

2-2-1978

Race, Religion, Ethnic Background. Prohibits Preferential Treatment

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Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

May 17, 1978

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS

FROM: CASHMERE M. APPERSON, ELECTIONS TECHNICIAN

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed Initiative Constitutional Amendment filed with all county clerks is less than 100 per cent of the number of qualified voters required to find the petition sufficient.

TITLE: Race, Religion, Sex, Ethnic Background.
Prohibits Preferential Treatment.

SUMMARY DATE: February 1, 1978

PROPONENT: Lawrence E. Walsh

The petition has failed and no further action is necessary.

WE THE PEOPLE

LARRY WALSH
STATE CHAIRMAN
KEN VILS
STATE VICE-
CHAIRMAN

Committee
P.O. Box 603
Downey, CA. 90241

TELEPHONES
213
927-7828
861-9877

FOR IMMEDIATE RELEASE
May 4, 1978

WALSH'S QUOTA INITIATIVE FALLS SHORT ON DEADLINE

Retired State Senator Lawrence E. "Larry" Walsh, candidate for the 33rd Congressional District seat in the June 6 primary stated today that his Initiative Petition drive to outlaw racial or ethnic Quota Systems fell short of the required signatures to qualify for the November ballot. "The showing at the final count," said Walsh, "was highly indicative that we were on the right track. We have had tremendous grass-roots support. This convinces us that the people are feeling the direct effects of affirmative action programs....not because of the original intent to train minority individuals to take their rightful place in society and to provide equal opportunity for all....but by the way affirmative action programs have been mishandled by our ballooning bureaucracies.

"Unjust bureaucratic action has kept many qualified persons from jobs or promotions, even where hard-earned seniority exists, by giving jobs or academic preference to marginally qualified individuals at the expense of those better qualified but who have the wrong ethnic or racial credentials. As the contradictions and confusion of our rights for a job or education increase, we have seen clear-cut cases of reverse discrimination appear. The courts across the nation are swelling with litigation and no court has yet said, 'Yes, discrimination is good and we approve of it,' no matter who it is directed toward. Many legal observers are awaiting the outcome of the much publicized Bakke case for some indication of how other cases dealing with reverse discrimination will be treated by the Justices.

M O R E

"They have acknowledged, however, that it is unlikely that the court's ruling on Bakke will answer all the questions surrounding the controversy over affirmative action. Whatever the outcome, this question is going to be with us for a long, long time. We feel that our initiative to end the confusion in California by a Constitutional Amendment to clarify existing law has clearly added weight to the issue and we hope it will serve to encourage the Supreme Court to re-evaluate the statute-sanction and tacit acknowledgement of preferential treatment. The law must be clarified as clearly evidenced by gross misinterpretations of the whole Civil Rights Act.

"There are millions of dollars in public funds currently tied up by Quota Systems," continued Walsh. "These funds should be available to all the people thus creating more jobs, now, for a healthier economy for all of us. The volunteers all over the State of California have put forth a Herculean effort but, unfortunately, our time has run out. We found that companies or organizations....even when up to our ears in regulations.... failed to respond, to our initiative drive because it was indicated that possible repercussions by the government agencies empowered to implement affirmative action such as the Equal Employment Opportunities Commission and some others, would single them out and target them for strict observation or stringent review. It must be noted that many penalties or payments for alleged abuses have been made in the millions without the accused parties ever having been found guilty....simply as a means to end further harassment from the government and the ensuing lengthy and expensive litigation that would follow."

Walsh concluded, "The only answer is to go to Washington....be in the Congress where I will be in a position to limit ruthless bureaucratic regulations by some sound legislation that is desperately needed, to control such bureaucrats from their insidious practices and to re-establish the true purpose of the law." Walsh added, "I feel my legislative knowledge will facilitate some quick action."



Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

February 1, 1978

TO ALL COUNTY CLERKS/REGISTRARS OF VOTERS

Pursuant to Section 3513 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

RACE, RELIGION, SEX, ETHNIC BACKGROUND. PROHIBITS PREFERENTIAL TREATMENT.
INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

- 1. Minimum number of signatures required499,846
Constitution II, 8(b).
- 2. Official Summary DateWednesday, 2/1/78
Elections Code Section 3513.
- 3. Petition Sections:
 - a. First day Proponent can circulate
Sections for signaturesWednesday, 2/1/78
Elections Code Section 3513.
 - b. Last day Proponent can circulate and
file with the county. All Sections are
to be filed at the same time within each
county Friday, 6/30/78*+
Elections Code Sections 3513, 3520(a).
 - c. Last day for county to determine total
number of signatures affixed to petition
and to transmit total to Secretary of
State Friday, 7/7/78

* Date adjusted for official deadline which falls on Saturday.

+ IMPORTANT NOTE: This petition must be filed with the County Clerk or Registrar of Voters by May 4, 1978 to ensure that it will be verified by the county in time to qualify for the November 7, 1978 General Election. June 30, 1978 is the last date which the petition may legally be filed. However, a petition filed on that date could qualify for a later election.

Please call me at (916) 445-0820 if you wish further explanation of this note.

(If the Proponent files the petition with the county on a date prior to 6/30/78, the county has 5 working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State.)
Elections Code Section 3520(b).

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State Saturday, 7/22/78

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 7/7/78, the last day is not later than the fifteenth day after the notification.)
Elections Code Section 3520(d), (e).

- e. If the signature count is between 449,861 and 549,831, then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State Monday, 8/21/78

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 7/22/78, the last day is not later than the thirtieth day after the notification.)
Elections Code Section 3521(b), (c).

4. Campaign Statements:

Last day for Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 7/28/78 Friday, 8/4/78

(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 6/30/78, the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline.)
Government Code Section 84204.

5. The proponent of the above named measure is:

Lawrence E. Walsh
10420 Downey Avenue, Apt. 306
Downey, California 90241

(213) 861-9877

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform

Cashmere M. Apperson

CASHMERE M. APPERSON
Elections Technician

CMA:mp

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3518 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure and petition circulating requirements of the Political Reform Act of 1974.

DECLARATION OF MAILING

RE: INITIATIVE CONSTITUTIONAL AMENDMENT--RACE, RELIGION, SEX,
ETHNIC BACKGROUND. PREFERENTIAL TREATMENT

I, Margaret M. Fralish, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Suite 350, Sacramento, California 95814

The proponent(s) of the above named measure are:

Lawrence E. Walsh
10420 Downey Avenue, Apt. 306
Downey, California 90241

On the 1st day of February, 1978, I mailed a letter, a true copy of which is attached hereto, to the person(s) above named, in an envelope addressed to them at the address(es) set out immediately below the name(s), sealed said envelope(s), and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the place(s) so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on February 1, 1978

Margaret M. Fralish

December 20, 1977

Mr. Vance W. Raye
Deputy Attorney General
Department of Justice
555 Capitol Mall, Suite 350
Sacramento, California 95814

Re: Initiative Constitutional Amendment--Fair
Protection for Equal Opportunity


Dear Mr. Raye:

By letter of November 29, I personally delivered to the Attorney General's office a proposed initiative constitutional amendment relating to fair protection for equal opportunity.

Enclosed is an amended version which I respectfully request you substitute for that original initiative.

An acknowledgement of the receipt of this request would be appreciated.

Sincerely yours,



LAWRENCE E. WALSH
Petitioner

LEW:rn



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 350
SACRAMENTO 95814
(916) 445-9555

FILED
In the office of the Secretary of State
of the State of California

FEB - 2 1978

MARCH FONG EU, Secretary of State

By *Robert M. Apperson*
Deputy

February 1, 1978

Honorable March Fong Eu
Secretary of State
925 L Street, Suite 605
Sacramento, CA 95814

Attention: Rico Nannini

Re: Initiative Constitutional Amendment -- Race, Religion,
Sex, Ethnic Background. Prohibited Preferential
Treatment

Dear Mrs. Eu:

This letter supersedes and is to be substituted in the place
of our letter of January 27, 1978, to you.

Pursuant to the provisions of sections 3503 and 3513 of the
Elections Code, you are hereby informed that on this day we
mailed to Lawrence E. Walsh, as proponent, the following
title and summary:

RACE, RELIGION, SEX, ETHNIC BACKGROUND. PROHIBITS
PREFERENTIAL TREATMENT. INITIATIVE CONSTITUTIONAL
AMENDMENT. Prohibits preferential treatment, based
on race, religion, sex, ethnic background or prior
servitude of ancestors, with respect to: admissions
to state colleges or universities; the employment
of persons by public or private employers; the
award or consummation of public or private contracts.
Prohibits court orders in conflict with the fore-
going prohibition except orders against a specific
party to correct clearly established and precisely
delineated misconduct. Specifies that measure shall
not be construed to abridge the freedom of any
religious body or person in the conduct of religious
functions. Financial Impact Statement: Could result
in a substantial revenue loss to state and local government

Honorable March Fong Eu
Page 2
February 1, 1978

if measure is determined to conflict with federal laws, and federal funds tied to affirmative action requirements are withdrawn. If it is determined that measure does not conflict with federal laws, its enactment could result in unknown savings to state and local governments.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records the address and telephone number of the proponent of this measure are as stated on the declaration of mailing.

Very truly yours,

EVELLE J. YOUNGER
Attorney General



VANCE W. RAYE
Deputy Attorney General

VWR:mf
Enclosures

ARTICLE I SECTION 8a SHALL BE ADDED TO THE
CALIFORNIA CONSTITUTION TO READ AS FOLLOWS:

Section 8a

- (a) No state university or state college, or any school division of either shall admit any student, or deny any student admission, on account of race, religion, sex, ethnic background, or the previous condition of servitude of his ancestors. No admission shall be permitted or denied upon a "quota system", an "affirmative action" program, or any other rule or policy which considers or gives any priority or disqualification whatsoever to persons because of their race, religion, sex, ethnic background, or the previous condition of servitude of their ancestors.
- (b) No public or private employer shall employ any person, or deny employment to any person, on account of race, religion, sex, ethnic background, or the previous condition of servitude of his ancestors. No employment shall be permitted or denied upon a "quota system", an "affirmative action" program, or any other rule or policy which considers or gives any priority or disqualification whatsoever to persons because of their race, religion, sex, ethnic background, or the previous condition of servitude of their ancestors.
- (c) No public or private contract shall be awarded, consummated, or refused on account of race, religion, sex, ethnic background, or the previous condition of servitude of any persons' ancestors. No contract shall be permitted or denied upon a "quota system", an "affirmative action" program or any other rule or policy which gives any priority or disqualification whatsoever to persons or business entities because of race, religion, sex, ethnic background or the previous condition of servitude of any person's ancestors.

- (d) The provisions of this article shall supersede all provisions of this Constitution and all laws enacted thereunder in conflict therewith, except that nothing herein shall be construed to abridge the freedom of any religious body or person in the conduct of their religious functions.
- (e) If any portion, section, sentence, clause, phrase, or word, or the application thereof to any circumstance, or person, partnership, corporation, agency, or political division or sub-division shall be declared unconstitutional, the remainder of this article, or the application of such portion to other circumstances, or other parties, shall not be affected thereby.
- (f) No Court shall make any order in conflict with the precepts of this article except against a specific party to correct precisely delineated misconduct by that party, which is contrary to the provisions hereof, and which has been clearly established, and concerning which there is no speculation or conjecture.

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Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

January 27, 1978

TO ALL COUNTY CLERKS/REGISTRARS OF VOTERS

Pursuant to Section 3513 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

RACE, RELIGION, ETHNIC BACKGROUND. PREFERENTIAL TREATMENT.
INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

1. Minimum number of signatures required 499,846
Constitution II, 8(b).
2. Official Summary Date Friday, 1/27/78
Elections Code Section 3513.
3. Petition Sections:
 - a. First day Proponent can circulate
Sections for signatures. Friday, 1/27/78
Elections Code Section 3513.
 - b. Last day Proponent can circulate and
file with the county. All Sections are
to be filed at the same time within each
county Monday, 6/26/78+
Elections Code Sections 3513, 3520(a).
 - c. Last day for county to determine total
number of signatures affixed to petition
and to transmit total to Secretary of
State Monday, 7/3/78

+ IMPORTANT NOTE: This petition must be filed with the County Clerk or Registrar of Voters by May 4, 1978 to ensure that it will be verified by the county in time to qualify for the November 7, 1978 General Election. June 26, 1978 is the last date which the petition may legally be filed. However, a petition filed on that date could qualify for a later election.

Please call me at (916) 445-0820 if you wish further explanation of this note.

(If the Proponent files the petition with the county on a date prior to 6/26/78, the county has 5 working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State.)
Elections Code Section 3520(b).

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State Tuesday, 7/18/78

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 7/3/78, the last day is not later than the fifteenth day after the notification.)
Elections Code Section 3520(d), (e).

- e. If the signature count is between 449,861 and 549,831, then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State Thursday, 8/17/78

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 7/18/78, the last day is not later than the thirtieth day after the notification.)
Elections Code Section 3521(b), (c).

4. Campaign Statements:

Last day for Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 7/24/78 Monday, 7/31/78

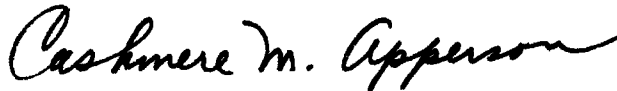
(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 6/26/78, the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline.)
Government Code Section 84204.

5. The proponent of the above named measure is:

Lawrence E. Walsh
10420 Downey Avenue, Apt. 306
Downey, California 90241

(213) 861-9877

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform



CASHMERE M. APPERSON
Elections Technician

CMA:mp

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3518 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure and petition circulating requirements of the Political Reform Act of 1974.



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 350

SACRAMENTO 95814

(916) 445-9555

January 27, 1978

FILED
In the office of the Secretary of State
of the State of California

JAN 30 1978

MARCH FONG EU, Secretary of State

By *Carl Muehlapperson*
Deputy

Honorable March Fong Eu
Secretary of State
925 L Street, Suite 605
Sacramento, CA 95814

Attention: Rico Nannini

Re: Initiative Constitutional Amendment -- Race, Religion,
Ethnic Background. Preferential Treatment

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby informed that on this day we mailed to Lawrence E. Walsh, as proponent, the following title and summary:

RACE, RELIGION, ETHNIC BACKGROUND. PREFERENTIAL TREATMENT. INITIATIVE CONSTITUTIONAL AMENDMENT. Prohibits preferential treatment, based on race, religion, ethnic background or prior servitude of ancestors, with respect to: admissions to state colleges or universities; the employment of persons by public or private employers; the award or consummation of public or private contracts. Prohibits court orders in conflict with the foregoing prohibition except orders against a specific party to correct clearly established and precisely delineated misconduct. Specifies that measure shall not be construed to abridge the freedom of any religious body or person in the conduct of religious functions. Financial Impact Statement: Could result in a substantial revenue loss to state and local government if measure is determined to conflict with federal laws, and federal funds tied to affirmative action requirements are withdrawn. If it is determined that measure does not conflict with federal laws, its enactment could result in unknown savings to state and local governments.

Honorable March Fong Eu
Page 2
January 27, 1978

Enclosed herewith is a declaration of mailing thereof,
and a copy of the proposed measure.

According to information available in our records the
address and telephone number of the proponent of this
measure are as stated on the declaration of mailing.

Very truly yours,

EVELLE J. YOUNGER
Attorney General


VANCE W. RAYE
Deputy Attorney General

VWR:mf
Enclosures

ARTICLE I SECTION 8a SHALL BE ADDED TO THE
CALIFORNIA CONSTITUTION TO READ AS FOLLOWS:

Section 8a

- (a) No state university or state college, or any school division of either shall admit any student, or deny any student admission, on account of race, religion, sex, ethnic background, or the previous condition of servitude of his ancestors. No admission shall be permitted or denied upon a "quota system", an "affirmative action" program, or any other rule or policy which considers or gives any priority or disqualification whatsoever to persons because of their race, religion, sex, ethnic background, or the previous condition of servitude of their ancestors.
- (b) No public or private employer shall employ any person, or deny employment to any person, on account of race, religion, sex, ethnic background, or the previous condition of servitude of his ancestors. No employment shall be permitted or denied upon a "quota system", an "affirmative action" program, or any other rule or policy which considers or gives any priority or disqualification whatsoever to persons because of their race, religion, sex, ethnic background, or the previous condition of servitude of their ancestors.
- (c) No public or private contract shall be awarded, consummated, or refused on account of race, religion, sex, ethnic background, or the previous condition of servitude of any persons' ancestors. No contract shall be permitted or denied upon a "quota system", an "affirmative action" program or any other rule or policy which gives any priority or disqualification whatsoever to persons or business entities because of race, religion, sex, ethnic background or the previous condition of servitude of any person's ancestors.

- (d) The provisions of this article shall supersede all provisions of this Constitution and all laws enacted thereunder in conflict therewith, except that nothing herein shall be construed to abridge the freedom of any religious body or person in the conduct of their religious functions. ✓
- (e) If any portion, section, sentence, clause, phrase, or word, or the application thereof to any circumstance, or person, partnership, corporation, agency, or political division or sub-division shall be declared unconstitutional, the remainder of this article, or the application of such portion to other circumstances, or other parties, shall not be affected thereby.
- (f) No Court shall make any order in conflict with the precepts of this article except against a specific party to correct precisely delineated misconduct by that party, which is contrary to the provisions hereof, and which has been clearly established, and concerning which there is no speculation or conjecture.

#

DECLARATION OF MAILING

RE: Race, Religion, Ethnic Background. Preferential Treatment.

I, Margaret M. Fralish, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Suite 350, Sacramento, California 95814

The proponent(s) of the above named measure are:

LAWRENCE E. WALSH
10420 Downey Avenue, Apt. 306
Downey, California 90241

(213) 861-9877

On the 27th day of January, 1978, I mailed a letter, a true copy of which is attached hereto, to the person(s) above named, in an envelope addressed to them at the address(es) set out immediately below the name(s), sealed said envelope(s), and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the place(s) so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on January 27, 1978.

Margaret M. Fralish