

1972

## RIGHT OF PRIVACY

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RIGHT OF PRIVACY California Proposition 11 (1972).  
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**Detailed Analysis by the Legislative Counsel**  
(Continued from page 25, column 1)

who qualify under the law, from a maximum of \$5,000 to a maximum of \$10,000. A "blind veteran" is defined as one who is blind in both eyes with a visual acuity of 5/200 or less by reason of a permanent and total service-connected disability incurred in the service.

**Conflicting Measures**

The authority granted by this measure would conflict with the limitations proposed by Proposition 14. If both are approved the one receiving the highest vote will prevail.

**Argument in Favor of Proposition 10**

Proposition No. 10 amends Section 13b of Article XIII of the Constitution (Taxation) to increase the maximum property tax exemption for permanent and total service-connected blind veterans from \$5,000 to \$10,000.

The present section providing exemption for blind veterans was added to the State Constitution in 1966 (Proposition 9). Ballot arguments indicated the purpose of the addition was to bring blind veterans' exemption in line with paraplegic veterans' exemption. Arguments pointed out that only about 40 persons would benefit from the \$5,000 exemption.

A 1970 amendment extended the exemption to blind veterans who live in cooperative

**Statutes Contingent Upon Adoption of Above Measure**

If this measure is approved by the Chapter 533 of the Statutes of 1972 amend Section 205.7 of the Revenue and Taxation Code to grant the exemption for the homes of blind veterans in the amount of \$10,000, rather than \$5,000. Chapter 533 does not amend Section 205.8 of the Revenue and Taxation Code, and the exemption for homes of blind veterans owned by corporations will remain at \$5,000.

The text of Chapter 533 of the Statutes of 1972 is on record in the office of the Secretary of State in Sacramento and will be contained in the 1972 published statutes.

housing projects. It also raised the exemption for paraplegics to \$10,000. Proposition No. 10 once again seeks to conform the two exemptions so that blind veterans will receive the same \$10,000 exemption accorded paraplegics.

The Board of Equalization estimates that today about 1,000 veterans take advantage of the paraplegic exemption and blind exemption.

We urge a favorable vote on this Proposition.

CLARK L. BRADLEY  
State Senator, 14th District  
JOHN STULL  
Assemblyman, 80th Dis

<b>RIGHT OF PRIVACY. Legislative Constitutional Amendment.</b> Adds <b>11</b> right of privacy to inalienable rights of people. Financial impact: None.	<b>YES</b>	
	<b>NO</b>	

(For Full Text of Measure, See Page 11, Part II)

**General Analysis by the Legislative Counsel**

A "Yes" vote on this legislative constitutional amendment is a vote to amend the Constitution to include the right of privacy among the inalienable rights set forth therein.

A "No" vote is a vote against specifying the right of privacy as an inalienable right. For further details, see below.

**Detailed Analysis by the Legislative Counsel**

The Constitution now provides that all men are by nature free and independent, and have certain inalienable rights, among which  
(Continued in column 2)

**Cost Analysis by the Legislative Analyst**

The right to privacy, which this initiative adds to other existing enumerated constitutional rights, does not involve any significant fiscal considerations.

(Continued from column 1)

are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

This measure, if adopted, would revise the language of this section to list the right of privacy as one of the inalienable rights. It would also make a technical nonsubstantive change in that the reference to "men" in the section would be changed to "people."

**Argument in Favor of Proposition 11**

The proliferation of government snooping and data collecting is threatening to destroy our traditional freedoms. Government agencies seem to be competing to compile the most extensive sets of dossiers of American citizens. Computerization of records makes

it possible to create "cradle-to-grave" profiles on every American.

At present there are no effective restraints on the information activities of government and business. This amendment creates a . . . and enforceable right of privacy for every Californian.

The right of privacy is the right to be left alone. It is a fundamental and compelling right. It protects our homes, our families, our thoughts, our emotions, our expressions, our personalities, our freedom of communion, and our freedom to associate with the people we choose. It prevents government and business interests from collecting and stockpiling unnecessary information about us and from misusing information gathered for one purpose in order to serve other purposes or to embarrass us.

Fundamental to our privacy is the ability to control circulation of personal information. This is essential to social relationships and personal freedom. The proliferation of government and business records over which we have no control limits our ability to control our personal lives. Often we do not know that these records even exist and we are certainly unable to determine who has access to them.

Even more dangerous is the loss of control over the accuracy of government and business records on individuals. Obviously, if the person is unaware of the record, he or she cannot review the file and correct inevitable mistakes. Even if the existence of this information is known, few government agencies or private businesses permit individuals to review their files and correct errors.

The average citizen also does not have control over what information is collected about him. Much is secretly collected. We are required to report some information, regardless of our wishes for privacy or our belief that there is no public need for the information. Each time we apply for a credit card or a life insurance policy, file a tax return, interview for a job, or get a drivers' license, a dossier is opened and an informational profile is sketched. Modern technology is capable of monitoring, centralizing and computerizing this information which eliminates any possibility of individual privacy.

The right of privacy is an important American heritage and essential to the fundamental rights guaranteed by the First, Third, Fourth, Fifth and Ninth Amendments to the U.S. Constitution. This right should be abridged only when there is compelling public need. Some information may remain as designated public records but only when the availability of such information is clearly in the public interest.

Proposition 11 also guarantees that the right of privacy and our other constitutional freedoms extend to all persons by amending Article I and substituting the term "people" for "men". There should be no ambiguity about whether our constitutional freedoms are for every man, woman and child in this

KENNETH CORY  
Assemblyman, 69th District  
GEORGE R. MOSCONE  
State Senator, 10th District

#### **Rebuttal to Argument in Favor of Proposition 11**

To say that there are at present no effective restraints on the information activities of government and business is simply untrue. In addition to literally hundreds of laws restricting what use can be made of information, every law student knows that the courts have long protected privacy as one of the rights of our citizens.

Certainly, when we apply for credit cards, life insurance policies, drivers' licenses, file tax returns or give business interviews, it is absolutely essential that we furnish certain personal information. Proposition 11 does not mean that we will no longer have to furnish it and provides no protection as to the use of the information that the Legislature cannot give if it so desires.

What Proposition 11 can and will do is to make far more difficult what is already difficult enough under present law, investigating and finding out whether persons receiving aid from various government programs are truly needy or merely using welfare to augment their income.

Proposition 11 can only be an open invitation to welfare fraud and tax evasion and for this reason should be defeated.

JAMES E. WHETMORE  
State Senator, 35th District

#### **Argument Against Proposition 11**

Proposition 11, which adds the word "privacy" to a list of "inalienable rights" already enumerated in the Constitution, should be defeated for several reasons.

To begin with, the present Constitution states that there are certain inalienable rights "among which are those" that it lists. Thus, our Constitution does not attempt to list all of the inalienable rights nor as a practical matter, could it do so. It has always been recognized by the law and the courts that privacy is one of the rights we have, particularly in the enjoyment of home and personal activities. So, in the first place, the amendment is completely unnecessary.

For many years it has been agreed by scholars and attorneys that it would be advantageous to remove much unnecessary wordage from the Constitution, and at present we are spending a great deal of money to finance a Constitution Revision Commission which is working to do this. Its work presently is incomplete and we should not begin to lengthen our Constitution and to amend it piecemeal until at least the Commission has had a chance to finish its work.

The most important reason why this amendment should be defeated, however, lies in an area where possibly privacy should not be completely guaranteed. Most government welfare programs are an attempt by California's more fortunate citizens to assist those who are less fortunate; thus, today, millions of persons are the beneficiaries

of government programs, based on the need of the recipient, which in turn can only be judged by his revealing his income, assets and general ability to provide for himself.

If a person on welfare has his privacy protected to the point where he need not reveal his assets and outside income, for example, how could it be determined whether he should be given welfare at all?

Suppose a person owned a house worth \$100,000 and earned \$50,000 a year from the operation of a business, but had his privacy protected to the point that he did not have to reveal any of this, and thus qualified for and received welfare payments. Would this be fair either to the taxpayers who pay for welfare or the truly needy who would be deprived of part of their grant because of what the wealthy person was receiving?

Our government is helping many people who really need and deserve the help. Making privacy an inalienable right could only bring chaos to all government benefit programs, thus depriving all of us, including those who need the help most.

And so because it is unnecessary, interferes with the work presently being done by the Constitution Revision Commission and would emasculate all government programs based on recipient need, I urge a "no" vote on Proposition 11.

JAMES E. WHETMORE  
State Senator, 35th District

### Rebuttal to Argument Against Proposition 11

The right to privacy is much more "unnecessary wordage". It is fundamental in any free society. Privacy is not now guaranteed by our State Constitution. This simple amendment will extend various court decisions on privacy to insure protection of our basic rights.

The work of the Constitution Revision Commission cannot be destroyed by adding two words to the State Constitution. The Legislature actually followed the Commission's guidelines in drafting Proposition 11 by keeping the change simple and to the point. Of all the proposed constitutional amendments before you, this is the simplest, the most understandable, and one of the most important.

The right to privacy will not destroy welfare nor undermine any important government program. It is limited by "compelling public necessity" and the public's need to know. Proposition 11 will not prevent the government from collecting any information it legitimately needs. It will only prevent misuse of this information for unauthorized purposes and preclude the collection of extraneous or frivolous information.

KENNETH CORY  
Assemblyman, 69th Distr.

**12** **DISABLED VETERANS TAX EXEMPTION. Legislative Constitutional Amendment.** Permits Legislature to extend disabled veterans tax exemption to totally disabled persons suffering service-connected loss of both arms, loss of arm and leg, or blindness in both eyes and loss of either arm or leg. Extends exemption to either surviving spouse. Financial impact: Nominal decrease in local government revenues.

YES

NO

(For Full Text of Measure, See Page 11, Part II)

#### General Analysis by the Legislative Counsel

A "Yes" vote on this legislative constitutional amendment is a vote to authorize the Legislature to exempt from property taxation, up to \$10,000 of the value of homes of qualified veterans (1) who have lost, or lost the use of, both arms; or (2) are blind and have lost, or lost the use of, one leg or one arm; or (3) have lost, or lost the use of, one arm and one leg.

A "No" vote is a vote to continue the authorization only as to homes of veterans who have lost, or lost the use of, both legs.

For further details, see below.

#### Detailed Analysis by the Legislative Counsel

The Constitution now authorizes the Legislature to exempt up to \$10,000 of the assessed value of the home of each qualified  
(Continued on page 29, column 1)

#### Cost Analysis by the Legislative Analyst

The California Constitution presently authorizes the Legislature to exempt from property taxation the home of any resident of this state who, as a result of military or naval service, has lost the use of both legs. The constitution limits this exemption to a maximum of \$10,000 of assessed value and restricts the exemption to veterans who have received assistance from the federal government in the acquisition of a home. This exemption for disabled veterans—unlike the \$1,000 exemption for other veterans—is available regardless of the amount of the claimant's assets.

This constitutional amendment authorizes the Legislature to extend this \$10,000 exemption to the following:

- (1) Veterans who have lost the use of both arms.

(Continued on page 29, column 2)

<b>10</b>	<b>ND VETERANS TAX EXEMPTION. Legislative Constitutional Amendment.</b> Permits Legislature to increase property tax exemption from \$5,000 to \$10,000 for veterans who are blind due to service-connected disabilities. Financial impact: Nominal decrease in local government revenues.	<b>YES</b>	
		<b>NO</b>	

(This amendment proposed by Senate Constitutional Amendment No. 23, 1972 Regular Session, expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENT TO  
ARTICLE XIII**

Sec. 1¼b. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this state who, by reason of his military or naval service, is qualified for the exemption provided in subdivision (a) of Section 1¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service is blind in both eyes with visual acuity of

5/200 or less; except that such exemption shall not extend to more than one home nor exceed ~~five ten~~ thousand dollars ~~(\$5,000)~~ **(\$10,000)** for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in subdivision (a) of Section 1¼ of this article.

Where such blind person sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the government of the United States, any other property which such totally disabled person occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

The exemption provided by this section shall apply to the home of such a person which is owned by a corporation of which he is a shareholder, the rights of shareholding in which entitle him to possession of a home owned by the corporation.

~~This section shall apply to such property for the 1965-1966 fiscal year in the manner provided by law.~~

<b>11</b>	<b>RIGHT OF PRIVACY. Legislative Constitutional Amendment.</b> Adds right of privacy to inalienable rights of people. Financial impact: None.	<b>YES</b>	
		<b>NO</b>	

(This amendment proposed by Assembly Constitutional Amendment No. 51, 1972 Regular Session, expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENT TO ARTICLE I**

SECTION 1. All ~~men~~ **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, ~~and~~ happiness, ~~and~~ **privacy**.

<b>12</b>	<b>DISABLED VETERANS TAX EXEMPTION. Legislative Constitutional Amendment.</b> Permits Legislature to extend disabled veterans tax exemption to totally disabled persons suffering service-connected loss of both arms, loss of arm and leg, or blindness in both eyes and loss of either arm or leg. Extends exemption to either surviving spouse. Financial impact: Nominal decrease in local government revenues.	<b>YES</b>	
		<b>NO</b>	

(This amendment proposed by Senate Constitutional Amendment No. 59, 1972 Regular Session, expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**; and **NEW PROVISIONS** proposed

to be **INSERTED** are printed in **BOLDFACE TYPE**.)

**PROPOSED AMENDMENT TO  
ARTICLE XIII**

Sec. 1¼a. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of: