



Californians for Equal Rights Foundation
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CALIFORNIANS FOR EQUAL RIGHTS FOUNDATION

June 12, 2023

SUBJECT: CFER POSITION LETTER AGAINST ACA-7

Honorable Members of the Assembly Judiciary Committee:

On behalf of Californians for Equal Rights Foundation, I am writing to express our resolute opposition to ACA-7. If passed, this amendment will significantly weaken California's constitutional principle of equal treatment for all by amending the Section 31 of Article I of the State Constitution, which was resoundingly affirmed by the colossal failure of Prop. 16 in 2020. ACA-7 effectively contradicts the letter and spirit of Prop. 209.

California State Constitution Article I Section 31(a) was established by the passage of Proposition 209, or the California Civil Rights Initiative in 1996. It unequivocally states: "The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." This principle was overwhelmingly reaffirmed on the November 2020 ballot when 57.2% of California voters rejected Proposition 16, which would have repealed Prop 209. When given the opportunity, a supermajority of Californian voters at the scale of 9.65 million, who come from diverse backgrounds and hold different political persuasions, voted against state-sponsored preferential treatment.

ACA-7 intends to meaningfully erode and circumvent Prop. 209, with language to allow state moneys to fund programs "for purposes of increasing the life expectancy of, improving educational outcomes for, or lifting out of poverty specific groups based on race, color, ethnicity, national origin, or marginalized genders, sexes, or sexual orientations." Its implementation would undoubtedly lead to *de facto* quotas and preferences, which also violates a series of federal legislation and the U.S. Constitution. This includes: The Fourteenth Amendment to the U.S. Constitution (equal protection of the laws), Titles VI and VII of the Civil Rights Act of 1964, and Supreme Court rulings in *City of Richmond v. Croson* (1989), *Adarand Constructors, Inc. v. Peña* (1995), and *Ricci v. DeStefano* (2009). On the state level, ACA-7 would also contravene California Supreme Court rulings in *Hi-Voltage v. City of San Jose & Coral Construction Co. v. City and County of San Francisco*.

Californians for Equal Rights Foundation (CFER) is a non-partisan and non-profit organizations founded in the wake of California's resounding affirmation of its constitutional guarantee of equal treatment. CFER is dedicated to promoting and raising public awareness on our nation's fundamental principles of equality and merit. CFER welcomes genuine and meaningful public



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policies that improve educational and health outcomes for vulnerable individuals and groups. But advocating for race/sex-based preferences distorts the principle of equal opportunity into an illiberal, social-engineering tool of equal outcome. Instead of focusing on tribal divisions and political favoritism, we should help all disadvantaged individuals regardless of race or gender. We should also make sure that every individual has equal access to public resources, and that our government provide institutional support that encourages American virtues of hard-work, initiative, self-discipline and individual merit. Therefore, we urge all Members of the Assembly Judiciary Committee to VOTE NO ON ACA-7!

Sincerely,

A handwritten signature in cursive script that reads 'Wenyuan Wu'.

Wenyuan Wu,
Executive Director, Californians for Equal Rights Foundation