



Californians for Equal Rights Foundation
Address: P. O. Box 26935
San Diego, CA 92196
Phone Number: (760) 705-8262
Email: info@cferfoundation.org

CALIFORNIANS FOR EQUAL RIGHTS FOUNDATION

March 30, 2023

SUBJECT: CFER POSITION LETTER SUPPORTING SB 71

Honorable Members of the House Committee of State Agencies and Governmental Affairs:

On behalf of Californians for Equal Rights Foundation, I am writing to express our strong support of Senate Bill 71, which would prohibit discrimination or preferential treatment by the State of Arkansas and Other Public Entities. SB 71 represents a meaningful step for Arkansas to comport with a steadily growing, national and bipartisan consensus against race-conscious public policies.

The national consensus against racial preferences is stable and broad-based, which has been consistently evidenced by national polling data and ballot initiative history, even in America's most diverse and progressive states like California. In 1996, 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." Prop. 209 was overwhelmingly reaffirmed on the November 2020 ballot when 57.2% of or over 9.65 million California voters rejected Proposition 16, which would have repealed the ban. SB 71 replicates the precise language of Prop. 209 and embraces the cornerstone ideal of equality.

Eight other states (Arizona, Florida, Idaho, Michigan, Nebraska, New Hampshire, Oklahoma and Washington) have followed California to outlaw racial preferences and reaffirm the letter and spirit of our constitutional principle of equal protection. Notably, affirmative action has never been absent or categorically outlawed in any of the nine states. Race-neutral, need-based affirmative action measures are perfectly legal and have been employed systematically to level the playing field in many areas, so as to offer reasonable assistance to socioeconomically disadvantaged individuals, regardless of race. At the same time, outreach efforts that target women and minorities are allowed, as long as they are conducted in an inclusive and non-discriminatory manner.

Public opinions also overwhelmingly oppose racial preferences: a 2022 Pew survey found that 74% of Americans say colleges and universities should not consider race or ethnicity in admissions, for instance. Almost every major public opinion survey on the topic shows that a growing supermajority of Americans across the political aisle and of all races don't support racial preferences. Supporting equal treatment without regard to race is neither a partisan wedge nor a



Californians for Equal Rights Foundation
Address: P. O. Box 26935
San Diego, CA 92196
Phone Number: (760) 705-8262
Email: info@cferfoundation.org

political gambit. It is the right thing to do and a winning issue even among progressive voters. The American people, whenever given the opportunity to express their opinions in polls or at the ballot box, have made it clear over and over again that they do not support race-preferential policies.

Californians for Equal Rights Foundation (CFER) is a non-partisan and non-profit organization founded in the wake of California's resounding affirmation of its constitutional guarantee of equal treatment. CFER is dedicated to promoting & raising public awareness on our nation's fundamental principles of equality and merit. Therefore, we urge all House State Agencies and Governmental Affairs Committee Members to reconsider SB 71 and utilize this rare opportunity to support a proposal that would put the State of Arkansas in step with the principle of equality and the prevailing demands from the American people, including the great people of Arkansas!

Sincerely,

Wenyuan Wu
Wenyuan Wu,

Executive Director, Californians for Equal Rights Foundation