

Testimony
Assembly Constitutional Amendment 5
Senate Labor, Public Employment and Retirement Committee
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Author, *Compelling State Interest: California and Prop. 209*
Our Roots Run Deep: the Black Experience in California, Vols. 1-4

What does California mean? The Lucille Lloyd mural in the State Capitol and the Maynard Dixon/Frank von Sloun murals in the Mark Hopkins Hotel give an authentic view of the promise that Capt. William Alexander Leidesdorff anticipated when he invested \$50,000 to supply the U.S. armed forces in 1846.

In 2004, I took those murals on an exhibition around the state to document the centrality of the black experience in California history. In 2007, Vito Sgromo called me to interpret the California adoption of the 13th Amendment, found framed in a closet, leading to the exhibition Gold Rush Abolitionists.

As I have continued to criss-cross the 58 counties mapping the California African-American Freedom Trail's 6,000 sites, I have seen the wreckage that Prop. 209 has visited on communities which are as old as the state itself.

In the same way that the language of the 13th Amendment first appeared in the 1849 California Constitution, it is imperative that you restore the real meaning of California by approving Assembly Constitutional Amendment 5.

Just as Leidesdorff migrated here from the Virgin Islands and Louisiana to avoid racism, the Golden State has continued to be the "western sanctuary" for a

succession of global catalysts such as Ralph Bunche, Jackie Robinson and Maya Angelou.

When the state passed Proposition 209 in 1996, abetted by the Simpson trial backlash, that message changed. For the past 24 years, the litany has been that black Californians don't count.

The message rang so loud and clear that the black population declined 9 percent statewide in the next 10 years. Not only did college enrollment drop, but kindergarten enrollment dropped.

Behind these numbers, the insidious impact washed across land use decisions throughout the state. A boom in commercial construction and public infrastructure occurred without any provisions for equal opportunity in hiring and construction.

Privileged interests were able to jack up rents by building far more office space than affordable housing.

Environmental impact statements ignored disparate impacts on black communities.

Three vignettes come to mind. In 2015, Doctors Medical Center in San Pablo was closed despite a significant community effort to purchase the hospital and keep it open. The hospital served the area of West Contra Costa County which had suffered the worst environmental accident in the state's history due to the

proximity to five refineries — a clear case of environmental racism. Due to Prop. 209, we weren't able to insist that these health disparities be addressed and now 250,000 residents have no primary health care.

Just as Prop. 209 took hold, San Francisco completed the T-Line through Bayview-Hunters Point, with the promise of connecting southeast San Francisco to the employment centers. Privileged interests then placed a baseball stadium, a state-supported medical school and now a basketball arena near the front of the line, meaning service to the furthest reaches of the city got progressively worse. In fact, the line would abruptly stop before reaching the black neighborhoods and turn around.

In 2005, citing Prop. 209, San Francisco Unified took Black History Month off its academic calendar and refused to observe the state educational holiday Black American Day on March 5, the anniversary of Crispus Attucks' death in the Boston Massacre. Fifteen years later, that outrage continues and black student enrollment and performance has plummeted.

Now the largest concentration of African-Americans in the state is squarely in the crosshairs of a building boom related to the new football stadium in Inglewood and airport related construction. Policy makers will need the tools they have been denied because of Prop. 209 to insure that this growth does not result in displacement, despair and homelessness.

As the County of Los Angeles just found, racism is the major cause of its homelessness problem. When we pull the rug from under communities of stable, hard-working families, Prop. 209 has allowed smug bureaucrats to merely shrug. In 1992, the late Mayor Ed Lee, then serving as human rights director, compiled the Unfinished Agenda report about outmigration of African-Americans from San Francisco. Similarly, RebuildLA charted a plan to address long-standing disparities still festering from the Watts civil disturbances.

Prop. 209 stopped those efforts in their tracks, robbing several generations of young people from the opportunities that young Leidesdorff experienced as the leading merchant in northern California. Many of them have taken their talent to other states, taking the vitality which California has traditionally imported.

They didn't feel that anyone was listening. It is not an accident that kneeling and Black Lives Matter started in California.

Prop. 209 also meant that a new generation of African-American contractors have not been listened to by the construction industry. During a weekly series of dinners for Bay Area contractors last year, I discerned their common complaint that they were routed to an endless series of meetings and classes, but never given the opportunity for contracts or subcontracts on either public or private projects. I dealt with it first hand this past week when a large construction firm contracted me because the public protests had captured their interests. After a

meeting with the CEO, I was offered the opportunity to engage in more meetings without addressing the contract terms I spelled out at the beginning.

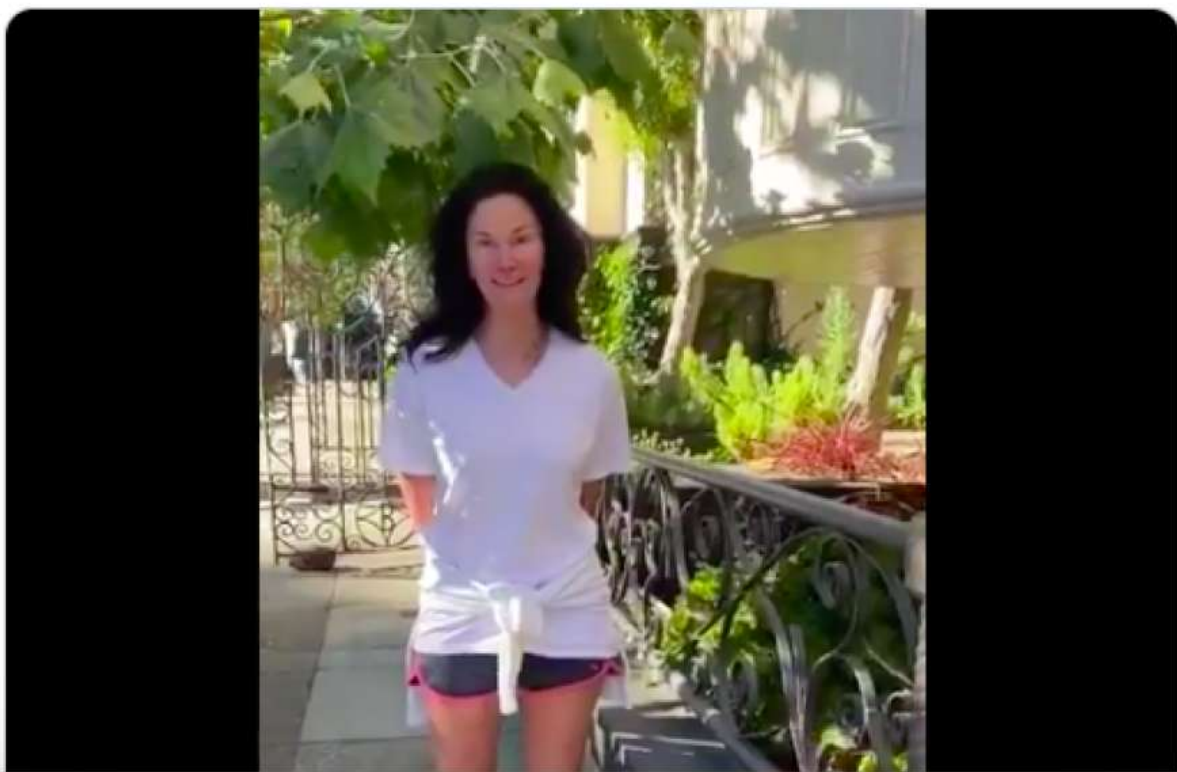
Prop. 209 has also accelerated the “social construction of space” which I first noted when covering the Rodney King beating. Over the past 30 years, African-Americans, Latinx-Americans and increasingly in the past two years, Asian Americans are verbally and physically assaulted just for being in the wrong place.



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A white couple call the police on me, a person of color, for stencilling a [#BLM](#) chalk message on my own front retaining wall. “Karen” lies and says she knows that I don’t live in my own house, because she knows the person who lives here. [#blacklivesmatter](#) 🍌🍌🍌



This past weekend, an egregious example occurred, when a gentleman was confronted for chalking Black Lives Matter on his own property in San Francisco. It is time for the Senate to listen to the voice of history, speaking through the very walls of the Historic State Capitol itself, and restore the real meaning of California by approving in an overwhelming vote Assembly Constitutional Amendment 5.

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