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5 Attorneys for Defendants GLENDALE UNIFIED
6 SCHOOL DISTRICT (on behalf of itself and its BOARD
OF EDUCATION), VIVIAN EKCHIAN, Ed.D, and
7 KRISTINE TONOLI, and Defendants DARNEIKA
WATSON, Ph.D., KATHLEEN CROSS, INGRID
8 GUNNELL, SHANT SAHAKIAN, JENNIFER
FREEMON, and NAYIRI NAHABEDIAN, in their
9 individual and representative capacities as pleaded

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12 RAY SHELTON,
13
14 Plaintiff,

15 vs.

16 GLENDALE UNIFIED SCHOOL
DISTRICT, et al.,
17 Defendants.

Case No. 2:23-cv-10427-CBM-SSC

[Hon. Consuelo B. Marshall]

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS AND/OR STRIKE
SECOND AMENDED COMPLAINT**

[Fed. R. Evid. 201]

Date: October 8, 2024
Time: 10:00 a.m.
Ctrm: 8D

18
19
20
21 In connection with their concurrently-filed Motion to Dismiss and/or Strike
22 Second Amended Complaint (SAC, Dkt. No. 26) pursuant to Fed. R. Civ. P.
23 12(b)(6) and 12(e), Defendants hereby respectfully request that this Court take
24 judicial notice of the following:

25 1. Ray Shelton submitted a Certificated Retirement Form to the Glendale
26 Unified School District, dated March 3, 2023, which requested that his retirement be
27 made effective June 9, 2023. A true and correct copy of this Certificated Retirement
28 Form is attached hereto as **Exhibit A**.

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1 2. Ray Shelton made a recorded speech at the April 18, 2023 meeting of
2 the Board of Education of the Glendale Unified School District, the content of
3 which is readily ascertainable by accessing the following URL on the District’s
4 official website: https://spectrumstream.com/streaming/gusd/2023_04_18.cfm. The
5 content of Mr. Shelton’s speech (introduced at 43:59 of the video) was as follows:

6 Two plus two equals four. The world is not flat. Boys have penises.
7 Girls have vaginas. Gender is binary and cannot be changed. Biology is
8 not bigotry. Heterosexuality is not hate. Gender confusion and gender
9 delusion are deep psychological disorders. No caring profession or
10 loving parent would ever support the chemical poisoning or surgical
 mutilation of a child’s genitalia. Transgender ideology is anti-gay. It is
 anti-woman and is anti-human. It wants to take away women’s sports,
 women’s rights, women’s achievements. It is misogyny writ large. And
 I can say this also as a gay man, the gay people d--

11 3. Ingrid Gunnell made recorded remarks at the April 18, 2023 meeting of
12 the Board of Education of the Glendale Unified School District, the content of
13 which is readily ascertainable by accessing the following URL on the District’s
14 official website: https://spectrumstream.com/streaming/gusd/2023_04_18.cfm. Ms.
15 Gunnell’s remarks began the Reports and Correspondence portion of the meeting,
16 which was introduced at 3:51:39 of the video, and began as follows: “Yes, I just
17 want to say on this Holocaust Remembrance Day, and moving towards Armenian
18 Genocide Recognition on Monday, that it very much saddens me that there was a
19 swastika in this board room today, and I appreciate the swift action that was taken
20 against this hate symbol.”

21 4. The Glendale Unified School District Office of Human Resources
22 issued a letter dated April 19, 2023, addressed to Ray Shelton, re: Administrative
23 Leave with Pay. A true and correct copy of this letter, with a private address and
24 telephone number redacted, is attached hereto as **Exhibit B**. The text of this letter
25 states as follows (emphasis in original):

26 This letter serves to confirm the District’s decision to place you on
27 Administrative Leave with Pay effective April 19, 2023. The purpose
28 of this leave is to allow the District time to conduct its investigation
 into allegations of misconduct made by another teacher in the Glendale
 Unified School District.

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1 This Administrative Leave will remain in effect pending the completion
2 of the District’s investigation and the District’s notice to you. You are
3 not to report to school or any other District site during the
4 Administrative Leave except to Payroll or Human Resources until
5 further notice. You will continue to receive your pay during this leave.
6 If you receive a paycheck, it will be mailed to your address of record
7 unless you notify Payroll in writing to hold your paycheck for pickup
8 (you must personally pick up your own paycheck with proper ID); or
9 direct Payroll in writing to mail it to another address. Direct Deposit
10 statements will still be available through the online system.

11 **You are to remain available to the District by telephone or video
12 conference during your regular work hours in the event it becomes
13 necessary to contact you. Please confirm that the following is the
14 phone number at which we can reach you during work hours:
15 You are tentatively scheduled to meet with Human Resources
16 Representatives on Tuesday, April 25, 2023, from 10:30 AM to
17 11:00 AM, when you will be provided with more information on
18 the allegations. You have the right to have a union representative
19 at this meeting, held in the Human Resources Office.**

20 Because this is a confidential personnel matter, we would recommend
21 that you not discuss this investigation or any of the information related
22 to it with your co-workers or others, other than your representative.
23 Further, all information from this investigation should be kept
24 confidential.

25 If you have any questions about this letter, you or your representative
26 should feel free to contact me. Thank you for your cooperation in this
27 matter.

28 Sincerely,

/s/
Darneika Watson, Ph. D.
Chief Human Resources and Operations Officer

5. Kristine Tonoli sent an email dated Wednesday, April 19, 2023, at 3:11
PM, a true and correct of which is attached as **Exhibit C**. This email states as
follows:

Dear Keppel Families,

We have received official complaints about the actions of one of our
Keppel teachers at the Glendale Unified Board of Education meeting
last night. Our district has processes in place to investigate and address
these complaints and is following up immediately. As this is a
personnel matter, I am unable to share additional information, but I can
confirm that the teacher is not currently on campus.

I am deeply saddened by our employee’s actions and assure you they
do not represent the values of our Keppel and our Glendale Unified
community. Together, we have created a wonderful school

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15760 VENTURA BOULEVARD, EIGHTEENTH FLOOR
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1 environment that supports our students and families and it is my
2 commitment that we continue to do so. Student and employee safety is
3 and always will be our top priority. We will continue to foster a
4 positive culture that emphasizes the safety and wellbeing of all of our
5 students and staff.

4 Hate speech and hate symbols have no place in our community. I
5 appreciate your support as we continue to work together to build a
6 culture of respect and kindness. Thank you for your continued effort
7 and commitment to creating a safe and respectful school environment
8 for all.

7 Ms. Tonoli

8 6. Kyle Bruich, Ed. D., the Executive Director of Human Resources of
9 Glendale Unified School District, issued letters dated October 10, 2023, addressed
10 to Ray Shelton, re: Internal Complaint from [name redacted], dated 04/19/2023. A
11 true and correct copy of these letters, with a private address and the names of the
12 complaining persons redacted, are attached hereto as **Exhibit D** and **Exhibit E**,
13 respectively. The text of the letter attached as Exhibit D states as follows:

14 Dear Mr. Shelton,

15 As you are aware, [redacted] filed a formal complaint with the
16 Human Resources Department in which she alleged that you brought a
17 swastika into the Board of Education meeting and that this is directed at
18 Jewish women. The District takes these allegations seriously and has a
19 duty to conduct an investigation into the matter.

18 In reviewing the evidence and from witness statements, the District
19 determined that you did attend Glendale Unified’s April 18, 2023 Board
20 of Education meeting with a placard depicting a swastika arranged from
21 four Progress Pride Flags that you held up and waved for others in
22 attendance to see. Swastikas are a recognized form of hate speech against
23 Jewish people.

22 Glendale Unified School District Board Policy 4030 (Non-
23 Discrimination) states, “No District employee shall be discriminated
24 against or harassed by any coworker, supervisor, manager, or other
25 person with whom the employee comes in contact in the course of
26 employment, on the basis of the employee’s actual or perceived race,
27 color, ancestry, national origin, age, religious creed, marital status,
28 pregnancy, physical or mental disability, medical condition, genetic
information, military and veteran status, sex, sexual orientation, gender,
gender identity, gender expression, or association with a person or group
with one or more of these actual or perceived characteristics.”

27 As you are no longer employed with Glendale Unified, the District finds
28 this matter to be closed.

1 Sincerely,

2 /s/

3 Kyle Bruich, Ed. D.
4 Executive Director, Human Resources

5 CC: Personnel File

6 Defendants hereby further request that this Court take judicial notice of the
7 following documents and the contents thereof, both of which may be found on the
8 Internet at https://repository.uclawsf.edu/ca_ballot_pamphlets/ (last visited
9 September 3, 2024):

10 7. The Voter Information Guide for the California General Election held
11 on November 5, 1974, specifically as it pertains to Proposition 7, Declaration of
12 Rights. A true and correct copy of the cover page and letter, table of contents, and
13 pages 26-29 of this 91-page Voter Information Guide is attached hereto as **Exhibit**
14 **F**.

15 8. The Voter Information Guide for the California Primary Election held
16 on June 3, 1980, specifically as it pertains to Proposition 5, Freedom of Press. A true
17 and correct copy of the cover page and pages 18-19 of this 48-page Voter
18 Information Guide is attached hereto as **Exhibit G**.

19 This Request for Judicial Notice is made pursuant to Fed. R. Evid. 201(b),
20 (c)(2), and (d) on the grounds that the subject facts and documents and the contents
21 thereof are “not subject to reasonable dispute” and are “capable of accurate and
22 ready determination by resort to sources whose accuracy cannot reasonably be
23 questioned.” The documents referenced above in paragraph 1 (Exhibit A), paragraph
24 4 (Exhibit B), paragraph 5 (Exhibit C), and paragraph 6 (Exhibits D and E) are
25 official public records of the Glendale Unified School District, and each is referred
26 to in the Second Amended Complaint—which means they may be reviewed by this
27 Court even if they are found to be not otherwise subject to judicial notice. (*See* SAC
28 ¶¶ 61-65, 75 [referring to Exhibit B]; *id.* ¶¶ 9, 65-71, 78, 87 [referring to Exhibit C];

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1 *id.* ¶ 73 [referring to review of decisions pertaining to Shelton, and thus to Exhibits
2 D and E]; *id.* ¶ 96 [referring to Plaintiff’s retirement, as requested in Exhibit A].)
3 Video and audio of the speech and remarks quoted in paragraphs 2 and 3 are posted
4 on the District’s official website.

5 DATED: September 3, 2024 BALLARD ROSENBERG
6 GOLPER & SAVITT, LLP

7
8 By: 
9 Linda Miller Savitt
10 John J. Manier
11 Attorneys for all named Defendants
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GLENDALE UNIFIED SCHOOL DISTRICT
Glendale, California

CERTIFICATED RETIREMENT FORM

2023 MAR 34 PM 2:58

This form is to be completed by all certificated employees retiring from positions with the Glendale Unified School District and forwarded to the Human Resources Office. This information will be presented to the Board of Education at its next regular meeting.

RETIREMENT

1. Employees should indicate as the effective retirement date the day following the last day of work or authorized leave of absence for which salary was received (i.e., 6/05/15 for the end of the 2014-2015 school year).
2. Employees who fulfill the conditions necessary for participation in a District early retirement plan, as indicated in the Collective Bargaining Agreement must indicate program intentions.
3. Employees desiring detailed information regarding retirement benefits from the State Teachers Retirement System should contact the State Teachers Retirement System.

I have read the statement above and hereby retire as a certificated employee of the Glendale Unified School District.

I hereby request that my retirement be made effective on

JUNE 9TH 2023
Month Day Year

Early Retirement Program Choice

Early Retirement program - District paid specified Health Benefits only

Early Retirement program - Twenty-five Day Program, plus specified District paid Health Benefits (Deadline June 1st) - General Information attached.

[Signature]
Employee's Signature

MARCH 3, 2023
Date

RAY SHELTON
Print Name

Received/Reviewed By:

[Signature]
Immediate Supervisor

3.3.23
Date Received

HUMAN RESOURCES OFFICE USE ONLY		
Date Received _____	By _____	Date of Board Action _____



**GLENDALE UNIFIED SCHOOL DISTRICT
OFFICE OF HUMAN RESOURCES**

223 N. Jackson Street, Glendale, CA 91206
Phone: 818-241-3111 | Fax: 818-548-9041
www.gusd.net | @GlendaleUSD

April 19, 2023

Hand Delivered

Mr. Ray Shelton
[REDACTED]

Re: Administrative Leave with Pay

Dear Mr. Shelton

This letter serves to confirm the District’s decision to place you on Administrative Leave with Pay effective April 19, 2023. The purpose of this leave is to allow the District time to conduct its investigation into allegations of misconduct made by another teacher in the Glendale Unified School District.

This Administrative Leave will remain in effect pending the completion of the District’s investigation and the District’s notice to you. You are not to report to school or any other District site during the Administrative Leave except to Payroll or Human Resources until further notice. You will continue to receive your pay during this leave. If you receive a paycheck, it will be mailed to your address of record unless you notify Payroll in writing to hold your paycheck for pickup (you must personally pick up your own paycheck with proper ID); or direct Payroll in writing to mail it to another address. Direct Deposit statements will still be available through the online system.

You are to remain available to the District by telephone or video conference during your regular work hours in the event it becomes necessary to contact you. Please confirm that the following is the phone number at which we can reach you during work hours: [REDACTED]. You are tentatively scheduled to meet with Human Resources Representatives on Tuesday, April 25, 2023, from 10:30 AM to 11:00 AM, when you will be provided with more information on the allegations. You have the right to have a union representative at this meeting, held in the Human Resources Office.

Because this is a confidential personnel matter, we would recommend that you not discuss this investigation or any of the information related to it with your co-workers or others, other than your representative. Further, all information from this investigation should be kept confidential.

If you have any questions about this letter, you or your representative should feel free to contact me. Thank you for your cooperation in this matter.

Sincerely,

Bernice Watson, Ed. D.
Chief Human Resources and Operations Officer

Copy: Site Administrator
Union Representative
Payroll
Personnel File

Keppel Update Archived

Mark Keppel Elementary School •  *Kristine Tonoli* • a year ago • Wednesday, Apr 19 at 3:11 PM • **Mark Keppel ES**

Dear Keppel Families,

We have received official complaints about the actions of one of our Keppel teachers at the Glendale Unified Board of Education meeting last night. Our district has processes in place to investigate and address these complaints and is following up immediately. As this is a personnel matter, I am unable to share additional information, but I can confirm that the teacher is not currently on campus.

I am deeply saddened by our employee's actions and assure you they do not represent the values of our Keppel and our Glendale Unified community. Together, we have created a wonderful school environment that supports our students and families and it is my commitment that we continue to do so. Student and employee safety is and always will be our top priority. We will continue to foster a positive culture that emphasizes the safety and wellbeing of all of our students and staff.

Hate speech and hate symbols have no place in our community. I appreciate your support as we continue to work together to build a culture of respect and kindness. Thank you for your continued effort and commitment to creating a safe and respectful school environment for all.

Ms. Tonoli



**GLENDALE UNIFIED SCHOOL DISTRICT
OFFICE OF HUMAN RESOURCES**

223 N. Jackson Street, Glendale, CA 91206
Phone: 818-241-3111 | Fax: 818-547-3207
www.gusd.net | @GlendaleUSD

October 10, 2023

Certified Mail
7020 1810 0000 9843 7138

Mr. Ray Shelton



Re: Internal Complaint from [REDACTED], dated 04/19/2023

Dear Mr. Shelton:

As you are aware, [REDACTED] filed a formal complaint with the Human Resources Department in which she alleged that you brought a swastika into the Board of Education meeting and that this is directed at Jewish women. The District takes these allegations seriously and has a duty to conduct an investigation into the matter.

In reviewing the evidence and from witness statements, the District determined that you did attend Glendale Unified's April 18, 2023 Board of Education meeting with a placard depicting a swastika arranged from four Progress Pride Flags that you held up and waved for others in attendance to see. Swastikas are a recognized form of hate speech against Jewish people.

Glendale Unified School District Board Policy 4030 (Non-Discrimination) states, "No District employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics."

As you are no longer employed with Glendale Unified, the District finds this matter to be closed.

Sincerely,

A handwritten signature in black ink that reads "Kyle Bruich".

Kyle Bruich, Ed. D.
Executive Director, Human Resources

CC: Personnel File



**GLENDALE UNIFIED SCHOOL DISTRICT
OFFICE OF HUMAN RESOURCES**

223 N. Jackson Street, Glendale, CA 91206
Phone: 818-241-3111 | Fax: 818-547-3207
www.gusd.net | @GlendaleUSD

October 10, 2023

Certified Mail

7020 1810 0000 9843 7138

Mr. Ray Shelton



Re: Internal Complaint from [REDACTED], dated 04/19/2023

Dear Mr. Shelton:

As you are aware, [REDACTED] filed a formal complaint with the Human Resources Department in which she alleged that you brought a rainbow swastika into the Board of Education meeting, which was offensive to her based on her Jewish faith. The District takes these allegations seriously and has a duty to conduct an investigation into the matter.

In reviewing the evidence and from witness statements, the District determined that you did attend Glendale Unified's April 18, 2023 Board of Education meeting with a placard depicting a swastika arranged from four Progress Pride Flags that you held up and waved for others in attendance to see. Swastikas are a recognized form of hate speech against Jewish people.

Glendale Unified School District Board Policy 4030 (Non-Discrimination) states, "No District employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics."

As you are no longer employed with Glendale Unified, the District finds this matter to be closed.

Sincerely,

A handwritten signature in black ink that reads "Kyle Bruich".

Kyle Bruich, Ed. D.
Executive Director, Human Resources

CC: Personnel File

California Voters Pamphlet

General Election November 5, 1974

*Compiled by Edmund G. Brown Jr.
Secretary of State*

*Analyses by A. Alan Post
Legislative Analyst*





Office of the Secretary of State
Edmund G. Brown Jr.

111 Capitol Mall
Sacramento, California 95814

(916) 445-6371

Dear Fellow Californian:

Our State Voters Pamphlet has been revised to provide clear and precise explanations of all measures appearing on the November general election ballot. The changes were made possible by the passage of Proposition 9, the Political Reform Initiative, in the June primary election.

In addition to an impartial analysis of each ballot measure, written by the Legislative Analyst, A. Alan Post, supporters and opponents of every measure were invited to submit arguments for and against the propositions. Then each side was allowed to write a rebuttal statement. Also, the ballot pamphlet includes the final legislative vote for each measure placed on the ballot by the legislature.

I believe you will find this revised Voters Pamphlet to be a very useful aid in understanding the complex ballot measures, and I urge you to read carefully the analyses and arguments before voting on November 5.

Sincerely,


EDMUND G. BROWN JR.
Secretary of State

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DECLARATION OF RIGHTS

Ballot Title

DECLARATION OF RIGHTS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Reorganizes and substantively amends various provisions of Article I and relocates portions of Articles IV and XX of California Constitution. Amendments include, among others, right to interpreter at state expense for criminal defendant who cannot understand English, provision that court may grant release on own recognizance, provision that property rights of noncitizens to be the same as for citizens, and revision of eminent domain provisions. Deletes, among others, provisions respecting criminal libel actions, provisions regarding right to sell or rent real property, provisions concerning acquisition of lands for public improvements. Financial impact: No increase in government costs.

FINAL VOTE CAST BY LEGISLATURE ON ACA 60 (PROPOSITION 7):

ASSEMBLY—Ayes, 57 SENATE—Ayes, 27
 Noes, 16 Noes, 4

Analysis by Legislative Analyst

PROPOSAL:

This proposition revises Article I of the State Constitution, which declares the fundamental rights of the people of the state. The proposition (1) deletes obsolete provisions, (2) clarifies existing law, (3) puts into the Constitution some rights which now exist in the federal Constitution, (4) defines the rights of those charged with crime, (5) authorizes the Legislature to revise eminent domain and grand jury proceedings, and (6) deletes material suitable for statutory enactment.

Obsolete Provisions Deleted. The proposition deletes two provisions from the California Constitution because the United States Supreme Court has found they conflict with the federal Constitution. One provision relates to trial court procedure when a person accused of a crime chooses not to testify on his own behalf. The other provision relates to discrimination in real estate transactions.

Clarification of Existing Law. First, the proposition says the noncitizens have the same property rights in California as citizens. Second, the proposition says that rights guaranteed by the State Constitution are not dependent on those guaranteed by the federal Constitution.

Federal Rights in State Constitution. The proposition puts the following three rights into the State Constitution. These rights presently are contained in the federal Constitution.

- (a) The Legislature shall make no law respecting the establishment of religion.
- (b) A person may not be deprived of life, liberty, or property without due process of law.
- (c) A person may not be denied equal protection of the laws.

Rights of Persons Accused of Crime. Presently the State Constitution gives specific rights to persons accused of crime. This proposition adds the following:

- (1) The accused person has the right to be confronted with the witnesses against him.
- (2) The accused person has a right to have the assistance of a lawyer.

(3) The accused person has a right to be personally present with a lawyer at the trial.

(4) If the accused person does not understand English, he has the right to an interpreter.

(5) Instead of being released on bail prior to trial, the accused person may be released on his or her own recognizance at the discretion of the court.

These rights already exist either in the United States Constitution or in present law. The amendment makes them part of the California Constitution.

Revision of Eminent Domain Procedure. If a state or local government takes real property for public use, the owner of the property has a right to be compensated. If the owner of the property and the government disagree over the proper amount of compensation, the dispute is settled by a trial.

Presently, the government may take possession of the property before the trial takes place by depositing money with the court as security for payment. The court decides how much the security deposit must be. This procedure is called "immediate possession."

The present Constitution limits the power to take immediate possession to specified governments, in specified circumstances, and for specified uses. This proposition will allow the Legislature to determine when immediate possession may take place, and who may act as a condemnor.

Grand Juries. Presently the Constitution requires each county to summon a grand jury once each year. Without changing that requirement, this proposition allows the Legislature to provide for summoning more than one grand jury each year.

Deletion of Material Suited for Statutory Enactment. The proposition deletes from the Constitution (a) detailed rules of criminal indictment procedure and (b) detailed rules of procedure in criminal prosecutions for libel.

FISCAL EFFECT:

This proposition does not increase government costs.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 60 (Statutes of 1974, Resolution Chapter 90) expressly amends existing articles of the Constitution by amending and repealing various sections thereof and adding sections thereto. Therefore, the provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES I, IV, AND XX

First—That Section 1 of Article I be repealed.

~~SECTION 1. All people are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.~~

Second—That Section 1 of Article I be added, to read:

SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

Third—That Section 2 of Article I be repealed.

~~SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.~~

Fourth—That Section 2 of Article I be added, to read:

SEC. 2. Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

Fifth—That Section 3 of Article I be added, to read:

SEC. 3. The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

Sixth—That Section 4 of Article I be repealed.

~~SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.~~

Seventh—That Section 4 of Article I be added, to read:

SEC. 4. Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.

A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.

Eighth—That Section 5 of Article I be repealed.

~~SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.~~

Ninth—That Section 5 of Article I be added, to read:

SEC. 5. The military is subordinate to civil power. A standing army may not be maintained in peacetime. Soldiers may not be quartered in any house in wartime except as prescribed by law, or in peacetime without the owner's consent.

Tenth—That Section 6 of Article I be repealed.

~~SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained; nor confined in any room where criminals are actually imprisoned.~~

Eleventh—That Section 6 of Article I be added, to read:

SEC. 6. Slavery is prohibited. Involuntary servitude is prohibited except to punish crime.

Twelfth—That Section 7 of Article I be repealed.

~~SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three-fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases, by the consent of both parties, expressed in open court by the defendant and his counsel, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.~~

Thirteenth—That Section 7 of Article I be added, to read:

SEC. 7. (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws.

(b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.

Fourteenth—That Section 8 of Article I be repealed.

~~SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information; after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. When a defendant is charged with the commission of a felony, by a written complaint subscribed under oath and on file in a court within the county in which the felony is triable, he shall, without unnecessary delay, be taken before a magistrate of such court. The magistrate shall immediately deliver to him a copy of the complaint, inform him of his right to the aid of counsel, ask him if he desires the aid of counsel, and allow him a reasonable time to send for counsel; and the magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name, in the city or township in which the court is situated. If the felony charged is not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask him whether he pleads guilty or not guilty to the offense charged therein; thereupon, or at any time thereafter while the charge remains pending before the magistrate and when his counsel is present, the defendant may, with the consent of the magistrate and the district attorney or other counsel for the people, plead guilty to the offense charged or to any other offense the commission of which is necessarily included in that with which he is charged, or to an attempt to commit the offense charged; and upon such plea of guilty, the magistrate shall immediately commit the defendant to the sheriff and certify the case, including a copy of all proceedings therein and such testimony as in his discretion he may require to be taken, to the superior court, and thereupon such proceedings shall be had as if such defendant had pleaded guilty in such court.~~

The foregoing provisions of this section shall be self-executing. The Legislature may prescribe such procedure in cases herein provided for as is not inconsistent herewith. In cases not hereinabove provided

Continued on page 70

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Declaration of Rights

Argument in Favor of Proposition 7

YOUR BILL OF RIGHTS

Proposition 7 contains most of the recommendations of the California Constitution Revision Commission for Article I. This proposal was adopted by the Legislature after 4 years of study and consideration in Committee and after answering the questions of all the individuals and organizations concerned with California's "Declaration of Rights" Article.

There is no known opposition to Proposition 7.

STRENGTHENS YOUR INDIVIDUAL RIGHTS

Proposition 7 revises Article I of the California Constitution by removing material that has been declared unconstitutional, or is not of constitutional importance. Proposition 7 contains all rights presently enjoyed by Californians and places in our State Constitution some of the rights enjoyed by Californians as citizens of the United States, but which are not presently in our State Constitution. For example, Proposition 7 adds to our Constitution the right of all Californians to due process of law, the right in a criminal proceeding to be confronted with witnesses, and a prohibition against the State's "establishment of religion". These rights and safe-

guards are not presently in the California Constitution, but should be.

VOTE "YES"

A "yes" vote will help modernize and shorten California's Constitution. It will help finish Constitution Revision which has been in process for nearly 10 years. Make sure that your rights are clearly and strongly stated. Join the many groups who support this revision of an important article of the Constitution. The organizations presently endorsing Proposition 7 include the League of Women Voters, both Houses of the State Legislature and other organizations and individuals interested in the protection of our society and the civil rights of all Californians.

Join us in a YES vote for better government.

JUDGE BRUCE SUMNER
Chairman, Constitution Revision Commission

KEN MEADE
Assemblyman, 16th District

ALAN ROBBINS
Senator, 22nd District

Rebuttal to Argument in Favor of Proposition 7

Though Proposition 7 streamlines some portions of our State Constitution, all rights enjoyed in the Federal Constitution are enjoyed by California citizens already since the Federal Constitution takes precedence over our State Constitution in all areas where they may conflict.

Because a court in California rules that a portion of the Constitution voted by the People is unconstitutional seems peculiar. The People have a right through their power of the vote to amend the Constitution.

Because a judge at a particular time says a part is unconstitutional does not preclude another judge or court from reversing the previous decision.

The controversial parts of this proposition should be separated from the noncontroversial, technical parts and presented separately for the voters.

A No vote is urged on this proposition.

ROBERT C. CLINE
Assemblyman, 64th District

Declaration of Rights



Argument Against Proposition 7

Though the California Constitution appears to be long, it has been a thorough, workable document. Extensive revisions proposed in the past have been rejected by the People of California.

This proposal will remove the part of the Constitution voted for by the People to protect their right to sell **private property** to whomever they choose. Though the State Supreme Court invalidated this section, a new Court could reverse that position.

Let's not tamper with this section voted for by a 2-1 margin by the People. Many of the 49 changes proposed are technical and renumbering of existing sections. However, these should be voted separately.

Vote No on this proposition.

ROBERT C. CLINE
Assemblyman, 64th District

Rebuttal to Argument Against Proposition 7

The only argument that the opponents of this measure can present is that the people should keep in the constitution material declared unconstitutional years ago, not just by the California Supreme Court, but also by the United States Supreme Court.

Sounds ridiculous? It is.

California's history shows that its citizens have the capacity to grow. It also points out that we have made mistakes in the past like the internment of our Japanese American citizens and attempts to "keep the Okies out". Yes, we have even placed in our constitution provisions that "no corporation now existing or hereafter formed under the laws of this State shall . . . employ directly or indirectly in any capacity any Chinese or Mongolian" and a denial of the right to vote to all who were not "white male(s)". These provisions are relics of the past and

have no place in the document that school children look to as a truthful statement of our fundamental rights as citizens.

Shame on those that appeal to past bigotries to prevent our constitution from being an **accurate** statement of the fundamental law of California as it is today.

The "no" argument is really a strong argument "for" Proposition 7. If you don't agree, think about it. All the opponent can say is that the proposition is bad because it is the truth and the law.

JUDGE BRUCE W. SUMNER
Chairman, California Constitution Revision Commission

KEN MEADE
Assemblyman, 16th District

ALAN ROBBINS
Senator, 22nd District

CALIFORNIA BALLOT PAMPHLET

Primary Election • June 3, 1980

Compiled by MARCH FONG EU • Secretary of State
Analyses by WILLIAM G. HAMM • Legislative Analyst



Secretary of State

SACRAMENTO 95814

Dear Californians:

This is the English version of the California ballot pamphlet for the June 3, 1980, Primary Election. It contains the ballot title, a short summary, the Legislative Analyst's analysis, the pro and con arguments and rebuttals, and the complete text of each proposition. It also contains the legislative vote cast for and against any measure proposed by the Legislature.

If you wish to receive a Spanish language ballot pamphlet, simply fill out and mail the card enclosed between pages 24 and 25 of this pamphlet. No postage is needed.

Read carefully each of the measures and the information about them contained in this pamphlet. Legislative propositions and citizen-sponsored initiatives are designed specifically to give you, the electorate, the opportunity to influence the laws which regulate us all.

Take advantage of this opportunity and vote on June 3, 1980.

March Fong Eu

MARCH FONG EU
Secretary of State

AVISO: Una traducción al español de este folleto de la balota puede obtenerse si completa y nos envía la tarjeta con porte pagado que encontrará entre las páginas 24 y 25. Escriba su nombre y dirección en la tarjeta en LETRA DE MOLDE y regrésela a más tardar el 23 de mayo de 1980.

RJN Ex. G

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Freedom of Press

Official Title and Summary Prepared by the Attorney General

FREEDOM OF PRESS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Maintains existing guarantees of free speech and press. Adds provisions prohibiting any contempt citation by a judicial, legislative, or administrative body against a publisher, editor, reporter, or other person connected with a newspaper, magazine, wire service, or radio or television news for refusing to disclose sources of information or unpublished information obtained in course of processing information for communication to the public. Fiscal impact on state or local governments: No significant fiscal impact.

FINAL VOTE CAST BY LEGISLATURE ON ACA 4 (PROPOSITION 5)

Assembly—Ayes, 54
Noes, 22

Senate—Ayes, 27
Noes, 6

Analysis by Legislative Analyst

Background:

Since 1935, laws enacted by the California Legislature have protected the confidential information sources of persons employed by or connected with the news media. The law provides that such persons may *not* be held in contempt by a judicial, legislative, administrative body or other body having the power to issue subpoenas for refusing to (1) disclose the source of any information obtained by them for publication, or (2) reveal any unpublished information obtained in the preparation of a news story.

In recent years, California courts have held that these laws conflict with a court's authority under the California Constitution to protect its own processes and its duty arising under the Federal Constitution to conduct a fair trial.

In addition, the United States Supreme Court held in 1972 that the Federal Constitution's guarantee of free-

dom of the press does not give a newsperson the right to refuse to appear before a grand jury and testify about relevant information he or she has obtained, even though, in so doing, confidential sources may be divulged. The court recognized, however, that there was merit in allowing legislatures to set their own standards with respect to the relations between law enforcement officials and the press in their own states.

Proposal:

This measure would place in the California Constitution provisions of existing law enacted by the Legislature to protect news sources, thereby granting a state constitutional protection for these rights.

Fiscal Effect:

This amendment would have no significant fiscal impact on the state or local governments.

Apply for Your Absentee Ballot Early

Argument in Favor of Proposition 5

The free flow of information to the public is one of the fundamental cornerstones assuring freedom in America. Guarantees must be provided so that information to the people is not inhibited. However, that flow is currently being threatened by actions of some members of the California Judiciary. They have created exceptions to the current Newsman's Shield Law, which protects the confidentiality of reporters' news sources. And the use of confidential sources is critical to the gathering of news. *Unfortunately, if this right is not protected, the real losers will be all Californians who rely on the unrestrained dissemination of information by the news media.*

This amendment merely places into the state's Constitution protection already afforded journalists by statute. That law, enacted in 1935, in clear and straightforward language, provides that reporters cannot be held in contempt of court for refusing to reveal confidential sources of information. At least six reporters in California in recent years have spent time in jail rather than disclose their sources to a judge. By giving existing law constitutional status, judges will have to give the protection greater weight before attempting to compel reporters to breach their pledges of confidentiality.

A reporter's job, of course, is not to withhold information, but to convey it to the public. In most cases, a reporter is able to reveal corruption and malfeasance within government only with the help of an honest employee. If such an individual feels that a reporter's pledge of confidentiality may be broken under the threat of jail, that person simply will not come forward with his or her information.

If our democratic form of government—of the people, by the people, for the people—is to survive, citizens must be informed. *A free press protects our basic liberties by serving as the watchdogs of our nation.* Citizens may agree or disagree with reports in the media, but they have been informed, and the final choice is made by the individual.

To jail a journalist because he protected his source is an assault not only on the press but on all Californians as well.

JERRY LEWIS
Member of Congress, 37th District
ROBERT RAWITCH
Chairman, California Freedom of Information Committee
CHARLES R. IMBRECHT
Member of the Assembly, 36th District

Argument printed on this page is the opinion of the authors and has not been checked for accuracy by any official agency
No argument against Proposition 5 was submitted

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 4 (Statutes of 1978, Resolution Chapter 77) expressly amends the Constitution by amending a section thereof; therefore, new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

**PROPOSED AMENDMENT TO
ARTICLE I**

SEC. 2. (a) Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

(b) *A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, shall not be adjudged in contempt by a judicial, legislative, or administrative body, or any other body having the power to issue subpoenas, for refusing to disclose the source of any information procured while so connected or employed for publication in a newspaper, magazine or other periodical*

publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

Nor shall a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public.

As used in this subdivision, "unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated.