

Testimony
Public Employment and Retirement Committee
California State Assembly
Hearing 10 a.m. May 5, 2020 Assembly Constitutional Amendment 5

Dear Committee Members,

My name is John William Templeton (johnwilliamtempleton.com), curator of the California African-American Freedom Trail and author of *Citizenship for All: 150th anniversary of the 14th Amendment*.

I'd like to add to your consideration an understanding of the process which led to the adoption of the 14th Amendment. The lens through which you see the foundation of modern America will shape how you view Assembly Constitutional Amendment 5.

ACA 5 is consistent with the highest aspirations of those whose patriotism kept the United States as a unified nation from the Atlantic to the Pacific. The legislative history of the 14th Amendment is that it was approved as a response to two assaults on American democracy – the refusal of President Andrew Johnson to follow Congressional mandates for Reconstruction, leading to impeachment, and a wave of violent attacks against newly freed African-Americans in cities like Memphis and New Orleans.

Congress then followed the 14th Amendment with a series of hearings on outrages in all of the former Confederate states, created the Justice Department to protect the civil rights of freedmen and passed the Force Acts to defeat the Ku Klux Klan.

Many of those gains which led to record voting by African-Americans, more than 2,000 elected officials and progressive changes like universal public education were rolled back following the 1876 election.

It would take until the *Brown vs. Board of Education* decision written by former California Gov. Earl Warren as Chief Justice to restore the original intent of the Amendment.

During that period, not only were African-Americans restrained legally from equal protection of the law, including in California, but there was the Chinese Exclusion Act, the internment of Japanese and the extermination of California's indigenous population in the late 1800s.

Those who would argue that anti-affirmative action policies support equal protection of the law ignore the fact that the promise of the 14th Amendment is still aspirational.

The Congress that wrote the Amendment almost immediately took active steps to assure that African-Americans were protected from extra-legal violence and coercive contractual relationships.

All of the populations cited still face various forms of discrimination, even if subsets gain favor from time to time. As the Opportunity for All Coalition's research has shown, and the history after 1876 also shows, that the 14th Amendment requires the ability to intervene to protect underrepresented groups from active institutional and violent discrimination.

The lack of such intervention in the public sphere also resonates in the private sector. In San Francisco County from 2005 to 2017, there were 144,000 new jobs created. Only 1,000 went to African-Americans.

ACA 5 is faithful to the 14th Amendment. Please vote to send it to California's voters, a majority of whom are among the groups cited.