



## **Re: Opposing ACA 5**

Honorable Assembly Members:

We are writing to oppose the Assembly Constitutional Amendment No.5 (ACA 5). ACA 5 is a racist bill that would allow racial discrimination on public employment, public education and public contracting.

The Section 31 of Article I in current state Constitution strictly prohibits racial discrimination and protects equal opportunity for all Californians, which is in line with the Constitution of the United States. Repealing this bill will put the California State in a position that could be in conflict with the higher Constitution.

While the authors of the bill claim the intention of this bill is to protect the equal opportunity, we as people have to remind you that, it's the law instead of your intention that protect all Californians. By repealing the current law, ACA 5 literally would allow racial discrimination in public employment, public education and public contracting area. To whoever supports this bill and thinks that this bill would benefit certain minority groups, you have already been a racist because you are trying to deal with the problem by considering race, sex, color, ethnicity and national region.

As stated by the Fourteenth Amendment of the United States Constitution, "...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; ...". This ACA 5 is exactly the opposite of the 14<sup>th</sup> amendment.

There are numerous laws that has similar text with Prop. 209 that protects us from discrimination. For example, the Fair Housing Act, Equal Credit Opportunity Act, etc. They all have the explicit text saying that discrimination against race, color, religion, sex, etc. is strictly prohibited. By removing the protection text in current State Constitution, ACA 5 is simply opening the door to racial discrimination and inviting lawsuits against the State.

Because of the COVID-19 outbreak, Californians are facing an economic downturn and very high rate of unemployment. We call the leaders to unite us to fight the virus and recover from the loss as soon as possible. However, this bill ACA 5 is doing exactly the opposite. By allowing considering race and gender for these three areas, the authors are waging wars between different groups. This bill is dividing us instead of uniting us.

We hereby request the committee to vote down this racist bill ACA 5.

Sincerely,

Frank Xu,  
Co-founder and Vice President,  
San Diego Asian Americans For Equality