers. However many cases of pesticide drift remain unreported. There are close to 200,000 farm workers in Washington State, and in Department of Health focus groups, 75 percent of workers report they have experienced symptoms from pesticide exposure.

The majority of farm workers in Washington are Latino and their incomes have consistently been at the very low end of the occupational scale. In 2000, the average farm labor income was \$13,246, about 39 percent of the average occupational income.<sup>85</sup> SHB 2413/SB 6397 would establish standards to protect people from exposure to pesticide drift by airplane or air-blast sprayers. The bill also prohibits retaliation against anyone who has made a report or complaint regarding pesticide drift.

SHB 2413/SB 6397 has no cost to the state, and would likely lead to a reduction in workers’ compensation costs, medical costs, and health care complications. Passing this bill would provide important protections to a largely Latino workforce that already faces significant wage and health inequality.

### **HB 1832 (2012): Workforce Stability at Sea-Tac Airport (Upthegrove)**

*Good bill, passed the House, passed the Senate Labor and Commerce and Consumer Protection Committee, stopped in the Senate Rules Committee*

Sea-Tac airport is a publicly owned facility operated for public benefit. Up to 1,500 airport service workers are at risk of losing their jobs when contracts and concessions at Sea-Tac airport are re-bid in 2013. Airport service workers are a majority immigrant workforce, predominantly Chinese, Filipino, African and Latino workers. Many workers could lose their jobs if the Port of Seattle contracts with new management companies to take over existing operations, according to the Washington State Labor Council. Airport concessions jobs, many of them union jobs, allow workers protections, benefits, and living wages. These jobs are at risk of being replaced with poverty wage employment.

HB 1832 would have ensured seamless transitions with successor contractors, both protecting jobs and strengthening the rights of workers at Sea-Tac Airport. The bill requires successor contractors to retain employees for 90 days after contract transition, which will allow for continuity of services to airport customers and provide workers with increased flexibility in seeking new employment. These important worker protections and benefits would have had positive impacts on this majority immigrant workforce.

## **HB 2395/SB 6461 (2012): End misclassification of port truck drivers to promote fair competition, save state revenue (Sells/Kohl-Welles)**

*Good bill, passed the House, passed out of the Senate Committee on Labor and Commerce and Consumer Protection, stopped in the Senate Rules Committee*

Our state economy depends on a vibrant port system, which relies on a strong workforce. The port truck driver workforce is almost entirely new immigrants and people of color (with a large number of African immigrant, Sikh and Latino workers). Currently, port truck drivers in Washington are classified as independent contractors instead of employees, despite the fact that drivers are generally required to work for a single company. This misclassification puts the legal and financial responsibility for government mandated maintenance, insurance, and taxes on low-income drivers earning an average of \$28,500. <sup>86</sup> As a result, drivers are often unable to afford the necessary repairs and equipment upgrades required by law. This increases hazardous road conditions and pollution in communities surrounding the port, the majority of which are communities of color. <sup>87</sup>

Classifying port truck drivers as independent contractors means that drivers are denied basic employee protections such as overtime wages and unemployment benefits. HB 2395/SB 6461 would define port truck drivers as statutory employees, which means they would receive basic rights of employees such as overtime, unemployment, and workers' compensation. This bill would improve safety for workers of color and the public and secure the well-being of port truck drivers. <sup>88</sup>

## **CRISIS AVERTED**

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### **HB 2073 (2012): Parity in wages and benefits for caregivers (Hunter)**

*Bad bill, passed out of the House Ways and Means Committee, stopped in the House Rules Committee*

If passed, HB 2073 would have broken parity between long-term care agency providers and independent providers, ultimately decreasing wages and benefits for agency caregivers. This would jeopardize access to affordable health care for thousands of agency providers, many of whom are people of color and provide culturally competent care to clients within their own ethnic communities.

In Washington State, one in five home care workers is foreign born and more than one in four home care workers is a person of color. <sup>89</sup> Of those at risk of losing access to health care if this bill had passed, approximately 56 percent are people of color. African Americans and Asian Pacific Islanders also disproportionately comprise the agency caregiver population, meaning that HB 2073 would have had an even larger impact on these particular communities.

Increasing the cost of health care for long term care workers would exacerbate the already alarming health disparities that exist in Washington. According to the Department of Health and Human Services, "lack of insurance, more than any other demographic or economic barrier, negatively affects the quality of health care received by minority populations." <sup>90</sup>



# INSTITUTIONAL RACISM

Racism is often discussed in terms of individual behavior. However, focusing only on the individual level misses the role that government and public policy have played in creating and maintaining our country's current racial disparities. By focusing on the ways that institutions and social structures perpetuate racial inequity, we can understand how policy decisions can advantage or disadvantage people of color.

Race still plays a major role in shaping opportunities and access for people throughout our country. As such, institutions and lawmakers must look specifically at the impact that policies and budget decisions have on communities of color.

Each session, critical decisions are made by the Legislature that can either advance or hinder racial equity in Washington. Policies that increase disparities, regardless of their intent, will not only negatively impact communities of color, but also push Washington off the path towards racial and economic equity.

In addition to the bill highlighted below, all of the crises averted throughout this report are examples of legislation that would have reinforced institutional racism and increased racial disparities in our state.

## **HB 1544 (2011): Restricting immigrants' access to health care (Hunter)**

*Bad bill, passed*

Washington has had to make difficult budget decisions in recent years. As these decisions are made, it is the job of the Legislature to ensure against discrimination or disproportionate impact on disadvantaged communities. In February 2011, a supplemental budget required the state to disenroll 13,000 people from the state's Basic Health program. HB 1544 was the Legislature's response to this budget challenge. The bill required all individuals who did not meet eligibility requirements for the federal Medicaid program to be disenrolled from Basic Health.

The people disenrolled from the Basic Health program because of HB 1544 were primarily immigrants who did not meet the restrictive immigrant status requirements of Medicaid, such as a minimum of 5 years of U.S. residency for legal permanent residents. After the bill passed, the state hastily disenrolled 17,000 immigrants from Basic Health. Over 11,000 of those immigrants were wrongfully terminated from the program. When former recipients sued the state in a class action lawsuit, a federal court ordered the state to re-enroll the wrongfully disenrolled immigrants based on the Equal Protection and Due Process requirements of the U.S. Constitution.

This bill explicitly targeted low-income immigrant families in Washington, reducing their access to health care. This is a clear example of legislative action that increased racial inequities in Washington.

# Case Study:

## INSTITUTIONAL RACISM AT WORK

The persistence of deep racial disparities and divisions in our society is evidence of institutional racism. Often invisible and unintentional, institutional racism produces inequitable social opportunities and outcomes.

A recent statewide election has brought one persistent example of institutional racism in Washington to light. In 2012, State Supreme Court Justice Steven González ran for reelection with impeccable credentials and broad bi-partisan support. While González raised a record amount of funds for his campaign, his opponent – a relatively unknown and unaccomplished lawyer who was a late addition to the race – raised \$0 and did almost no campaigning. Yet this opponent, who did not have a Latino surname, won 29 counties and more than 40 percent of the vote.

In nine counties across Central Washington (Adams, Benton, Chelan, Douglas, Franklin, Grant, Okanogan, Walla Walla, and Yakima), Latinos constitute over 33 percent of the total population yet hold less than 4 percent of the local elected offices.<sup>91</sup> In Yakima, not one Latino has successfully won a city council seat, despite Latinos constituting 41.3 percent of the population.

This system of at-large elections has shut people of color – specifically African Americans, Asian Americans and Pacific Islanders, Native Americans, and Latinos – out of the political process in many parts of Washington State. By enabling slim majorities to hold power, at-large elections are an example of institutional racism. They are a seemingly race-neutral policy choice that creates and perpetuates deep racial inequities.

As this example clearly demonstrates, the laws that the Legislature considers are often race-silent but can nevertheless have significant positive or negative racial impacts on people of color.

# BUDGET & REVENUE

The state budget is a reflection of our values as a state and as a society. As such, it is necessary for lawmakers to consider those values with every budget decision. Years of consecutive budgets have cut the programs and services that keep families economically stable and healthy, while individuals and corporations with significant wealth are not contributing as much as they should to get our economy back on track.

The Legislature must take action to increase revenue and ensure that everyone pays their fair share. This will increase access to opportunities for families of color throughout the state, thus reducing racial disparities and advancing the prosperity and well-being of all Washingtonians.

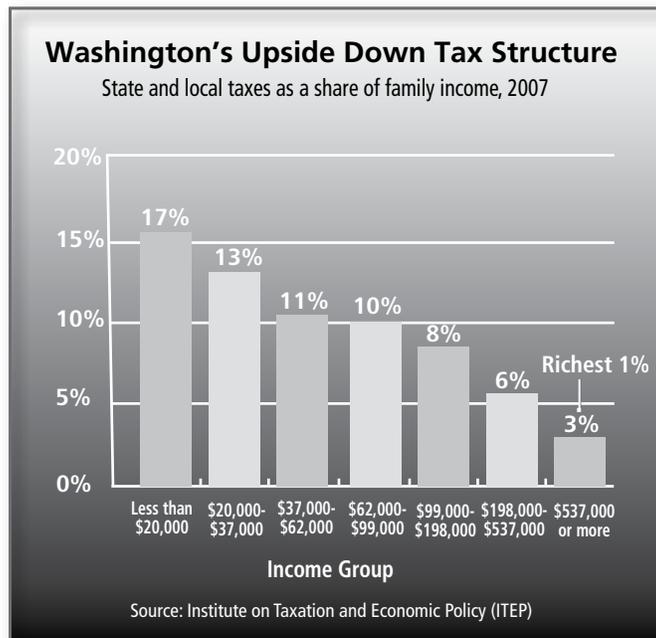
The recent recession has hit white, black and brown families hard. And the numbers show that families of color have been impacted even more than their white counterparts. The chart below represents just one aspect in which families of color have been impacted by the recession. In addition to job-related problems and high unemployment, many people of color are struggling to afford various aspects of their daily lives such as housing, food and needed health care.<sup>92</sup>

**Percent of People with Job-Related Problems  
as a Result of the Economic Downturn**

	White / Non-Hispanic	Black / Non-Hispanic	Latino
Getting a good-paying job or raise	32%	46%	39%
Lost hours or took a pay cut	30%	36%	51%
Lost a job	18%	28%	38%

The Kaiser Family Foundation, "The Effects of the Economic Recession on Communities of Color," July 2009

Washington's flawed and unjust tax structure places an additional burden on families of color. Lower- and middle-income households pay a much higher percentage of their income in state taxes than those at the top end of the income scale. These lopsided state taxes have not generated enough resources to support crucial investments in health care, education, job training, child care, and other areas that are proven to provide opportunity and create prosperity for all Washingtonians.



Source: Washington State Budget & Policy Center

Washington is again facing a budget shortfall. In fact, education has seen such deep cuts in recent years that the Supreme Court decided in the McCleary case that our state is not living up to its constitutional responsibility to fully fund public education. To close the opportunity gap, kids need to be healthy, well-fed, and ready to learn – an impossible challenge with all-cuts budgets.

While Washington continues to cut programs and services, our state loses billions of dollars every year in tax loopholes for large corporations and special interests groups. In the 2012 session, the Legislature took a step in the right direction by passing **ESB 6635** (Murray). This bill narrowed two costly tax breaks, one of which was a Business & Occupation (B&O) tax loophole for big out-of-state Wall Street banks. Although the actual revenue generated from this bill is minimal, the bi-partisan action showed leadership by putting the needs of communities over the interests of Wall Street banks.

## MISSED OPPORTUNITIES

The Legislature unfortunately missed two critical opportunities in the 2012 session that would have advanced a more just and fair tax structure:

- **HB 2563 (Jenkins)** would have enacted a 5 percent state tax on capital gains (profits from the sale of corporate stocks, bonds, vacation homes, and other high-end assets). Exempting a household's first \$10,000 from the tax ensures that the majority of revenue would come from the richest one percent and that 98 percent of Washingtonians would see no increase in taxes.
- **HB 2762 (Carlyle)** would force all tax expenditures to expire or "sunset" periodically, requiring that all tax loopholes receive thorough and regular reviews by the Legislature.

The Legislature must take action in the 2013 session to raise revenue and support public investments such as education and health care.



## **Rosio Perez**

Bellevue, WA

I am a mother of three. Over 10 years ago, my family left Mexico to find new opportunities. We have lived in the United States ever since. The five of us survive on the very limited income my husband makes from his construction job.

Our family was recently kicked off of the State Food Assistance program. The extra few hundred dollars a month we received from the program were crucial in allowing me to buy healthy food for my three children. I want to be able to provide my children with the best quality food, but unfortunately now I can not afford it. I worry each day about how I am going to put food on the table and support my children.

To make matters worse, my 10-year old daughter Gisselle recently started complaining about her back. She was experiencing a lot of pain and after multiple visits to the doctor, she was diagnosed with Scoliosis. We found out that the intense pain came from a fissure in one of her vertebrae due to the condition.

Scoliosis has changed things for us. We have to be the ones to ensure that she stays healthy, even if that means telling her to stop playing her favorite games. Gisselle's favorite activities, the monkey bars, riding her bike, playing soccer and holding her younger sister in her arms, are all forbidden by the doctor. Fortunately, because of Apple Health for Kids, we have medical assistance to pay for her doctor visits. There is no way we would be able to afford the high costs of her doctor's visits without Apple Health.

Access to programs like State Food Assistance and Apple Health for Kids are necessary for me to take proper care of my family. Imagine how it feels to tell your child that you can't afford to buy their favorite snack, or that they have to go in pain because you can't afford to visit the doctor. It feels like every year these programs are targeted for budget cuts. I live in fear that we will be unable to get Gisselle and the rest of my family the care they need to stay healthy.

I hope the Legislature will stand up for families that are struggling by raising revenue to fund the programs that keep us healthy.

# LEGISLATIVE REPORT CARD

## GRADING

Legislators were graded based on their votes for the 2011 and 2012 legislation included in this report (not including legislation in the “Missed Opportunities” or “Crises Averted” sections), as well as their leadership in authoring racial equity legislation. The intent of the grading is not to stigmatize legislators for their votes, but rather to begin a dialogue about how Washington State can move forward on a path towards racial and economic equity, and increase opportunities for all.

Legislators that did not serve for the full 2011 and 2012 sessions have not been included in the grading.

# HOUSE

2012 House Member	District	% People of Color in Distirct	Grade	Total %	Leadership
Ahern, John	6	14%	F	39%	—
Alexander, Gary	20	13%	F	47%	—
Anderson, Glenn	5	18%	D	65%	—
Angel, Jan	26	17%	F	43%	—
Appleton, Sherry	23	22%	B	80%	—
Armstrong, Mike	12	31%	F	58%	-5%
Asay, Katrina	30	43%	F	50%	—
Bailey, Barbara	10	16%	F	47%	—
Billig, Andy	3	18%	A	90%	—
Blake, Brian	19	16%	C	77%	—
Buys, Vincent	42	20%	F	40%	—
Carlyle, Reuven	36	20%	B	85%	5%
Chandler, Bruce	15	60%	F	33%	—
Chopp, Frank	43	25%	B	80%	—
Clibborn, Judy	41	33%	B	80%	—
Cody, Eileen	34	34%	A	90%	10%
Condotta, Cary	12	31%	F	40%	—
Crouse, Larry	4	10%	F	39%	—
Dahlquist, Cathy	31	17%	F	47%	—
Dammeier, Bruce	25	26%	F	50%	—
Darneille, Jeannie	27	36%	B	80%	—
DeBolt, Richard	20	13%	F	47%	—
Dickerson, Mary Lou	36	20%	B	80%	—
Dunshee, Hans	44	22%	B	80%	—
Eddy, Deb	48	37%	B	80%	—

# HOUSE

2012 House Member	District	% People of Color in Distirct	Grade	Total %	Leadership
Fagan, Susan	9	28%	F	53%	—
Finn, Fred	35	16%	C	77%	—
Fitzgibbon, Joe	34	34%	B	80%	—
Goodman, Roger	45	24%	B	85%	5%
Green, Tami	28	33%	B	80%	—
Haigh, Kathy	35	16%	B	80%	—
Haler, Larry	8	24%	F	57%	—
Hansen, Drew	23	22%	A	90%	—
Hargrove, Mark	47	38%	F	43%	—
Harris, Paul	17	20%	F	33%	—
Hasegawa, Bob	11	53%	B	80%	—
Hinkle, Bill	13	32%	F	50%	—
Hope, Mike	44	22%	F	57%	—
Hudgins, Zack	11	53%	B	80%	—
Hunt, Sam	22	22%	B	80%	—
Hunter, Ross	48	37%	D	69%	-10%
Hurst, Christopher	31	17%	F	55%	—
Jinkins, Laurie	27	36%	B	80%	—
Johnson, Norm	14	36%	F	57%	—
Kagi, Ruth	32	33%	B	80%	—
Kelley, Troy	28	33%	C	77%	—
Kenney, Phyllis Gutierrez	46	27%	A	100%	20%
Kirby, Steve	29	48%	C	70%	—
Klippert, Brad	8	24%	F	45%	—
Kretz, Joel	7	13%	F	35%	—

# HOUSE

2012 House Member	District	% People of Color in District	Grade	Total %	Leadership
Kristiansen, Dan	39	16%	F	47%	—
Ladenburg, Connie	29	48%	B	80%	—
Liias, Marko	21	33%	A	90%	—
Lytton, Kristine	40	20%	B	80%	—
Maxwell, Marcie	41	33%	B	80%	—
McCoy, John	38	29%	B	80%	—
McCune, Jim	2	23%	F	45%	—
Miloscia, Mark	30	43%	C	70%	—
Moeller, Jim	49	22%	B	80%	—
Morris, Jeff	40	20%	B	80%	—
Moscoso, Luis	1	25%	B	80%	—
Nealey, Terry	16	40%	D	62%	—
Orcutt, Ed	18	13%	F	40%	—
Ormsby, Timm	3	18%	B	80%	—
Orwall, Tina	33	51%	B	85%	5%
Overstreet, Jason	42	20%	F	15%	—
Parker, Kevin	6	14%	F	57%	—
Pearson, Kirk	39	16%	F	57%	—
Pedersen, Jamie	43	25%	B	80%	—
Pettigrew, Eric	37	63%	B	80%	—
Pollet, Gerry	46	27%	A	90%	—
Probst, Tim	17	20%	B	80%	—
Reykdal, Chris	22	22%	B	85%	5%
Rivers, Ann	18	13%	F	47%	—
Roberts, Mary Helen	21	33%	B	85%	5%

# HOUSE

2012 House Member	District	% People of Color in Distirct	Grade	Total %	Leadership
Rodne, Jay	5	18%	F	57%	—
Ross, Charles	14	36%	F	52%	—
Ryu, Cindy	32	33%	B	80%	—
Santos, Sharon Tomiko	37	63%	B	80%	—
Schmick, Joe	9	28%	F	43%	—
Seaquist, Larry	26	17%	B	80%	—
Sells, Mike	38	29%	B	85%	5%
Shea, Matt	4	10%	F	35%	—
Short, Shelly	7	13%	F	45%	—
Smith, Norma	10	16%	F	47%	—
Springer, Larry	45	24%	B	80%	—
Stanford, Derek	1	25%	B	85%	—
Sullivan, Pat	47	38%	B	80%	—
Takko, Dean	19	16%	C	77%	—
Taylor, David	15	60%	F	35%	—
Tharinger, Steve	24	15%	B	80%	—
Upthegrove, Dave	33	51%	B	85%	5%
Van De Wege, Kevin	24	15%	B	80%	—
Walsh, Maureen	16	40%	D	67%	—
Warnick, Judy	13	32%	F	45%	—
Wilcox, J.T.	2	23%	F	47%	—
Wylie, Sharon	49	22%	C	79%	—
Zeiger, Hans	25	26%	F	50%	—

# SENATE

2012 Senate Member	District	% People of Color in Distirct	Grade	Total %	Leadership
Baumgartner, Michael	6	14%	F	30%	—
Becker, Randi	2	23%	F	42%	—
Benton, Don	17	20%	F	37%	—
Brown, Lisa	3	18%	B	80%	—
Carrell, Mike	28	33%	F	37%	—
Chase, Maralyn	32	33%	C	75%	—
Conway, Steve	29	48%	B	80%	—
Delvin, Jerome	8	24%	F	36%	—
Eide, Tracey	30	43%	B	80%	—
Ericksen, Doug	42	20%	F	35%	—
Fain, Joe	47	38%	F	55%	—
Fraser, Karen	22	22%	C	75%	-5%
Froct, David*	46	27%	B	89%	15%
Hargrove, James	24	15%	B	80%	10%
Harper, Nick	38	29%	B	85%	5%
Hatfield, Brian	19	16%	B	80%	—
Haugen, Mary Margaret	10	16%	C	75%	-5%
Hewitt, Mike	16	40%	F	47%	—
Hill, Andy	45	24%	D	65%	—
Hobbs, Steve	44	22%	B	80%	—
Holmquist Newbry, Janéa	13	32%	F	13%	—
Honeyford, Jim	15	60%	F	23%	—
Kastama, Jim	25	26%	B	80%	—

\* Senator Froct served in both the House and the Senate in 2011 and 2012, so his grade is an average of his score in the House and his score in the Senate.

# SENATE

2012 Senate Member	District	% People of Color in Distirct	Grade	Total %	Leadership
Keiser, Karen	33	51%	B	80%	—
Kilmer, Derek	26	17%	C	70%	—
King, Curtis	14	36%	F	37%	—
Kline, Adam	37	63%	B	80%	—
Kohl-Welles, Jeanne	36	20%	A	90%	15%
Litzow, Steve	41	33%	C	75%	—
McAuliffe, Rosemary	1	25%	B	80%	—
Morton, Bob	7	13%	F	43%	—
Murray, Ed	43	25%	B	85%	5%
Nelson, Sharon	34	34%	B	80%	—
Padden, Mike	4	10%	F	27%	—
Parlette, Linda Evans	12	31%	F	47%	—
Pflug, Cheryl	5	18%	D	64%	—
Prentice, Margarita	11	53%	B	85%	15%
Pridemore, Craig	49	22%	B	80%	—
Ranker, Kevin	40	20%	B	80%	—
Regala, Debbie	27	36%	B	85%	5%
Roach, Pam	31	17%	F	40%	—
Rolfes, Christine	23	22%	B	80%	—
Schoesler, Mark	9	28%	F	38%	—
Sheldon, Tim	35	16%	F	49%	—
Shin, Paull	21	33%	C	70%	—
Stevens, Val	39	16%	F	49%	—
Swecker, Dan	20	13%	F	47%	—
Tom, Rodney	48	37%	C	77%	—
Zarelli, Joseph	18	13%	F	38%	—

# CONCLUSION & RECOMMENDATIONS

With demographic shifts and an increasing number of people of color in Washington State, equal opportunity and racial equity are more crucial to our collective well-being than ever before. In this context, policymakers must consider the impact of public policy decisions on people of color and low-income people, and seek solutions to racial disparities in health, education, housing, political participation, criminal justice and other outcomes.

Each year, legislators make decisions that either increase access and opportunities, or reinforce barriers that deny some families the opportunities they need to thrive.

Decades of public policy decisions that, either implicitly or explicitly, reinforce institutional racism have resulted in staggering racial disparities along almost all social indicators. To advance equity, legislators must proactively address these disparities and consider the impact of every budget and policy decision on communities of color.

The Legislature and the Governor missed many opportunities to reduce racial inequities during the 2011 and 2012 legislative sessions. These missed opportunities offer a path forward, and with a renewed commitment to racial and economic equity, the Legislature can start a different chapter in 2013.

Our primary recommendation to the Legislature is to pursue the missed opportunities identified in this report. These bills, which have already been introduced, will make significant strides to advance economic and racial equity in Washington.

Specifically, in 2013 the Legislature should:

- **Pass the Washington Voting Rights Act.** Provide marginalized voters the ability to challenge at-large election systems that deny equal opportunities to all voters.
- **Implement the Basic Health Option and the Medicaid Expansion.** The Basic Health Option will provide access to affordable health care for low-income families and immigrant families in Washington, reducing racial disparities in health and removing barriers to care. Together with the Medicaid expansion, these programs will provide affordable coverage to more than 510,000 uninsured Washington residents.
- **Raise New Revenue to Support Education and Health Care.** The Legislature must fix our regressive tax system that disproportionately burdens the low-income. In particular, the Legislature should pass a capital gains tax and close corporate tax loopholes, two solutions that will increase revenue while ensuring that the wealthiest Washington residents and large corporations are paying their fair share. This revenue should be used to invest in health care and education for all.

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Author:

Rachael DeCruz

Contributed written content to the report:

Will Pittz, Toby Guevin, Andy Nicholas, Michele Thomas, Tera Bianchi, Janet Varon, and Mishi Faruqee

Assisted with research, data collection and editing:

Racial Equity Team, Bob Cooper, Lonnie Johns-Brown, Jen Estroff, Laurie Lippold, Shankar Narayan, Teresa Mosqueda, Heather Villanueva, Sudha Nandagopal, David Mendoza, Lani Todd, Lizamarie Mohammed, and Jermaine Toney

Grading:

Lizamarie Mohammed, Sarah Clifthorne and Dennis Osorio

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# ENDORISING ORGANIZATIONS

Alliance for a Just Society  
Allyship  
American Friends Service Committee  
APICAT for Healthy Communities  
Arab American Community Coalition  
Asian Pacific Americans for Civic Empowerment (APACE)  
Casa Latina  
Center for Multicultural Health  
Children's Alliance  
Community Building Foundation  
El Centro de La Raza  
Entre Hermanos  
Faith Action Network  
Got Green?  
Greater Mt. Baker Church  
Latinos for Community Transformation  
M.E.Ch.A. of Eastern Washington University  
Minority Executive Directors Coalition  
National Association of Social Workers - Washington Chapter  
Northwest Fair Housing Alliance  
OneAmerica Votes  
Para Los Niños  
Parents Organizing for Welfare & Economic Rights (POWER)  
Peace and Justice Action League of Spokane (PJALS)  
People's Institute Northwest  
Race and Social Justice Community Roundtable  
Race and Social Justice Initiative  
Real Change  
Seattle Human Rights Commission  
Seattle Indian Health Board  
Seattle King County NAACP  
Seattle Office of Civil Rights  
SEIU Healthcare 775NW  
SEIU 1199NW  
Senior Services  
Skagit Immigrant Rights Council  
Spokane Ministers' Fellowship  
Statewide Poverty Action Network  
Tacoma NAACP  
The Lands Council  
UAW Local 4121  
UFCW Local 21  
United Black Clergy of Washington  
Washington Association of Criminal Defense Lawyers  
Washington Christian Leadership Coalition (WCLC)  
Washington Defender Association  
Washington Low Income Housing Alliance  
Washington State Labor Council  
Washington State National Organization for Women (NOW)  
WFSE/AFSCME Council 28  
WIN/WIN Coalition