Dear Members of the Constitution Revision Commission:

The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“Organization”) supports the effort to repeal that portion of Article I, Section 2 of Florida’s Constitution that permits the prohibition against aliens owning land, commonly referred to as the Alien Land Law.

Specifically, Article I, Section 2 labeled Basic Rights, states:

All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; *except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law*. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

Art. I, § 2, Fla. Const. (emphasis added).

Although labeled “Basic Rights,” Section 2 contains vestiges of a racist and ignorant past. In 1926, fueled by anti-Asian fervor in the western United States, Florida amended its Constitution to bar immigrants, specifically Asians, from owning or leasing land. Asian immigrants were ineligible for citizenship under the laws existing at the time, including the Naturalization Act of 1870. Those laws made it possible to target Asians without actually naming them. Eventually, social progress eroded anti-Asian laws such as the Chinese Exclusion Act of 1882, and courts found unconstitutional, and state legislatures repealed, various alien land laws. Florida, however, remains the only state with a facially discriminatory Alien Land Law in its Constitution.

The Organization understands that the Commission has the challenging task of selecting a limited number of proposals to place on the November 2018 ballot. Unfortunately, prior efforts to repeal the Alien Land Law have failed. The most recent failure was attributable to confusing ballot wording and a lack of information available to the public regarding the Alien Land Law’s origins and applicability.

Opponents of the proposed repeal missed the mark when they argued that Florida never enforced and will never enforce the Alien Land Law, and that a constitutional repeal was unwarranted and wasted resources. These justifications are unpalatable and offensive to many Floridians. Defeating institutionalized racism is never a waste of resources. Further, the Alien Land Law is directly contrary to Florida’s richness resulting from its diversity and its role as a state of the future (not the past). Florida’s previous failure to repeal should not prevent the Commission from trying again on the November ballot. Indeed, the Organization implores the Commission to seize an opportunity that only occurs every twenty years to send a message to the voting public that there is no place for the Alien Land Law in Florida’s future.

The Organization recommends a concentrated and detailed effort to repeal the Alien Land Law. It urges this Commission to place the repeal (Proposal No. CS/P 3) on the ballot. The goal is achievable, and action is imperative. One need only look to similar successes in Washington, Oregon, California, and the federal government for evidence.

In 2016 and 2017, our nation witnessed protests and activism across a broad political spectrum. Extremist fringes aside, most people agree that discriminating against someone simply because he or she was born in another country, and preventing that person from owning land on that basis, is morally offensive and un-American – even if the law is never enforced. Democracy embraces change, but change is not easy and takes work.

The Commission and our communities now have the opportunity to effect meaningful change. The repeal is ballot-worthy and the Organization offers its assistance to push forward on this cause to rid Florida of its antiquated and morally repugnant blemish.

Sincerely,

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