

# EQUAL JUSTICE SOCIETY

April 30, 2020

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*Judge Motley Civil Rights Fellow*

Ginger Johnson  
*Administrative Assistant*

The Honorable Freddie Rodriguez  
Chair, Assembly Committee on Public Employment and Retirement  
1020 N Street, Room 153  
Sacramento, CA 95814

**RE: ACA 5 (Weber) — Support**

Dear Chair Rodriguez:

The undersigned organizations are pleased to support ACA 5, which will create equal opportunities for all Californians by fighting discrimination against women and people of color and restoring affirmative action in public contracting, public employment and public education.

COVID-19 has exposed hard truths about discrimination and injustice in California. The most glaring, disturbing example is that, according to the Los Angeles Times, African-Americans are dying of COVID-19 at a shockingly high rate: in Los Angeles, African-Americans make up 9% of the population, but 17% of the total deaths.

There's no denying that California's ban on equal opportunity programs has left certain Californians more vulnerable to the virus, at a higher risk of unemployment, and with fewer investment opportunities to keep their small businesses open:

- African-Americans have below-average health outcomes due to a lack of equal opportunity. Just 3% of physicians in California are African-American, while they make up 6% of the population; more representation would mean more physicians who can speak to and serve community-specific health needs.
- Restoring equal opportunity programs in California will also lead to expanded investment in STEM education and extra curricular resources for African-American youth, potentially leading to more African-American physicians, scientists, and researchers in the future.
- Latinos, more than any other ethnic group, say they or someone in their household has lost their job because of the virus. The jobs Latinos continue to do – grocery store clerks, nursing home attendants, take-out cooks – are precisely the ones that put them at risk of contracting the virus.
- Women, especially women of color, already are paid far less than men (Latinas make just 43 cents for every dollar earned by a white man), and will continue to make even less as a result of this economic downturn, if they don't lose their jobs outright. 60% of all Americans who have lost jobs because of the COVID-19 crisis are women.
- Asian Americans have seen nearly as much job loss as Latinos as a result of COVID-19, as well as new barriers to accessing public contracts. These numbers in particular are fueled by bigotry, as widespread xenophobia and racism surrounding the COVID-19 outbreak has been directed largely at Asian Americans.

# EQUAL JUSTICE SOCIETY

None of this is a coincidence, or unforetold. Because of the ban on affirmative action in California, women and people of color have lost billions of dollars in business, have seen their admission rates into the UCs sink, and have been limited to certain roles in the workforce – all adding up to their being on the front lines of the COVID-19 crisis, both the first and hardest hit.

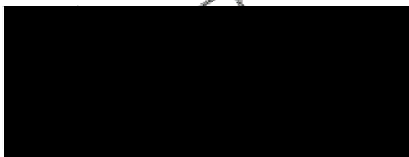
Overturning California's ban on programs that promote equal opportunity is long overdue, and is more critical by the day. The issues above are intertwined, and ACA 5 addresses them all. Women- and minority-owned businesses would stop losing out on \$1.1 billion annually in public contracts; more women would have leadership positions in business; graduating classes at the UCs would reflect the diversity of our state, empowering all Californians to gain the knowledge and expertise they need to enter the workforce and serve our communities in the way they choose.

All of these factors increase economic mobility for women and people of color – which, in turn, leads to more access to better healthcare, and a higher quality of life.





California is the world's fifth largest economy, but it doesn't feel like it for the vast majority of the people who call it home. We can't continue to deny Californians an opportunity to succeed or live a healthy life simply because of how they look or who they are. ACA 5 will level the playing field and allow all Californians to find a good job, earn a decent wage and get ahead in life and their careers.

You can't have shared success without shared opportunity. Let's put California on a path toward true equal opportunity for all.

Sincerely,



Eva Paterson  
President and Co-Founder

		
10,000 Degrees Sbeydeh Viveros-Walton Director, Policy & Govt. Relations 	AAPI Women Lead Connie Wun Co-Founder, Executive Director 	Abriendo Puertas/Opening Doors Sandra Gutierrez National Director 



# EQUAL JUSTICE SOCIETY

		
<p>ACLU of California Kevin Baker Director of Legislative Affairs</p> 	<p>Advancement Project Karla Pleitez Howell Managing Director of Policy and Programs</p> 	<p>AFSCME 3299 Kathryn Lybarger President</p> 
		
<p>Alliance for Boys and Men of Color Marc A. Philpart Principal Coordinator, Alliance for Boys and Men of Color</p> 	<p>Asian Americans Advancing Justice – California Liza Chu CA Policy Manager</p> 	<p>Asian Americans Advancing Justice – Los Angeles Victoria “Nikki” Dominguez Education Equity Director</p> 
		
<p>Asian Law Alliance Richard Konda Executive Director</p> 	<p>AYPAL Stanley Pun Co-Director</p> 	<p>Black Students of California United Angelia Barfield Executive Board President</p> 

# EQUAL JUSTICE SOCIETY

		 California Pan-Ethnic Health Network
<p>California ChangeLawyers Christopher Punongba Executive Director</p> 	<p>California LULAC Yvonne Gonzalez Duncan State Director</p> 	<p>California Pan-Ethnic Health Network Linda Tenerowicz Senior Policy Advocate</p> 
		 <b>CALIFORNIANS TOGETHER</b> CHAMPIONING THE SUCCESS OF ENGLISH LEARNERS
<p>California Reinvestment Coalition Vijay Das National Policy and Communications Director</p> 	<p>California/Hawaii State Conference NAACP Alice Huffman President</p> 	<p>Californians Together Shelly Spiegel-Coleman Executive Director</p> 
		
<p>Canal Alliance Stephanie McNally Advocacy and Policy Senior Manager</p> 	<p>Career Ladders Project Linda Collins Executive Director</p> 	<p>Child Care Law Center Kim Kruckel Executive Director</p> <p><i>Kim Kruckel</i></p>

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<p>Children's Defense Fund-CA Angelica Salazar Director of Education Equity [REDACTED]</p>	<p>Chinese American Progressive Action Janelle Wong Co-Founder [REDACTED]</p>	<p>Chinese for Affirmative Action Vincent Pan Co-Executive Director [REDACTED]</p>
		
<p>City of Oakland, Office of Mayor Libby Schaaf Mayor Libby Schaaf Mayor of Oakland [REDACTED]</p>	<p>Communities United for Restorative Youth Justice (CURYJ) George Galvis Executive Director [REDACTED]</p>	<p>Community Coalition Alberto Retana President/CEO [REDACTED]</p>
		
<p>Congregations Organized for Prophetic Engagement (COPE) Pastor Samuel J. Casey Executive Director [REDACTED]</p>	<p>Consumers for Auto Reliability and Safety Rosemary Shahan President [REDACTED]</p>	<p>CSUN AAS Department Gina Masequesmay Professor [REDACTED]</p>



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<p>Del Sol Group, Inc. Alma V. Marquez CEO</p> 	<p>Disability Rights Education &amp; Defense Fund Susan Henderson Executive Director</p> 	<p>Diversity in Leadership Institute Laura J. McGowan-Robinson CEO</p> 
		
<p>Empowering Pacific Islander Communities (EPIC) Tavae Samuelu Executive Director</p> 	<p>Fathers &amp; Families of San Joaquin Samuel Nunez Executive Director</p> 	<p>Food for People Heidi McHugh Community Education &amp; Outreach Coordinator</p> 
		
<p>Friends Committee on Legislation of California</p>  <p>JIM LINDBURG Legislative Director</p>	<p>Future Leaders of America Eder Gaona-Macedo Executive Director</p> 	<p>GO Public Schools Jonathan Klein CEO</p> 

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 <p><b>Greater Sacramento Urban League</b></p>	 <p>HISPANIC ASSOCIATION OF COLLEGES &amp; UNIVERSITIES</p>	 <p><b>INNERCITY STRUGGLE</b> <i>Building a Movement in the Eastside</i></p>
<p>Greater Sacramento Urban League Cassandra H.B. Jennings President and CEO</p> 	<p>Hispanic Association of Colleges and Universities Antonio R. Flores, Ph.D. President &amp; CEO</p> 	<p>InnerCity Struggle Maria Brenes Executive Director</p> 
 <p><b>Innovate Public Schools</b></p>	 <p>INTERNATIONAL ACTION NETWORK FOR GENDER EQUITY &amp; LAW</p>	<p><b>JUSTICE IN AGING</b> FIGHTING SENIOR POVERTY THROUGH LAW</p>
<p>Innovate Public Schools Hannah Gravette Regional VP Los Angeles</p> 	<p>International Action Network for Gender Equity &amp; Law Andrea Carlise Executive Director</p> 	<p>Justice in Aging Kevin Prindiville Executive Director</p> 
 	 <p>Education. Our Children. Our Legacy.</p>	
<p>Kid City Hope Place Anne Hawthorne Executive Director</p> 	<p>La Comadre Alma V. Marquez Founder</p> 	<p>Maternal and Child Health Access Susan Flores Oral Health Advocacy Coordinator</p> 

# EQUAL JUSTICE SOCIETY











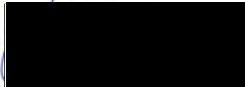
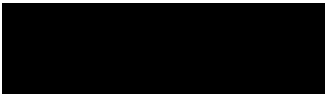
	 <p><b>NEWLIFE</b> CHRISTIAN CHURCH</p>	
<p>National Center for Youth Law Jesse Hahnel Executive Director</p> 	<p>New Life Christian Church Pastor Samuel J. Casey Senior Shepard</p> 	<p>NextGen California Arnold Sowell Jr. Executive Director</p> 
		
<p>Officers For Justice Peace Officers Association Yulanda Williams President</p> 	<p>Parent Organization Network Araceli Simeon Project Director</p> 	<p>Policy Link Chione Flegal Managing Director</p> 
		
<p>Public Advocates Inc. Guillermo Mayer President &amp; CEO</p> 	<p>Reappropriate Jenn Fang Founder and Editor</p> 	<p>Reinvent Stockton Foundation Lange Luntao Executive Director</p> 



# EQUAL JUSTICE SOCIETY

		 <b>Social Justice Collaborative</b>
<p>Resilience OC Dulce Saavedra Youth Director</p> 	<p>San Francisco African American Chamber of Commerce Frederick Jordan Chairman</p> 	<p>Social Justice Collaborative Gautam Jagannath Executive Director</p> 
 <p>SOUTHERN CALIFORNIA COLLEGE ACCESS NETWORK</p>		 <i>Desertsong Group</i> LEAD. ENGAGE. TRANSFORM
<p>Southern California College Access Network Alison De Lucca Executive Director</p> 	<p>Teach Plus – California Sarah Lillis Executive Director</p> 	<p>The Desertsong Group Niki Dettman Chief Executive Officer</p> 
 <p>The Education Trust—West</p>	 <p><b>Hawk</b> INSTITUTE <small>HIGHER ATTAINMENT THRU WISDOM AND KNOWLEDGE</small></p>	 <p>The Latino and Latina Roundtable <small>Of the San Gabriel and Pomona Valley</small></p>
<p>The Education Trust—West Dr. Elisha Smith Arrillaga Executive Director</p> 	<p>The HAWK Institute Dr. Eric Gravenberg President/CEO</p> 	<p>The Latino and Latina Roundtable of San Gabriel and Pomona Valley Jose Calderon President</p> 

# EQUAL JUSTICE SOCIETY

		
<p>The Praxis Project Xavier Morales, Ph.D. Executive Director</p> 	<p>The Village Nation Joyce Germaine Watts, EdD Executive Director</p> 	<p>UC Berkeley School of Law Ian Haney Lopez Chief Justice Earl Warren Professor of Public Law</p> 
		
<p>University of California Student Association Varsha Sarveshwar President</p> 	<p>USC Race and Equity Center Sumun L. Pendakur Chief Learning Officer</p> 	<p>Western Center on Law &amp; Poverty Jessica Bartholow Policy Advocate</p> 
<p><b>ANDERSON BARKER ARCHITECTS</b></p>		
<p>Anderson Barker Architects Michael H Anderson, AIA, NOMA Founder</p> 		



# Santa Clara County Republican Party

August 24, 2020

The Honorable Sam Liccardo, Mayor  
and Honorable City Councilmembers  
City of San José  
200 E Santa Clara Street  
San José, CA 95113

Mayor Liccardo and City Councilmembers,

I am writing to you today to encourage you to vote NO on the memos supporting Proposition 16. The concept of race has been used to divide people for centuries – ever since it was dreamed up by the British in the 16<sup>th</sup> century to classify people they viewed as inferior to themselves. Today, in the era of 23 and Me DNA testing and prominent leaders of color like former President Barack Obama, Sen. Tim Scott, former Secretaries of State Nikki Haley and Condoleezza Rice, and Sen. Kamala Harris, most Americans see more of what we have in common than what divides us – especially when it comes to the divisive, antiquated notion of ‘race’.

Now, Mayor Liccardo, Vice Mayor Jones, and other City Councilmembers want us to return to the bad old days of failed racial politics – where people were judged solely on a factor they could not control – the color of their skin. They don’t want to take into consideration the struggles of individuals, the circumstances of their upbringing, their lack of resources, their immigrant experiences - instead they want to remove the guarantee of equal treatment under the law from our State Constitution and quickly implement discriminatory plans based solely on whether or not they belong to a particular ‘race’. They aim to turn back Dr. Martin Luther King Jr.’s dream of a nation where his children would be “judged by the content of their character and not the color of their skin” and replace it with discrimination, distrust, and division.

We must NOT return to the failed policies of the 1970s where one form of racial discrimination was replaced with another. We must NOT return to a system where the achievements of Black Americans were diminished because quotas created doubt in people’s minds of the legitimate successes of people of color – further handicapping them in their efforts to emerge from the dark shadows of discrimination. We must NOT return to the divisions and resentments that preferences based upon skin color create within our communities.

The United States was founded with the highest, timeless ideals but, from the start, our practices and laws did not reflect these ideals. Ever since the founding, our history has shown that we cannot as a society remain in conflict with our ideals. Americans – Black, Brown, and others, fought and died in a civil war to end the horrific practice of slavery. Americans put their lives on the line as Freedom Riders, and leaders like the Rev. Dr. King were martyred as they fought to ensure the ideals of the United States were lived out.

522 N MONROE ST | SAN JOSE, CA | 95128  
[www.svgop.com](http://www.svgop.com)

Today, we acknowledge there is still work to do, as long as racial injustices still occur. We must continue the work of those who came before us to ensure that the blessings of liberty flow to every American by giving each the opportunity to rise – especially the Black Americans who suffered for years under official discrimination. We do not achieve the goal of equal opportunity by bringing back failed, old forms of racial discrimination. Instead of putting in the hard work of strengthening families, improving education, creating an economy that promotes job creation, and increasing mentorship and entrepreneurial training opportunities, politicians put forth Proposition 16. They want easy answers so they can pretend that they've solved the problem of a lack of equity – so they are reaching back to color codes and racial quotas. There is a better way forward.

We call on you today to reject Proposition 16 and stop any attempt to remove non-discrimination from our State Constitution. We already have the tools we need to create more opportunity without creating a racial divide – and that is through the use of economic criteria to provide preferences in admissions, contracting, and hiring. This serves to help those who are disproportionately economically disadvantaged without creating new racial discrimination, distrust, and division.

Instead of returning to the racial divides of the past, let us rededicate ourselves to the prospect that ALL of us are equal in the eyes of our Creator and ALL are deserving of equal treatment under the law.

Vote NO on supporting Proposition 16.

Sincerely,

A black rectangular box redacting the signature of Shane Patrick Connolly.

Shane Patrick Connolly  
Chairman



SAN JOSE SMALL BUSINESS ADVISORY TASK FORCE

August 24, 2020

Mayor Sam Liccardo and City Council  
City of San Jose, City Hall  
200 East Santa Clara Street  
San Jose, CA. 95113

**RE: Agenda Item 3.7 Proposition 16**

**Dear Mayor Sam Liccardo and City Council Members,**

In the interest of reflecting and serving the diverse small businesses of San José, we, the members of the San José Small Business Advisory Task Force, support staff's recommendation and Proposition 16 on the November 3, 2020 California General Election Ballot.

Supporting Proposition 16 would repeal Proposition 209, which was passed in 1996, from the California Constitution. Proposition 209 "prohibits the state, cities, counties, community college districts, public universities, and special districts from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, color, ethnicity, national origin, or gender when making decisions about public employment, public education, or public contracting."

While the intention of Proposition 209 was to create a more fair and equal opportunity for all regardless of gender, race, color, or ethnicity, it has created challenges when attempting to collect and communicate demographic information that has to do with policy decision making. When examining the effectiveness of Proposition 209 in the City of San José, we are able to see the struggles that many women and minority businesses faced. The Supreme Court of California held in *Hi-Voltage Wire Works v. City of San José* that the City's program was in violation of Proposition 209 since the outreach and participation components gave special advantages to particular groups. As a result, there was a loss of an estimated \$20 million per year in minority and small businesses contracts within the City. This has also led to other challenges for governmental entities to pursue gender-conscious and race-conscious policies such as women-owned and minority-owned Businesses. Now more than ever, it is vital that our minority-owned and small businesses be provided with the necessary programs and resources that best fit their needs as they continue to navigate during such unprecedented times.

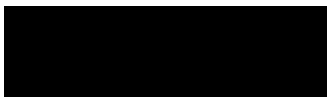
When reviewing Proposition 16, it is essential to consider that 55,000 small businesses reside



within the city of San José, of which 60% are minority owned. Proposition 209 attempts to create a ‘color blind’ society where all individuals are to have equal opportunity. However, having diversity in City administration and leadership helps bring a variety of perspectives in both program and policy development and implementation that can provide the necessary aid needed for small businesses to thrive. As a whole, Proposition 209 has removed tools needed for preventing discrimination, particularly for small businesses, minority and women owned. The result has led to small business needs being neglected and a significant decline of contract awards, including women and minority owned businesses in California, who have lost an estimated \$1 billion annually in public contracts over the course of the past two decades. It is also evident that all minority owned businesses have unfortunately been the most impacted by the pandemic; targeted procurement policies and programs for both minority and women could help provide opportunities for City contracts to groups that have been the most impacted as a result of COVID-19.

The Task Force is made up of various ethnic chambers and business associations representing the diverse small businesses of San José and the region. One of our main objectives as an advisory body is to provide direction on current and prospective policies, processes, and programs to best meet the needs of small businesses and ensure their growth and development. Local and small businesses are responsible for creating thousands of jobs in the City of San José as well as creating one of the most diverse cities in the United States. As we carry out our mission to best serve minority owned and small businesses, we, the Task Force, support Proposition 16 as a means to ensure that disadvantaged groups are receiving equitable opportunities in order to thrive to the best of their ability.

Sincerely,



Dennis King

*Vice Chair*, Small Business Advisory Task Force

Executive Director, Hispanic Chamber of Commerce

*Members of the San José Small Business Advisory Task Force:*

Vice Mayor Chappie Jones  
Hispanic Chamber of Commerce  
FilAm Chamber of Commerce  
Rainbow Chamber of Commerce  
Silicon Valley Black Chamber of Commerce  
Silicon Valley Chines Technology Association

Silicon Valley Vietnamese American Chamber of Commerce  
The Silicon Valley Organization  
Winchester Business Association  
Taiwanese American Chamber of Commerce  
Vietnamese American Chamber of Commerce

# WORKING PARTNERSHIPS USA

August 24, 2020

The Honorable Sam Liccardo and Councilmembers  
City Council, City of San Jose  
200 E Santa Clara St  
San Jose, CA 95113

Dear Mayor Liccardo and Councilmembers:

I am writing to you today on behalf of Working Partnerships USA in support on item 3.7 for the City Council meeting to be held Tuesday, August 25.

California is one of just nine states that bans equal opportunity programs like affirmative action. Proposition 16 reinstates affirmative action in public education, public contracting, and public hiring so that everyone—Black, Latino, Asian American, White, man or woman—has an equal opportunity to succeed.

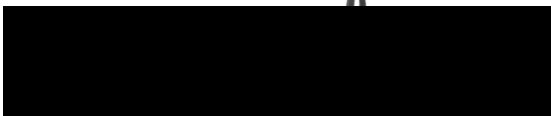
Proposition 16 is our best tool to root out discrimination in all its forms this November — which will put us on the path to a stronger California after COVID-19. A California where everyone — no matter what they look like, where they come from, or who they are — has equal opportunity to succeed.

Proposition 16 is how we build a California that reflects our values of diversity and fairness — and how we show the nation what eradicating discrimination in all its forms really looks like.

Working Partnerships USA is calling on you and the city council to endorse Prop 16 to promote equal opportunity for women and people of color in San Jose. This is important to us because it will provide greater opportunities for students in our area who need accessibility to quality education and promote fair wages for women and people of color. Women are paid 80 cents for every dollar paid to white men. This decreases to 60 cents for Black women and 40 cents for Latinas.

We urge the council to vote in support of a resolution for Prop 16.

Sincerely,



Derecka Mehrens  
Executive Director

**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 1:35 PM  
**To:** Agendadesk  
**Subject:** FW: Please vote NO on 16

-----Original Message-----

From: Kelly Cavanaugh [mailto: [REDACTED]]  
Sent: Monday, August 24, 2020 1:35 PM  
To: City Clerk < [REDACTED]>  
Subject: Please vote NO on 16

[External Email]

This is my request as a citizen who you represent!

Kelly Cavanaugh

Sent from my iPhone

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 11:16 AM  
**To:** Agendadesk  
**Subject:** FW: Letter of support for agenda item discussing Prop. 16

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**From:** Paul Fong [mailto: [REDACTED]]  
**Sent:** Sunday, August 23, 2020 2:00 PM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Letter of support for agenda item discussing Prop. 16

[External Email]

Letter of support for Prop. 16.

Affirmative Action has been needed for racial justice for 24 years when prop. 209 ended Affirmative Action. I am a strong believer of Affirmative Action, it is needed now more than ever before with the murder of George Floyd and the racial injustices going on in current society. Prop. 16 would be the only tool to bring on Racial Justice back to our communities.

Sincerely,  
Paul Fong

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 4:18 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7

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**From:** robert rissel [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 4:17 PM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Agenda Item 3.7

[External Email]

Re: Repeal 209 goes to ballot..., sf chronicle, pg.1, 6/25/20

With their efforts to repeal prop 209, state Democratic senators substantiate their ethnic bigotry and an inability to learn from the past. Is the San Jose City Council going to join them?

Those Attempting to reinstate ethnic based affirmative action verifies the disrespect they have for the abilities of those in the targeted ethnicity, and is demeaning to the members of those ethnicities. It does nothing but support ethnic tensions, victimhood and identity politics.

As demonstrated across the nation with the last effort to implement ethnicity based support, individuals placed in positions through affirmative action were subjected to the disrespect of employment superiors, co workers, and subordinates by creating the possibility their placement was not gained through merit and ability. In addition, this process robbed these individuals of the personal satisfaction of knowing they had earned their position.

If the intent of the legislation is to assist the economically disadvantaged, the targeted recipients of the assistance should be those who are economically disadvantaged. Ethnicity should play no part. If the economically disadvantaged are unevenly dispersed in the ethnic groups so would be the assistance.

P.S. There is only one biologically defined "race" of people. It is known as the "Human Race".

P.P.S. You do not reduce ethnic tension by focusing on ethnicity.

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 3:31 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

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**From:** Mary Griffith [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 3:28 PM  
**To:** City Clerk < [REDACTED] > CouncilMeeting < [REDACTED] >  
**Subject:** Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

To the City Clerk and all Council Members,  
I respectfully oppose the support of Proposition 16. I ask that you do not support it either.

Removing non-discrimination from the California Constitution will allow public employers, universities, and government contracts to be decided based upon the RACE of the applicant or bidder. This is just plain WRONG.

Thank you,

Mary Griffith, San Jose CA

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 2:58 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

---

**From:** Shi Xing [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 2:56 PM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

We strongly oppose Proposition 16.

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 2:53 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

---

**From:** Marlene McCullough [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 2:50 PM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

To Whom It May Concern:

I oppose Agenda Item 3.7 - Proposition 16 - we do not want to take a step back in time, we need to keep moving forward. I believe a person should not be judged or counted on by their race, sex, color, ethnicity, or national origin, but by what they can accomplish and get done.

Rev. Dr. Martin Luther King, Jr. dreamed of the day when his children were judged not based upon skin color, but by the "content of their character". He understood that you don't fix past discrimination by imposing new forms of discrimination. Judging people based on the color of their skin will take us backward and will create resentment without improving the conditions for Black or Brown or any Americans. It's an easy - but wrong - answer being pushed by politicians who don't want to do the hard work to strengthen families, improve education, and create the job growth and mentorships needed to lift people out of poverty.

Ward Connerly - a successful Black businessman, former member of the California Board of Regents, and founder of the American Civil Rights Institute - succeeded in getting California voters to approve Proposition 209 in 1996 - the California Civil Rights Initiative - which placed non-discrimination into the State Constitution. Now, activists want to REMOVE non-discrimination and bring back failed 1970s-style quotas and affirmative action.

I oppose Proposition 16 constitutional amendment that would repeal Proposition 209, that states discrimination and preferential treatment were prohibited in public employment, public education, and public contracting on account of a person's or group's race, sex, color, ethnicity, or national origin. Therefore, Proposition 209 banned the use of affirmative action involving race-based or sex-based preferences in California.

"Without Proposition 209, the state government, local governments, public universities, and other political subdivisions and public entities would—within the limits of federal law—be allowed to develop and use affirmative action programs that grant preferences based on race, sex, color, ethnicity, and national origin in public employment, public education, and public contracting."

So with Asm. Shirley Weber's (D-79) introduction of the legislation that would become Proposition 16, stating that "the ongoing [coronavirus] pandemic, as well as recent tragedies of police violence, is forcing Californians to acknowledge the deep-seated inequality and far-reaching institutional failures that show that your race and gender still matter."

But by removing Proposition 209 for her reasoning makes no sense; I am a Californian and what I see as recent tragedies as she calls it is more the lack of real leadership in the states that have allowed the violence in the streets and against our police. Yes there are a few bad apples but you get those in all walks of life. Also, from her statement; what does the pandemic have to do with Proposition 209, nothing it's more of an excuse to use. I would prefer that a person's or group's race, sex, color, ethnicity, or national origin not be a subject on any job, school or pushed in any ones agenda. Tired of seeing it pushed in the news daily in as well, but that is for another day.

Thank you, Marlene McCullough

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 2:23 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

-----Original Message-----

From: mark gong [mailto: [REDACTED]]  
Sent: Monday, August 24, 2020 2:20 PM  
To: City Clerk < [REDACTED]>  
Subject: Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

No on 16! No discrimination based on skin color!

Best Regards

Mark Gong

Building Character For A Lifetime

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 1:51 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

---

**From:** Mike Henry [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 1:50 PM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

Proposition 16 is fundamentally discriminatory by returning quota systems based on race.

Ward Connerly - a successful Black businessman, former member of the California Board of Regents, and founder of the American Civil Rights Institute - succeeded in getting California voters to approve Proposition 209 in 1996 - the California Civil Rights Initiative - which placed non-discrimination into the State Constitution.

Proposition 16 will remove non-discrimination and bring back failed 1970s-style quotas and affirmative action.

I urge our councilmembers strongly to oppose Proposition 16.

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 1:50 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - OPPOSE!

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**From:** lrb topdown [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 1:42 PM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Agenda Item 3.7 - Proposition 16 - OPPOSE!

[External Email]

I Oppose and think it's wrong.

Rev. Dr. Martin Luther King, Jr. dreamed of the day when his children were judged not based upon skin color, but by the "content of their character". He understood that you don't fix past discrimination by imposing new forms of discrimination. Judging people based on the color of their skin will take us backward and will create resentment without improving the conditions for Black or Brown Americans

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 1:43 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

---

**From:** WHuang [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 1:40 PM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

Hi,

I learned the City Council is going to discuss Proposition 16 tomorrow 8/25/2020 under Agenda Item 3.7.

Anyone familiar with the constitution of the country knows that Prop 16 is a blatant violation of the supreme law of the country. It is hardly fathomable to see nowadays there still are politicians and elected officials who are committed to such flagrant defiance and naked deprivation of a basic and common sense in legislating and governing by skin color.

As a resident of the City of San Jose, I strongly oppose Proposition 16 and seriously urge the Council to not only disapprove this proposition, but also denounce and condemn all moves of such immoral, evil, and demonic nature that are going to corrupt and ruin the beloved state of California as well as to pollute the great country of the USA.

I hope the City Council will give a solemn consideration in the direction they are leading the City to.

Thank you,  
Weimin Huang

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 1:36 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

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**From:** no aca5 [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 1:26 PM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

To whom may concern,  
I strongly oppose Prop16.  
Prop16 will divide our society.  
I hope everyone has the same opportunity.  
I hope we can judge a person only based on merit, not based on the RACE.

NO Prop 16

Thanks  
mc2

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 1:35 PM  
**To:** Agendadesk  
**Subject:** FW: Item 3.7  
**Attachments:** cja.pdf  
  
**Importance:** High

---

**From:** Richard Konda [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 1:20 PM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Item 3.7  
**Importance:** High

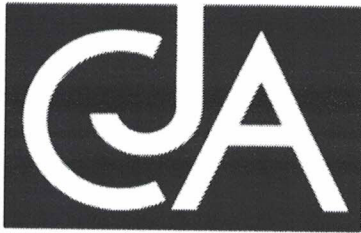
[External Email]

Dear City Clerk: Please see our attached letter in support of Prop 16.  
Sincerely

Richard Konda  
Executive Director  
Asian Law Alliance  
[REDACTED]  
San Jose, CA 95126  
[REDACTED]

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete the message.

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## **Coalition for Justice and Accountability**

*“Building a community where everyone feels safe.”*

August 24, 2020

c/o ALA  
991 West Hedding Street, Suite 202  
San Jose, CA 95126  
(408) 287-9710

Mayor Sam Liccardo  
Members of the San Jose City Council  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

Dear Mayor Liccardo and member of the San Jose City Council:

We understand that at the August 25, 2020 City Council meeting, the city council will consider endorsing the Yes on Proposition campaign. As you are well aware, Proposition 209 will be repealed if Proposition 16 is adopted by the voters in November.

We are in full support of the memo authored by Mayor Liccardo, Vice-Mayor Chappie Jones, Councilmember Carrasco and Councilmember Perez and the memo also authored by Councilmember Arenas that support Yes on Prop 16.

At a recent meeting of CJA, we voted to join the many voices that support Proposition 16 and we urge all members of the San Jose City Council to join us in the campaign to support Proposition 16.

The Coalition for Justice and Accountability (CJA) came into existence in 2003 after Bich Cau Thi Tran was shot and killed by San Jose Police Officer Chad Marshall. CJA has over the past 17 years been an advocate for humane policing practices.

Sincerely,

On behalf of CJA  
Richard Konda



**ASIAN LAW ALLIANCE**

991 West Hedding Street Suite 202 San Jose, California 95126

Tel ( 408 ) 287-9710

Fax ( 408 ) 287-0864

August 21, 2020

Mayor Sam Liccardo  
Members of the San Jose City Council  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

Re: Support for Yes on Prop 16

Dear Mayor Liccardo and members of the San Jose City Council:

The Asian Law Alliance is a member of the Yes on Prop 16 campaign. We joined this campaign because Prop 16 will address systematic racism the keeps millions of Californians from getting good jobs, decent wages and access to great schools. It is for that reason that we support your memo regarding the support position for Proposition 16.

Sincerely,

A black rectangular redaction box covering the signature of Richard Konda.

Richard Konda  
Executive Director

**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 1:35 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

-----Original Message-----

From: Rene' Jones [mailto: [REDACTED]]  
Sent: Monday, August 24, 2020 1:26 PM  
To: City Clerk < [REDACTED]>  
Subject: Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

I STRONGLY OPPOSE prop 16.

S. René Jones

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 12:58 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda item 3.7 - proposition 16 - Oppose

-----Original Message-----

From: ROXANE MORTENSEN [mailto: [REDACTED]]  
Sent: Monday, August 24, 2020 12:57 PM  
To: City Clerk < [REDACTED]>  
Subject: Agenda item 3.7 - proposition 16 - Oppose

[External Email]

Sent from my iPhone

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 12:56 PM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7-prop 16-oppose.

---

**From:** john besmer [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 12:54 PM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Agenda Item 3.7-prop 16-oppose.

[External Email]

I oppose prop 16

John Besmer

Luzerne Optical lab.

[REDACTED]

--

John Besmer  
Luzerne Optical Lab.  
[REDACTED]

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**Taber, Toni**

---

**From:** City Clerk  
**Sent:** Monday, August 24, 2020 11:57 AM  
**To:** Agendadesk  
**Subject:** FW: Item 3.7, NO ON PROP 16

---

**From:** Anne Stenehjem [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 11:56 AM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Item 3.7, NO ON PROP 16

[External Email]

Rev. Dr. Martin Luther King, Jr. dreamed of the day when his children were judged not based upon skin color, but by the "content of their character". He understood that you don't fix past discrimination by imposing new forms of discrimination. Judging people based on the color of their skin will take us backward and will create resentment without improving the conditions for Black or Brown Americans.

It's an easy - but wrong - answer being pushed by politicians who don't want to do the hard work to strengthen families, improve education, and expand job opportunities and mentorships to lift people out of poverty.

Ward Connerly - a successful Black businessman, former member of the California Board of Regents, and founder of the American Civil Rights Institute - succeeded in getting California voters to approve Proposition 209 in 1996 - the California Civil Rights Initiative - which placed non-discrimination into the State Constitution.

Now, activists want to REMOVE non-discrimination and bring back failed 1970s-style quotas and affirmative action. Proposition 16 would completely overturn Proposition 209.

I OPPOSE Proposition 16.

Sincerely,  
Anne Stenehjem  
San Jose, CA

Sent from [Mail](#) for Windows 10

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 11:08 AM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose" in the subject line of your email.

-----Original Message-----

From: Daisy Li [mailto: [REDACTED]]  
Sent: Monday, August 24, 2020 12:43 AM  
To: City Clerk < [REDACTED]>  
Subject: Agenda Item 3.7 - Proposition 16 - Oppose" in the subject line of your email.

[External Email]

Strongly object and will vote NO on Prop 16.

Thank you!

Daisy Li

Sent from my iPhone

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 11:03 AM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

---

**From:** Zhining Chin [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 10:16 AM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

Judging people based on the color of their skin will take us backward and will create resentment without improving the conditions for Black or Brown Americans. It's an easy - but wrong - answer being pushed by politicians who don't want to do the hard work to strengthen families, improve education, and expand job opportunities and mentorships to lift people out of poverty.

Best regards

Zhining Chin  
[REDACTED]

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 11:03 AM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

---

**From:** someday [mailto: [REDACTED]]  
**Sent:** Monday, August 24, 2020 10:31 AM  
**To:** City Clerk < [REDACTED]>  
**Subject:** Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

## **Yes on 16 is Pro-Special-Interest and Anti-Immigrant!**

**Please do not support and endorse this racial bill which would further divide the Americans.**

### **Keep discrimination illegal Racial Preferences Kills the American Dream!**

The Yes on 16 campaign is **primarily funded by two special interest groups**: an Oakland real estate tycoon named Wayne Jordan and the Netflix CEO Reed Hastings. They are beholden to billionaires. This makes sense, of course, because racial preference primarily benefits elites whose children get favorable treatment in college admissions and whose interests are propped up by the government. Under Prop. 16, Wayne Jordan would get to secure massive government contracts unavailable to others because he happens to be an "underrepresented minority".

The Yes on 16 campaign undermines immigrants and the foundations of what immigrants believe about America. Immigrants from all over the world come to America to flee oppression, especially on racial or ethnic lines. They do not want their backgrounds to be used either for or against them - they want to be judged on their hard work and personal character. The Yes on 16 campaign is **running a xenophobic apparatus** bent on trying to portray immigrants as self-centered for wanting to not have race be used against them. Lisa Holder of Equal Justice Society represented Yes on 16 in an endorsement interview on 08/20 and said: **"The No on 16 opposition is a bunch of Chinese who speak broken English!"** Assemblywoman Cristina Garcia, a supporter of Prop 16, said about Asian immigrants campaigning against race preferences: "[the campaign] makes me feel like I want to punch the next Asian person I see in the face." The "anti-racists" are exhibiting blatant racism!

Thanks!

Hsiao Fen Huang

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, August 24, 2020 11:02 AM  
**To:** Agendadesk  
**Subject:** FW: Agenda Item 3.7 - Proposition 16 - Oppose

-----Original Message-----

From: Vivian Yang [mailto: [REDACTED]]  
Sent: Monday, August 24, 2020 10:05 AM  
To: City Clerk < [REDACTED]>  
Subject: Agenda Item 3.7 - Proposition 16 - Oppose

[External Email]

Agenda Item 3.7 - Proposition 16 - Oppose

Sent from my iPhone

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August 24, 2020

To Honorable Mayor and City Council  
200 E Santa Clara St. 18<sup>th</sup> Floor  
San Jose, CA 95113

**San Jose City Council Agenda Item 3.7: Proposition 16 on the November 3, 2020 California General Election Ballot (Support)**

Dear Honorable Mayor and City Council:

We would first like to thank Councilwoman Sylvia Arenas for bringing this forward before City Council. The California Young Democrats Asian Pacific Islander Caucus (CYD API Caucus) supports Proposition 16 (Prop 16) and urges the Mayor and City Council to vote in support of the proposition. Prop 16 will create equal opportunities for all Californians by fighting discrimination against women and people of color and restoring affirmative action in public contracting, public employment, and public education.

Proposition 209 implemented a “color-blind” vision of race, which reinforce existing inequalities by ignoring the social and economic generational disadvantages due to past and present discriminatory policies. Disparities and inequities have been amplified. We agree with Senate Labor Committee analysis that says,

“Irrespective of the merits of a colorblind society, the data suggests that we are not currently living in one. Instead, the data suggests that we live in a deeply unequal society, where the tools to compete in society are unevenly distributed and distributed in a manner that perpetuates inequality between races and genders at all levels of class and society.”

Proposition 209 needs to be repealed now. There’s no denying that California’s ban on equal opportunity programs has left certain Californians more vulnerable to the virus, at a higher risk of unemployment, and with fewer investment opportunities to keep their small businesses open:

- African-Americans have below-average health outcomes due to a lack of equal opportunity. Just 3% of physicians in California are African-American, while they make up 6% of the population; more representation would mean more physicians who can speak to and serve community-specific health needs.
- Restoring equal opportunity programs in California will also lead to expanded investment in STEM education and extra curricular resources for African-American youth, potentially leading to more African-American physicians, scientists, and researchers in the future.
- Latinos, more than any other ethnic group, say they or someone in their household has lost their job because of the virus. The jobs Latinos continue to do -- grocery store clerks, nursing home attendants, take-out cooks -- are precisely the ones that put them at risk of contracting the virus.
- Women, especially women of color, already are paid far less than men (Latinas make just 43 cents for every dollar earned by a white man), and will continue to make even less as a result of this economic



downturn, if they don't lose their jobs outright. 60% of all Americans who have lost jobs because of the COVID-19 crisis are women.

- Asian Americans have seen nearly as much job loss as Latinos as a result of COVID-19, as well as new barriers to accessing public contracts. These numbers in particular are fueled by bigotry, as widespread xenophobia and racism surrounding the COVID-19 outbreak has been directed largely at Asian Americans.

None of this is a coincidence, or unforetold. Because of the ban on affirmative action in California, women and people of color have lost billions of dollars in business, have seen their admission rates into the UCs sink, and have been limited to certain roles in the workforce -- all adding up to their being on the front lines of the COVID-19 crisis, both the first and hardest hit.

Overturning California's ban on programs that promote equal opportunity is long overdue, and is more critical by the day. The issues above are intertwined, and ACA 5 addresses them all. Women- and minority-owned businesses would stop losing out on \$1.1 billion annually in public contracts; more women would have leadership positions in business; graduating classes at the UCs would reflect the diversity of our state, empowering all Californians to gain the knowledge and expertise they need to enter the workforce and serve our communities in the way they choose.

All of these factors increase economic mobility for women and people of color -- which, in turn, leads to more access to better healthcare, and a higher quality of life.

California is the world's fifth largest economy, but it doesn't feel like it for the vast majority of the people who call it home. We can't continue to deny Californians an opportunity to succeed or live a healthy life simply because of how they look or who they are. ACA 5 will level the playing field and allow all Californians to find a good job, earn a decent wage and get ahead in life and their careers.

You can't have shared success without shared opportunity. Let's put California on a path toward true equal opportunity for all.

Sincerely,

**California Young Democrats Asian Pacific Islander Caucus**



August 25, 2020

**Re: YES ON PROPOSITION 16**

Honorable Members of the San Jose City Council:

As a resident of the City of San Jose, I am writing to strongly encourage the Council to support Proposition 16.

In California, we believe in giving everyone -- Black, Latino, Native American, Asian American or Pacific Islander, White, any gender -- an equal shot at fair wages, good jobs and quality schools. But the truth is that many people in our communities are currently discriminated against in getting state contracts, employment, pay, and educational opportunities based on who they are or where they come from. Prop 16 would change all of that -- it's the systemic change we need to end discrimination as we know it.

Proposition 16 creates equal opportunities for every California community by:

- » Helping to end wage discrimination against women, especially women of color -- which will help close a gender wage gap that only benefits those at the very top

- » Strengthening resources in K-12 schools for communities that need it the most, such as STEM education for girls or career mentorship programs for high school students who are English language learners

- » Ensuring women, especially women of color, have equal access to promotions and leadership positions in business

- » Standing up for working women and people of color, many of whom are on the front lines of COVID-19, and are the first targeted for layoffs

- » Ensuring all California students have equal access to higher education -- undergraduate and beyond -- so they can build the careers of their dreams, and serve our communities for years to come

Therefore, so that all residents of the City of San Jose has equal opportunity, I strongly urge you to support the YES ON PROPOSITION 16.

Sincerely,

Rose Amador