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22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
23 **FOR THE COUNTY OF LOS ANGELES**

24 **PICO NEIGHBORHOOD**
25 **ASSOCIATION and MARIA LOYA,**

26 Plaintiffs,

27 v.

28 **CITY OF SANTA MONICA, and**
DOES 1 through 100, inclusive,

Defendants.

Case No.: BC616804

**DECLARATION OF J. MORGAN KOUSSER IN
SUPPORT OF PLAINTIFFS' OPPOSITION TO
DEFENDANT CITY OF SANTA MONICA'S
MOTION FOR SUMMARY JUDGMENT**

Date: June 14, 2018
Time: 8:45
Dept.: 28

*Assigned for all purposes to the Honorable Judge
Yvette M. Palazuelos*

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Superior Court of California
County of Los Angeles

MAY 31 2010

Sherri R. Carter, Executive Officer/Clerk of Court
By: Judi Lara, Deputy

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I. The Intent Analysis Summarized 90

1 I, J. Morgan Kousser, declare as follows:

2 1. The facts set forth in this declaration are within my personal knowledge and, if called as a
3 witness, I could and would competently testify as follows.
4

5 **I. Introduction and Summary**

6 2. Because this is a long declaration, it may assist the reader to begin with a much shorter
7 summary.
8

9 **A. Racially Polarized Voting**

10 3. My findings on racially polarized voting can be summarized as follows:

11 Using ecological regression, because it is the most appropriate method for Santa
12 Monica's city council elections and has been widely accepted for over 30 years, I
13 estimated group voting behavior in Santa Monica City Council elections in which
14 Latino candidates competed, beginning with the earliest election for which we have
15 ethnic data on registration available at the precinct level – 1994. Of the 10 Latino
16 candidacies between 1994 and 2016, 8 were racially polarized by both unweighted
17 and weighted regression, and 8 out of the 10 Latino candidacies lost. The broad
18 picture of strong racial polarization emerges whichever measure and whichever
19 method is used. Latino voters cohesively supported Latino candidates and non-
20 Hispanic whites were sufficiently cohesive to insure that Latino candidates usually
21 lost.
22

23 4. In the body of this declaration, after setting out my qualifications, I discuss the statistical
24 methods of analyzing racially polarized voting that have been used in federal Voting Rights Act (VRA)
25 and California Voting Rights Act (CVRA) cases. The introduction should make it possible for any
26 reader to have at least an intuitive understanding of all of the statistical results in this declaration.
27 Graphic illustrations will assist in intuitions.
28

1 5. The basic problem of what is referred to as "ecological inference" is that we only have
2 information about how people voted in precincts or other geographical or "ecological" units, but we
3 would like to know how individuals with certain characteristics, for example, ethnicity or political party
4 registration, actually voted. If everyone lived in strictly segregated enclaves, such as all-black ghettos or
5 all-Republican gated communities, it would be easy. We would simply count the votes in these areas,
6 and we would know how all African-Americans and all Republican registrants voted. But to the extent
7 that people do not live in areas that are segregated by the variables, such as ethnicity, that we are
8 interested in, we must use statistical procedures to make the estimates.
9

10 6. For many years, historians, political scientists, sociologists, and expert witnesses have
11 used methods called "ecological regression"(unweighted ER) and "weighted ecological regression"
12 (weighted ER), which are easy to compute with widely available statistical programs and which give
13 estimates of the form "X% of the black voters supported candidate Y, while Z% of the white voters
14 supported candidate Y." These methods were supplemented beginning in 1997 by a set of much more
15 complicated methods, generically known as "ecological inference" (EI). Because EI takes into account
16 more information than ER and because it can only vary between 0 and 100%, it is now preferred by
17 most social scientists to ER. But there are still instances, such as in this case, in which ER is superior.
18 In particular, where each voter can cast votes for more than one candidate, as in Santa Monica City
19 Council elections, EI's virtue of only varying between 0 and 100% becomes a fatal flaw, because the
20 number of votes can turn out to be up to 300% or 400% of the number of voters. Yet to model the vote
21 decision, which includes how many candidates to vote for, we should divide the votes for each candidate
22 not by the number of votes for all candidates, but by the number of people who participated in the
23 election at all. That will allow us to say, for example, what proportion of Latinos cast at least one vote
24 for candidate Y, which will give a better sense of whether Latinos cohesively supported candidate Y
25 than asking what proportion of all Latino votes were cast for candidate Y. A majority of Latinos might,
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1 for example, cast a vote for a Latino candidate, but they might decide not to forego voting for other,
2 non-Latino candidates, as well. These are the estimates that I will focus on in the analysis that follows.

3 7. Since there are four significant ethnic groups in Santa Monica, a very large non-Hispanic
4 white group, smaller Latino group, and much smaller Asian-American, and African-American groups, I
5 will estimate the voting behavior separately for all four groups. But since the statistical analysis in this
6 case is primarily concerned with the difference between the voting behavior of Latinos and non-
7 Hispanic whites, I will focus on the estimates relating to those two groups. Why not throw the Asians
8 and African-Americans in with the non-Hispanic whites and just estimate the behavior of Latinos and
9 "others"? The statistical reason is that if Asians and African-Americans vote differently from both of
10 the other two groups, mixing them in with either Latinos or with non-Hispanic whites will distort the
11 degree of polarization between the groups which we are most interested in. In particular, if Asians and
12 blacks vote for Latino candidates in larger proportions than non-Hispanic whites do, but smaller
13 proportions than Latinos do, pooling them with either of the two major groups will reduce the measured
14 polarization between those two major groups. And since it is non-Hispanic whites who have
15 traditionally held the vast majority of the political power in Santa Monica, and it is they who have
16 maintained the system of at-large elections that is at issue in this case, it makes most sense to treat them
17 separately from other groups.

18
19 8. Sometimes, it is contended in voting rights cases that minorities are too scattered across a
20 jurisdiction to measure racial polarization reliably. Some political scientists have gone so far as to say
21 that if the vast majority of minorities are not concentrated in precincts that are 90% or more of their
22 ethnic group, we can say nothing at all about how they voted. But there is no theoretical statistical
23 literature that sets any "bright line" on what percentage any group has to comprise of a set of precincts
24 before estimates can be made, the best statistical empirical work often confidently makes estimates
25 when there are no precincts in which a group makes up as much as 50% of the population, and judges in
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1 the recent Kern County VRA case and the Santa Clara CVRA case (to be cited below) have soundly
2 rejected challenges to statistical results based on the “scattered” argument.

3 9. I then turn to making explicit how I define “racially polarized voting,” drawing primarily
4 on a detailed examination of the core case of *Thornburg v. Gingles*, in order to lay out for the court
5 explicitly what I am doing, so that the court can better evaluate whether my definitions and techniques
6 comport with the legal standards as the court understands them. In particular, I discuss the definitions of
7 minority and majority cohesion and “legally significant” racially polarized voting used by Justice
8 William J. Brennan, Jr. in his *Gingles* opinion. Most basically, I emphasize Justice Brennan’s
9 fundamental holding that racial polarization means that “black and white voters vote differently”
10 (though of course in this case, “black” can be equated to “Latino”), and that this difference is assessed
11 by determining whether the estimates of the way two groups voted was statistically significantly
12 different. The level of racial polarization that is “legally significant” is that which usually, absent
13 special circumstances, results in the minority-preferred candidate losing.

14 10. After all of these important preliminaries, I consider estimates of racially polarized
15 voting in Santa Monica City Council elections in which Latino candidates competed, beginning with
16 the earliest election for which we have ethnic data on registration available at the precinct level - 1994.
17 From 1946 through 2016, 16 different Spanish-surnamed candidates ran for the City Council, and only
18 one, Tony Vazquez, won. Of 10 election contests between 1994 and 2016 involving Latino
19 candidates, 8 were racially polarized by both unweighted and weighted regression. In 8 of the 10
20 elections, the Latino candidate lost. In 6 of the 10, at least two-thirds of Latino voters are estimated to
21 have cast a vote for a Latino contestant. In only 2 of the 10 did as many as a third of non-Hispanic
22 whites cast a ballot for one of the Latino candidates, and those both involved Tony Vazquez, who
23 received about 2-5 times as high a percentage of Latino as of non-Hispanic white votes in those
24 contests. If we use total votes in the City Council election as the denominator, which ignores the fact
25 that voters could cast ballots for more than one candidate, the same elections are polarized in 8 of 10
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1 elections using ER, but only in 6 of 10 using EI. But the broad picture of strong racial polarization
2 emerges whichever measure and whichever method is used. Latino voters cohesively supported Latino
3 candidates and non-Hispanic whites were sufficiently cohesive to insure that Latino candidates usually
4 lost. The results of these elections would have been quite different if only Latinos had voted.

5 **B. Discriminatory Intent and Discriminatory Impact**

6 11. I then examine in detail the question of whether the at-large, "free-for-all" system of
7 electing members of the Santa Monica City Council was adopted and/or maintained at least in part for
8 the purpose of making it more difficult for members of minority groups to elect candidates of their
9 choice. After reviewing the standards of determining intent that I have used in numerous federal Voting
10 Rights Act cases and which are based on federal opinions in racial discrimination cases, as well as the
11 practices of historians, I examine the history of Santa Monica election structures since 1914.

12 12. From 1907 through 1914, the small town of Santa Monica, like most cities in California
13 at the time, was governed by a city council elected by districts. There is no evidence that the city was in
14 the grasp of a "machine" or that there was notable corruption or scandal. Nonetheless, in 1914, the city
15 replaced the council with a city commission of three members, elected at large. Partly because issues of
16 only one of the several newspapers then published in the city have survived, there is little evidence of
17 why there was a shift to a commission, and there is no evidence one way or the other of whether race or
18 ethnicity played a role in the decision. During the 1930s, there were several efforts to return to city
19 council form of government, but they failed.

20 13. In the midst of racial strife in Southern California during the Second World War, the
21 town's chief newspaper, the Outlook, spearheaded a drive to elect a "Board of Freeholders" that would
22 frame a new city charter with a new form of government. The key question was whether it would be
23 elected at-large or by districts, and both proponents and opponents agreed that districts would make it
24 easier for workers, "colored people," and "Mexicans" to be elected. But the all-white Freeholders, 14 of
25 15 of whom lived in the most affluent part of town, north of Montana Avenue, withdrew an initial plan
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1 to allow the voters to choose between at-large elections and a mixed district/at-large system. They
2 offered only an up-or-down vote on an at-large system, bundled with many other changes in the
3 government. Because the referendum on the new charter was held at the same election, in November
4 1946, as a referendum on a statewide measure (Proposition 11) barring racial discrimination in
5 employment and providing for a Fair Employment Practices Commission (FEPC), we may test whether
6 votes in favor of the charter were correlated negatively with votes on Proposition 11, which is a pure
7 measure of approval or disapproval of overt, explicit racial discrimination. Statistical analysis shows
8 that those who approved of discrimination also favored the new charter, and vice versa. This implies
9 that voters shared the racial opinions expressed in the Outlook and lends strong support to the
10 conclusion that the at-large system of electing the city government was maintained because of its
11 anticipated effects on the ability of minorities to elect candidates of their choice.
12

13 14. As the statistics already cited on the election of Latinos from 1946 through 2016 show,
14 the anticipated effects were realized. But in 1971, 1975, 1992, and 2002, there were efforts to replace
15 at-large elections with districts. The 1971 effort failed to convince the City Council to place a measure
16 on the ballot. In the face of a renewed push for districts in 1975, the Council gave way, but scheduled
17 the vote for April, instead of November, which meant that a vote for districts was a vote to throw out the
18 members of the Council elected at the same time within 6 months and hold another vote. This and a
19 provision to reduce the number of signatures necessary for a recall of City Councilmembers threatened
20 immediate and continual upheaval. So even though it was noted that districts offered an "increased
21 chance for ensuring minority representation," the referendum failed. Votes for districts were very highly
22 correlated with votes in the same election for two Latino candidates for the School Board, again
23 connecting voters' choices with their attitudes and behavior on ethnic matters.
24

25 15. In the late 1980s, a successful effort to replace at-large with district elections in a case
26 under Section 2 of the Voting Rights Act in Watsonville stimulated Latinos throughout California to
27 push for the elimination of discriminatory election structures, most visably in the redistricting case of
28

1 *Garza v. Los Angeles County Board of Supervisors*. Santa Monicans joined in, successfully pressing the
2 City Council, then (and now) under the control of the outwardly progressive Santa Monicans for Renters
3 Rights (SMRR) to appoint a Charter Review Commission. The 15-member Commission, with only one
4 Spanish-surname and one African-American member, eventually produced a long, thoughtful report
5 recommending a complicated Single Transferable Vote system as their first choice and districts as their
6 second choice. But by a 14-1 vote, they preferred to scrap the at-large, free-for-all system. The City
7 Council barely considered the STV proposal and rejected districts by a 4-3 vote, with 3 of the 4 non-
8 Latino SMRR members voting for the status quo. After a two-year battle, there was no chance for the
9 electorate to express its views on the issue.

10
11 16. Other efforts to promote districts were unsuccessful until 2002, when there was another
12 referendum on a proposition termed "HH." But HH bundled 5 other changes – an elected mayor with
13 veto power, runoff elections, a change in the election date, and term limits – along with districts into the
14 proposal. This invited and received opposition from any voter who opposed any of the 6 alterations, and
15 it is not a good measure of sentiment about or correlates of support for districts.

16 17. This complicated record of the selection and repeated maintenance of districts by
17 incumbents and the city's political elites is more extensive than that in the vast majority of other cases of
18 racially discriminatory intent in voting rights cases. When viewed in detail, it provides plentiful
19 evidence for the court to determine whether it agrees with me that the electoral system has been selected
20 and maintained with a racially discriminatory intent.

21 II. Credentials

22 18. I am the William R. Kenan, Jr. Professor of History and Social Science at the California
23 Institute of Technology. I received my A.B. *summa cum laude* from Princeton University in 1965 and
24 my Ph.D from Yale University in 1971. Except for sabbatical years, I have taught at Caltech since 1969.
25 I have also been a visiting professor at Michigan, Harvard, Oxford, Claremont Graduate University, and
26 the Hong Kong University of Science and Technology.

1 19. I have previously testified or consulted in 34 federal voting rights or redistricting cases
2 and 19 state cases (in Alaska and California). In 8 federal cases and 17 cases brought under the
3 California Voting Rights Act, the sources of my testimony have been primarily quantitative. I was the
4 chief expert witness for the plaintiffs in the first two CVRA cases filed, regarding the City of Modesto
5 and the Hanford Joint Union High School District, as well as in the successful cases regarding the Tulare
6 Healthcare District, and the cities of Compton, Santa Barbara, Fullerton, Banning, Rancho Cucamonga,
7 West Covina, and Arcadia, among others, and the first case under the CVRA to go to a full trial –
8 *Jauregui v. City of Palmdale* (Case No. BC 483039, Superior Court of Los Angeles). Following the trial
9 in the CVRA case against the City of Palmdale, Judge Mark Mooney of the Los Angeles Superior Court
10 relied on my opinions in finding racially polarized voting in Palmdale, finding my opinions to be
11 “persuasive.” I was also the racially polarized voting expert witness for the plaintiffs in the only other
12 cases besides *Jauregui v. City of Palmdale* to go to trial under the CVRA, *Garrett v. City of Highland*
13 (Case No. CIV-DS-1410696, Superior Court of San Bernardino), which the plaintiffs won, and
14 *Yumori-Kaku v. City of Santa Clara* (Case No. 17CV319862, Superior Court of Santa Clara), which the
15 plaintiffs won at the liability phase and is currently pending adjudication of an appropriate remedy.
16

17 20. In federal court, I recently testified about racially polarized voting in 22 separate
18 elections in *Luna v. Kern County* (1:16-cv-00568-DAD-JLT, E.D. Calif.). In his opinion in favor of the
19 MALDEF plaintiffs, Judge Dale A. Drozd quoted extensively from my statistical findings, finding
20 racially polarized voting and explicitly “credit[ing] Dr. Kousser’s analyses of racial polarization.”¹ In
21 the state, as well as federal cases, I used standard statistical methods to determine the extent to which
22 voting in relevant elections was racially polarized. For instance, in *Perez v. Abbott*, 250 F.Supp.3d 123
23 (W.D.Tex. 2017), the Texas statewide redistricting case involving Section 2 of the Voting Rights Act
24 and the Fourteenth and Fifteenth Amendments, I testified in-person and presented a 134-page report
25 containing 15 tables based on statistical analyses of racially polarized voting. In their extensive findings
26

27 ¹ Typed opinion at 41.
28

1 of fact in that case (SA-11-CV-360), the district court judges cited my estimates of racially polarized
2 voting 27 times. There was no challenge to my credentials in that case.

3 21. I also provided statistical analysis and advice to the cities of Chino and Lancaster when
4 they were considering whether they might face liability under the CVRA, and I have consulted with
5 various other organizations and local jurisdictions on voting rights matters, generally under non-
6 disclosure agreements.

7 22. Other cases in which I have appeared as an expert, such as the key case of *City of Mobile*
8 *v. Bolden*, 542 F. Supp. 1050 (S.D.Ala. 1982), concerned whether at-large systems of voting were
9 adopted or maintained with a racially discriminatory intent or whether they had discriminatory effects.
10 Cases such as *Garza v. Los Angeles County Board of Supervisors*, 756 F. Supp. 1298 (C.D. Cal., 1990),
11 *aff'd*, 918 F.2d 763 (9th Cir. 1990), *cert. denied*, 111 S. Ct. 681(1991), involved questions of “racial
12 gerrymandering.” My testimony on the racial intent of those who redistricted the Los Angeles County
13 Board of Supervisors served as the basis for the district and appeals court decisions on that issue in
14 *Garza*, and their opinions on intent provided the framework for the Justice Department’s standard
15 objection letter on the grounds of discriminatory intent under Section 5 of the Voting Rights Act during
16 the 1990s. The *Garza* decision led directly to the election of Gloria Molina, the first Latina to be elected
17 to the Los Angeles County Board of Supervisors since 1875. In 2012, I was an expert witness on the
18 intent issue in the Section 5 case concerning the Texas Voter ID law. The District Court of the District
19 of Columbia refused preclearance of the law on effect grounds and did not reach the issue of intent. In
20 2015, I was the first expert witness for the plaintiffs in the nationally-prominent case of *League of*
21 *Women Voters v. McCrory* (decided as *N.C. State Conf. of the NAACP v. McCrory*, 2016 WL 1650774
22 (M.D.N.C. Apr. 25, 2016), rev’d 831 F.3d 204 (4th Cir. 2016), *cert. denied*, *sub nom. N.C. v. N.C. State*
23 *Conf. of the NAACP*, 2017 U.S. LEXIS 2947 (May 15, 2017)) , a challenge to North Carolina’s 2013
24 election law.
25

26 23. I’ve published three books and edited another, in addition to 44 scholarly articles, 80
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1 book reviews, and 24 entries in reference works. My work has focused on minority voting rights,
2 educational discrimination, race relations, political history, and quantitative methods. For example, I
3 recently completed a nearly 12,000-word entry on “voting rights” for the forthcoming *Oxford Handbook*
4 *of American Political History*. I was executive editor of the journal *Historical Methods*, which
5 specializes in interdisciplinary and quantitative history, from 2001 to 2013.

6 24. My first published article was the earliest extensive introduction to “ecological
7 regression” analysis for the historical profession. Throughout my career, in scholarly books and articles,
8 as well as in legal testimony, I have written about and employed ecological regression, which has been
9 the chief statistical means of determining whether voting is racially polarized. Even before ecological
10 regression was employed by any expert witness in a voting rights case, I used it in my 1971 doctoral
11 dissertation to estimate the patterns of voting of southern blacks in the late 19th and early 20th centuries.
12 Previous historians had only been able to guess how African-Americans voted and whether they voted,
13 and they could therefore not tell when blacks were disfranchised or make valid inferences about how
14 they were disfranchised – by violence, fraud, or the passage of laws – or why – for merely racial, or for
15 both racial and partisan purposes. The development of ecological regression in sociology and political
16 science, and my close study of that method and related ones in graduate school and afterwards made it
17 possible for me to answer those questions much more systematically.

18 25. My book *The Shaping of Southern Politics*, referred to in a “Foreword” of the *Harvard*
19 *Law Review* in 2004 as “still magisterial,” was one of the pioneering works of social scientific history
20 when it was published in 1974.² Today, economists, political scientists, sociologists, demographers, and
21 geographers have joined historians in that enterprise, collecting massive databases and performing
22 extensive statistical analyses on them in ways that have revolutionized our understanding of a great
23 many historical topics. During my twelve-year editorship of one of the leading journals of social
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25
26 ²Richard H. Pildes, “Foreword: The Constitutionalization of Democratic Politics - The Supreme Court 2003
27 Term,” 118 *Harvard LR* 28 (2004), at 60, n. 139.

1 scientific history, *Historical Methods*, many of the leaders of the field recognized the journal as the
2 favored venue for publication – for example, for two special issues describing a collection of individual
3 census records from nearly 50 countries from the 19th and 20th centuries, now available on the internet in
4 a standardized form. Thirty-two tables in *The Shaping of Southern Politics* were based on ecological
5 regression – the first widespread use of ecological regression by a historian. Ecological regression was
6 later extensively used in voting rights cases (by others, as well as by me), for example, in *Thornburg v.*
7 *Gingles* (1986), the first major U.S. Supreme Court case to interpret the 1982 amendments to Section 2
8 of the Voting Rights Act, affirming the district court’s finding that the at-large election system in that
9 case violated Section 2 of the Voting Rights Act. In 2001, I published a lengthy article examining issues
10 in several models of ecological inference, including ecological regression and Gary King’s “EI,” which
11 have been used to determine the extent of racially polarized voting in recent federal voting rights cases.

12
13 26. My 1999 book, *Colorblind Injustice: Minority Voting Rights and the Undoing of the*
14 *Second Reconstruction*, was co-winner of the annual Lillian Smith Award of the Southern Regional
15 Council for the best book on the South and co-winner of the annual Ralph J. Bunche Award of the
16 American Political Science Association for the best scholarly work in political science which explores
17 the phenomenon of ethnic and cultural pluralism. One of my recent articles, “The Strange, Ironic Career
18 of Section Five of the Voting Rights Act, 1965-2007,” published in the *Texas Law Review*, was the first
19 comprehensive history of the Act’s first 42 years. My comprehensive review of over 60 years of voting
20 rights litigation, “Do The Facts of Voting Rights Support Chief Justice Roberts’s Opinion in *Shelby*
21 *County?*” *Transatlantica* 1 (2015) was the subject of a favorable editorial in *The New York Times*, April
22 19, 2015.

23 27. A true and correct copy of my curriculum vitae is attached as **Exhibit 1**.

24
25 **III. Statistical Methods for Assessing Racially Polarized Voting**

26 28. Although political scientists began as early as the 1930s to use regression analysis to
27

1 study elections, and although statistical methods have been used since the 1970s to estimate the degree
2 of ethnically polarized voting in federal voting rights cases, the techniques are less familiar in state court
3 litigation, where those statistical methods have been used only since the first CVRA trial in *Jauregui v.*
4 *City of Palmdale* in May 2013. An intuitive explanation of the three different statistical methods used in
5 this report may assist judges and others in weighing the evidence. It is not necessary to understand all of
6 the mathematics behind these methods to grasp their essential natures. Visual aids will guide intuitions.

7 **A. The Aggregation or “Ecological Inference” Problem**

8
9 29. Social scientists would often like to know how individuals with certain characteristics
10 (race, class, gender, etc.) voted in particular elections, or whether they turned out at all. But in the pre-
11 survey era and in most elections below the presidential level even more recently, we have no direct
12 evidence about individual voting choices. Instead, we often have election returns in which individuals
13 have been grouped into precincts, townships, counties, etc. We may also have information, for example,
14 from censuses or election records, on the demographic or socioeconomic traits of these precincts,
15 townships, and/or counties.

16 30. If voters or potential voters were perfectly segregated in these aggregate or “ecological”
17 units (e.g., precincts) on the basis of the trait we were particularly interested in (e.g., ethnicity), then it
18 would be simple to determine how individuals voted. For instance, we could just look at all of the 100
19 percent Latino precincts and determine how every Latino voted, because we would know that only
20 Latinos lived in those precincts, and that no Latinos lived elsewhere. Fortunately for society, but
21 unfortunately for social scientists, living patterns are more mixed, and inference is more difficult.

22 31. When historians or political scientists began to analyze voting aggregated by precincts,
23 and even when such analysis began to be included in voting rights cases, the analysts often looked only
24 at a few overwhelmingly black or overwhelmingly white precincts and assumed that everyone who lived
25 in more racially mixed precincts voted in exactly the same way. This was termed the “extreme case
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1 analysis” method in *Thornburg v. Gingles*³ and “homogeneous areas” elsewhere. This ignored how
2 people who lived in most precincts, often the vast majority of precincts, actually voted. To take account
3 of all of the voters, statisticians have developed more sophisticated techniques than just counting the
4 voters in a small number of precincts. Nonetheless, in every method, the larger the proportion of
5 relatively ethnically homogeneous precincts, the more accurate the estimates will be.

6 **B. Ecological Regression**

7 32. How do we estimate individual voting behavior if we have only precinct-level data? In
8 1959, statistician Leo Goodman introduced what he called “ecological regression,” and that was the
9 dominant method used for nearly 40 years thereafter by historians and political scientists.⁴ It was in
10 effect endorsed by Justice William Brennan in the leading federal Voting Rights Act case on racially
11 polarized voting, *Thornburg v. Gingles* (1986), since that is what Prof. Bernard Grofman, the principal
12 expert witness in the case, used to estimate racial polarization.⁵

13 33. The easiest way to comprehend ecological regression (which I will hereafter refer to as
14 “ER”) is to consider some graphs. For purposes of exposition, it is best to start with just two variables,
15 Latino and other, which is the bivariate case, even though for actual estimation purposes, I will later use
16 three separate ethnic variables – Asian, Latino, and other, all of whom are essentially black and non-
17 Hispanic white. Figure 1 plots the percentages in each Santa Monica precinct of the votes for Oscar de
18 la Torre for City Council in 2016, against the percentage of the voters in the 2016 contest in each
19 precinct who had Spanish surnames (whom I will hereafter refer to as “Latinos” for convenience).⁶ It
20
21

22 ³ 478 U.S. 30, at 48 (1986).

23 ⁴Leo A. Goodman, “Some Alternatives to Ecological Correlation,” *American Journal of Sociology* 64 (1959),
24 610-24. For the first extensive article on the subject in a historical journal, see my j“Ecological Regression and
the Analysis of Past Politics,” *The Journal of Interdisciplinary History* 4: 237-62 (1973).

25 ⁵478 U.S. 30, at 52-54 (1986).

26 ⁶The list of Spanish and Asian surnames, originally compiled by the U.S. Bureau of the Census, has been
27 widely used in California for decades to match against lists of voting registrants and those who turned out at the
28 polls. During the statewide and local redistricting processes of the 1990s, 2001, and 2011, for example, the list of
Spanish surnames was considered authoritative by politicians, scholars, and judges alike. See, for example, my
articles on two of these redistrictings, which made extensive use of statistics based on the Spanish surname list.

1 shows that as the percentage of Latinos went up, the percentage for de la Torre went up, as well. The
2 straight line (the "regression line") tells us how the "dependent variable" – in this case, the percentage
3 for de la Torre-- changed, on average, as the "independent variable" – in this case, the percentage Latino
4 – changed. Note that for most of the elections that I will analyze in this declaration, the data is reported
5 at the level of those who voted, in person or by mail, in the actual contest. In many jurisdictions in other
6 parts of the country and in past years almost everywhere, we only have such figures for the independent
7 variables as the voting-age population or citizen-voting-age population that is Latino, African-American,
8 or Asian-American. At best, we have the Latino or Asian proportion of registered voters. But for most
9 of the elections analyzed below, California has collected and preserved information on the names of the
10 actual voters who turned out on election day or mailed in ballots, and by comparing them to lists of
11 Spanish and Asian surnames, we can be sure that we are basing our estimates on the group of people
12 who cast a vote in each contest.
13

14 34. Bivariate ER estimates voting by each ethnic group by asking, in effect, how precincts that
15 were 100 percent non-Latino or 100 percent Latino would have voted, on average. At least in this
16 simple model, ER attributes the same propensity to vote for de la Torre to every Latino in the
17 jurisdiction, no matter what precinct they live in. It also assumes that non-Latinos voted for de la Torre
18

19 "Reapportionment Wars: Party, Race, and Redistricting in California, 1971-1992," in Bernard Grofman, ed.,
20 *Race and Redistricting in the 1990's* (New York: Agathon Press, 1998), 134-90; "Has California Gone
21 Colorblind?", in Frederick Douzet, Thad Kousser, and Kenneth P. Miller, eds., *The New Political Geography of
22 California* (Berkeley: Institute of Governmental Studies, 2008), 267-90. I received all of the data used in the
23 calculations concerning racially polarized voting in Excel form from David Ely. Voting data, obtained from the
24 local board of elections, covered all precincts in the City of Santa Monica in City Council elections from 1994
25 through 2016 that involved Spanish-surnamed candidates. Surname data for the same precincts and same
26 elections, came from the Statewide Database. In addition, election returns for the 1946 referenda on a new charter
27 and the adoption of a statewide Fair Employment Practices Commission were located in the *Santa Monica
28 Outlook*, Nov. 6, 1946, a true and correct copy of which is attached as **Exhibit 2**. Returns from the 1975
referendum on district elections and the simultaneous contest for the Santa Monica Unified School District Board
were obtained from the city archives, produced by Defendant in this case, a true and correct copy of which is
attached as **Exhibit 3**.

1 in the same percentage (perhaps different from the Latino percentage) in every precinct. Graphically, a
2 precinct without any Latinos would fall on the left vertical axis, so ER determines where the regression
3 line intersects that axis – at 6.6 percent in this instance – and concludes that 6.6 percent of the votes cast
4 by non-Hispanic whites, blacks, and Asians in Santa Monica were for de la Torre for City Council.
5 Likewise, ER estimates Latino voting behavior by asking where the regression line would intersect a
6 line drawn vertically above the point on the right of the graph corresponding to a 100 percent Latino
7 precinct. In this case, the regression line would intersect with that vertical line at 38.3% (6.6 + 31.7).
8

9 35. Below this and other graphs, I have placed the “ordinary least squares” or “OLS” regression
10 equation that determines the regression line. This simplest version of a regression equation takes the
11 form

$$12 \quad Y = a + b X + e,$$

13 where Y is the dependent variable, in this case, the percentage for Mr. de la Torre;

14 a is the “intercept,” the point at which the regression line crosses the Y axis, in this case 6.6
15 percent;

16 b is the slope of the regression line, which in this case is the amount the line differs in two
17 precincts, one of which had no Latinos, and the other of which was all Latino; as the Latino
18 proportion rose from 0 percent to 100 percent, the regression line rose by 31.7 percent;

19 X is the independent variable, the percentage Latino of the voters, in this instance;

20 and e is an error term, an indication that we are somewhat uncertain about our estimate.

21 36. How uncertain we are may be gauged by the “standard errors” for each coefficient, which
22 are placed in parentheses underneath the respective a and b coefficients in the equations below the
23 graphs in this declaration. A coefficient that is twice or more its standard error is considered statistically
24 significant at the conventional 0.05 level of statistical significance, which means that we would only
25 observe a coefficient this different from zero (or any other particular number) five times out of a
26 hundred, if the variables were actually completely unrelated to each other. Here, the coefficients are
27
28

1 many times their standard errors, so we can be quite certain that they measure relationships that are
2 different from zero in the population. Standard errors can also give indications about whether two
3 different estimates are approximately equivalent. If one estimate is that 10 percent of a group voted for
4 a particular candidate, and the standard error of that estimate is 2 percent, and another estimate is that 14
5 percent of the same group voted for that candidate, and the standard error is 3 percent, then the standard
6 errors overlap a high percentage of the time, and the two estimates cannot be distinguished at the
7 conventional 0.05 level of significance. The R^2 or percentage of variance in the dependent variable
8 explained by the independent variable tells us how well one variable explains the other – how strongly
9 the two are related and how tightly the points are clustered around the regression line.⁷ Here, Latino
10 voting alone explains 83 percent of the variation in the percentages for de la Torre in the Santa Monica
11 precincts – a highly statistically significant level for social science in an example with 54 precincts.
12 This very recent election seems to have been, according to this technique, significantly racially polarized
13 in Santa Monica.
14

15 37. It should be pointed out that the .05 level of statistical significance is entirely arbitrary
16 and that many articles in the social science literature note not only the .05 level, but the .10 level of
17 statistical significance for different coefficient estimates. Other articles just publish the actual level, not
18 whether the coefficient is statistically significantly different from zero or some other value. In the tables
19 below, I note the standard error, not the level of significance. If one wished to apply a .10 level of
20

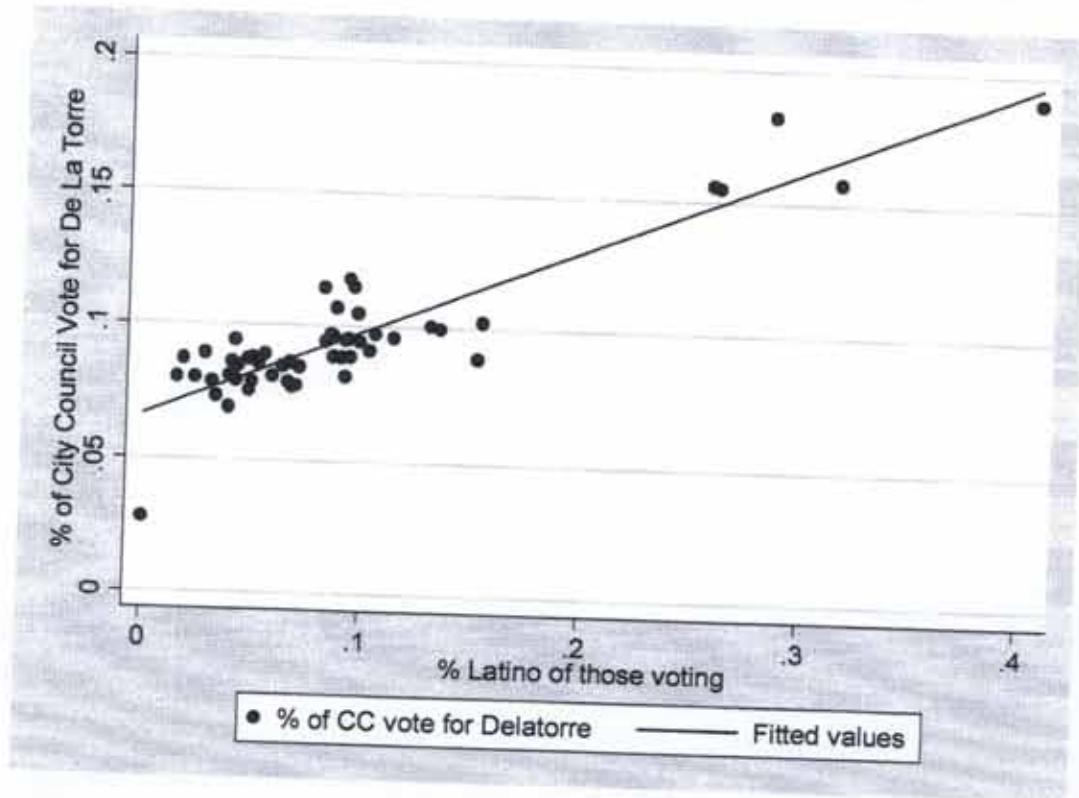
21 ⁷ R-squared is a measure of how well **all** of the independent variables (the percentage of each ethnic group, in this
22 instance) **put together** explain variation in the dependent variable (the percentage for each candidate, in this
23 instance). The standard error of a regression coefficient is another, related measure of how well one independent
24 variable explains variation in the dependent variable. In a bivariate regression, the R-squared accounts for the
25 variation explained by one variable, just as the standard error measures the fit for that one variable. In multiple
26 regression (three or more ethnic groups, in this example), the R-squared captures the variation explained by **all** of
27 the independent variables, but the standard error of each coefficient still only concerns **one** variable (controlling
28 for the effect of the other variables). If you're interested in whether the vote is racially polarized between two
groups, then when you have three or more groups, it is the standard errors for those two groups that are the
relevant numbers. And in some instances, the R-squared may be statistically significant, but the standard errors
for the coefficients between two groups may overlap.

1 significance, one would multiply by 1.65, rather than 1.96 (or 2, for convenience, in the previous
2 paragraph). If one wished to apply a .20 level of significance, the multiplier would be 1.28. The
3 interpretation of a .20 level of significance would be that if you found coefficients to differ from each
4 other by following the same procedure as in the previous paragraph, except that you multiplied by 1.28,
5 instead of 1.96, you would be in error, on average, 20% of the time, instead of 5% of the time.

6 38. It should be noted that there is a limited amount of variation in the Latino percentages
7 across the precincts in Santa Monica. In particular, there were no precincts in 2016 in which Latinos
8 constituted more than 40.7% of the actual voters. Likewise, the highest estimated African-American
9 percentage of actual voters in any precinct was only 27% and the highest Asian-American percentage
10 was only 8.8%. There were, however, many precincts that were overwhelmingly non-Hispanic, non-
11 Asian, and non-black. Forty-six of 54 precincts in 2016 were 70% or more non-Hispanic, non-Asian,
12 and non-black, and 37 of the 54 were over 80% non-Hispanic, non-Asian, and non-black. If we should
13 be somewhat cautious about our estimates of Latino and especially, of African-American and Asian-
14 American voting behavior, as the standard errors in the tables below suggest, we can be more certain
15 about our estimates of the behavior of whites, and therefore, of the usual unwillingness of members of
16 that group to vote for Latino candidates.

17 [FIGURE 1 ON THE FOLLOWING PAGE]
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Figure 1: % of Vote for de la Torre, 2016 City Council



$$\% \text{ for de la Torre} = 6.6 + 31.7 \% \text{ Latino of Votes} + e$$

(0.2) (2.0)

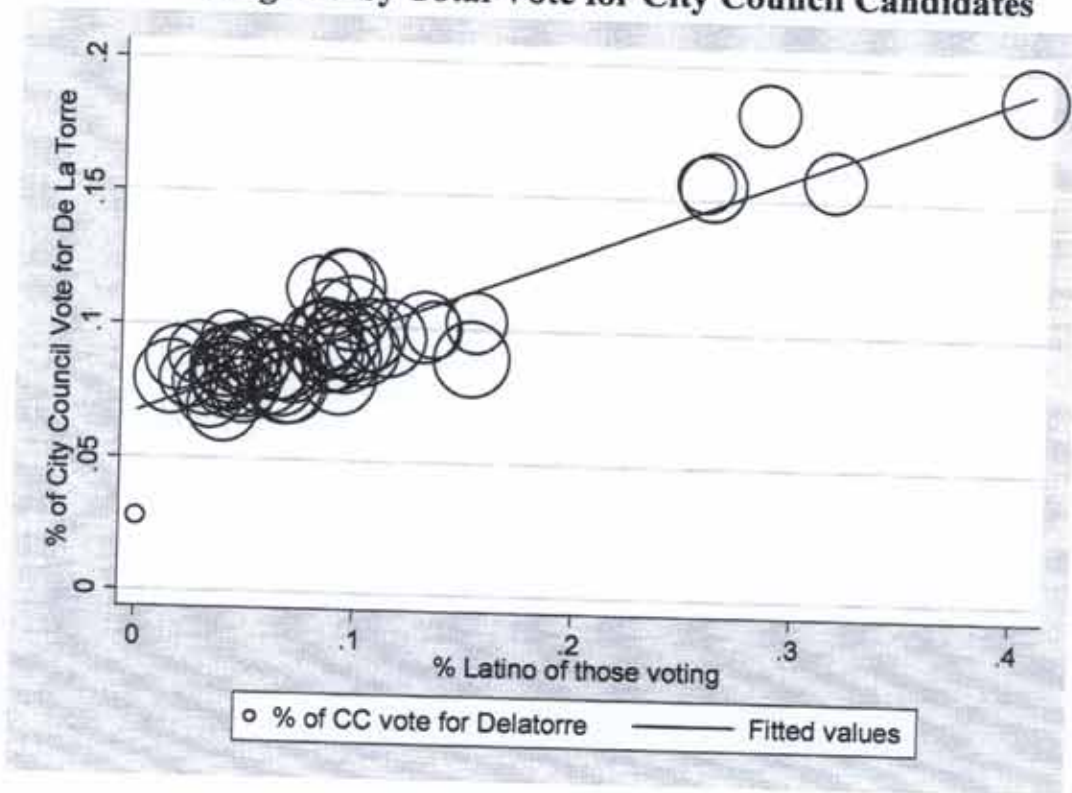
$R^2 = 0.83$

1 **C. Weighted Ecological Regression**

2 39. But the precincts are not all exactly the same size in Santa Monica. Weighted regression
3 allows one to count larger precincts more heavily than smaller precincts in calculating the coefficients,
4 and STATA can produce graphs in which each precinct is represented by a circle that is proportional to
5 the number of voters in the precinct, rather than by circles of equal size. Figure 2 is one such graph, a
6 version of the same data as in Figure 1 on the 2016 City Council race, but with a slightly different
7 regression equation and circles of different sizes. Readers will note that the pattern of the points and the
8 coefficients that are estimated are close to those in Figure 1. This is quite reassuring, because it means
9 that the judgment that the City Council contest was a racially polarized election was not merely the
10 product of a particular weighting scheme, one that gave less emphasis to larger precincts than it might
11 have.

12 [FIGURE 2 ON THE FOLLOWING PAGE]
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Figure 2: % of Vote for de la Torre, 2016 City Council, Weighted by Total Vote for City Council Candidates



$$\% \text{ for de la Torre} = 6.7 + 30.4 \% \text{ Latino of Votes} + e$$

(0.2) (1.9)

$R^2 = 0.84$

D. King's Ecological Inference

1
2 40. As I have shown elsewhere, ER is more sophisticated and flexible than it is often
3 considered to be.⁸ And, particularly because voters may cast multiple votes for multiple different
4 candidates in a given Santa Monica City Council election, ER is a better statistical tool than EI to
5 estimate group voting behavior in those elections. Nonetheless, ER has two deficiencies. First, it
6 sometimes produces estimates outside the 0-100 percent logical bounds. Second, it does not make use
7 of all of the available aggregate information – specifically, the precinct bounds. Gary King, a political
8 scientist at Harvard, sought to overcome these difficulties with his “ecological inference” or “EI”
9 technique.⁹

10
11 41. The first problem may be illustrated by looking at the relationship between Asian
12 ethnicity and votes for Abby Arnold for City Council in the 2002 election in Figure 3, below. Support
13 for Arnold declined as the small Asian-American percentages in each precinct rose. For every
14 percentage point of increase in the Asian percentage, the proportion of the vote that Arnold received
15 dropped by 0.32 percentage points. Therefore, a line showing the relationship between those two
16 variables that was projected out to the point at which it crossed an axis drawn vertically at the point at
17 which the Latino percentage was 100 would cross at -15.6% ($1.6\% - 32.2\% = -15.6\%$). That is, the
18 estimate would be that -16% of Asians voted for Arnold, which is logically impossible. Note also that
19 the standard error (14.7, below the coefficient of 32.2 in the equation under Figure 3) is large, and that
20 the R^2 or percentage of variance in the dependent variable “explained” by the independent variable,
21 0.07, is low. In other words, the line does not fit the points well. Estimates outside the logical 0-100%
22 bounds can arise for four reasons: 1. a group is very small and its percentage does not vary much across
23 precincts; 2. the number of precincts is small; 3. the relationship between voting and ethnicity is strong;
24 and/or 4. the model does not fit the data well. To make sure that the results are not due to choosing the
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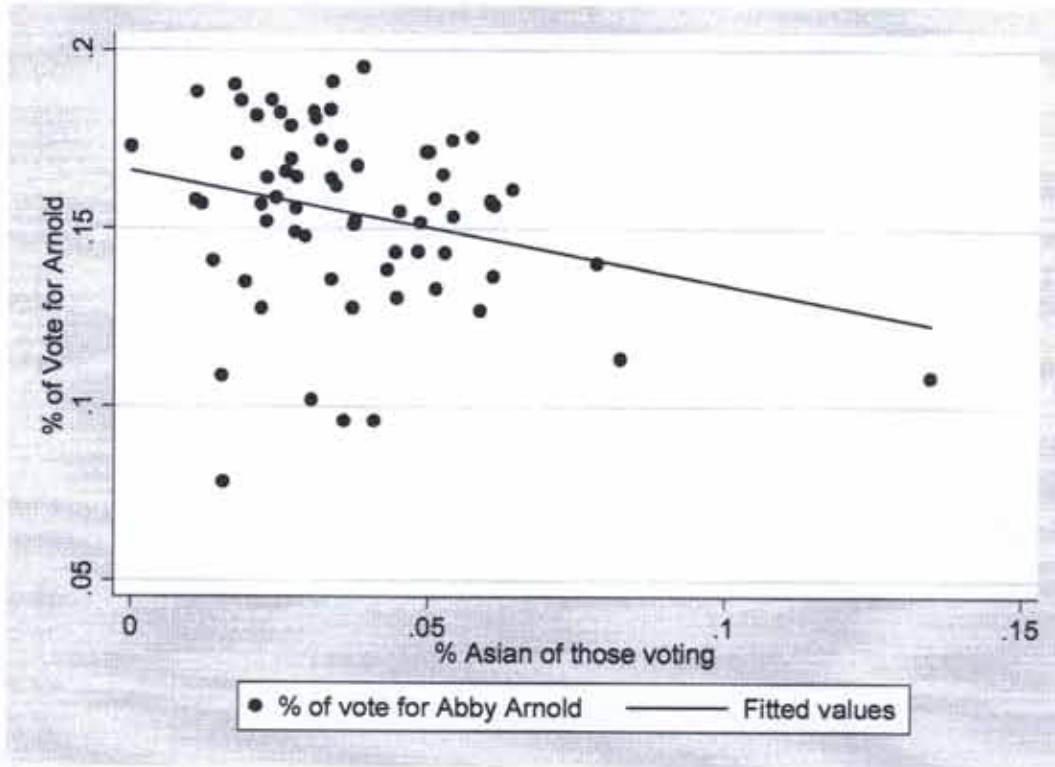
26 ⁸Kousser, “Ecological Inference from Goodman to King,” *Historical Methods* 34 (2001), 123.

27 ⁹King, *A Solution to the Ecological Inference Problem: Recovering Individual Behavior from Aggregate Data*
28 (Princeton, N.J.: Princeton University Press, 1997).

1 wrong model, I have estimated the relationships for all contests with several different models. King's
2 model guarantees that all estimates fall between 0% and 100% by basing the results not on a "normal"
3 curve, familiar from scores on IQ tests, but on a "truncated normal" curve. While a normal curve can
4 take on any value (even outside the local range of 0-100%), its truncated counterpart constrains the
5 related estimates to be between zero and 100%.

6 [FIGURE 3 ON THE FOLLOWING PAGE]
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**Figure 3: An Illustration of a Logically Possible Estimate Using Regression:
Asian-American Voting for Arnold in the 2002 City Council Election**



$$\% \text{ for Arnold} = 16.6 - 32.2 \% \text{ Asian of votes} + e$$

(0.6) (14.7)

$$R^2 = 0.07$$

1 42. The second deficiency of ER is sufficiently more complicated. If the Court is interested in a
2 detailed statistics discussion, it is included in the footnote below.¹⁰ However, it is not necessary to
3

4 ¹⁰ Consider the k below, which gives the election results and ethnic percentages in a hypothetical precinct in a
5 Santa Monica City Council election:

	Vote for City Council		
	Candidate A	All Other Candidates	
Ethnicity			
non-Latino	P_{11}	P_{12}	$X_1 = 0.73$
Latino	P_{21}	P_{22}	$X_2 = 0.27$
	$Y_1 = 0.40$	$Y_2 = 0.60$	

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11 The figures on the right-most column tell us that the precinct was 73 percent non-Latino and 27 percent Latino.
12 (We leave out other ethnic groups for purposes of illustration.) Those on the bottom row inform us that 40% of
13 the votes in the precinct cast ballots for Candidate A, while 60% of votes were for other candidates. What we are
14 trying to estimate are the P's (for "probabilities") in the cells in the middle of the table, which are subscripted to
15 indicate which row and column they occupy. P_{11} signifies that the entry is in the first row, first column, P_{12} means
16 first row, second column, and so on. Note that the values of the columns on the edges of the table set some limits
17 on the P's. Assuming for the purposes of the example that everyone in the precinct voted, no more than 55
18 percent (40/73) of the non-Latinos could have voted for Candidate A in this precinct, because non-Latinos
19 comprised 73% of the voters, and only 40% of the votes were cast for Candidate A. On the other hand, if all of
20 the Latinos voted for Candidate A then at least 18 percent of the Non-Latinos must have, as well, because the
21 maximum Latino vote was 27 percent, leaving 13 percent of the Candidate A votes that had to have been cast by
22 non-Latinos. Since non-Latinos comprised 73 percent of the voters, 18 percent of them (13/73) at a minimum
23 must have favored Candidate A. More generally, such bounds are most informative when a group comprises a
24 large proportion of a particular precinct. If every precinct were composed of close to 50 percent of each of two
25 groups (as is the case for the gender variable), the bounds would tell us almost nothing. King's technique of
26 ecological inference or "EI" makes use of the fact that precinct totals usually put some limits on possible voting
27 behavior, as well as of the increased power and speed of current computers. To avoid the technicalities: what EI
28 does is first to run something like an ER, and then, using that information, estimate where on "bounds lines" a
point is most likely to lie. It calculates the estimate by generating, through computer simulation, a "normal" or
bell-shaped curve in a third dimension on top of each bounds line. Unlike a usual bell curve, however, this one is
forced to stop at the edges of a square. The values of the points generated in the simulation (usually of 100 points
or more per bounds line) are then averaged, giving us the most likely point on the line – for example, the most
likely combination of Latino and non-Latino votes for Candidate A – for that precinct. The bell curve need not
have its apogee at the center of the line; indeed, it will usually be skewed toward one end or the other. Every
precinct will have its corresponding bounds line and its corresponding estimate of what are referred to in Table I-
1 as P_{11} and P_{21} , the proportions of non-Latino and Latino, respectively, for Candidate A. EI then multiplies the
estimate for each precinct by the population of the precinct and averages these to get a jurisdiction-wide estimate.

1 understand the way that EI uses additional information to reach estimates of group voting behavior in
2 order to understand the racially polarized voting analysis below.

3 43. Because there are two significant ethnic groups in Santa Monica that can be
4 distinguished by their surnames (Spanish- and Asian-surnamed voters), it is inappropriate to
5 employ bivariate (two-variable) ER, weighted ER, or EI here, so multivariate models will be
6 estimated. In addition, because African-Americans are only a somewhat smaller percentage of
7 Santa Monicans than Latinos and because they are fairly heavily concentrated in the same
8 precincts as Latinos are in the city, I will estimate their behavior separately. To distinguish non-
9 Hispanic white voters from African-American voters, I will multiply the number of non-
10 Hispanic, non-Asian voters by the proportion of the black + white voting-age population that is
11 black.

$$\begin{aligned} \text{Estimated black voters} &= (\text{non-Hispanic} + \text{non-Asian voters}) * \\ &(\text{black VAP} / (\text{black VAP} + \text{white VAP})) \end{aligned}$$

12
13
14
15 The estimated white voters can then be obtained by subtracting the total of the black, Latino, and
16 Asian voters from the total voters. Although multivariate regression methods were developed
17 more than a century ago, when King introduced EI in 1997, the technique only allowed for two
18 “independent” and two “dependent” variables. In 2001, however, King and others extended the
19 technique to any number of independent or dependent variables¹¹ and in 2006, some of King’s
20 students and associates produced a software program called “eiPack,” which is available free on
21 the internet.¹² I have employed eiPack to estimate what is called a “Multinomial Dirichlet”
22 model for the EI estimates in this report. Very simply, it is based on a truncated multivariate
23

24 ¹¹ This is referred to as “R x C” (any number of variables in a row or column), as opposed to 2 x 2 (2 independent
25 and 2 dependent variables). The article is Ori Rosen, Wenxin Jiang, Gary King, and Martin A. Tanner, “Bayesian
26 and frequentist inference for ecological inference: the R x C case,” *Statistica Neerlandica*, 55 (2001), 134-56.

27 ¹² Olivia Lau, Ryan T. Moore, and Michael Kellermann, “eiPack: R x C Ecological Inference and Higher-
28 Dimension Data Management,” *R News*, 7/2 (October 2007), 43-47; Olivia Lau, “eiPack,”
<https://www.rdocumentation.org/packages/eiPack/versions/0.1-7>; Lau, Moore, and Kellerman, “Package
‘eiPack,’” <https://cran.r-project.org/web/packages/eiPack/eiPack.pdf>.

1 distribution analogous to a truncated normal distribution so that it can insure that all of the
2 estimates stay within the zero to 100% logical bounds.

3 44. It is sometimes contended, for example by Prof. Jeffrey Lewis in the Tulare
4 County Healthcare and Santa Clara cases and by Prof. Jonathan Katz in *Luna v. Kern County* that
5 ecological inference is “inappropriate” unless a particular group comprises at least 90% of population in
6 many of the precincts. But although everyone would admit that we can be more certain of the estimates
7 if the precincts are more segregated, there is no scholarly literature on what percentage of the precincts
8 have to be nearly homogeneous before the estimates of the various techniques become unreliable.¹³ The
9 defendants in *Luna v. Kern County* relied primarily on Prof. Katz’s contention that data from ethnically
10 heterogeneous precincts did not allow reliable inferences about racially polarized voting. Judge Drodz
11 carefully considered and completely rejected the evidence and argument on this matter by Prof. Katz.¹⁴
12 Likewise, Judge Kuhnle considered and rejected this same argument by Prof. Lewis in *Yumori Kaku v.*
13 *City of Santa Clara*.

14 45. The analysis of the Santa Monica election data that follows is in accord with current
15 scholarly and legal standards. ER estimates are the most informative, but EI estimates are also provided
16 in the tables that follow.
17
18
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20

21 ¹³ As an example of current scholarly practice, consider an important article co-authored by perhaps the foremost
22 current scholar of ecological inference, Gary King, which estimates the willingness of members of five
23 occupational groups to support Adolf Hitler in the epic 1932 elections in Germany. Only 10 of 681 *Kreise*
24 (voting units) in King’s data set are composed of more than 50% of any one group, and none of the *Kreise* has
25 more than 60%.¹³ In the Texas statewide redistricting case, *Perez v. Perry*, I and others analyzed racially
26 polarized voting using the percentage of Latino registered voters as the best independent variable available for
27 testing whether voting was racially polarized in the very segregated state. Of 8179 precincts in Texas, only 4.1%
28 had voting registration that was 90% or more Latino. The proportion of precincts in the state that were less than
40% Latino was 81.2. And yet, no party challenged the use of this data to estimate racially polarized voting.

¹⁴ *Luna v. Kern County* (typed opinion), 38-41 (“Dr. Katz’s critique does not raise a doubt sufficient to refute Dr. Kousser’s analyses or call them into serious question.”).

1 **IV. Defining Racially Polarized Voting in “Free For All” At-Large Elections**

2 46. Let me begin by making it explicit that I am not in this section purporting to offer a legal
3 opinion about the issues in defining racially polarized voting. But in order to know what facts to gather
4 in a voting rights case and how they might be analyzed and interpreted, expert witnesses need an
5 understanding of case law. Only if that understanding is made explicit can lawyers and judges fully
6 evaluate how an expert’s contribution in reports, depositions, and/or testimony should be weighed in *the*
7 *judges’* ultimate conclusions. Only if an expert clarifies her understanding of such questions can the
8 ultimate arbiters of the case be made fully aware of the reasons for different experts’ differing opinions.
9 In my view, experts have a duty to be open and honest about their methods, standards, and findings, and
10 I have always attempted to set out my interpretative frameworks as explicitly as possible.¹⁵ Whatever an
11 expert’s framework or methods, it is always, of course, *the judges’* responsibility to determine the
12 significance of the facts that the expert discovers to the legal conclusions that they, *the judges*, must
13 reach.
14

15 47. The California Voting Rights Act, Section 14025(e) simply adopts for state law the
16 federal case law definition of racially polarized voting. That definition derives from the federal district
17 court’s opinion in *Gingles v. Edmisten*, 590 F.Supp. 345, 367-78 (EDNC 1984) and the Supreme Court’s
18 decision in *Thornburg v. Gingles*, 478 U.S. 30, at 52-74 (1986). It is worth quoting the whole crucial
19 paragraph in Justice Brennan’s opinion in *Gingles* that sets out his view of the second and third “*Gingles*
20 factors,” those involved in determining whether the elections at issue have been sufficiently racially
21 polarized as to violate Section 2 of the Voting Rights Act:

22 The purpose of inquiring into the existence of racially polarized voting is twofold: to ascertain
23 whether minority group members constitute a politically cohesive unit and to determine whether
24 whites vote sufficiently as a bloc usually to defeat the minority’s preferred candidates. Thus, the
25 question whether a given district experiences legally significant racially polarized voting requires
26

27 ¹⁵ I have done so for cases involving intent, for instance, in *Colorblind Injustice: Minority Voting Rights and the*
28 *Undoing of the Second Reconstruction* (Chapel Hill, N.C.: Univ. of North Carolina Press, 1999), 347-58.

1 discrete inquiries into minority and white voting practices. A showing that a significant number
2 of minority group members usually vote for the same candidates is one way of proving the
3 political cohesiveness necessary to a vote dilution claim, and, consequently, establishes minority
4 bloc voting within the context of § 2. And, in general, a white bloc vote that normally will defeat
5 the combined strength of minority support plus white "crossover" votes rises to the level of
6 legally significant white bloc voting. The amount of white bloc voting that can generally
7 "minimize or cancel," black voters' ability to elect representatives of their choice, however, will
8 vary from district to district according to a number of factors, including the nature of the
9 allegedly dilutive electoral mechanism; the presence or absence of other potentially dilutive
10 electoral devices, such as majority vote requirements, designated posts, and prohibitions against
11 bullet voting; the percentage of registered voters in the district who are members of the minority
12 group; the size of the district; and, in multimember districts, the number of seats open and the
13 number of candidates in the field.¹⁶

14
15 48. Note that there is no "bright-line" definition of minority cohesion. Instead, Justice
16 Brennan said that "one way" – implying that it was not "the only way" – of demonstrating minority
17 cohesion would be to make "a showing that a significant number" – not "a majority" or "60%" or any
18 other particular number – "of minority group members usually vote for the same candidates" – not
19 necessarily minority candidates. Nor is there a "bright line" definition of the extent of the "white bloc
20 vote." Rather, Justice Brennan said that it would depend on characteristics of the electoral structure and
21 the percentage of registered voters comprised by members of the minority group. Furthermore, the
22 phrase "legally significant white bloc voting" implies that there could be "white bloc voting" that was
23 not "legally significant." What must be added to white bloc voting to make it legally significant, Justice
24 Brennan may be read as saying, is that the white bloc "normally will defeat the combined strength of
25 minority support plus white 'crossover' votes." (my underlining)

26
27 _____
28 ¹⁶ 478 U.S. 30, at 56. Internal references omitted.

1 49. In sum, the level of minority cohesion does not have to be a specific number, but merely
2 “significant,” and “legally significant white bloc voting” has two components – first, a degree of bloc
3 voting that will vary from situation to situation and second, the “normal” defeat of candidates favored by
4 cohesive minorities. Unlike racially polarized voting, which is specific to each individual election,
5 “normal” or “usual” minority loss is a summary measure to be added up after racially polarized voting is
6 computed for all of the elections.¹⁷ Thus, in Justice Brennan’s opinion, a table of polarized voting
7 estimates is given in Appendix B, and a summation of black victories in Appendix C. Moreover, in note
8 21, p. 54, Justice Brennan adopted Prof. Bernard Grofman’s definitions of “racially polarized voting” –
9 “a consistent relationship between [the] race of the voter and the way in which the voter votes . . . black
10 and white voters vote differently.” And he noted at pp. 53-54 that the district court’s conclusion in
11 *Gingles v. Edmisten* that the racially polarized voting was “substantively significant” depended on Prof.
12 Grofman’s finding that the correlations between race and voting were “statistically significant” and that
13 “the results of the individual election would have been different depending upon whether it had been
14 held among only the white voters or only the black voters.”¹⁸ In his testimony in district court in
15 *Gingles*, Prof. Grofman heavily stressed statistical significance as the key to determining whether
16 elections were racially polarized.¹⁹ And a prominent monograph co-authored by Prof. Grofman strongly
17 emphasized statistical significance as central to “defining and measuring racially polarized voting.”²⁰

18
19 50. Although subsequent discussions in federal cases and the political science literature have
20

21
22 ¹⁷ Thus, Justice Brennan declared in *Gingles*, at 57, that “a pattern of racial bloc voting that extends over a period
23 of time is more probative of a claim that a district experiences legally significant polarization than are the results
24 of a single election. . . . Also for this reason, in a district where elections are shown usually to be polarized, the
25 fact that racially polarized voting is not present in one or a few individual elections does not necessarily negate
26 the conclusion that the district experiences legally significant bloc voting.” Note the separation of “racially
27 polarized voting” in an individual election and “legally significant bloc voting” “over a period of time.”

28 ¹⁸ Quoting *Gingles v. Edmisten*, 590 F.Supp. 345, at 368.

¹⁹ See, e.g., 1985 U.S. S. Ct. Briefs LEXIS 1326, at 193-94 (To establish racial bloc voting “One may look at in particular the level of statistical significance of the correlation coefficient.”)

²⁰ Bernard Grofman, Lisa Handley, and Richard G. Niemi, *Minority Representation and the Quest for Voting Equality* (New York: Cambridge University Press, 1992), at 82-92.

1 not added much more clarity to the discussion,²¹ the two basic operational definitions that are used track
2 Grofman's comments quoted in *Gingles*. One simply asks whether a majority of one group votes
3 differently from a majority of another – for example, it would find racially polarized voting if 51 percent
4 or more of Latinos voted for a Latino candidate in a single-seat election, while 49 percent or fewer non-
5 Latinos did. The second asks whether the relationship between ethnicity and voting is statistically
6 significant at conventional levels. In the second definition, elections could be said to be racially
7 polarized even if majorities of both groups – or minorities of both groups – voted for the same candidate
8 or proposition, so long as there was a statistically significant difference between their voting patterns.
9 Depending on the number of precincts, there might, for instance, be a statistically significant difference
10 between non-Latino and Latino voting if, as in the 2008 election for Santa Monica City Council, only
11 about 10.5% of the votes cast by Latinos were estimated (by EI) to have been cast for Linda Piera-Avila,
12 and only a very small percentage of votes by non-Hispanic whites (2.4%) were for her. (Note that the
13 result here is for Latino votes, not Latino voterS. The difference will be discussed below.) It has always
14 seemed to me that both definitions contribute to the general assessment of racial polarization in a
15 jurisdiction, and I have found no convincing argument or legal authority for choosing between them.

16
17 51. The definition that emphasizes statistical significance seems particularly relevant where
18 there are multiple candidates in a multi-seat or single-seat contest. In the recent federal case of *Luna v.*
19 *Kern County*, an expert witness for the County, without referring to any specific language in *Gingles* or
20 any other case, declared that he considered an election to demonstrate minority cohesion and white bloc
21 voting only if a majority of each group supported a single candidate. There is much in *Gingles*, in
22 addition to the discussion above, to indicate that this is not the definition meant there. *Gingles* concerned
23 1 single-member district and 7 multi-member districts in which each voter could cast from 2 to 8 votes,
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26 ²¹See, e.g., J. Gerald Hebert, Donald B. Verrilli, Jr., Paul M. Smith, and Sam Hirsh, *The Realists' Guide to*
27 *Redistricting: Avoiding the Legal Pitfalls* (Chicago: American Bar Assn., 2000), 41-44; Grofman *et al.*, *Minority*
28 *Representation and the Quest for Voting Equality*, 82-108.

1 depending on the district.²² It would have been absurd to conclude that there was no racially polarized
2 voting unless each white voter voted for only one candidate in multi-member districts in which whites
3 comprised between 70.5% and 84.9% of the voters.²³ To do that, whites would have had to throw away
4 from 1 to 7 of their votes. Nor did Justice Brennan expect African-American voters to “single-shot” or
5 “bullet vote” in every election, because he noted that a minority candidate’s success that was due to
6 “special circumstances, such as . . . the utilization of bullet voting” could account for minority success
7 without disproving “vote dilution.”²⁴ Such a definition as that offered by Kern County’s expert would
8 allow majority voters to defeat an allegation of racially polarized voting merely by dividing their votes
9 between two majority candidates in a majority-majority constituency. And it would force minority
10 communities to form a pre-election consensus on one candidate, even if majorities did not. In addition,
11 the text of the CVRA specifically emphasizes the combination of the votes of minority candidates in
12 determining racial polarization in multi-seat elections:

14 In multiseat at-large election districts, where the number of candidates who are members of a
15 protected class is fewer than the number of seats available, the relative groupwide support
16 received by candidates from members of a protected class shall be the basis for the racial
17 polarization analysis.²⁵

18 In sum, in multiple candidate elections, especially where there is more than one minority candidate, the
19 only definition of minority and majority cohesion that is consistent with *Gingles* must focus on whether
20 the difference in support for candidates is statistically significant.

21 52. Finally, Justice Brennan explicitly rejected an effort to use multiple regression to “control
22 for” other traits of individuals or candidates in estimating the degree of racial polarization. Defendant
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24 ²² While the mere facts of *Gingles* do not constrain its more general principles – the opinion does not apply only
25 to elections in multi-member districts, for instance – the facts do provide relevant information for interpreting
26 what the holding in the case means.

27 ²³ Statistics on registered voters are from *Gingles v. Edmisten*, 590 F.Supp. 345, at 357 (1984).

28 ²⁴ *Thornburg v. Gingles*, at 57.

²⁵ California Election Code, Section 14028 (b).

1 North Carolina and the U.S. Department of Justice in an *amicus* brief had suggested that if one
2 controlled for such variables as party or which candidates were incumbents, the effect of race on
3 candidate choice might be reduced or eliminated statistically. Justice Brennan accepted the plaintiffs'
4 argument that it was the pattern of racial polarization *per se* that mattered, not what motivated black
5 voters to vote differently from white voters.²⁶ That is, according to Justice Brennan's controlling
6 opinion, one is prohibited from explaining away a pattern of racially polarized voting by entering other
7 variables into an equation. To determine legally significant racially polarized voting, one considers only
8 the relationship between voting and ethnicity over a period of several elections and examines whether
9 polarization is "normal" or "usual."

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11 53. In the peculiar conditions of Santa Monica's "free for all" elections, in which each voter
12 can cast votes for from one to four candidates in presidential year elections and from one to three in non-
13 presidential year elections, the cohesion of the protected class(es) and of the dominant (non-Hispanic
14 white) group must be assessed differently than in contests in which voters can cast only one ballot. The
15 usual way of performing the statistical analysis is to divide the votes for each candidate by the sum of
16 the votes for all of the candidates in the particular contest. There is nothing wrong with this procedure,
17 and I have included tables using these denominators in Appendix B. But where voters may choose one
18 to four candidates or may "roll off" – vote in the top-of-the-ticket contest, but not in the City Council
19 race -- following the usual method may understate the cohesion of each group. For these contests, it
20 makes more sense to use as a denominator the number of ballots cast for any office at that election,
21 while keeping the votes for each candidate as the numerator. That means that the total percentage of
22 those in an ethnic group who voted for all of the candidates or who rolled off will equal 300% or 400%,
23 depending on the year, not 100%. But what one will estimate is the number of voterS of the ethnic
24 group who cast one of their votes for the candidate. If Latinos cast votes for three candidates, say, then
25 even if two of those candidates were non-Hispanic whites, one might judge Latino voters cohesive if a
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28 ²⁶ 478 U.S., at 61-67.

1 third, Latino candidate, were estimated to have received votes from a majority or perhaps even a
2 substantial minority of Latinos. For example, in the 2002 City Council election, Ms. Aranda is
3 estimated by the three methods to have received between 25% and 30% of the total Latino votes. (See
4 Table III B in Appendix B.) But if we use total ballots as the denominator, instead of total votes cast in
5 the City Council election, we estimate that from 68% to 83% of Latino voters chose Ms. Aranda (and
6 probably one or two non-Hispanic white candidates). (See Table III A in Appendix A.) The support of
7 from two-thirds to five-sixths of voters of the protected class seems a very high level of cohesion, and it
8 makes it worthwhile to focus on estimates based on the total ballots denominator. Likewise, if we look
9 at non-Hispanic vote estimates in the same contest using the conventional denominator, we find that no
10 non-Hispanic white candidate received as much as 20% of the votes for City Council in 2002. (See
11 Table III B in Appendix B.) But if we use total ballots as a denominator, we find that Pam O'Connor
12 and Kevin McKeown are estimated to have each received votes from 44-46% of non-Hispanic white
13 voters – a high level of non-Hispanic white cohesion in a 9-candidate race.

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15 54. Thus, in the analysis of racially polarized voting that follows, I will spotlight the results
16 from equations using ballots as a denominator, given in Appendix A, but offer to the reader (and
17 occasionally discuss) results based on the total City Council votes as a denominator, given in Appendix
18 B. The difficulty with using ballots as a denominator is that one can't use EI, because the sum of the
19 estimates will not be 100%, but 300% or 400%. So the estimates will not be restricted to the logical 0-
20 100% boundaries, and some will fall outside it, particularly for the small and not very concentrated
21 Asian-American group. Because the primary focus in this case is on Latinos and non-Hispanic whites
22 (the dominant group of both voters and winning candidates in every election statistically analyzed), it
23 will not matter if estimates of Asian or African-American voters fall outside the 0-100% bounds. In the
24 instances in which less than 0% or more than 100% of the Latino voters are estimated to have cast a
25 ballot for a particular candidate, one should read the estimates as saying that "almost none" or "almost
26 all" of the Latino voters cast a ballot for that candidate.
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1 **V. Santa Monica's City Council Elections Exhibit Racially Polarized Voting**

2 55. From 1946 through 2016, 16 different Spanish-surnamed candidates ran for the
3 Santa Monica City Council. One of these 16, Frank Juarez, ran twice (1979 and 1981). One,
4 Donna Alvarez, ran three times (1988, 1990, and 1996). One, Tony Vazquez, ran 4 times (1990,
5 1994, 2012, and 2016). Only Vazquez won, and he lost in 1994. So, of 22 Latino candidacies,
6 there were only 3 victories – all by a single candidate. See Table 2 on the next page:
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1 **Table 2: Santa Monica Elections, Outcome Summary, 1946-2016**

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Year	Latino Candidate(s)	Latino Candidate percentages	Winning Candidates	Winning Candidate percentages
1953	Fernandez	6.6	McCarthy Barnard Guercio Mills	18.2 16.2 13.2 12.8
1955	Mendoza	1.5	Hart Judson Minter	27.0 22.4 18.5
1973	Rodriguez de la Puente	0.5 1.3	Van den Steenhoven McCloskey Judson Swink	15.4 11.7 10.8 8.9
1975	Casillas	1.6	Trives Cohen Reed	17.7 12.2 10.4
1979	Juarez Rodriguez	3.5 1.6	Yannatta Jennings Reed	18.2 17.0 12.0
1981	Juarez	10.0	Edwards Press Zane Conn	15.1 14.2 13.7 13.6
1986	Lopez-Dad	16.0	Reed Jennings Finkel	17.5 17.0 16.6
1988	Alvarez	10.9	Katz Zane Abdo Genser	15.9 14.0 13.5 11.5
1990	Alvarez Vazquez	13.9 16.3	Vazquez Holbrook Olsen	16.3 16.0 14.7
1994	Vazquez	14.5	Holbrook O'Connor	16.0 15.9

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			Ebner	15.6
1996	Alvarez	7.7	Feinstein Greenberg Genser	12.7 12.7 11.9
1999 (special election for one seat)	Juarez	4.7	Bloom	53.9
2002	Aranda	9.3	O'Connor McKeown Holbrook Arnold	18.9 18.6 15.8 15.4
2004	Loya	8.1	Shriver Bloom Katz Genser	16.5 11.8 10.3 9.4
2008	Piera-Avila	3.5	Shriver Bloom Genser Katz	18.5 15.4 14.6 13.1
2012	Vazquez Gomez Duron	10.0 2.4 2.1	Winterer O'Day Gleam Davis Vazquez	14.9 14.4 12.8 10.0
2016	Vazquez de la Torre	15.6 9.5	O'Day Vazquez Winterer Davis	16.3 15.6 15.4 15.1

1 56. Before 1994, there was no data available from the Statewide Database on the
2 ethnicity of voters by precincts for Santa Monica, and in 1994 and 1996, the only data available
3 was for registration, which tends to lag voter percentages, because registration rolls are not
4 purged immediately when a voter moves. From 2002 on, we have data on Spanish and Asian
5 surnames for those who cast ballots by mail or in person in all Santa Monica City Council
6 elections. As explained above, we can allocate the remaining voters to either non-Hispanic
7 white or African-American groups if we assume that the voters were distributed in the same
8 proportions as the voting-age populations of those two groups. So we can only begin the
9 statistical analysis of racially polarized voting in Santa Monica City Council elections in 1994,
10 after the first election of Tony Vazquez in 1990, and the results from the analysis of the 1994
11 and 1996 elections will be somewhat less certain than those for the elections from 2002 through
12 2016.
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14 57. Table 3 summarizes the estimates of racially polarized voting for all Spanish-
15 surnamed candidates in Santa Monica City Council elections from 1994 through 2016, using the
16 preferable denominator, total ballots cast for the highest office in each election. There were 10
17 separate candidacies and 8 separate candidates (Vazquez ran three times during this period). Of
18 the 10 election contests, 8 were racially polarized by both unweighted and weighted regression.
19 The two that were not were the 1996 election involving Donna Alvarez and 2012 involving
20 Steve Duron, a minor candidate. In 8 of the 10 election contests, the Latino candidate lost. In 6
21 of the 10 contests, at least two-thirds of Latino voters are estimated to have cast a vote for the
22 Latino contestant. In only 2 of the 10 did as many as a third of non-Hispanic whites cast a ballot
23 for one of the Latino candidates, and those both involved Tony Vazquez, who received about 2-
24 5 times as high a percentage of Latino as of non-Hispanic white votes in those contests. This is
25 a very clear picture of elections in which the two groups voted statistically significantly
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1 differently, Latinos voted cohesively for Latino candidates, and the Latino candidates usually
2 lost.

3 58. Table 4 summarizes the statistical analysis of racially polarized voting in Santa
4 Monica City Council elections using the more conventional, but less intuitive, denominator, the
5 total vote for City Council. Here, because the percentages for all the candidates sum to 100%,
6 we can use a third method of estimation, ecological inference, so there is one additional sub-
7 table (Table 4 C). In Table 3, we took account of the fact that not everyone who cast a ballot for
8 the top of the ticket did so for City Council, and that some voters may not have voted a full slate
9 (3 or 4 candidates, depending on the election year). By contrast, Table 4 assumes that there was
10 no roll-off between president and city council and that every participant voted for the same
11 number of candidates for the lower office. These assumptions about turnout make the estimates
12 in Table 4 less important in assessing racially polarized voting than those in Table 3.
13 Nevertheless, broadly, the patterns in Tables 3 and 4 are the same. The only difference in
14 statistical significance is that in two elections, 1994 and 2016, in which there was a statistically
15 significant difference between Latino and non-Hispanic white voting for Vazquez using ballots
16 as a denominator, there was no statistically significant difference for Vazquez using only votes
17 in the City Council election. And this divergence between Tables 3 and 4 was only true for the
18 ecological inference estimates, and both of the divergent estimates involved Tony Vazquez. In
19 Table 4, even using ecological inference estimates, 6 of the 10 election contests were racially
20 polarized, and Latino candidates lost 8 of the 10 races.

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22 59. As explained above, the estimates using the total ballots cast for any office in each
23 election (Table 3 and Appendix A) are preferable to those using only the votes cast for City
24 Council (Table 4 and Appendix B). But the picture of racial polarization in voting in the
25 elections is clear in both sets of estimates. To sum up the results from the statistical analysis on
26 the crucial factor in proving a violation of the California Voting Rights Act, Santa Monica City
27

1 Council elections were statistically significantly racially polarized, Latinos were usually quite
 2 cohesive in their voting behavior, and non-Hispanic whites were sufficiently cohesive as to
 3 insure that Latino candidates usually lost. The results of these elections would have been quite
 4 different if only Latinos had voted. This stark racially polarized voting is far more pronounced
 5 than in other California jurisdictions, including Palmdale, where I have analyzed elections for
 6 racially polarized voting and the courts ultimately found violations of the CVRA and FVRA.

8 **Table 3: Percentage of Latino and Non-Hispanic Voters Who Cast a Vote for Latino**

9 **Candidates**

10 **A. Unweighted Regression**

Year	Candidate	% Latinos For	% Non- Hispanic Whites For	Polarized?	Won?
1994	Vazquez	142.5 (28.2)	34.4 (1.8)	yes	no
1996	Alvarez	24.9 (12.6)	15.6 (1.0)	no	no
2002	Aranda	68.2 (10.2)	16.5 (1.1)	yes	no
2004	Loya	101.0 (12.0)	21.0 (2.0)	yes	no
2008	Piera-Avila	32.5 (5.5)	5.2 (0.8)	yes	no
2012	Vazquez	91.4 (8.4)	19.4 (1.9)	yes	yes
	Gomez	29.6 (3.1)	2.9 (0.7)	yes	no
	Doron	5.2 (2.5)	4.4 (0.6)	no	no
2016	Vazquez	71.7 (11.4)	36.6 (3.0)	yes	yes
	de la Torre	89.9 (6.5)	13.3 (1.7)	yes	no

B. Weighted Regression

Year	Candidate	% Latinos For	% Non- Hispanic Whites For	Polarized?	Won?
1994	Vazquez	145.5 (28.0)	34.9 (1.9)	yes	no
1996	Alvarez	22.2 (12.9)	15.8 (101)	no	no
2002	Aranda	82.6 (12.6)	10.6 (17.2)	yes	no
2004	Loya	106.0 (12.3)	21.2 (2.0)	yes	no
2008	Piera-Avila	33.3 (5.2)	5.7 (0.8)	yes	no
2012	Vazquez	92.7 (9.0)	19.1 (2.0)	yes	yes
	Gomez	30.4 (3.3)	2.9 (0.7)	yes	no
	Doron	5.0 (2.6)	4.4 (0.6)	no	no
2016	Vazquez	78.3 (9.0)	36.6 (2.3)	yes	yes
	de la Torre	88.0 (6.0)	12.9 (1.5)	yes	no

Table 4: Percentage of Total Latino and Non-Hispanic White Votes Received by Latino Candidates in Santa Monica City Council Elections, 1994-2016

A. Unweighted Regression

Year	Candidate	% of Latino Votes for	% of Non-Hispanic Votes for	Polarized?	Won?
1994	Vazquez	63.8 (12.7)	15.2 (0.8)	yes	no
1996	Alvarez	10.0 (3.9)	5.4 (0.3)	no	no
2002	Aranda	29.9 (4.3)	7.0 (0.5)	yes	no
2004	Loya	32.3 (4.3)	7.4 (0.7)	yes	no
2008	Piera-Avila	13.0 (2.2)	2.9 (0.3)	yes	no
2012	Vazquez	32.2 (2.8)	8.1 (0.7)	yes	yes
	Gomez	10.5 (1.4)	1.2 (0.3)	yes	no
	Doron	1.3 (1.1)	1.8 (0.2)	no	no
2016	Vazquez	24.5 (3.4)	15.7 (0.9)	yes	yes
	de la Torre	34.2 (2.7)	5.7 (0.7)	yes	no

B. Weighted Regression

Year	Candidate	% of Latino Votes for	% of Non-Hispanic Votes for	Polarized?	Won?
1994	Vazquez	65.9 (13.0)	15.3 (0.9)	yes	no
1996	Alvarez	8.3 (4.1)	5.5 (0.4)	no	no
2002	Aranda	35.7 (5.5)	7.0 (0.6)	yes	no
2004	Loya	34.9 (4.6)	7.5 (0.7)	yes	no
2008	Piera-Avila	13.3 (2.0)	2.2 (0.3)	yes	no
2012	Vazquez	32.4 (3.0)	8.1 (0.7)	yes	yes
	Gomez	10.9 (1.4)	1.3 (0.3)	yes	no
	Doron	1.2 (1.1)	1.9 (0.2)	no	no
2016	Vazquez	26.5 (2.3)	15.9 (0.6)	yes	yes
	de la Torre	33.0 (2.3)	5.5 (0.6)	yes	no

C. Ecological Inference

Year	Candidate	% of Latino Votes for	% of Non-Hispanic Votes for	Polarized?	Won?
1994	Vazquez	13.1 (5.0)	14.4 (0.3)	no	no
1996	Alvarez	13.1 (3.7)	7.0 (0.3)	no	no
2002	Aranda	25.6 (4.9)	7.5 (0.4)	yes	no
2004	Loya	23.9 (4.0)	6.6 (0.3)	yes	no
2008	Piera-Avila	10.5 (2.8)	2.4 (0.3)	yes	no
2012	Vazquez	22.0 (3.8)	8.9 (0.4)	yes	yes
	Gomez	10.4 (2.2)	1.0 (0.3)	yes	no
	Doron	2.8 (1.2)	1.5 (0.3)	no	no
2016	Vazquez	17.1 (4.5)	16.0 (0.5)	no	yes
	de la Torre	27.5 (4.4)	7.1 (0.6)	yes	no

1 VI. The At-Large System of Elections for the Santa Monica City Council Was Adopted and
2 Maintained for a Racially Discriminatory Purpose.
3

4 A. How to Determine Intent

5 60. Often, people have the impression that one can't say that an action had a discriminatory
6 intent unless one or even a majority of decision makers explicitly averred a racial purpose, a blatant
7 racial animus motivating the action, perhaps in crude, vulgar language. That has always been unusual,
8 even in the 19th century. There are almost no other modern voting rights cases that turn on statements
9 like Georgia State House Reapportionment Committee chair Joe Mack Wilson's, quoted in *Busbee v.*
10 *Smith*, that "I don't want to draw nigger districts."²⁷ In 9 intent cases in which I have testified – *City of*
11 *Mobile v. Bolden*,²⁸ *Taylor v. Haywood County*,²⁹ *U.S. v. Dallas County, Ala.*,³⁰ *Garza v. Los Angeles*
12 *County Board of Supervisors*,³¹ *Shaw v. Hunt*,³² *Bush v. Vera*,³³ *Texas v. U.S.*³⁴, *Texas v. Holder*³⁵, and
13 *N.C. State Conf. of the NAACP v. McCrory*³⁶ -- there were no statements that even indirectly contained a
14 "smoking gun," and the intentions of the legislators or local board members had to be determined by
15 culling through a mass of circumstantial evidence. This is consistent with the practice of historians. In
16 the late 19th century South, registration and secret ballot laws often disfranchised enough African-
17 Americans to make possible the passage of literacy tests, poll taxes, and white primaries, but there were
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20 ²⁷ 549 F.Supp. 494, at 501 (D.D.C. 1982).

21 ²⁸ 542 F.Supp. 1050 (S.D. Ala. 1982). This was the remand case, in which the district court ruled that the at-large
22 system for electing the Mobile City Commission had been adopted with a racially discriminatory intent.

23 ²⁹ 544 F. Supp. 1122 (W.D. Tenn. 1982).

24 ³⁰ 548 F.Supp. 875 (S.D. Ala. 1982), rev'd, 739 F.2d 1529 (11th Cir. 1984) 636 F.Supp. 704 (S.D. Ala. 1986).

25 ³¹ 756 F. Supp. 1298 (C.D. Calif. 1990), aff'd 918 F.2d 763 (9th Cir. 1990), cert. denied, 111 S. Ct. 681 (1991).

26 ³² 861 F. Supp. 408 (E.D.N.C. 1995), rev'd 517 U.S. 899 (1996).

27 ³³ 861 F. Supp. 1304 (S.D. Tex. 1994), 517 U.S. 952 (1996).

28 ³⁴ 887 F.Supp. 2d 133 (D.D.C. 2012), vacated and remanded on other grounds, 133 S. Ct. 2885 (2013).

³⁵ 888 F. Supp. 2d 113 (D.D.C. 2012), vacated by *Texas v. Holder*, 133 S. Ct. 2886 (2013).

³⁶ 997 F.Supp. 2d 322 (M.D.N.C. 2014), rev'd in part, 769 F.3d 224 (4th Cir. 2014), *remand sub nom. N.C. State*
Conf. of the NAACP v. McCrory 182 F. Supp. 3d 320 (M.D.N.C. 2016), rev'd 831 F.3d 204 (4th Cir. 2016), cert.
denied 2017 U.S. LEXIS 2947 (2017).

1 very few statements that openly averred racially discriminatory motives for the registration and secret
2 ballot laws. Instead, they were described as measures to prevent voting fraud. Nonetheless, a
3 comprehensive analysis of circumstantial evidence showed that these laws were passed in the South
4 because of a desire to disfranchise African-Americans.³⁷ It is generally accepted among historians that
5 the intent of historical actors can be determined by looking to a series of non-exclusive factors
6 (discussed below)

7
8 61. After testifying on the intent of the Los Angeles County Board of Supervisors in drawing
9 supervisorial districts in the *Garza v. County of Los Angeles* case, I decided to add to my law review
10 article on the subject a list of factors that should go into any analysis of instances of allegedly racially
11 discriminatory intent.³⁸ Drawing on judicial opinions at the federal district, appeals, and Supreme Court
12 levels, as well as my own experience in analyzing the intent of the framers of election laws and
13 constitutional changes in the late 19th century South and the 20th century United States, I suggested 10
14 rubrics that could be used to organize the evidence in any intent case. The list and rationales for each of
15 the 10 factors begins with the central Supreme Court guidance on analyzing racially discriminatory
16 intent, Justice Lewis Powell's opinion in *Arlington Heights*.³⁹ It is a framework that I have used in
17 analyzing intent not only in *Garza*, but more recently in *Texas v. U.S.*, *Texas v. Holder*, and *N.C. State*
18 *Conf. of the NAACP v. McCrory*. It is in accord with the methods used by historians in analyzing the
19 intent of legislatures and other public bodies, as well as with judicial opinions that discuss intent issues.
20 See, for example, the discussion of racially discriminatory intent using the "*Arlington Heights* factors"
21 in *N.C. State Conf. of the NAACP v. McCrory*, 831 F.3d 204, 220-33 (4th Cir. 2016).

22 62. As in my discussion above about analyzing racially polarized voting, this is not offered as
23 a legal opinion, but as an attempt to be as clear and transparent as possible in setting out my
24 understanding of what I ought to do as an expert witness in analyzing intent. It is of course up to the
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26 ³⁷ See Kousser, *Shaping of Southern Politics*, 47-56.

27 ³⁸ "How to Determine Intent: Lessons from L.A.," *J. Law & Politics*, 7 (1991), 591-732.

28 ³⁹ *Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252 (1977).

1 court to read the cases, legal papers, and reports, to analyze them and other evidence offered at trial, and
2 to make the final decisions on weighing and interpreting everything. But it may be helpful to the court in
3 assessing my contribution to this case for me to begin by setting out explicitly how I think about the
4 general topic of determining intent.

5 63. The first factor derives from the observation that underlying every causal explanation in
6 history is an implicit or explicit model of human behavior, a theory, often inchoate, of how people
7 typically act in certain kinds of situations.⁴⁰ Sometimes based on empirical generalizations, sometimes,
8 on rough analogies, sometimes, on common sense, these frameworks should not mechanically determine
9 conclusions -- if they do, why bother about the evidence? But they do establish baselines of initial
10 plausibility for different possible interpretations, and the thinner the available evidence in any instance,
11 the more determinative of conclusions the theory is likely to be. Three examples drawn from the voting
12 rights area illustrate, respectively, the systematic, commonsensical, and analogical foundations of
13 models. At-large elections have repeatedly been found to disadvantage political or racial minorities.⁴¹
14 Politicians who desire election or reelection care quite a lot about electoral laws and changes in them.⁴²
15 In the first instance in American history in which a large number of members of an ethnic minority were
16 able to vote, during the post-Civil War era in the Deep South, politicians immediately demonstrated both
17 the willingness and the ability to gerrymander district lines in order to crack, stack, and pack African-
18 American voters.⁴³

19
20 64. Judges, as well as historians, have frequently made such models important parts of their
21 reasoning. In *Personnel Administrator v. Feeney*, for instance, Justice Potter Stewart stressed that both
22

23 ⁴⁰ For a more extended discussion of the 10 factors, see my *Colorblind Injustice*, 347-58.

24 ⁴¹ Richard L. Engstrom and Michael D. McDonald, "The Election of Blacks to City Councils: Clarifying the
25 Impact of Electoral Arrangements on the Seats/Population Relationship," *American Political Science Review*, 75
(1981), 344-54; Chandler Davidson and George Korb, "At-Large Elections and Minority Group Representation:
26 A Re-examination of Historical and Contemporary Evidence," *Journal of Politics* (43 (1981), 982-1005.

27 ⁴² Peter H. Argersinger, "Electoral Processes," in Jack P. Greene, ed., *Encyclopedia of American Political History*,
(New York: Charles Scribner's Sons, 1984), III, 489-512.

28 ⁴³ See my *Colorblind Injustice*, 26-31.

1 federal and state governments had long given military veterans special hiring privileges, which implied
2 that there was nothing special about Massachusetts' actions, no unusual animus against women that
3 needed to be explained.⁴⁴ In *Whitfield v. Democratic Party of Arkansas*⁴⁵ Judge G. Thomas Eisele
4 placed considerable emphasis on the presence of a runoff requirement in France and its absence in South
5 Korea in 1988 and in Chile before 1973 as evidence that "there are compelling, obvious reasons,
6 completely unrelated to race, for states to opt for runoff elections." Yet in particular cases, such as the
7 Georgia majority vote case⁴⁶ and *U.S. v. Memphis*,⁴⁷ in both of which I testified on the intent question, it
8 was clear that the majority vote provisions were adopted with a racially discriminatory intent. As these
9 examples show, assumptions about human behavior may be incorrect, and they should be tested against
10 the evidence in particular instances. Such generalizations are significant because they provide keys to
11 what one can expect that political actors know and foresee, because they affect the degree of skepticism
12 with which analysts approach each possible explanation, and because we may improve our analyses of
13 evidence if we are aware of all the assumptions that we begin with.

14
15 65. The second factor is the historical context, especially the sequence of events, which is
16 important for what it reveals about the general attitudes and interests of decisionmakers.⁴⁸ In the remand
17 portion of the Mobile cases, for instance, the plaintiffs demonstrated that the at-large election systems
18 for the Mobile city government and school board originated not in 1911 or 1919, as everyone had
19 assumed at the time of the first *Bolden* case, but in the 1870s, a time of violent racial turmoil, when the
20 vast majority of blacks were still able to vote, and when they had been appointed and elected to offices
21

22 ⁴⁴ 442 U.S. 256 (1979).

23 ⁴⁵ 686 F. Supp. 1365, at 1373-74 (E.D. Ark. 1988).

24 ⁴⁶ *Brooks v. Harris*, (N.D. GA., Civ. Action No. 1: 90-CV-1001-RCF, July, 1990).

25 ⁴⁷ (W.D. Tenn. 1991), further proceeding *Muhammad v. City of Memphis*, 1995 U.S. Dist. LEXIS 22538 (W.D. Tenn. 1995).

26 ⁴⁸ For discussions in judicial opinions, see, e.g., *Green v. County School Board*, 391 U.S. 430 (1968); *Village of*
27 *Arlington Heights v. Metro Hous. Dev. Corp* 429 U.S. 252, at 267 (1977); *Rogers v. Lodge*, 458 U.S. 613, at 625
28 (1982); *Seamon v. Upham*, 536 U.S. 931, at 972-76 (1982); *U.S. v. Marengo County Commission*, 732 F. 2d
1546, at 1567 (11th Cir.1984).

1 in Mobile.⁴⁹ *Hunter v. Underwood*⁵⁰ challenged a suffrage provision, section 182 of the 1901 Alabama
2 constitution, which had been framed by a convention whose chief purpose, openly and widely
3 advertised, was to disfranchise as many blacks as possible.⁵¹ *U.S. v. Dallas County, Ala.*⁵² involved a
4 county government at-large election scheme that had been passed in 1901 between the time that the
5 disfranchising convention was authorized and that it met.⁵³ White politicians from Dallas County, the
6 county seat of which is Selma, were among the leaders in the 1901 constitutional convention, and the
7 same motives, the plaintiffs successfully stressed, lay behind the county's at-large election provision. In
8 *Taylor v. Haywood County, Tennessee*,⁵⁴ it was held to be significant that the county switched to an at-
9 large mode of electing its road commission at its initial opportunity after the election of the first black
10 ever to sit on that board. In *Garza v. Los Angeles County Board of Supervisors*, the 1959 redistricting,
11 coming just after the closest election for supervisor in the postwar era and the only one in which a
12 Latino candidate launched a major campaign, and taking place just before new census data would be
13 available, raised considerable suspicion.⁵⁵ Judges in many other cases cited the historical context of
14 legal changes as part of the proof of intentional discrimination.
15

16 66. The third factor is the text or provisions of the law or regulation.⁵⁶ Does either the
17 grammar or the substance of a law, analyzed carefully in the light of facts that can be assumed or
18 demonstrated to have been known at a time, reveal one or more purposes? Analogously, does the
19 election system, compared with other proposed plans, correlate most strongly with partisan, personal, or
20

21 ⁴⁹ *City of Mobile v. Bolden*, 542 F. Supp. 1050 (S.D. Ala. 1982); *Brown v. Board of School Comm'rs*, 542 F.
22 Supp. 1078 (S.D. Ala. 1982).

23 ⁵⁰ 471 U.S. 222 (1985).

24 ⁵¹ See my *Shaping of Southern Politics*, 165-71.

25 ⁵² 548 F. Supp. 875 (S.D. Ala. 1981).

26 ⁵³ Peyton McCrary and J. Gerald Hebert, "Keeping the Courts Honest: The Role of Historians as Expert
27 Witnesses in Southern Voting Rights Cases," *Southern University Law Review*, 16 (1989), 101, at 109-12.

28 ⁵⁴ 544 F. Supp. 1122, at 1127-28 (W.D. Tenn. 1982).

⁵⁵ *Garza v. Los Angeles County Board of Supervisors*, 756 F. Supp. 1298, at 1309-10 (1990).

⁵⁶ *Rogers v. Lodge*, 458 U.S. 613, at 645, n. 28 (Stevens dissent); *Buskey v. Oliver*, 565 F. Supp. 1473, at 1483
(1983).

1 ethnic advantage? The addition of some, but not other misdemeanors to the list of felonies for which
2 men were disfranchised by section 182 of the 1901 Alabama constitution was taken to be an indication
3 of racially discriminatory intent by the Supreme Court in *Hunter v. Underwood*, especially since one of
4 the misdemeanors appended was miscegenation, a racist "crime" for which white men were never
5 convicted in the South.⁵⁷ The "uncouth 28-sided figure" was enough to convince the Supreme Court in
6 *Gomillion v. Lightfoot*,⁵⁸ and the East Los Angeles Wall between the first and third supervisorial
7 districts supported the same inference of ethnically discriminatory desires in *Garza*.⁵⁹ The ambiguity of
8 whether election laws in Mobile and Dallas County, Alabama actually mandated at-large elections and
9 the interpretation by white election officials that they did were factors in the cases that both laws, as
10 administered, had a racial intent.⁶⁰

11
12 67. The fourth factor is the basic demographic facts of the relevant time. A rising and/or
13 concentrated minority population, unusually populous or geographically spread out districts, which
14 magnify the disadvantages of representatives of relatively impecunious groups, and populations whose
15 depressed educational and economic levels reflect the vestiges of past and present racial and ethnic
16 discrimination are all facts that politicians and the public can be expected to observe, and that, therefore,
17 should be assumed to affect their design and choice of electoral structures. On the other hand, the
18 combination of a small ethnic group, racially polarized elections, and an at-large election structure
19 makes it very difficult for members of a minority group to elect minority candidates to office, which has
20 been their usual preference throughout American history. In general, the sizes and amount of dispersion
21 of ethnic groups and their growth rates affect both the impact of particular election rules and the climate
22 of race relations. Knowledge of these facts and implications can be assumed and often, can be directly
23 shown to influence decisions on shaping those election rules.

24
25
26 ⁵⁷ 471 U.S. 222, at 226-28 (1985).

27 ⁵⁸ 364 U.S. 339 (1960).

28 ⁵⁹ See *Colorblind Injustice*, 126-27.

⁶⁰ *City of Mobile v. Bolden*, 542 F. Supp. 1050 (S.D. Ala. 1982); 548 F. Supp. 875 (S.D. Ala. 1981).

1 68. The fifth factor is the climate of racial politics, which is usually indicated by two basic
2 political facts, the number of minority candidates elected and the approximate extent of racial
3 polarization among voters. Such facts must be understood to condition the expectations of officials who
4 frame or maintain electoral arrangements.⁶¹ Blacks and their white allies dominated offices in the
5 Alabama Black Belt during Reconstruction. Although little direct evidence survives about the reasons
6 for moves to substitute appointive for elective local governments in Dallas and other counties, historians
7 have never doubted that racially discriminatory purposes underlay such laws.⁶² That all of the officers
8 appointed were white -- a dramatically disproportionate racial effect -- is, of course, what primarily
9 convinced historians of the racist intent of the provisions. In Chattanooga, Tennessee during the 1970s
10 and 80s, only one black candidate for the city commission attracted a substantial white crossover vote --
11 a fact evident even without statistical analyses of voting, since he was the only black in that one-third
12 black city to win. It is logical to assume that projections from such past experience conditioned opinions
13 about the consequences of changing to a single-member district system during a referendum on the
14 subject in 1988, voting in which was, as usual, racially polarized.⁶³

15
16 69. A sixth factor is the background of key decisionmakers, because it may reflect on their
17 motives in particular instances.⁶⁴ The principal framer of section 182 of the 1901 Alabama constitution,
18 John Fielding Burns, was a planter and longtime magistrate in then-80%-black Dallas County, who
19 presided over a court where most defendants were black. Burns's experiences reduced the plausibility of
20 the argument of the defendants that the section was aimed principally at poor whites.⁶⁵ But the key
21 decisionmakers need not be racial conservatives. The Los Angeles County Supervisor whose district
22 had the highest proportion of Latinos during the 1980s was one of its two most racially liberal members,

23
24 ⁶¹ *Solomon v. Liberty County*, 865 F.2d 1566, at 1572 (11th Cir. 1988).

25 ⁶² See *Colorblind Injustice*, 32-33.

26 ⁶³ Plaintiff's Exhibit 461, *Brown v. Board of Comm'rs of the City of Chattanooga, Tennessee*, 772 F. Supp. 380
(E.D. Tenn. 1989).

27 ⁶⁴ *Hendrix v. McKinney*, 460 F. Supp. 626 (M.D. Ala. 1978); *Rogers v. Lodge*, 458 U.S. 613, at 645, n. 28
(Stevens dissent).

28 ⁶⁵ *Hunter v. Underwood*, 471 U.S. 222, at 231 (1985).

1 Ed Edelman, a man who had shown, as a Los Angeles City Councilman during the 1970s that he knew
2 how crucial it was for Latinos to increase the proportion of Latinos in Council districts. But on the
3 Board of Supervisors, he repeatedly voted for redistricting changes that decreased the Latino proportion
4 of his district, apparently fearing a challenge from a potent Latino candidate if the percentage of that
5 ethnic group in his district rose higher.⁶⁶

6 70. Like their backgrounds, the seventh factor - other actions of decisionmakers - may be
7 indirect indicators of the intentions behind another law or provision. Thus, Justice Rehnquist's quotation
8 in *Hunter v. Underwood* of parts of the white supremacist opening speech of John B. Knox, the
9 president of the 1901 Alabama constitutional convention, and his references to other discriminatory
10 actions of that convention were pertinent to the motives of the convention in adopting section 182.⁶⁷ A
11 Georgia legislator's introduction of a manifestly racist white primary law, according to an 11th Circuit
12 opinion, tainted his sponsorship of a local bill that reduced the number of county executive officers from
13 three to one, thus making it more difficult for African-Americans in a majority-white county to elect
14 candidates of their choice.⁶⁸ Not including members of minority groups on committees or commissions,
15 or failing to offer them a forum on an issue that unquestionably affects their interests, raises suspicions
16 about the intentions of white decisionmakers in proposing changes in or maintaining particular election
17 rules.⁶⁹

18
19 71. The eighth factor, statements by important participants, which are referred to as "smoking
20 gun" evidence if they are sufficiently incriminating, are difficult to come by and must be interpreted
21 with due caution and skepticism, but may, in some cases, be significant.⁷⁰ The chief sponsor of a 1962
22 Mississippi law requiring all cities with a mayor-council form of government to adopt at-large elections
23

24 ⁶⁶ See *Colorblind Injustice*, chapter 2, which began life as my expert report in the *Garza* case.

25 ⁶⁷ *Hunter v. Underwood*, 471 U.S. 222, at 230 (1985).

26 ⁶⁸ *Carrollton Branch of NAACP v. Stallings*, 829 F.2d 1547, at 1551-52 (11th Cir. 1987).

27 ⁶⁹ *Karcher v. Daggett*, 462 U.S. 725, at 759 (Stevens concurrence); *Seamon v. Upham*, 536 F.Supp. 931, at 1019
(E.D. Tex. 1982).

28 ⁷⁰ *Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, at 268 (1977).

1 urged its passage in order "to maintain our southern way of life."⁷¹ But statements from participants
2 may be misleading because people may distort the expression of their intentions in three principal ways.
3 First, they may simply forget, or say they forget, why they acted. Second, people may have, or say they
4 have, several motives for acting, and they may retrospectively weigh one sort of intention differently
5 than they actually did when they acted. Third, people may try to appear to be lambs, when they are or
6 were actually wolves. The repeated attribution to themselves of the most civic-minded, selfless motives
7 by people whose actions belie their words is one of the delights of the *Garza* record. There is generally
8 much less reason to trust sworn statements made after, sometimes long after the events, which are
9 generated as part of a judicial process aimed at discovering whether people acted with racially
10 discriminatory purposes or not, than there is to trust statements and evidence of behavior gathered at the
11 time when the events took place, which are often recorded only in newspapers. It is not that reporters
12 always get stories right or in sufficient detail, but they do not usually have the same biases as politicians
13 or their helpers, especially when those politicians' motives or reputations are on trial. Political
14 historians conventionally rely heavily on newspapers. Used with care, they are no less essential in legal
15 cases, and are, as a rule, more, rather than less reliable than statements carefully spun for a trial.

17 72. Although it has been noted that statements about the interpretation of or intent in passing
18 a law made by opponents of the law must be treated with skepticism,⁷² they provide unequivocal
19 evidence that everyone in the debate was aware that many people believed, often fervently, that a law
20 would have a particular effect and that its proponents had a particular motivation. Opponents'
21 statements undermine the notion that if the law had the effect they predicted, that effect was unintended,
22 and they support the proposition that the law was passed because of, and not merely in spite of its
23
24

25
26 ⁷¹ Quoted in Peyton McCrary and J. Gerald Hebert, "Keeping the Courts Honest: The Role of Historians as
27 Expert Witnesses in Southern Voting Rights Cases," *Southern University Law Review*, 16 (1989), 101, at 105.
28 ⁷² See, e.g., my "Expert Witnesses, Rational Choice, and the Search for Intent," *Constitutional Commentary*, 5
(1988), 349-73.

1 discriminatory effects.⁷³ In *N.C. State Conf. of the NAACP v. McCrory* 831 F.3d 204, 228 (4th Cir.
2 2016), cert. denied 2017 U.S. LEXIS 2947 (2017), for example, the court noted that “several
3 Democratic senators characterized the bill as voter suppression of minorities” in holding that the
4 challenged law is invalid for intentional discrimination.

5 73. State policies and formal and informal institutional rules constitute the ninth factor.⁷⁴ If
6 every city or county in a particular state has exactly the same electoral structure, it is difficult to argue
7 that one locality adopted that structure for a different purpose than the rest did. If there is no variation,
8 in other words, there is no variation to be explained, though, of course, one could investigate why the
9 state as a whole adopted the policy in the first place. On the other hand, if there are diverse electoral
10 setups from place to place, then one may possibly have been chosen or maintained for racially
11 discriminatory reasons.⁷⁵

12 74. Whether or not elections have been held under the system being evaluated, there is a
13 tenth factor, the impact of the adopted rule, that overlaps with several of the previous nine.⁷⁶ The
14 number of minority or minority-favored candidates elected is the basic measure, but one might also look
15 at changes in the behavior of elected officials and in the demography of any redrawn districts. There are
16 two reasons for differentiating this from other factors. First, it may be prospective, concerned with the
17 expected impact of a proposed law, even before it goes into effect or even if it initially fails. Second, the
18 climate of racial opinion may be changing or evidence of it at the time that the law was passed may be
19 ambiguous, and the results of elections after the law’s enactment may throw light on the way that those
20 who voted for the law understood the nature of public opinion and behavior. The rationale for using
21 effect as a measure of intent is that, especially with electoral rules, framers may be assumed to be aware
22
23

24 ⁷³ The “because of,” and not “in spite of” language is in *Pers. Adm’r of Mass. v. Feeney*, 442 U.S. 256, 279
(1979).

25 ⁷⁴ Andrew P. Miller and Mark A. Packman, “Amended Section 2 of the Voting Rights Act: What is the Intent of
26 the Results Test?” *Emory L.J.*, 36 (1987), 1-73, at 25.

27 ⁷⁵ *Dillard v. Crenshaw County*, 640 F.Supp. 1347 (M.D. Ala. 1986).

28 ⁷⁶ *Hendrix v. McKinney*, 460 F. Supp. 626, at 630-31 (M.D. Ala. 1978); *Personnel Admin. of Mass. v. Feeney*,
442 U.S. 256, at 279, n. 25, 283 (1979); *Seamon v. Upham*, 536 F. Supp. 931, at 976-79 (E.D. Tex. 1982).

1 of and calculate the consequences of their actions carefully and to be quite good at such calculations.
2 Often, the legislative record, official or unofficial, will make clear that the impact in question was fully
3 foreseen, as in Memphis, where a newspaper dispatch announced that the “bill has [a] racial purpose,” or
4 in Los Angeles county in 1981, where the meeting at which the Board of Supervisors adopted a
5 redistricting plan featured a virtual protest rally by Latinos who objected to the splitting of the Latino
6 community between two supervisorial districts.⁷⁷ Even when they err, as Memphis officials did when
7 they neglected to add a runoff provision to their designated place system in 1959, the reaction may
8 provide strong indications of the intent of the original law. The impact of the Dallas County, Alabama
9 or Atlanta, Georgia at-large election laws, no African-Americans elected for four or five generations,
10 buttresses other evidence of their purpose.

11
12 75. I should also explain why I offer a conclusion on the question of intent. First, that is what
13 empirical social scientists do – they pose hypotheses, examine evidence, and assess which hypotheses are
14 best supported by the evidence. To fail to offer a conclusion would be to fail to perform the role of a
15 social scientific expert. Second, it would be disingenuous to pretend to lay out evidence without
16 weighing it. Every analysis and every narrative are the product of choices by the author:⁷⁸ What topic is
17 chosen? What sort of evidence is gathered? What methods are used to analyze it? How is the evidence
18 arranged for presentation? What is considered relevant? How much is presented? What is left out?
19 What causal connections between pieces of evidence are made, implicitly or explicitly? Stopping short
20 of a final step does not reduce the importance of the numerous choices that the expert has made in the
21 process of writing a report or preparing to offer testimony, it merely throws a thin cloak over them. It
22 makes it more difficult, not less difficult, for the court, the final authority in each case, to weigh the
23 contribution of the expert and to reach the final legal conclusions that only the court is authorized to
24 reach.

25
26 ⁷⁷ See *Colorblind Injustice*, 151, 121.

27 ⁷⁸ I have examined some of these questions in “The Revivalism of Narrative: A Response to Recent Criticisms of
28 Quantitative History,” *Social Science History*, 8 (1984), 133-49.

B. At-Large Elections in History and Politics

76. It has long been understood that at-large elections disadvantage minorities, both minority political parties and minority ethnic groups. A constitutional amendment to mandate district elections, rather than what was known as “the general ticket system” (statewide at-large elections) for Congress was introduced, but died in committee in 1824. In 1842, a temporary Whig majority in Congress banned at-large elections for Congress by statute in order to protect what they referred to as “minority rights.”⁷⁹ The decision has governed congressional elections ever since. At-large elections were employed in the South during and after Reconstruction to push African-Americans out of government. “To guard against the possibility of the election of black city officials,” one historian noted, white Democrats in Atlanta in 1868, “secured from the legislature the general ticket system.” After Republicans temporarily retook the state legislature in 1870 and restored the ward system for Atlanta, two of the ten candidates elected were black. But when Democrats regained state legislative control, the at-large system was reinstated, and no African-Americans were elected again to the Atlanta City Council for another 83 years.⁸⁰

77. There is an extensive literature in political science documenting the adverse effect of at-large elections on minorities.⁸¹ Going beyond effect to intent, historians have found that “a central purpose” of commission government with at-large elections, as Peyton McCrary has summed up the

⁷⁹ Martin H. Quitt, “Congressional (Partisan) Constitutionalism: The Apportionment Act Debates of 1842 and 1844,” *Journal of the Early Republic*, 28 (2008), 627-51, at 638-42.

⁸⁰ See my *Colorblind Injustice*, 31 and references there.

⁸¹ See, e.g., Chandler Davidson, *Biracial Politics: Conflict and Coalition in the Metropolitan South* (Baton Rouge, Louisiana: LSU Press, 1972), 59-67; Clinton B. Jones, “The Impact of Local Election Systems on Black Political Participation,” *Urban Affairs Quarterly*, 11 (1976), 345-56; Albert K. Karnig, “Black Representation on City Councils,” *Urban Affairs Quarterly*, 12 (1976), 223-2; Theodore P. Robinson and Thomas R. Dye, “Reformism and Black Representation on City Councils,” *Social Science Quarterly*, 59 (1978), 133-41; Delbert Taebel, “Minority Representation on City Councils: The Impact of Structure on Blacks and Hispanics,” *Social Science Quarterly*, 59 (1978), 143-52; Margaret K. Latimer, “Black Political Representation in Southern Cities: Election Systems and Other Causal Variables,” *Urban Affairs Quarterly*, 15 (1979), 65-86; Richard L. Engstrom and Michael D. McDonald, “The Election of Blacks to City Councils: Clarifying the Impact of Electoral Arrangements on the Seats/Population Relationship,” *American Political Science Review* 75 (1981), 344-54; Chandler Davidson and George Korbel, “At-large Elections and Minority-Group Representation: A Re-Examination of Historical and Contemporary Evidence,” *Journal of Politics*, 43 (1981), 982-1004.

1 historiography, was to "eliminate the election of working class people, particularly in the case of ethnic
2 or racial minorities."⁸² Because the effect of at-large elections on the election of minorities is so obvious
3 to common sense and has so long been recognized, we should expect that those who chose to adopt or
4 perpetuate at-large systems of elections, when district systems were proposed as an alternative, were
5 fully aware of their discriminatory effects. And we should be skeptical of interpretations that claim a
6 lack of awareness of those effects.

7 8 C. Santa Monica Government Before 1946

9 78. From 1907 to 1914, Santa Monica was a small town of perhaps 7000-10,000 people
10 governed by a Mayor and a 7-member City Council elected by districts. So far as one can judge by
11 reading the surviving newspaper, the *Santa Monica Outlook*, there were no notable scandals or any
12 visible "political machine." But the League of California Municipalities, the predecessor of the League
13 of California Cities, was pressing to expand the number of cities governed by commissions, elected at-
14 large, a popular "progressive" reform. Following the League's lead, the Santa Monica City Council
15 appointed a charter commission that proposed to replace the mayor/council form of government with a
16 three-person commission.⁸³ Proponents of the commission charged that the city government had wasted
17 \$150,000 in the last two years and that the plan would save money on salaries.⁸⁴ Even though all of the
18 city's newspapers opposed the charter revision, Santa Monica became the thirteenth city in California to
19 adopt the commission form of government.⁸⁵ The rain-dampened turnout of 1813 voters, which the
20 *Outlook* asserted was only 20% of those on the registration rolls, adopted the commission by a margin of
21 56.6-43.4% or 239 votes. Only two of the seven voting places, both in the traditionally less affluent
22

23 ⁸² Peyton McCrary, "History in the Courts: The Significance of *The City of Mobile v. Bolden*," in Chandler
Davidson, *Minority Vote Dilution* (Washington, D.C.: Howard University Press, 1984), 47-64, at 55.

24 ⁸³ *Santa Monica Daily Outlook*, Nov. 19, 1914, p. 1,3, "Seventh Warders Give Charter Bilious Eye", a true and
correct copy of which is attached as **Exhibit 4**.

25 ⁸⁴ "Dodgerites Distribute Desperate Dying Dope," *Santa Monica Outlook*, Nov. 30, 1914, p. 1-2, a true and
correct copy of which is attached as **Exhibit 5**.

26 ⁸⁵ "City Government Campaign Opens. - Santa Monica May be Run By Three Commissioners; News of Beach,"
27 *Los Angeles Times*, Nov. 19, 1914, p. 8; "Try To Befog Real Issue," *Santa Monica Outlook*, Nov. 25, 1914, p. 4, a
28 true and correct copy of which is attached as **Exhibit 6**.

1 southern part of the city, opposed the change.⁸⁶ No ethnic appeals or any racial issues concerning the
2 old or new charters appeared in the *Outlook*, which carried little news about the governmental change.
3 None of the other newspapers then published in the city seem to have survived. Since the city was then
4 too small for the census to publish detailed ethnic statistics on it, there is no way to determine whether or
5 not there were any ethnic patterns in voting in the referendum. Unlike in other cities, such as Mobile,
6 Alabama and Galveston, Texas, where the racial intent behind the institution of commission government
7 is clear, there is little direct evidence, one way or the other, on whether there was any racial motivation
8 behind the initial adoption of a commission form of government, elected at-large, in 1914 in Santa
9 Monica. Certainly, the exclusion of racial minorities from local government was a central purpose of at-
10 large elections in the "Progressive" era of the early twentieth century, but beyond that there is little
11 evidence to suggest a racial motivation in Santa Monica's adoption of a commission elected at-large.
12

13 79. A measure to replace the commission with a council-manager form of government failed
14 in 1932, and moves to force another vote by the people during the late 1930s were frustrated by
15 opposition from Mayor Ed Gillette.⁸⁷ In 1944, the Santa Monica Chamber of Commerce formed a study
16 committee, which recommended a change to a council/manager form of government, purportedly to end
17 the division of governmental authority between three commissioners who enjoyed exclusive control over
18 their departments. A Citizens Charter Committee began circulating petitions to elect a 15-member
19 Board of Freeholders to propose a new charter, and the City Commission, under pressure from the
20 *Outlook*, as well, authorized the election of the Freeholders in December, 1945.⁸⁸ Thirteen of the 15
21 members elected had been endorsed by the newspaper.⁸⁹ All were white, and according to an
22

23 ⁸⁶ "Desperation Seizes Charterites," *Santa Monica Outlook*, Nov. 24, 1914, p. 4; "One Fifth Of Voters Prevail –
24 Small Proportion of Citizenry For Charter – Novelty in City Management Wins," *ibid.*, Dec. 2, 1914, p. 1, true
25 and correct copies of which are attached as **Exhibit 7**.

26 ⁸⁷ *Santa Monica Evening Outlook*, March 11, 1975, p. 8; Nov. 30, 1945, p. 1, true and correct copies of which are
27 attached as **Exhibit 8**.

28 ⁸⁸ "A Brief History of Santa Monica and its Charters," available at
<http://222.smgov.net/departments/council/content.aspx?id=2407>.

⁸⁹ *Santa Monica Evening Outlook*, Dec. 3, 1945, p. 1, a true and correct copy of which is attached as **Exhibit 9**.
There were 36 candidates for the 15 slots.

1 advertisement by the anti-Charter forces, 14 of the 15 lived north of Montana Ave., a traditional
2 economic and social dividing line in the city.⁹⁰ That such a small, wealthy area of the city should
3 produce nearly every member of the body that framed the charter and substituted at-large for the
4 previous district elections seems a fact worth remarking.

5 **D. The Change to an At-Large City Council in 1946**

6 **1. Basic Demographic Facts and the Climate of Racial Opinion**

7
8 80. Although Santa Monica remained overwhelmingly white, the influx of "non-whites"
9 during the Second World War troubled the *Outlook* and perhaps other members of the city's elite. A
10 special census of the city in 1946 revealed that even though the white population of Santa Monica had
11 grown by 24.6% since 1940, the non-white population had increased by 69%.⁹¹ Seventy to eighty
12 percent of that nonwhite population was African-American, and, although blacks constituted less
13 than five percent of the total, they were apparently concentrated geographically, and their
14 numbers were growing rapidly. Only the building of Interstate 10, which sliced through the heart
15 of the black community bounded roughly by Colorado and Virginia Avenues on the north and
16 south and Cloverfield Blvd. and Euclid St. on the east and west, leveled off the black population
17 at about 4000. The growth of the Latino population is more difficult to trace because census
18 definitions have changed over the years. In 1960 and 1970, the closest definition to what we
19 now consider the "Latino" population was termed "Spanish-surnamed," and most if not all
20 were counted as "white." In 1980, the census first created a "Hispanic" category, separate
21 from "racial" categories. Thus, the population totals in the "Latino" column in Table 5 must
22 be considered not to form a smooth series. Latinos now constitute a much larger proportion of
23 the city's population than do African-Americans. Table 5 gives the totals of population for the
24 city from 1900 on, with such ethnic breakdowns as are available:
25

26
27 ⁹⁰ *Santa Monica Evening Outlook*, Oct. 17, 1946, p. 6, a true and correct copy of which is attached as Exhibit 10.
28 ⁹¹ *Santa Monica Evening Outlook*, Oct. 18, 1946, p. 1, a true and correct copy of which is attached as Exhibit 11.

Table 5: Population in Santa Monica, 1900-2016

Year	Total	White or Anglo ⁹²	Black	Asian	Latino
1900	3057				
1910	7847				
1920	15252				
1930	37146				
1940	53500	51691	1265		
1946 ⁹³ (special)	67473	64415			
1950	71595	67955			
1960	83249	78122	4060		5145 ⁹⁴
1970	88289	81935	4218		10,668 ⁹⁵
1980	84228	65101	3565	3617	11468
1990	86905	65184	3732	5385	12210
2000 ⁹⁶	84084	60482	3791	7280	11304
2010 ⁹⁷	89736	62917	3364	7960	11716
2012-16 ⁹⁸	92247	60297	3634	9177	14877

⁹² From 1980 on, the "white" figure is for non-Hispanic whites.

⁹³ *Santa Monica Evening Outlook*, Oct. 18, 1946, p. 1, a true and correct copy of which is included within Exhibit 11. All other figures from relevant U.S. Census volumes (1900-90) or website (2000-16).

⁹⁴ *Santa Monica Evening Outlook*, May 17, 1975, special centennial section, p. 8D. This is the "Spanish-surname" population, which was largely also included in the "white" total.

⁹⁵ *Santa Monica Evening Outlook*, May 17, 1975, special centennial section, p. 8D. This is the "Spanish-surname" population, which was largely also included in the "white" total.

⁹⁶ 2000 Census, American FactFinder, Table DP-1 for Santa Monica.

⁹⁷ 2010 Census, American FactFinder, Table DP-1 for Santa Monica.

⁹⁸ 2012-16 American Community Survey 5-Year Estimates, American FactFinder, Table DP05.

1 81. Race was an issue in Santa Monica in 1946. At the behest of the Los Angeles
2 County Board of Supervisors, Mrs. Vivian Wilken and Judge Orlando H. Rhodes of Santa
3 Monica organized a local "Interracial Progress Committee" in 1945, which held several
4 meetings and workshops, attended by as many as 85 people, on such topics as "The Roots of
5 Intergroup Tensions in This Community."⁹⁹ Exactly what they discussed or how successful
6 they were, the *Outlook* did not say, but the committee's very existence does imply that problems
7 existed. Certainly the wartime anti-Japanese fervor that sent so many Japanese-Americans
8 to concentration camps affected Santa Monica, along with the rest of California.¹⁰⁰ In June,
9 1943, the Santa Monica City Commission unanimously passed a resolution
10 proposing to ban persons of Japanese origin from the Pacific Coast entirely, and
11 Finance Commissioner Dwight C. Freeman suggested that all Japanese-Americans
12 be deported to Japan after the war.¹⁰¹ Less bureaucratic, but even more violent was the
13 outburst of battles between servicemen and Mexican-American civilians in Los Angeles in
14 1943 known as the "Zoot Suit Riots." Chasing and beating the young Latinos, the
15 servicemen also shaved their heads and ripped off their pants, "symbolically annihilating"
16 them, as one historian has argued.¹⁰²

18 82. Santa Monica's newspaper, even more conservative then than now, casually
19 purveyed racial stereotypes and accepted historical myths that today seem outrageous. A
20 common editorial cartoon figure in the paper in 1946, for instance, was "The Little Savage,"
21

22 ⁹⁹ *Santa Monica Evening Outlook*, Nov. 13, 1945, p. 3; Nov. 20, 1945, p. 5; Nov. 30, 1945, p. 11, true and correct
23 copies of which are attached as **Exhibit 12**.

24 ¹⁰⁰ On the anti-Japanese fervor that gripped California and the West Coast in the wake of Pearl Harbor, see, e.g.,
25 Roger Daniels, "Incarcaration of the Japanese Americans: A Sixty-Year Perspective," *The History Teacher*, 35
26 (2002), 297-310.

27 ¹⁰¹ "City Council Passes Resolution Against Japs," *Santa Monica Topics* (newspaper), May 28, 1943; "Internment
28 Upheld by S.M. Council," *Santa Monica Topics*, June 18, 1943, true and correct copies of which are attached as
Exhibit 13.

¹⁰² Mauricio Mazon, *The Zoot-Suit Riots: The Psychology of Symbolic Annihilation* (Austin, Texas: University of
Texas Press, 1984).

1 an exaggeratedly thick-lipped, grass-skirted, barechested and barefooted African or
2 perhaps Australian native with a stick through his nose.¹⁰³ Small, naive, and unthreatening,
3 the outlander merely served as a foil for the exposure of the foibles and contradictions of
4 "civilization." He was not openly ridiculed or persecuted in the cartoons, though of course his
5 exaggerated characteristics were a form of ridicule. But his employment as a stock figure
6 and the lack of any protest against this caricature indicates the widespread acceptance of gross
7 racial stereotypes in Santa Monica at the time the council-manager charter was being drafted.

8
9 83. In Santa Monica, as well as the state as a whole, the issue of racially equal
10 employment opportunity was extremely controversial in 1946. Proposition 11 on the same ballot
11 as the charter revision proposal in November 1946 provided for a relatively strong state fair
12 employment practices commission (hereafter referred to as FEPC) and officially ban discrimination
13 based on race, religion, color, or national origin in the workplace. Backed by the Democratic Party,
14 the state's major labor unions, the Northern California (but not Southern California) Council
15 of Churches, and many veterans groups, it was termed "communistic" by some opponents.¹⁰⁴ The
16 Los Angeles County Chamber of Commerce warned that the anti-discrimination measure would – well,
17 prevent discrimination, denying employers "the right to obtain full information about a prospective
18 employee – race, religion, color, national origin or ancestry – for the purpose of intelligently appraising
19 an applicant's qualifications for a particular job." The chairman of the anti-Prop 11 campaign, Frank
20 Doherty, former president of the Los Angeles Chamber of Commerce, played the race/gender card.
21 The FEPC, Doherty claimed, could insist that "you, your wife, your daughter or your sister must work
22 with anyone the commission directs, regardless of color or race."¹⁰⁵

23
24
25 ¹⁰³ See, e.g., *Santa Monica Evening Outlook*, Oct. 4, 1946, p. 4, a true and correct copy of which is attached as
26 **Exhibit 14.**

27 ¹⁰⁴ *Santa Monica Evening Outlook*, Oct. 4, 1946, p. 11, a true and correct copy of which is attached as **Exhibit 15.**

28 ¹⁰⁵ Quotations from Daniel Martinez HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley, Calif.: University of California Press, 2010), 43-44.

1 84. The Santa Monica-Ocean Park Chamber of Commerce opposed governmental action to
2 combat racial discrimination in employment.¹⁰⁶ The staunchly Republican *Outlook*¹⁰⁷ also opposed
3 the FEPC, declaring that only "education and moral suasion" were proper approaches to the race
4 issue, which it called "the most difficult problem which our civilization faces." In a passage that
5 greatly exaggerated the views of even the most extreme pro-southern historians, the newspaper
6 drew its current policy lesson from history that would have seemed outrageously romantic and
7 biased at the time in Mississippi, let alone in California: "The greatest tragedy that ever
8 happened in America was the War Between the States - which most historians believe need
9 never have happened, if the conscience of leading Southerners and the laws of economics had
10 been given another decade in which to work....There was a powerful moral conscience in the
11 South and in all probability it would have freed the slaves in another decade, if hotheads on
12 both sides had not forced the issue and made Southerners feel that they had to fight for their
13 rights and their way of life."¹⁰⁸

15 85. In sum, in Santa Monica on the eve of the decision to adopt an at-large council
16 structure, the black population was growing rapidly, race was an actively discussed issue in the
17 community, and racial stereotypes and openly biased attitudes were widespread among the same
18 leaders who spearheaded the drive for a new charter with citywide elections. Selections from the
19 *Outlook*, the chief outlet of the new charter forces, whose endorsement launched the Board of
20 Freeholders and largely selected its membership, and whose cheerleading helped convince voters
21

22
23 ¹⁰⁶ *Santa Monica Evening Outlook*, Oct. 11, 1946, p. 8, a true and correct copy of which is attached as **Exhibit 16**.

24 ¹⁰⁷ To the *Outlook*, the partisan struggle in 1946 was between "the party of free enterprise as opposed to
25 collectivism." March 19, 1946, p. 4, a true and correct copy of which is attached as **Exhibit 17**. The Republican
26 party took no formal position on the FEPC in California, and the party that reelected Early Warren governor that
27 year retained a good deal of its liberal civil rights heritage in 1946. The correlation discussed below between
28 support for the charter and opposition to the FEPC did not merely reflect positions taken by the Republican Party,
for it declared on neither issue.

¹⁰⁸ Editorial, *Santa Monica Evening Outlook*, Oct. 28, 1946, p. 4, a true and correct copy of which is attached as
Exhibit 18.

1 to endorse the Board's handiwork, provide plentiful evidence of the racial attitudes of the Charter
2 leadership. Southern California during the war had been a boiling racial stew, with blatant, overt
3 prejudice against Japanese Americans, Mexican Americans, and African-Americans conflicting
4 with themes of national unity against fascism. Santa Monica was no exception. This was the
5 historical context in which Santa Monica adopted its current system of at large city council
6 elections and, in the face of opposition by people who said districts would provide a better chance
7 for laboring people and minorities to gain representation, maintained election at-large to its new
8 city council.

9 10 **2. The Issue of Districts vs. At-Large**

11 86. Led by the Ocean Park Association of Commerce, the Citizens' Civic League, and the
12 then-powerful Central Labor Council, the critics of at-large elections feared that "the largest population
13 centers south of Santa Monica Blvd. will not be represented" unless the council was elected by
14 districts.¹⁰⁹ From the beginning of the Freeholders' meetings, the method of electing councilpersons
15 was the most controversial issue.¹¹⁰ In March, 1946, the Freeholders first deadlocked, 7-7, on
16 increasing the number of council members to nine, and then voted for a 7-member council, all elected
17 at large.¹¹¹ After protests and special meetings with representatives of the three dissenting
18 organizations, the Board two months later reaffirmed its decision to elect the Council at-large, rather
19 than by districts by a 9-6 vote.¹¹² A month later, "public opinion being divided," the Board passed a
20 compromise measure to allow voters to choose between two proposals, one providing for seven
21 councilpersons, all elected at large, and the other, for four persons elected by districts and three at
22

23 ¹⁰⁹ *Santa Monica Evening Outlook*, Oct. 17, 1946, p. 6, a true and correct copy of which is included within Exhibit
24 10.

25 ¹¹⁰ Robert E. McClure, "Why Santa Monica Flourished After World War II," *Santa Monica Evening Outlook*,
26 March 11, 1975, p. 8, a true and correct copy of which is attached as **Exhibit 19**.

27 ¹¹¹ *Santa Monica Evening Outlook*, March 13, 1946, p. 1, a true and correct copy of which is attached as **Exhibit**
28 **20**. The newspaper did not report who voted for and against each proposal.

¹¹² *Santa Monica Evening Outlook*, May 22, 1946, p. 1, a true and correct copy of which is attached as **Exhibit 21**.

1 large.¹¹³ Finally, "in an unexpected action," the Freeholders rescinded their earlier agreement and
2 placed on the ballot only the all at-large plan. Their rationale, the *Outlook* thought, was that "it would
3 not be desirable to confuse the issue by placing both on the ballot, that at large is the best method and
4 calculated to eliminate 'log rolling' tactics."¹¹⁴

5 87. Those who favored at-large elections condemned districts for fostering logrolling,
6 "horse trading," and "sectionalism."¹¹⁵ But the issue of the representation of "minority groups,"
7 which explicitly included racial minorities, was never far from the surface. Rejecting the city's
8 growing pluralism, the *Outlook* declared that Santa Monica "can and should develop into a
9 remarkably homogeneous community...The cry that 'minorities must be represented' would
10 mean, if carried to its logical conclusion, that every religious group and every neighborhood
11 should have its special representative." The Freeholders "should not allow special groups to write
12 any part of the charter for them..."¹¹⁶ "The proponents of sectionalism point to the ward system of
13 big cities," the newspaper remarked, "but they forget that groups such as organized labor and the
14 *colored people* do not have the voting power in Santa Monica that they have in New York and
15 Chicago. Here they are minority groups. The interest of minorities is always best protected by
16 a system which favors the election of liberal-minded persons who are not compelled to play
17 peanut politics. Such liberal-minded persons, of high caliber, will run for office and be elected
18 if elections are held at large."¹¹⁷ **This admission by the most influential voice in Santa Monica that**
19 **"organized labor" and "colored persons" would not be able to elect representatives of their choice in an at-**
20
21

22
23 ¹¹³ *Santa Monica Evening Outlook*, June 27, 1946, p. 1-2; editorial, July 1, 1946, p. 4, true and correct copies of
which are attached as **Exhibit 22**.

24 ¹¹⁴ *Santa Monica Evening Outlook*, July 17, 1946, p. 1, a true and correct copy of which is attached as **Exhibit 23**.

25 ¹¹⁵ *Santa Monica Evening Outlook*, March 5, 1946, p. 5; March 6, 1946, p. 1,5; editorial, March 14, 1946, p. 4,
true and correct copies of which are attached as **Exhibit 24**.

26 ¹¹⁶ Editorial, *Santa Monica Evening Outlook*, May 16, 1946, p. 4., a true and correct copy of which is attached as
Exhibit 25.

27 ¹¹⁷ Editorial, *Santa Monica Evening Outlook*, March 23, 1946, p. 4, Italics added, a true and correct copy of which
28 is attached as **Exhibit 26**.

1 large system, but would have to be protected by "liberal-minded persons of high caliber," presumably white,
2 is quite close to a "smoking gun."

3 88. Opponents of the at-large city council made the same judgment about its effect on the
4 electoral power of the poor and minority groups of "race, creed, or color," but disagreed as to the
5 desirability of that effect. Decrying the new charter as "a sinister power grab by the silk stocking
6 element," the "Anti-Charter Committee" published a series of advertisements calling for a
7 rejection of the finished document.¹¹⁸ One is worth quoting in full:
8

9 "MINORITY GROUPS AND THE PROPOSED CHARTER

10 "The lot of a member of a minority group, whether it be in a location of not-so-fine
11 homes, or one of race, creed, or color, is never too happy under the best of conditions.
12 "But--consider what life would be like under a dictatorship type of government as
13 proposed under the charter.

14 "With seven councilmen elected AT LARGE (and history shows they will mostly
15 originate from NORTH OF MONTANA), and a city manager responsible to the seven
16 councilmen plus a dictatorship that has so long ruled Santa Monica (without regard
17 to minorities) where will these people be?

18 "The proposed ruling groups control the chief of police - and through him the police
19 force - and the city attorney, the personnel director, the health officer, etc.

20 "Where will the laboring man go? Where will the Jewish, colored, or Mexican go for aid in
21 his special problems?

22 "Where will the resident of Ocean Park,¹¹⁹ Douglas district, the Lincoln-Pico
23 and other districts go when he needs help?

24 "The proposed charter is not fair - it is not democratic.

25 "It is a power grab - and we plead with all citizens of Santa Monica to protect
26 their interests (vote no) and convince your neighbors to vote NO ON THE
27 PROPOSED CHARTER."¹²⁰

28 ¹¹⁸ *Santa Monica Evening Outlook*, Nov. 4, 1946, p. 1, a true and correct copy of which is attached as **Exhibit 27**.

¹¹⁹ Note that "Ocean Park" may have had a broader definition in 1946 than it does today, perhaps referring to a larger area in the south of the city.

¹²⁰ *Santa Monica Evening Outlook*, Oct. 25, 1946, p. 24. Capitalization in original, a true and correct copy of which is attached as **Exhibit 28**.

1 89. Two members of the Board of Freeholders, Vivien Wilken and Rev. Howard P.
2 McConnell, were also active in the Interracial Progress Committee.¹²¹ Wilken was the only
3 candidate for the Board who listed membership in the NAACP in her capsule campaign
4 biography.¹²² Although neither is quoted in the newspaper as stating reasons for their
5 positions, both favored reconsidering the Board's all at-large plan in May, and Mrs. Wilken
6 persisted in raising the question again in June, pushing for the compromise proposal to put a
7 mixed district and at-large choice on the ballot.¹²³ The fact that both of the Board's members
8 who were easily identifiable as racial liberals opposed the at-large council provides further
9 evidence that the issue was seen as racially tinged.

10
11 90. Although all of the members of the Board of Freeholders were Anglo and the
12 *Outlook* does not mention any presentations at hearings on the charter issue by blacks, Latinos, or
13 Asians, the secretary of the Board, Mrs. Jean Leslie Cornett, did appear at a pre-referendum
14 NAACP meeting at the 19th and Michigan African Methodist Episcopal Church to try to
15 stimulate support for the measure. Noting that the charter raised the number of local government
16 members to be elected from three to seven, Mrs. Cornett tacitly acknowledged that the at-large
17 system discriminated against racial minorities and implied that blacks understood the point well.
18 "Admitting that the proposed charter is not perfect in every respect, Mrs. Cornett pointed out that
19 the opportunity for representation of minority groups has been increased two and a half times
20 over the present charter by expansion of the City Council from three to seven members."¹²⁴

21 91. In a pro-charter speech before the Nov. 5, 1946 referendum, Board of
22 Freeholders member Ben Banard, a political science instructor who had favored a mixed system

23
24 ¹²¹ *Santa Monica Evening Outlook*, Nov. 13, 1945, p. 3; Nov. 30, 1945, p. 11, true and correct copies of which are
attached as **Exhibit 29**.

25 ¹²² *Santa Monica Evening Outlook*, Nov. 23, 1945, p. 1-2, a true and correct copy of which is attached as **Exhibit**
26 **30**.

27 ¹²³ *Santa Monica Evening Outlook*, May 22, 1946, p. 1; June 27, 1946, p. 1-2, true and correct copies of which are
attached as **Exhibit 31**.

28 ¹²⁴ *Santa Monica Evening Outlook*, Oct. 26, 1946, p. 1, a true and correct copy of which is attached as **Exhibit 32**.

1 of elections, posed a dilemma for voters who were critical of the all at-large structure: "Those
2 who want broader representation of all sections of the city in the new government," Banard
3 said, echoing the argument of Mrs. Cornett, "cannot reject the charter, because seven
4 councilmen are almost certain to assure better geographic representation than the three council
5 members now elected."¹²⁵ Despite fervent opposition from the current commissioners and from
6 many in the Ocean Park area, the new charter passed by a vote of 15,078 to 6497, carrying 106
7 of the city's 113 precincts in an election that saw 62.7% of the registered voters turn out.¹²⁶

8
9 92. The *Outlook* printed the precinct-level returns for the charter and those for the
10 statewide FEPC proposition on its first page the day after the election, seeming to invite a
11 correlational analysis. Of the 109 precincts for which the *Outlook* published complete returns,
12 the FEPC carried only seven. In those seven, presumably largely populated by African-
13 Americans and Latinos, the FEPC got 69.6% of the vote, while in the other 102 precincts, it
14 received only 24.5%. In the same seven precincts, the charter got 57.5% of the vote, while it
15 won 70.8% of the vote in the other 102 precincts. Because there are no precinct-level ethnic
16 statistics available during this period, we cannot determine precisely how non-Hispanic whites,
17 African-Americans, Latinos, and Asian-Americans voted on either measure. **However, the**
18 **coincidence that the Charter, with its at-large provision, was ratified at exactly the same**
19 **election as the manifestly racially-connected Prop. 11 provides us with a test of the**
20 **connection between racial attitudes and support for at-large elections that is extremely**
21 **rare in voting rights cases.**

22 93. Table 6, placed within the text because it is relatively uncomplicated, shows that
23 whatever statistical model one uses to estimate the relationship between the two votes, the
24 relationship is very strong. From 84% to 87% of Santa Monicans who opposed the FEPC voted for
25

26 ¹²⁵ *Santa Monica Evening Outlook*, Oct. 9, 1946, p. 1, 5, a true and correct copy of which is attached as **Exhibit**
27 **33.**

28 ¹²⁶ *Santa Monica Evening Outlook*, Nov. 7, 1946, p. 1, a true and correct copy of which is attached as **Exhibit 34.**

1 the Charter, while from 68% to 76% of those who favored the FEPC opposed the Charter. Although
 2 the statistical analysis does not prove that whites supported the charter *because* their attitudes were
 3 racially conservative, or that whites with relatively liberal racial attitudes opposed the charter
 4 *because* of these beliefs, it does demonstrate an impressive correlation on the two issues. A vote
 5 on an FEPC proposition is as good a measure of local racial opinion as one is likely ever to
 6 find. The extent of the correlation is one more piece of evidence in an overall pattern that
 7 supports the inference that the at-large structure was chosen over a districted or mixed
 8 system partly, perhaps even predominantly, because of an intent to deny minority voters a fair
 9 opportunity to elect candidates of their choice in the future.

10
 11 **Table 6: 1946 Charter Referendum**
 12 **A. Unweighted Regression**

Vote on Charter	Vote on FEPC	
	For	Against
For	30.5 (6.3)	83.9 (1.9)
Against	69.5 (6.3)	16.1 (1.9)

N = 110

13
 14
 15
 16
 17 **B. Weighted Regression**

Vote on Charter	Vote on FEPC	
	For	Against
For	31.5 (6.2)	84.2 (1.9)
Against	68.5 (6.2)	15.8 (1.9)

18
 19
 20 N=110, weighted by total vote on Charter

21
 22 **C. Ecological Inference**

Vote on Charter	Vote on FEPC	
	For	Against
For	23.7 (4.2)	87.1 (1.6)
Against	76.3 (4.2)	12.9 (1.6)

23
 24
 25 N=110, weighted by total vote on Charter

1 94. There is a quite strong case for the proposition that the at-large system of election of
2 the Santa Monica city government was selected in 1946 at least in part for racially discriminatory
3 reasons. The evidence is more conclusive, for example, than that in three other major cases in which
4 I was the principal expert witness on intent – the remand cases on the at-large feature of the Mobile,
5 Alabama school board and city commission, and the case on the racial gerrymandering of district
6 lines for the Los Angeles County Board of Supervisors. In all three cases, federal courts struck down
7 at-large systems or district lines on the grounds of racially discriminatory intent.¹²⁷

8 To sum up the evidence:

- 9
- 10 • At-large elections have been understood at least from the early 19th century to disadvantage
11 political and ethnic minorities, and they were employed in the Reconstruction and Post-
12 Reconstruction South and in “Progressive Era” cities throughout the country to subordinate
13 minorities.
 - 14 • The historical context of the World War II and immediate post-war years was suffused with
15 racial issues that seem virulent even by today’s standards – the Japanese incarceration, the
16 Zoot Suit riots, the FEPC proposition. Opinion leaders who were staunch backers of the
17 at-large charter, particularly the *Santa Monica Evening Outlook* and the Santa
18 Monica-Ocean Park Chamber of Commerce, openly expressed or endorsed racially
19 retrogressive attitudes, and the newspaper casually employed gross racial stereotypes.
 - 20 • The black proportion of Santa Monica’s population was growing in the 1940s, at least
21 through 1946.
- 22
23
24
25

26 ¹²⁷ *City of Mobile v. Bolden*, 542 F. Supp. 1050 (S.D. Ala. 1982); *Brown v. Board of School Comm’rs*, 542 F.
27 Supp. 1078 (S.D. Ala. 1982); *Garza v. Los Angeles County Board of Supervisors*, 756 F. Supp. 1298 (C.D. Calif.
28 1990), aff’d 918 F.2d 763 (9th Cir. 1990), cert. denied, 111 S. Ct. 681 (1991).

- 1 • The Board of Freeholders was all white, nearly all from the wealthiest part of the city, and
2 there is no record that it consulted with any members of racial minorities during its
3 deliberations.
- 4 • The method of electing councilpersons was the most controversial feature of the new
5 charter, and the Board repeatedly changed its mind and apparently heatedly debated the
6 issue.
- 7 • The text of the Charter measure as finally put to the voters did not offer them a simple
8 choice between at-large and districted systems, a move by at-large proponents that
9 probably helped their cause by somewhat muddling the choice that voters faced.
- 10 • Both proponents and opponents publicly stated that members of "minority groups" would
11 probably not be able to elect representatives of their choice under an at-large system, and
12 both explicitly mentioned blacks as one of those "minority groups." Charter opponents
13 also mentioned Latinos. The *Outlook* patronizingly announced to "colored people" that it
14 would be better for them to coalesce behind white liberals with citywide support than to
15 elect candidates who were their real choice, while charter opponents warned that elite
16 candidates elected citywide would not be sympathetic to "laboring men," "colored people,"
17 or "Mexicans."
- 18 • Table 2, above, shows that the predicted disproportionate impact on Latino candidates
19 was, in fact, realized. Between 1946 and 1988, Latinos ran for the City Council 10 times.
20 And 10 times, they failed to win.
- 21 • The relationship between votes on setting up a statewide Fair Employment Practices
22 Commission and votes on the charter with an at-large provision was very strong, suggesting
23 that the overwhelming number of white voters shared both the racial attitudes expressed by and
24 in the *Outlook* and that they connected their votes on the Charter to those attitudes. Those who
25 backed an FEPC opposed the Charter, while those who voted negatively on an FEPC
26
27
28

1 favored the Charter. The tight relationship between the vote on the Charter and as pure
2 a measure of racial attitudes as one is likely to find in an election implies that Santa
3 Monicans voted for a new Charter with at-large elections because of, not in spite of its
4 predicted racially discriminatory effects.

5 E. The At-Large System Maintained: 1975

6 95. The largest change in the lives of Santa Monica's African-American and Latino
7 residents between 1946 and 1975 – one that affected the political power of members of
8 minority groups under either a district or an at-large system – was the displacement caused by
9 the building of the Santa Monica freeway, which opened in 1966. According to a special
10 historical section of the *Outlook*, published May 17, 1975, "Blacks have traditionally been
11 hired in domestic jobs in Santa Monica just as they have throughout the country. They have
12 lived in a minority part of town – between Lincoln Blvd. and the northern [sic – eastern] city
13 limits, between Colorado and Pico boulevards." This area is now known as the Pico
14 Neighborhood. The city's swimming pools were segregated through the 1940s, and by
15 tradition, though not law, African-Americans were prohibited from using public beach houses
16 or being admitted to "white" hotels, and they were only allowed to use the part of the beach
17 close to the Del Mar Beach Club.¹²⁸ An area of Ocean Park that was largely populated by
18 "minorities and the elderly" was razed and redeveloped from 1958 through 1966, displacing
19 316 families, 502 individuals, and 212 businesses.¹²⁹

20
21 96. Until 1958, most Mexican-Americans and African-Americans went to the largely
22 non-white Garfield Elementary School, which closed after its student body became virtually
23 100% black. "Throughout the Anglo-dominated history of Santa Monica," according to the
24

25
26 ¹²⁸ *Santa Monica Evening Outlook*, May 17, 1975, special centennial section, p. 7b, a true and correct copy of
which is attached as **Exhibit 35**.

27 ¹²⁹ *Santa Monica Evening Outlook*, May 17, 1975, special centennial section, p. 22A, a true and correct copy of
28 which is attached as **Exhibit 36**.

1 *Outlook*, “there has been ethnic prejudice against Spanish and Mexican residents. . . .Prior to
2 1961, the Mexican American population lived primarily in an area called ‘La Veinte,’ from 20th
3 to 14th streets, from Olympic to Pico Boulevards. The Santa Monica Freeway, constructed
4 between 1961 and 1966, was built through ‘La Veinte’ and displaced both blacks and Mexican
5 Americans living in the right-of-way.”¹³⁰ The freeway went right through the middle of the
6 principal area of African-American and Latino concentration. According to the *Outlook*, “Most
7 minority residents are convinced the route decision was related to their community – at least
8 because they were among the poorest in the city – and possibly as an outright racist move.”
9 Black community leaders, led by Rev. Welford P. Carter of Calvary Baptist, protested against
10 the freeway construction, to no avail.¹³¹

11
12 97. This brief historical sketch of 20th century race relations in the city is relevant to
13 this report not only because it demonstrates that the racially discriminatory heritage of Santa
14 Monica continued well into the civil rights era, but also that that heritage included
15 governmental actions – urban renewal (often bitterly referred to as “Negro removal” at the
16 time) and freeway clearing. Those governmental actions reduced the proportion of minority
17 group members in the city and thus, their potential for electing candidates of their choice. If
18 African-Americans and Latinos had had representation on the City Council at the time of the
19 urban renewal and freeway building, those actions might well have been carried out differently
20 or not at all.

21 98. An attempt to replace the at-large system with single-member districts pressed by
22 “a number of Democrats and senior citizens” failed to gather enough signatures to force a
23
24
25

26 ¹³⁰ *Santa Monica Evening Outlook*, May 17, 1975, special centennial section, p. 6b, a true and correct copy of
27 which is included within Exhibit 35.

28 ¹³¹ *Santa Monica Evening Outlook*, May 17, 1975, special centennial section, p. 8b, a true and correct copy of
which is attached as Exhibit 37.

1 referendum in 1971.¹³² But in the summer of 1974, a group of young white professionals
2 centered in the Ocean Park area convinced over 10,000 people to sign a petition to switch
3 from at-large elections to a seven-district council and to reduce the number of names
4 necessary to force a recall election from 25% of the registered voters to 10%. Although the
5 petitioners hoped to place the issue on the November ballot, the city council on August 6
6 voted 4-3 to schedule the vote to coincide with the April, 1975 city election and the city's
7 district attorney threatened to overturn the measure altogether because of small population
8 discrepancies between the proposed districts.¹³³ The shift from November to April may
9 have been critical to the proposition's defeat. One of the principal criticisms of Prop. 3 was
10 that it would force another city council election within 6 months.¹³⁴ If the district proposal
11 had been on the November ballot, that "second" election would have coincided with the then-
12 regular April city election. There would not have had to be any second election, and the
13 incumbents would not have been automatically turned out; they could have run at the usual
14 time, but in districts, rather than at large. There would have been no expense of a second
15 election. Election scheduling is an old, but often reliable trick.

17 99. The racial and political climate in the city by 1974 was much more mixed than in
18 1946. In 1971, the city had elected its first black councilman, Nathaniel Trives, a 12-year veteran
19 police officer, and in 1973, after the death of Councilman Anthony Dituri, the Council named a
20 second African-American, Hilliard Lawson, to Dituri's seat. Lawson, who had never won an
21 election, was defeated in 1975, even as an incumbent. Mrs. Blanche N. Carter had become the
22 first African-American on the School Board in 1971, and in 1973, Fred Beteta became the first
23

24 _____
25 ¹³² Anne Morgenthaler, "SM Districting Initiative Fails," *Santa Monica Evening Outlook*, April 9, 1975, p. 1, 5, 6,
a true and correct copy of which is attached as **Exhibit 38**.

26 ¹³³ *Santa Monica Evening Outlook*, Sept. 2, 1974, p. 11; Sept 4, 1974, p. 1, 4, a true and correct copy of which is
attached as **Exhibit 39**.

27 ¹³⁴ Editorial, "Proposition 3," *Santa Monica Evening Outlook*, April 1, 1975, special section, a true and correct
28 copy of which is attached as **Exhibit 40**.

1 serious Latino candidate for office in the city in the 20th century, running a close fourth of 5
2 candidates for one of the three seats up that year on the School Board.¹³⁵ On the other hand,
3 the *Outlook* took the same stand on busing students to integrate the schools as it had nearly 30
4 years earlier on the FEPC: "Opportunities for minorities will not be improved by unpopular
5 policies, such as busing, which create racial friction. The need, as we have said before, is for
6 conciliation – not coercion."¹³⁶ Most of the syndicated columnists that the paper carried, such
7 as Ronald Reagan and the *National Review*'s William Rusher, were extremely conservative
8 on racial and other matters.¹³⁷

9
10 100. The racial and ideological overtones of the district/at-large debate were explicitly
11 noted in 1975, as in 1946. Citing a study by the League of California Cities, a news story in the
12 *Outlook* noted that two of the advantages of districts were "the increased chance for ensuring
13 minority representation by drawing boundaries around minority neighborhoods, and reduced
14 campaign costs since city-wide campaigning would not be necessary." Quoting Walter Benedict,
15 a retiring councilman in Pasadena, where a limited district system had been instituted in 1969, the
16 story also noted that "the move towards electing a black director was the main impetus in the
17 1969 [Pasadena] districting drive....'One result of the new system is a board that is getting less
18 and less representative of the business community,' said Benedict, a plumbing contractor.
19 'Their orientation now is toward the great social push,' which he defined as the 'welfare state'
20 approach."¹³⁸

21
22
23 ¹³⁵ *Santa Monica Evening Outlook*, March 28, 1975, p. 6; April 11, 1975, p. 1, true and correct copies of which
24 are attached as **Exhibit 41**.

25 ¹³⁶ *Santa Monica Evening Outlook*, March 13, 1975, p. 8, a true and correct copy of which is attached as **Exhibit**
26 **42**.

27 ¹³⁷ See, e.g., *Santa Monica Evening Outlook*, March 14, 1975, p. 13, a true and correct copy of which is attached
28 as **Exhibit 43**.

¹³⁸ *Santa Monica Evening Outlook*, March 15, 1975, p.1, 4, a true and correct copy of which is attached as
Exhibit 44.

1 101. According to the *Outlook*, Proposition 3, the district proposal, was "the hottest
2 issue in the election, overshadowing the traditionally heated contest for council openings."
3 Backing districts were the League of Women Voters, the Santa Monica Democratic Club, and
4 many residents of Ocean Park. Favoring at-large were the *Outlook*, the board of directors of
5 the Santa Monica Chamber of Commerce, the Santa Monica PTA Council, the Sunset Park
6 Property Owners Association, Howard Jarvis's Apartment House Owners of Los Angeles, the
7 associations of all of the municipal employees, and all the incumbent members of the City
8 Council.¹³⁹ Even Nat Trives and Hilliard Lawson, the two black councilmen, mildly opposed
9 the proposition, Trives issuing a statement against it on the puzzling grounds that "alternative
10 avenues" toward more responsive government "have not been explored." Lawson gave no
11 reason at all.¹⁴⁰

12 102. Campaigners for each side stridently charged that the other side represented
13 "special interest groups" and claimed to speak for democracy and heightened citizen
14 participation.¹⁴¹ The *Outlook*, for instance charged that the proponents of districting believed
15 that "With the city divided into easily manipulated political units, they'd stand a lot better chance
16 of filling those seats with hand-picked candidates than they ever would in citywide elections. It
17 would amount to capturing city hall through the back door."¹⁴² Jean Leslie Cornett, a member
18 of the 1946 Board of Freeholders, defended her 30-year-old handiwork more positively,
19 contending that the system was fair to all who could afford to be civic activists: "...anyone
20 who has put down roots here, who has shown his/her concern by serving in school, church or
21 civic organizations, and who has friends who will ring doorbells and speak out on his/her
22

23 _____
24 ¹³⁹ *Santa Monica Evening Outlook*, March 21, 1975, p. 1, 4, 5, a true and correct copy of which is attached as
Exhibit 45.

25 ¹⁴⁰ Cliff Tarry, "SM Prop. 3 Advocate Supported," *Santa Monica Evening Outlook*, April 4, 1975, p. 1, 4, a true
and correct copy of which is attached as **Exhibit 46.**

26 ¹⁴¹ See the numerous council candidate statements in *Santa Monica Evening Outlook*, April 1, 1975, special
27 section, a true and correct copies of which are attached as **Exhibit 47.**

28 ¹⁴² *Santa Monica Evening Outlook*, April 1, 1975, p. 6, a true and correct copy of which is attached as **Exhibit 48.**

1 behalf can be elected to public office. It takes time and commitment, but most worthwhile
2 things do."¹⁴³ On the other hand, backers of Prop. 3 maintained that districting would decrease
3 the influence of "monied interests." Now, city council members "feel accountable to no one
4 except a bank or group of businesspeople." The current government was in "the grip of the land
5 developer/real estate/ Evening Outlook...oligarchy that controls the city."¹⁴⁴

6
7 103. All of the *Outlook's* candidates for City Council and School Board won, but in 1975,
8 unlike 1946, they included a black, Nat Trives, and a Latino, Fred Beteta, the first Latino to serve in
9 an elected public office in the city's history.¹⁴⁵ Trives led the balloting for City Council with 7927
10 votes, while the chief candidate of the Prop. 3 forces, Gary Robert Schwedes, finished fifth with
11 2769. The rain-dampened turnout amounted to only 17,333 (21,575 had voted on the charter in
12 1946), and Prop. 3 lost by 5060 to 11,179, although the petitions to qualify the measure had
13 contained more than 10,000 signatures.¹⁴⁶ One possible reason for the small vote for the proposition
14 was that it did more than change from an at-large to a district system. It also reduced the percentage
15 of names that had to be gathered on a recall petition from 25% to 10% of the registered voters, and it
16 required another election for the new district-chosen council within 6 months – changes that promised
17 both immediate and long-range upheaval in the city's politics.¹⁴⁷ Opponents of Prop. 3. focused on
18 these features, rather than the proposed adoption of districts, to attack the proposition. In what the
19

20 ¹⁴³ *Santa Monica Evening Outlook*, March 20, 1975, p. 9, a true and correct copy of which is attached as **Exhibit**
21 **49.**

22 ¹⁴⁴ *Santa Monica Evening Outlook*, April 1, 1975, special section (statements by Gary Robert Schwedes, Sharon
23 L. Gilpin, Richard S. Rosenthal), true and correct copies of which are attached as **Exhibit 50.**

24 ¹⁴⁵ *Santa Monica Evening Outlook*, March 28, 1975, p. 6; April 1, 1975, p. 6. The retirement of incumbent
25 William B. Campbell, who had served on the School Board for 12 years, paved the way for Beteta. The other
26 winning School Board candidates were Anglo incumbents. *Outlook*, March 5, 1975, p. 4, true and correct copies
27 of which are attached as **Exhibit 51.**

28 ¹⁴⁶ "SM Council Election: Trives, Cohen, Reed Win," and "Districting Loses 2-1: SM Charter Reform Bid Voted
Down," *Santa Monica Evening Outlook*, April 9, 1975, p. 1, true and correct copies of which are attached as
Exhibit 52.

¹⁴⁷ "SM Voters Facing Crucial Choices," *Santa Monica Evening Outlook*, April 1, 1975, Special Election Section,
p. 1, a true and correct copy of which is attached as **Exhibit 53.**

1 *Outlook* claimed were representative precincts in Ocean Park, Prop. 3 passed by 60-70% margins,
2 but turnout was less than a third. North of Montana, Prop. 3 gained less than 20% of the votes,
3 and turnout was nearly twice as high as in Ocean Park. Most significantly, in the *Outlook's*
4 view, a black/Latino precinct bounded by Pico and Santa Monica Boulevards and 14th and 22nd
5 streets, voted for districts by only 37% of the vote on a 51% turnout of registered voters.¹⁴⁸

6 104. It turns out that this precinct, which the anti-Prop. 3 *Outlook* highlighted, was quite
7 *unrepresentative*. Although in 1992, when I wrote a report for the Santa Monica charter commission, I
8 doubted that the evidence, on balance, showed that districts were rejected in the 1975 referendum for
9 discriminatory reasons, I have now changed my mind. There are two principal reasons for this. The
10 less important is that the research I did about the 26-year-long Los Angeles school integration case,
11 *Crawford v. Board of Education of the City of Los Angeles*,¹⁴⁹ convinced me of how virulent racial
12 feelings were in Southern California in the mid-1970s, virulence that spilled over into Santa Monica,
13 for example, in the editorial columns of the *Outlook*.¹⁵⁰ The general climate of racial opinion in the
14 region in the 1970s was worse than I had remembered during 1992.

15 105. The more important reason is that I have now had a chance to do a more complete
16 statistical analysis of the election returns for Prop. 3. Although there are no ethnic statistics available
17 at the precinct level in 1975, there were 2 Spanish-surname candidates, Fred Beteta and Beulah Juarez,
18
19

20 ¹⁴⁸ Cliff Tarpy, "SM Districting Proposal: Prop. 3 Vote Studied," *Santa Monica Evening Outlook*, April 9, 1975,
21 p. 1; April 12, 1975, p. 2, a true and correct copy of which is attached as **Exhibit 54**.

22 ¹⁴⁹ 113 Cal. App. 3d 633 (Cal. App. 2d Dist., 1980), 458 U.S. 527 (1982).

23 ¹⁵⁰ My paper for that case remains unpublished. The case is *Am. Civ. Rights Found. v. L.A. Unified Sch. Dist.*,
24 2008 Cal. App. LEXIS 2434 (Cal. App. 2d Dist., Dec. 19, 2008). The *Outlook*, March 13, 1975, p. 8 approved
25 the decision of the California Court of Appeal in overturning the meticulous and courageous decision of Los
26 Angeles Superior Court Judge Alfred Gitelson that the Los Angeles Board of Education had taken numerous
27 actions to deliberately increase or preserve segregation, a true and correct copy of which is included in Exhibit 42.
28 Gitelson was defeated in the next election and a man who plotted to assassinate him was sentenced to probation.
See Ron Einstoss, "Plot Reportedly Aimed at Killing Judge in Bed Details Disclosed in Indictment of 4 in
Gitelson Case," *L.A. Times*, May 1, 1970, p. I-3; Einstoss, "Gitelson Assassination Plotter Placed on 5 Years'
Probation: Psychiatric Study Lays Defendant's Problems to Alcohol; Prosecutor Assails Report as Worst He Has
Ever Seen," *id.*, May 1, 1971, p. II-1.

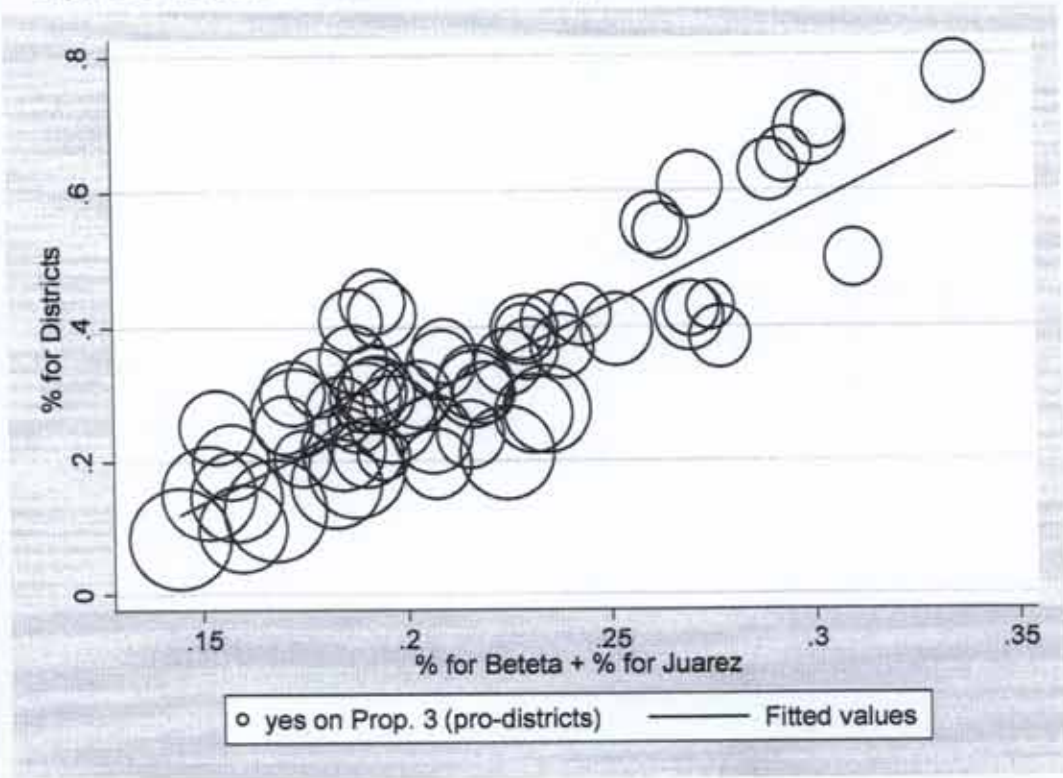
1 among the 8 candidates for 4 seats on the School Board. Both were members of the Santa Monica
2 Schools' Mexican-American Advisory Committee, and Juarez was "an active supporter of cultural,
3 educational and bilingual programs among the city's youth,"¹⁵¹ indications of their likely support from
4 minority voters, especially Latinos. If we combine their percentages, as the California Voting Rights
5 Act, Section 14028(b) advises that we should,¹⁵² and graph them against the percentage in each
6 precinct for Prop. 3, we find a striking correlation, which suggests that the *Outlook's* Pico precinct was
7 cherry-picked.

8
9 106. The relationship is very strong and positive, and the precincts are packed tightly along
10 the regression line. It appears that almost everyone who voted for the two Spanish-surnamed
11 candidates favored districts and that almost none of the opponents of Prop. 3 voted for them. Table 7
12 shows the relationship between voting for the two Spanish-surnamed candidates, voting the other
13 candidates in the school board contest, and voting on Prop. 3, estimated by ecological inference to
14 assure that the estimates fall within the 0-100% bounds. It shows that about 80% of those who voted
15 for Beteta and/or Juarez favored districts, while only about 20% of those who backed only white
16 candidates for the school board favored Prop. 3. This very high correlation between opposition to
17 districts and to Spanish-surnamed candidates strongly resembles that between opposition to districts
18 and opposition to the FEPC in 1946. **It constitutes a second showing that not only the political
19 elite, but also the voters of Santa Monica, strongly associated the district electoral structure with
20 minority rights and minority candidates, and the at-large structure with discrimination and
21 opposition to minority candidates. This evidence, unusual for a voting rights case, buttresses the
22 contention that the at-large provision was maintained for racially discriminatory reasons.**

23
24
25 ¹⁵¹ "Fred L. Beteta" and "Beulah R. Juarez," in *Santa Monica Evening Outlook*, April 1, 1975, special section, a
true and correct copy of which is attached as **Exhibit 55**.

26 ¹⁵² "In multiseat at-large election districts, where the number of candidates who are members of a protected class
27 is fewer than the number of seats available, the relative groupwide support received by candidates from members
of a protected class shall be the basis for the racial polarization analysis."

Figure 5: The 1975 Districts vs. At-Large Referendum and the Vote for Latino Candidates



$$\% \text{ for districts} = -28.8 + 291.1 (\% \text{ for Beteta} + \% \text{ for Juarez})$$

(4.9) (22.4)

$R^2 = 0.738$

Table 7: Very Racially Polarized Voting on Prop. 3 in 1975*

Candidates	Vote on Prop. 3	
	For Districts	For At-large
All white candidates	17.8 (1.8)	82.2 (1.8)
Beteta/Juarez	79.2 (6.8)	20.8 (6.8)

*estimated by ecological inference

F. The Council Vetoes Districts

107. The 1975 election for the City Council was a chaotic brawl between 32 candidates, 21 of whom ended up getting less than 1000 votes in a city with about 40,000 registered voters.¹⁵³ The situation demanded organization, and although formal political parties were banned from contesting elections in California, permanent factions were not. The issue that catalyzed Santa Monica politics was rent control, as the city was divided, basically along north/south lines, between renters and homeowners, homeowners being more common in the north. According to the *Outlook*, 75% of Santa Monicans lived in apartments in 1975.¹⁵⁴ Led by Tom Hayden's Campaign for Economic Democracy, renter activists formed Santa Monicans for Renters' Rights (SMRR) in 1978. Although rent control lost in a referendum in 1978, there were 2000 condo conversions or demolitions of rental units in the city between 1977 and 1979, and a second rent control referendum in 1979 passed by 54%-46%. In July 1979, SMRR elected 5 candidates to a new rent control board, and in 1981, SMRR candidates won all 4 city council candidates up for election and composed a council majority. Thus began a series of decades-long battles between SMRR and homeowners'/apartment house owners' groups, with SMRR dominating the City Council for 29 of the next 35 years.¹⁵⁵

108. But the factional struggles on the Council produced a backlash, as politicians independent of the "radical" and "moderate" factions rebelled against slate-driven politics in the multi-member system. In 1988, the only independent member of the Council, Alan Katz, and the "Concerned Homeowners of Santa Monica" pushed Proposition J, which would have kept the at-large system, but elected the 7 members in individual contests by using designated posts. Although it would have

¹⁵³ The registered voter figure is from "SM Voters Facing Crucial Choices," *Santa Monica Evening Outlook*, April 1, 1975, Special Election Section, p. 1, a true and correct copy of which is attached as **Exhibit 56**. The vote totals are from official records provided to plaintiffs in discovery.

¹⁵⁴ Anne Morgenthaler, "Districting Spurs SM Turnout," *Santa Monica Evening Outlook*, April 7, 1975, p. 1, a true and correct copy of which is attached as **Exhibit 57**.

¹⁵⁵ Mark Kann, *Middle Class Radicalism in Santa Monica* (Philadelphia, Pennsylvania: Temple University Press, 1986), 96-99; Dennis Romero, "Tom Hayden Was All Over the Housing Crisis – Even Before There Was One," *LA Weekly*, Oct. 25, 2016, available at <http://www.laweekly.com/content/printView/7535276>, accessed May 19, 2018.

1 probably diminished the power of the two slates, Prop. J would have made it even more difficult for
2 members of racial minorities to be elected by eliminating the strategy of “single shotting” – voting for
3 only one candidate for the City Council, instead of 3 or 4. Prop. J united against it what the *Outlook* said
4 were “minority, progressive, Democratic, and Republican groups,” who charged that the change would
5 only help incumbents and would hinder the chances of minorities to win elections. Immediately after
6 the defeat of Prop. J by a 58-42 margin, anti-Prop. J forces “said they view the measure’s defeat as a
7 starting point for their effort to establish district elections in Santa Monica.”¹⁵⁶

8
9 109. From the beginning of this new campaign, **the principal stated reason for advocating**
10 **district elections was to elect minority candidates.** As Paul DeSantis, a leading Democrat and
11 organizer of the Citizens United to Reform Elections (CURE) told the *Outlook* two days after the Prop. J
12 defeat, “District elections are needed to get better minority representation on the council and foster
13 closer communication between candidates and constituents. It will open it up to more people,
14 particularly in the minority community.”¹⁵⁷

15 110. After the November 1988 elections, CURE began to hold meetings and plan strategy.
16 With membership from Democratic and Republican groups and the Mexican-American Political
17 Association (MAPA), CURE began to press the City Council to put a district plan on the ballot for the
18 1990 election or, failing that, to try to gather signatures to do so. According to the MAPA representative
19 in the CURE coalition, Tony Vazquez, the CURE plan would have a district in the Pico area in which
20 blacks and Latinos together would comprise a majority. As the *L.A. Times* paraphrased his views,
21 Vazquez said that **“district elections would allow the predominantly minority Pico neighborhood to**
22 **elect someone to the City Council who would be accountable to neighborhood concerns.”**

23
24
25 ¹⁵⁶ *Santa Monica Evening Outlook*, June 8, 1988, p. 1; Julio Moran, “Group to Unveil Plan to Form Council
26 Districts – Santa Monica: Backers ready initiative drive. Seven districts would replace at-large system. Proposal
27 also limits council members to two terms.” *Los Angeles Times*, Dec. 3, 1989, p. J-1, true and correct copies of
28 which are attached as **Exhibit 58.**

¹⁵⁷ *Santa Monica Evening Outlook*, June 9, 1988, p. B1, a true and correct copy of which is attached as **Exhibit 59.**

1 Although one councilman, Herb Katz, announced his opposition to districts (a position that cost him the
2 MAPA endorsement in 1988), the longest-serving councilmember, Christine Reed, “said political reality
3 probably makes districts inevitable,” and councilmember and SMRR leader Dennis Zane called district
4 elections “an idea whose time has come” and declared himself “philosophically receptive to the idea.”¹⁵⁸
5 Nonetheless, the Council rejected CURE’s request to put a districting proposal on the ballot at that
6 time.¹⁵⁹

7
8 111. The movement to shift to districts also gained strength because of events outside of Santa
9 Monica. After the 1982 amendments to Section 2 of the federal Voting Rights Act clarified that
10 plaintiffs could prevail by proving only a discriminatory effect, and especially after the Supreme Court
11 sustained the 1982 amendments and further spelled out standards for proving a discriminatory effect in
12 the *Gingles* case in 1986,¹⁶⁰ voting rights lawyers began to file more cases using Section 2. In
13 particular, Joaquin Avila, the former general counsel and president of MALDEF, filed *Gomez v.*
14 *Watsonville*, and though he lost in the district court, he won on appeal in 1989.¹⁶¹ Watsonville and then
15 nearby Salinas were forced to shift from at-large to districts, Avila filed suits against Stockton and
16 Pomona and, as Avila told an interviewer in 2015, “I thought after the city of Watsonville case was won
17 at the appellate court level, all these other jurisdictions would voluntarily convert.”¹⁶² A 1989 *Los*
18 *Angeles Times* story revealed that MALDEF, the Southwest Voter Registration Education Project, and
19

20 ¹⁵⁸ Tracy Wilkinson, “Bid to Alter Council – Santa Monica Group Pushes for Districts,” *Los Angeles Times*, Nov.
21 27, 1988, p. W-1, a true and correct copy of which is attached as **Exhibit 60**; Julio Moran, “Group to Unveil Plan
22 to Form Council Districts – Santa Monica: Backers ready initiative drive. Seven districts would replace at-large
23 system. Proposal also limits council members to two terms.” *Los Angeles Times*, Dec. 3, 1989, p. J-1, a true and
24 correct copy of which is included in Exhibit 58.

¹⁵⁹ Jeff Kramer, “Study Finds Fault in Election Method,” *Los Angeles Times*, March 22, 1992, p. J1, a true and
25 correct copy of which is attached as **Exhibit 61**.

¹⁶⁰ 478 U.S. 30 (1986).

¹⁶¹ 863 F.2d 1407 (9th Cir. 1988), *cert. denied*, 109 S. Ct. 1534 (1989).

¹⁶² Sara Rubin, “Meet voting rights champ and genius Joaquin Avila.” *Monterey County Weekly*, Aug. 22, 2015,
26 available at <http://www.montereycountyweekly.com/blogs/news_blog/meet-voting-rights-champ-and-genius-joaquin-avila/article_b9c30bee-4854-11e5-b03b-77584fe8beb7.html>, a true and correct copy of which is
27 attached as **Exhibit 62**.

1 two private lawyers, Avila and Barbara Phillips, were planning to challenge at-large elections in
2 numerous cities in California during 1990.¹⁶³

3 112. Latino activists were optimistic, an article in a state magazine reported, that the
4 Watsonville case would “trigger major changes in California’s local elections,” as similar cases in Texas
5 had. Armando Navarro, director of the Latino studies program at Claremont McKenna College,
6 declared that *Gomez* “might be as important as *Brown v. Board of Education*.” Proposals to shift to
7 districts were placed on the ballot in 1989-90 in Redlands, the Cerritos Community College District, and
8 Santa Barbara, and lawsuits were planned in Gilroy, San Diego, Chula Vista, Santa Barbara, and
9 National City.¹⁶⁴ Avila also authored bills providing for district elections or facilitating law suits to
10 bring about such shifts, but even when such bills passed the legislature, Republican governors George
11 Deukmejian and Pete Wilson vetoed them.¹⁶⁵ The Santa Monica Citizens United to Reform Elections
12 were well aware of the Watsonville case and used its outcome to prod the Santa Monica City Council to
13 put a district plan on the ballot.¹⁶⁶

14
15 113. Even more visible than lawsuits and referenda elsewhere was the redistricting trial
16 against the most populous local jurisdiction in the country, the Los Angeles County Board of
17

18 ¹⁶³ Mark A. Stein, “One Latino Wins, 3 Others Lose in Watsonville Vote,” *Los Angeles Times*, Dec. 6, 1989, <
19 http://articles.latimes.com/print/1989-12-06/news/mn-85_1_latino-voters>, a true and correct copy of which is
20 attached as **Exhibit 63**.

21 ¹⁶⁴ Bob Johnson, “Watsonville’s new crop: A court decision is changing the way local elections are held. Will
22 this draw more Hispanics to the polls?” *Golden State Report*, Sept. 1989, 27-31; Joaquin G. Avila, *Latino*
23 *Political Empowerment, A Perspective* (pamphlet, n.p., n.p. 1989), 21; Jan. 5, 1990 and Feb. 23, 1990 memos
24 from Richard D. Thomas, City Administrator of Santa Barbara, to Mayor and Councilmembers, in discovery
25 documents submitted by city in *Banales v. City of Santa Barbara*, Case No. 1468167 (Superior Court, Santa
26 Barbara), in possession of author.

27 ¹⁶⁵ Hillary Davis, “California law opens door for minority representation,” *News21*, Aug. 20, 2016, <
28 <https://votingwars.news21.com/california-law-opens-door-for-minority-representation/>>, a true and correct copy
of which is attached as **Exhibit 64**.

¹⁶⁶ Nancy Hill-Holtzman, “Bid for Vote by District Is Shelved – Santa Monica: A group aiming to increase
minority representation on the City Council by shifting from at-large elections suffers a setback.” *Los Angeles*
Times, July 26, 1990, p. J1; Jeff Kramer, “Council Balks at Election Reform Plan,” *Los Angeles Times*, July 9,
1992, p. J-1, true and correct copies of which are attached as **Exhibit 65**.

1 Supervisors. Filed in 1988, the case went to trial on Jan. 2, 1990. On June 4, 1990, after a highly
2 publicized and lengthy presentation of evidence, Federal District Judge David V. Kenyon issued a
3 comprehensive opinion detailing racially polarized voting in elections for the Board and the Board's
4 intentional discrimination against Latinos in drawing district lines.¹⁶⁷ The pressure of a rumored lawsuit
5 in the late 1980s and early 1990s was enough to force Santa Barbara to appoint a Latino to a previously
6 all-white council and to authorize a Task Force on Electoral Systems to frame a plan for district
7 elections to submit to the voters.¹⁶⁸ Santa Monica evidently felt the same urgency, for on Oct. 4, 1990,
8 exactly four months after Kenyon's opinion was issued, the City Council appointed a Charter Study
9 Commission.¹⁶⁹

10
11 114. Little more than a month later, Santa Monica elected its first Latino, Tony Vazquez, to
12 the City Council, a body that, the *Outlook* noted, "has been embarrassingly devoid of Latino
13 representation."¹⁷⁰ Vazquez, the *Outlook* remarked, had been waging "a battle for district elections in
14 Santa Monica, partly to put a Latino or other minority on the council. When he lost, he opted to run
15 himself to provide minority representation."¹⁷¹ That election also featured a fierce battle between
16 SMRR and landlord groups, between police and firefighters and the leading incumbent on the City

17
18 ¹⁶⁷ Cathleen Decker, "'Hispanic' Schabarum Seeks Remap Case Role," *Los Angeles Times*, Dec. 28, 1989, p. B3;
19 Bill Boyarsky, "Looking Back at County's \$3-Million Mistake," *Los Angeles Times*, June 6, 1990, p. B10, true
20 and correct copies of which are attached as **Exhibit 66**.

21 ¹⁶⁸ Donald Murphy, "No clues on Landecker successor," *Santa Barbara News-Press*, Dec. 19, 1991 ("The council
22 is expected to appoint a Latino to the \$9,600-a-year job." [of city councilperson]; Majority Report of Task Force
23 on Electoral Systems, June 15, 1990, in discovery documents submitted by city in *Banales v. City of Santa
24 Barbara*, Case No. 1468167 (Superior Court, Santa Barbara), in possession of author.

25 ¹⁶⁹ "Commission to study charter," *Santa Monica Evening Outlook*, Oct 5, 1990. The *Outlook* covered events in
26 the Garza trial – for example, the oral argument in the Court of Appeals and the Appeals Court decision. See Gale
27 Holland, "Lawyer warns of redistricting fallout," *Santa Monica Evening Outlook*, Oct. 11, 1990; Paul Pringle and
28 Gale Holland, "Latino remap ruling upheld," *id.*, Nov. 3, 1990, p. 1, true and correct copies of which are attached
as **Exhibit 67**.

¹⁷⁰ Editorial, "The day after," *Santa Monica Evening Outlook*, Nov. 8, 1990, p. A8. Notwithstanding its
"embarrassment," the *Outlook* had not endorsed Vazquez. Editorial, "We recommend," Nov. 5, 1990, p. A8, true
and correct copies of which are attached as **Exhibit 68**.

¹⁷¹ Katherine Lund-Seeden, "Reed's re-election bid failing," *Santa Monica Evening Outlook*, Nov. 7, 1990, p.
A1,A9, a true and correct copy of which is attached as **Exhibit 69**.

1 Council, and between slow-growth "independents" and a developer who wanted to erect a new hotel.
2 There were 10 propositions, 9 candidates for the City Council, 8 for the rent board, and 6 for the school
3 board. Despite the fact that there were three City Council positions open, SMRR endorsed only two
4 candidates, Vazquez and Kelly Olsen. When SMRR elected its candidates for every board and saw
5 voters endorse its position on every proposition, the wave carried Vazquez in.¹⁷² "I think SMRR was
6 definitely the key," Vazquez stated. "Without SMRR, we wouldn't have been able to get into the
7 running."¹⁷³

8
9 115. Joaquin Avila had believed that his victory in the Watsonville case would lead to district
10 elections that would enable Latinos to win elections throughout California. Similarly, Vazquez and
11 Arturo Olivas, executive director of the Latino Resource Organization, the community group that
12 Vazquez had formerly headed, believed that Vazquez's election to the City Council would bring about
13 district elections in Santa Monica. In the *Outlook's* paraphrase,

14 Vazquez said the council will hear about his desire to institute district elections. He fought
15 unsuccessfully to replace at-large elections for the past two years, one of his top priorities on the
16 council, he said.

17 District elections are perceived as an important foundation for creating broader minority
18 representation, Olivas said.

19
20 ¹⁷²The overview of the 1990 election is based on news and editorial articles and advertisements that appeared in
21 the *Santa Monica Evening Outlook*: "Candidates get endorsements," Oct. 2, 1990; Anne Morgenthaler, "SM City
22 Council candidates file contribution reports," Oct. 10, 1990, p. A16; Kathleen Lund-Seeden, "Reed loses city
23 unions' endorsement: Police, firefighters back other hopefuls," Oct. 11, 1990, p. B1; editorial, "'No' on Prop. Y,"
24 Nov. 1, 1990, p. A8; "Z. As in zilch." (advertisement), Nov. 2, 1990, p.B3; editorials, "'No' on Prop. Z" and
25 "'Yes' on Prop. U," Nov. 2, 1990, p. A6; Kathleen Lund-Seeden, "Tenants, landlords duel in extremes," Nov. 3,
26 1990, p. A3; Katherine A. Schmidt, "Crowded ballots await SM voters," Nov. 5, 1990, p. 1; "Guide to Santa
27 Monica Ballot Measures," Nov. 6, 1990, p. A3; Katherine Lund-Seeden, "Reed losing re-election bid," Nov. 7,
28 1990, p.A1; Lori Schweitzer, "SMRR slate sweeps rent board race," Nov. 7, 1990, p. A3; Louise Yarnall, "SMRR
survives turbulent times,": Nov. 8, 1990, p. A1; Anne Morgenthaler, "Reed's loss stuns, saddens even political
opponents," Nov. 8, 1990, p. B1, true and correct copies of which are attached as **Exhibit 70**.

¹⁷³ Louise Yarnall, "SMRR survives turbulent times," *Santa Monica Evening Outlook*, Nov. 8, 1990, p. A1, a true
and correct copy of which is included in Exhibit 70.

1 “‘This is a step in the right direction, not just for Santa Monica, but for politics in Southern
2 California,’ Olivas said. ‘He [Vazquez] has a big charge on his shoulders. This will send out the
3 message that district elections are necessary for representation, Olivas said.’¹⁷⁴

4 116. But while some in Santa Monica received the message, others did not. The City Council
5 appointed a 15-member Charter Review Commission with only one Latino member, Tom Soto, who
6 resigned before the Commission finished its deliberations.¹⁷⁵ After 19 meetings over 15 months, the
7 Commission presented a report that focused on the city’s election system and that recommended, by a
8 14-1 vote, that the City abandon its current system of free-for-all at-large elections. The Commission’s
9 first preference was that it be replaced by a Single Transferable Vote (STV or ranked choice) system,
10 and its second, favored by 5 commissioners, that it be replaced by district elections. But there was an
11 overwhelming consensus that the status quo was unsatisfactory.¹⁷⁶

12 117. The Commission chose to recommend a shift from the current system largely because it
13 made it more difficult for minorities to gain representation. Because of my work on the intent question
14 in the *Garza* case, I was hired as a consultant to the Commission to “look at the historical record to
15 determine whether there was persuasive evidence, under the Voting Rights Act or on other grounds, that
16 Santa Monica had a discrimination problem.”¹⁷⁷ As the Commission summarized my conclusions, I
17 found “substantial evidence that the current Charter was, from a voting discrimination point of view,
18 suspect.”¹⁷⁸ Despite the City Attorney’s contention that an intent case could not be won without a
19

20
21 ¹⁷⁴ Louise Yarnall, “First barrier cleared, Latino ready for next,” *Santa Monica Evening Outlook*, Nov. 8, 1990, p.
B1, a true and correct copy of which is attached as **Exhibit 71**.

22 ¹⁷⁵ For Soto’s ethnicity, see Nancy Vogel, “Invoices of Senator’s Son Draw Scrutiny,” *Los Angeles Times*, Sept.
23 21, 2003 and other articles resulting from a search <http://articles.latimes.com/keyword/tom-soto>; for his
24 appointment to the Commission and replacement on it, see “City of Santa Monica Staff Report: 07/07/92, pp. 1-2
25 [hereinafter “Charter Study Commission Report”]. There was apparently only one African-American, Peggy
Lyons, on the Commission. See Jeff Kramer, “Study finds Fault in Election Method,” *Los Angeles Times*, March
26 22, 1992, p. J1, true and correct copies of which are attached as **Exhibit 72**.

27 ¹⁷⁶ John Busbee, “SM Weighs Complex Voting System to Spread Power,” *Santa Monica Evening Outlook*, July 7,
1992, a true and correct copy of which is attached as **Exhibit 73**.

28 ¹⁷⁷ Charter Study Commission Report, p. 6, a true and correct copy of which is attached as **Exhibit 74**.

¹⁷⁸ *Id.*

1 “smoking gun” and a more extensive factual record, and that in any event, a constitutional case under
2 the equal protection clause would have to satisfy the “*Gingles* factors,” just as though it had been
3 brought under Section 2 of the Voting Rights Act, the Commission recommended abandonment of the
4 current charter in order to bring about “greater ethnic group electoral influence.”¹⁷⁹ Districts, the
5 Commission’s report underlined, were supported by Santa Monica chapters of MALDEF and the
6 NAACP.¹⁸⁰ “STV, like districts, brings Hispanics much closer to placing their choice on [the] city
7 council,” the Commission contended, and either STV or districts would make it difficult for plaintiffs to
8 win a voting rights case against the city.¹⁸¹ Preserving the current system would not only be
9 undesirable, but it might cost the city money. “[I]t would be unfortunate and unwise to maintain in
10 place a system the City might need to defend at great expense, notwithstanding the likelihood that the
11 City might ultimately prevail.” And the Commission noted that the City Attorney favored shifting from
12 the current system because, in the Commission’s words, an “increased opportunity for minority
13 representation would be a defense to any such suit.”¹⁸²

14
15 118. The Commission chose STV over districts or a mixed district/at-large system because it
16 would enable every voter to cast a ballot for every councilmember and might enable groups that were
17 not geographically concentrated, such as women, to increase their political representation. But it noted
18 that “The downside of a proportional system is its complexity, which would necessitate a thorough
19 public education campaign prior to being put forward as an option for voter consideration.”¹⁸³ It also
20 observed that with staggered terms, instead of electing all of the councilmembers at once, the proportion
21 of votes that a candidate had to receive to be elected rose beyond that of many groups or potential
22 groups of voters in Santa Monica – meaning that the opportunities for minority groups under STV would
23

24 _____
25 ¹⁷⁹ *Id.*, p. 7. Both the federal district and appeals court opinions in *Garza* contradicted the City Attorney on these
points.

26 ¹⁸⁰ *Id.*, p. 20.

27 ¹⁸¹ *Id.*, p. 8.

28 ¹⁸² *Id.*, p. 8.

¹⁸³ *Id.*, p. 11.

1 “dwindle[] significantly.”¹⁸⁴ Although disagreeing about many issues and judgments, the
2 Commissioners agreed that “the at-large system is felt to be inadequate . . . [in] empowering ethnic
3 communities to choose Council members.”¹⁸⁵ “The at-large Council focuses its attention predominantly
4 on city-wide issues and (if its composition is not skewed by class, geography, race or some other factor)
5 is designed to make decisions from the viewpoint of the city’s interests as a whole. That the
6 membership is often skewed, however, can bias the definition of what the city’s interests are.”¹⁸⁶ And
7 the report specifically noted that Pico residents felt particularly disfranchised because the area “is host to
8 over three-quarters of homeless and drug-treatment facilities, and is a ‘dumping ground’ for ‘all
9 activities incompatible with residential life.’ No resident of this district has ever been elected to [the]
10 City Council.”¹⁸⁷

11
12 119. Either STV or the district system, the report predicted, would increase the likelihood of
13 success of independent candidates and reduce the importance of slates. Slating groups such as SMRR
14 (whose co-chair, Nancy Greenstein, chaired the Charter Review Commission) would survive under an
15 STV system, “but would need to lower their objectives in terms of the number of seats controlled.
16 Attempts to spread the group’s support between many candidates could produce defeat for all of
17 them.”¹⁸⁸ A council with a 5-2 SMRR majority was not likely to look with favor on a system that would
18 reduce the power of slating groups, especially one that was, in the words of the *Outlook*, “mind-
19 bogglingly complicated.”¹⁸⁹

20 120. The Council took only one meeting to discard the Commission’s detailed and scholarly
21 recommendations. “Despite strong evidence that Santa Monica’s method of electing the City Council
22 deprives the city’s sizable Latino community of political representation,” the *Los Angeles Times* story
23

24 ¹⁸⁴ *Id.*, 25.

25 ¹⁸⁵ *Id.*, 18. Order of phrases changed for clarity.

26 ¹⁸⁶ *Id.*, p. 19.

27 ¹⁸⁷ *Id.*, p. 21.

28 ¹⁸⁸ *Id.*, pp. 22, 25 (quotation).

¹⁸⁹ John Busbee, “SM Weighs Complex Voting System to Spread Power,” *Santa Monica Evening Outlook*, July 7, 1992, a true and correct copy of which is included in Exhibit 73.

1 began, "the council on Tuesday balked at a chance to initiate major reforms." The Council rejected the
2 STV proposal even without a vote. "Nobody will know what's going on, who they're voting for"
3 under STV, said Councilman and SMRR leader Dennis Zane.¹⁹⁰ The Council then rebuffed the
4 district proposal, by 4-3, with Mayor Ken Genser, a SMRR member, and Councilman Robert T.
5 Holbrook, an independent, joining longtime district crusader Tony Vazquez in the minority of three.
6 The *Times* noted incisively that "the remaining members of the council, several [3] of whom were
7 elected on a citywide rent-control slate" opposed districts.¹⁹¹
8

9 **G. The Effect of At-Large Elections Demonstrated: Tony Vazquez's Defeat in 1994**

10 121. Santa Monica did not have to wait long to see a concrete example of the effect of at-large
11 elections on minority voting power. In 1994, Tony Vazquez ran for reelection and again secured a place
12 on the SMRR ticket, the only incumbent to do so. Apparently because of major anti-crime expenditures
13 by the City Council, which enabled overtime police presence in Palisades Park, the Santa Monica Pier,
14 and Palisades Park, "the number of serious crimes and car break-ins plummeted in Santa Monica during
15 the first three months of a six-month pilot program . . ." In the third quarter of 1993, there had been 294
16 crimes of murder, rape, robbery, assault, burglary, auto theft, and theft. In the third quarter of 1994, the
17 number dropped to 162 – a 45% decline.¹⁹²
18

19 122. Nevertheless, in the year of Prop. 187, the proposition designed to deny all governmental
20 services to the undocumented, a slate funded by police and fire officers bitterly attacked Vazquez with
21 240,000 mailers and four prominent newspaper ads as "weak on crime" and too sympathetic to homeless
22
23

24 ¹⁹⁰ John Buzbee, "Term limits, pay hikes gain early approval," *Santa Monica Evening Outlook*, July 8, 1992, p.
25 A1, a true and correct copy of which is attached as **Exhibit 75**.

26 ¹⁹¹ Jeff Kramer, "Council Balks at Election Reform Plan," *Los Angeles Times*, July 9, 1992, p. J-1, a true and
27 correct copy of which is included in Exhibit 65.

28 ¹⁹² Marilyn Martinez, "Serious crime nose-dives in SM," *Santa Monica Evening Outlook*, Nov. 1, 1994, p. 1, a
true and correct copy of which is attached as **Exhibit 76**.

1 people.¹⁹³ Vazquez defended himself, pointing out that he had voted to add 20 police officers to the
2 force, and he proposed to deal with homelessness by seeking more federal funds for housing.¹⁹⁴
3 Although the mailers have apparently not survived, one newspaper ad dramatically captures the anti-
4 Latino tone of the campaign, "Santa Monica Police Officers Urge A 'No Vote' on Tony Vazquez."
5 The first issue brought up, before "drug dealing," "theft from cars," "homeless and city parks," "park
6 closure," and "curfew" was "illegal aliens to vote." It noted an unsuccessful proposal that Vazquez had
7 introduced in 1991 to allow non-citizens to vote for the City Council and School Board (which was, in
8 fact, a return to a 19th century practice that allowed non-citizen voting in numerous states and
9 localities).¹⁹⁵ The ad displayed a sinister-looking caricature of Vazquez surrounded by a group of shady
10 figures that might be interpreted as a Latino gang.¹⁹⁶ This ad was not aimed at the whole SMRR slate,
11 and it did not focus on homelessness, which was the chief issue discussed in the City Council campaign
12 as a whole. Instead, it singled out Vazquez, rather than attacking all of the SMRR candidates for City
13 Council, and it urged a "no" vote on him, which was impossible, because voters cast ballots FOR
14 particular candidates. And the crime issue, which has been associated with attacks on ethnic minorities
15 in the U.S. from the time of slavery through the latest tweet, was particularly inappropriate to raise in
16 this campaign, because of the stark decline in the city's crime statistics, highlighted in a newspaper story
17 a week before the November election.
18

19
20 ¹⁹³ Jorge Casuso, "Winners hold off rivals with tough talk, small voter turnout," *Santa Monica Evening Outlook*,
21 Nov. 10, 1994, p. 1, a true and correct copy of which is attached as **Exhibit 77**.

22 ¹⁹⁴ Nancy Hill-Holtzman, "Elections/ Santa Monica City Council: Competing Slates View Safety as Key Issue,"
Los Angeles Times, Nov. 3, 1994, a true and correct copy of which is attached as **Exhibit 78**.

23 ¹⁹⁵ Newspaper ad, *Santa Monica Evening Outlook*. Vazquez had first moved to allow non-citizens to vote in
24 school board elections only, because an increasing number of students in the Santa Monica schools had non-
25 citizen parents, but the City Attorney advised that if the vote were extended for one local office, it would probably
26 have to be opened to all. The larger motion therefore failed. See "Santa Monica: No Citizenship, No Vote," *Los*
Angeles Times, May 16, 1991. Vazquez later stated that he had sought voting rights only for legal immigrants.
27 Nancy Hill-Holtzman, "Decision '94: 3 Police-Back Candidates Win Seats on Council," *id.*, Nov. 10, 1994, true
28 and correct copies of which are attached as **Exhibit 79**.

¹⁹⁶ This was certainly how Vazquez interpreted the figures. See Deposition of Tony Vazquez, Volume 1, pp. 164-
65, a true and correct copy of which is attached as **Exhibit 80**.

1 123. Vazquez himself blamed his loss on “the racism that still exists in our city. . . . The
2 racism that came out in this campaign was just unbelievable.”¹⁹⁷ A letter to the editor of the *L.A. Times*
3 that criticized Vazquez for “playing the race card” revealingly condemned him for “advocating the
4 needs of the disfranchised in our society” instead of “representing the people of Santa Monica.”¹⁹⁸ The
5 writer apparently considered “the disfranchised” sub-human.

6 124. The association of Vazquez’s ethnic identity with the outcome of the at-large election is
7 supported by the statistical analysis of the votes in Table I-A of Appendix A. Vazquez seems to have
8 received votes from nearly every Latino who voted, but a considerably smaller proportion of the votes
9 of non-Hispanic whites than of Latinos, a difference that was quite statistically significant.¹⁹⁹ This
10 statistical result implies that had he been running in a district composed of a larger proportion of
11 Latinos than the city was, he would probably have been reelected.

12 13 14 **H. An Overstuffed Proposition with Something to Worry Everyone in 2002**

15 125. On the Santa Monica ballot in 2002, Measure JJ, which mandated a “living wage” of
16 \$10.50 for 2000 workers in the city’s downtown core, overshadowed every other proposition and even
17 the election of candidates, because big hotels spent \$800,000 to defeat it. The hotels and other
18
19
20
21
22

23 ¹⁹⁷ Nancy Hill-Holtzman, “Decision ’94: 3 Police-Backed Candidates Win Seats on Council,” *Los Angeles Times*,
24 Nov. 10, 1994, a true and correct copy of which is included in Exhibit 79.

25 ¹⁹⁸ David Stoughton, “Politics: Homelessness and the Defeat of Tony Vazquez for Santa Monica Council,” *Los*
Angeles Times, Nov. 24, 1994, a true and correct copy of which is attached as **Exhibit 81**.

26 ¹⁹⁹ The Mexican-American Political Association endorsed Vazquez and Finkel, but not O’Connor, who had been
27 endorsed not only by SMRR, but also by the Police Officers’ Association. See two political ads in the *Santa*
Monica Evening Outlook, “Mexican American Political Association” and “Santa Monica Police Officers . . . Urge
28 Your Vote for Safety, Vote For . . .”, true and correct copies of which are attached as **Exhibit 82**.

1 businesses spent nearly \$2.5 million against living wage proposals from 2000 through 2002.²⁰⁰ The total
2 spent by all City Council candidates in 2002 was \$192,208.²⁰¹

3 126. But also on the ballot was Measure HH, the VERITAS (Voter Election Reform Initiative
4 for a True Accountability System) proposition. Having failed with the simple CURE proposal in 1992,
5 which only provided for districts, attorney Paul DeSantis tried a different strategy in 2002 – combining
6 districts with the direct election of a mayor (instead of having Council members select one of their own),
7 a mayoral veto, and term limits for members of the Council. In addition, Council elections would have a
8 primary in March and if no candidate received a majority, a run-off election in November. This would
9 replace plurality elections and no runoffs, which is still the way elections are run in the city.²⁰² Six
10 major changes in the city’s election system – districts, term limits, an elected mayor, a mayoral veto, a
11 majority vote requirement, and a two-stage election -- bundled into a single proposition proved to be too
12 much for many people.

13
14 127. The League of Women Voters, which had backed districts in the 1970s,²⁰³ was
15 outspokenly against Measure HH. As its Santa Monica Action Director, Joanne Leavitt, wrote, HH
16 “would radically change the way the city government works. . . . The League of Women Voters of Santa
17 Monica thinks each of these measures is important enough to be considered and voted on as an
18 individual measure. We urge the voting public to vote NO unless they fully understand all of the
19 different parts and fully agree with all of them.”²⁰⁴ Past LWV President Barbara Inatsugu echoed
20

21
22 ²⁰⁰ “Over 100 Economists Endorse Santa Monica’s Living Wage,” *Santa Monica Mirror*, Oct. 9-15, 2002, p.1;
23 “Hotels Are Big Spenders in Living Wage Battle,” *id.*, Oct. 16-22, 2002; Paul Rosenstein and James Conn, “Big
24 Money, Big Lies Defeat the Living Wage,” *id.*, Nov. 6-12, 2002, true and correct copies of which are attached as
25 **Exhibit 83**.

26 ²⁰¹ “Challengers Optimistic,” *Santa Monica Mirror*, Oct. 30-Nov. 5, 2002, p. 1, a true and correct copy of which is
27 attached as **Exhibit 84**.

28 ²⁰² “Chamber Hosts VERITAS Debate,” *Santa Monica Mirror*, Oct. 9-15, 2002, p. 3, a true and correct copy of
which is attached as **Exhibit 85**.

²⁰³ *Santa Monica Evening Outlook*, March 21, 1974, p. 1.

²⁰⁴ Joanne Levitt, “Flaws in VERITAS,” *Santa Monica Mirror*, Oct. 9-15, 2002, a true and correct copy of which
is attached as **Exhibit 86**.

1 Leavitt: "One of the ballot measures, HH, is, in reality, multiple measures rolled into one. As a voter,
2 you should read it carefully – if you don't agree with all its provisions, VOTE NO on HH. If you agree
3 with only one of its many provisions, you should VOTE NO on HH."²⁰⁵ Others asserted that the same
4 business interests that opposed the living wage proposition backed VERITAS because it provided for an
5 elected mayor with veto power. The suggestion was that rich businessmen could fund mayoral
6 campaigns and that a strong mayor would keep the rowdy Councilmembers in check.²⁰⁶ Similarly, the
7 Police Officers and Firefighters advised a "no" vote on HH because "it is backed by out-of-town
8 corporate millionaires . . . it gives all power to one person, the Mayor, who can veto any measure voted
9 on by the rest of the council . . . it will cause political corruption, fraud, and insider deal making to
10 flourish in Santa Monica."²⁰⁷ The weekly *Santa Monica Mirror* bluntly charged that "the sole purpose
11 of VERITAS is to damage or destroy Santa Monicans for Renters Rights, i.e., the people Santa
12 Monicans have voted for again and again. That's not democracy, that's a sneak attack."²⁰⁸

13
14 128. In the end, both proposition JJ and HH, as well as three of the five other propositions on
15 the local ballot in 2002, lost. JJ came out closer, losing by 51.4-48.6, while HH was beaten more
16 soundly, 64.5-35.5.²⁰⁹ There were so many reasons to defeat HH that it should not be considered a
17 good measure of sentiment on district elections, and the results of voting on the measure should not
18 play a role in assessing whether the continuation of at-large elections was motivated by a racial
19 purpose.

20
21 ²⁰⁵ Barbara Inatsugu, "Vote No on Prop HH," *Santa Monica Mirror*, Oct. 23-29, 2002, a true and correct copy of
22 which is attached as **Exhibit 87**.

23 ²⁰⁶ Sally Breter [check spelling], "YES on JJ, NO on HH," *Santa Monica Mirror*, Oct. 9-15, 2002, a true and
24 correct copy of which is attached as **Exhibit 88**. The charge may not have been true. The point is that the
25 complicated proposal invited such speculations.

26 ²⁰⁷ "Santa Monica Police Officers & Firefighters ask you to say NO to political thieves. VOTE NO on HH,"
27 *Santa Monica Mirror*, Oct. 30-Nov. 5, 2002, a true and correct copy of which is attached as **Exhibit 89**.

28 ²⁰⁸ Editorial, "Reflections & Observations – And the Winners SHOULD Be . . ." *Santa Monica Mirror*, Oct. 30-
Nov. 5, 2002, p. 4, a true and correct copy of which is attached as **Exhibit 90**.

²⁰⁹ "Only 2 of 7 Local Ballot Measures Win Voter Approval on Tuesday," *Santa Monica Mirror*, Nov. 6-12, 2002,
a true and correct copy of which is attached as **Exhibit 91**.

I. The Intent Analysis Summarized

129. The evidence demonstrating a racially discriminatory intent in this case is more plentiful than in other voting rights cases in three respects: first, in the number of times in which there was a contested decision to adopt or maintain the at-large system of electing the City Council; second, in the explicit connection of those decisions to the ability of minorities to elect candidates of their choice; and third, in the availability of evidence about the racial attitudes of the electorate that could be correlated with the decisions for at-large elections.

130. In 1946, Santa Monica switched from Commission to Council government, and selected the at-large method of election in the process after a debate in which proponents and opponents agreed that districts would offer “minorities” “such as organized labor and the colored people” or “the Jewish, colored, or Mexican” citizens a better chance to have their views represented on the Council. And the adoption of the new Charter coincided with the rejection of a statewide proposition on a Fair Employment Practices Commission,” a pure measure of approval of discrimination. That voters who favored the at-large Charter almost uniformly opposed the FEPC, and vice-versa, provides striking evidence that the electorate shared the views of the leaders on the racial consequences of at-large elections and that those discriminatory views accounted for the correlated outcomes of both votes. In other words, the at-large election system was selected and approved *because of*, not *in spite of*, its predicted impact of denying minorities the opportunity to elect candidates of their choice.

131. In 1975, there was another referendum on districts vs. at-large, and again, the city’s leading newspaper spotlighted “the increased chance for ensuring minority representation by drawing boundaries around minority neighborhoods” as an advantage of the district electoral structure (which it opposed). Although there wasn’t a pure measure of racial attitudes on the same ballot this time and there are no available ethnic statistics with which to compare the Prop. 3 voting pattern, voting percentages for two Latino candidates for the school board election correlated very strongly with support for districts.

1 132. Beginning in the late 1980s, there was another push for districts, the one in Santa Monica
2 coinciding with and influenced by the larger countywide and statewide move to change election rules
3 that discriminated against Latinos. The third time wasn't the charm. The City Council first appointed a
4 Charter Review Commission whose chief object was to consider whether to replace the at-large, free-
5 for-all system of electing councilmembers, and then rejected its thoughtful report that found evidence of
6 discrimination in intent and effect in the adoption of at-large elections and its 14-1 conclusion that the
7 system should be dismantled. This time, there was no chance for voters to express their views at the
8 ballot box.

9 133. In 2002, Measure HH gave the voters another opportunity to choose between districts and
10 at-large, but there were so many other provisions in the proposition that it cannot reliably be used as an
11 indication of whether there was discriminatory intent in the maintenance of the at-large system.

12 134. It will also be useful to review the evidence under the ten rubrics that I outlined at the
13 beginning of this section of my report, rubrics largely drawn directly from the major Supreme and lower
14 federal court decisions on intent:
15

- 16 • The **first factor** is models of human behavior. At-large elections have long been
17 understood by politicians, political scientists, and courts to disadvantage minorities, and
18 the explicitness with which this generalization was affirmed in Santa Monica in 1946,
19 1975, and 1992 is striking. That politicians, regardless of their ideology, take their own
20 self-interest into account when devising election rules is perhaps most familiar in the
21 almost-universal condemnation and almost-universal practice of gerrymandering. But its
22 application to the refusal of the SMRR-majority City Council to authorize a referendum
23 on district elections in 1992 seems just as obvious. SMRR had dominated City Council
24 elections using the current system, but if the prediction of the Charter Review
25 Commission was accurate, its power would be diminished even under an STV system.
26 Councilman and SMRR founder, Dennis Zane, for example, had supported district
27

1 elections just a few years earlier, noting their time had come, but when called upon to
2 allow the Charter Review Commission's recommendation to scrap the at-large election
3 system he voted no. Why undermine a system that had worked so well to maintain
4 SMRR's power? It is instructive in this regard that in its coverage of the opinions of the
5 9th Circuit Court of Appeals in the *Garza* case, the *Santa Monica Evening Outlook* quoted
6 from the concurring opinion of Judge Alex Kozinski, a section of Kozinski's opinion that
7 has been widely quoted in later cases on racially discriminatory intent: "When the dust
8 has settled and local passions have cooled, this case will be remembered for its lucid
9 demonstration that elected officials engaged in the single-minded pursuit of incumbency
10 can run roughshod over the rights of protected minorities."²¹⁰ Kozinski's opinion was
11 handed down less than a month after the Charter Review Commission was appointed, in
12 plenty of time for the Council to take its implicit threat into account in deciding whether
13 to authorize a referendum.
14

- 15 • The **second factor** is the historical context, especially the sequence of events that led to
16 an allegedly discriminatory decision. The racial stew in Southern California during the
17 Second World War – the Japanese incarceration, the Zoot Suit Riots, the FEPC –
18 provided a boiling background for the decision to select at-large elections in 1946. The
19 turmoil over school integration in neighboring Los Angeles during the 1970s, spread
20 statewide by two integration-related statewide propositions, as well as the two statewide
21 English-only propositions, provided a volatile context for the 1975 Prop. 3 campaign in
22 Santa Monica. The pressure for Latino representation recognized in the *Watsonville* and
23 *Garza* cases in the late 1980s and early 1990s served as strong racial cues for the decision
24 to establish a Charter Review Commission and then to reject its conclusions.
25

26 ²¹⁰ Paul Pringle and Gale Holland, "Latino remap ruling upheld," *Santa Monica Evening Outlook*, Nov.
27 3, 1990, p. 1, a true and correct copy of which is included in Exhibit 67.

- 1 • The **third factor**, the texts of the laws or what was left out or stuffed into the laws also
2 played a major role in the outcomes. In 1946, the Freeholders had seriously considered
3 allowing voters to choose between at-large and mixed district/at-large systems of
4 election, but they abandoned that for an up-or-down vote on at-large. This put the
5 proponents of districts at a disadvantage. In the 1970s, the Council scheduled the
6 election for April, rather than November, as the proponents of districts had proposed.
7 This meant that if voters adopted districts, there would have to be entirely new elections
8 in November, tossing out at least several of the councilmembers who were being elected
9 at the same time voters were deciding the fate of Proposition 3, rather than having new
10 district elections scheduled when councilmembers' terms normally expired. Again,
11 subtle changes by leaders affected the choices laid before voters to the detriment of
12 proposals for district elections. In 1992, the key textual change was simply to defeat a
13 proposal for a referendum on changing the election structure, which the City Council
14 adopted by a 4-3 vote. In 2002, the textual element, condemned by the most vocal
15 commentators on Prop. HH, was the decision to bundle six changes in election rules into
16 one proposition, making the proposition a "radical" measure, instead of a simple choice
17 between districts and at-large elections. Newspaper reports indicate that bundling badly
18 damaged the chances of ending the at-large system.
- 19
- 20 • The **fourth factor**, basic demographic facts, also provided a background for
21 decisionmaking. The minority population in Santa Monica has been so small that it could
22 not even reliably elect a candidate of choice by adopting a single-shot strategy (voting for
23 only one candidate, instead of three or four) in an at-large, free-for-all system. During
24 World War II, however, the minority population was growing at a rate that attracted the
25 attention of the deeply racially reactionary *Outlook*, and if it had not been for the paving
26 over and scattering of that population by the building of the Santa Monica Freeway, the
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1 population of the city even today might have been several shades darker than it is. It was
2 well known that both African-Americans and Latinos were concentrated in what the
3 *Outlook* in 1975 called “the minority part of town” – the Pico Neighborhood -- and a
4 districting proposal that established a separate district there, as the 1992 CURE proposal
5 did, would make it much more likely that minorities would be able to elect candidates of
6 their choice than they could in the at-large, free-for-all system.

- 7 • The **fifth factor**, the climate of racial politics, is demonstrated by the facts that only one
8 of 16 Latino candidates who ran for the City Council from 1946 through 2016 was
9 elected, and that Latino candidates for the City Council, in most cases, received much
10 smaller proportions of the votes of non-Hispanic whites than they did of Latinos. (See
11 Tables 2-4.) The overt racial appeals during the 1994 defeat of the only Latino candidate
12 to win a City Council seat, Tony Vazquez, are also important to note here, especially as
13 they came only two years after the Council, over Vazquez’s strong opposition, declined
14 to allow the voters to choose between districts and at-large elections.
- 15 • Two features relating to the **sixth factor**, the backgrounds of key decisionmakers, are
16 important. First, almost all of the Freeholders, Charter Review Commissioners, and City
17 Councilmembers who chose or shaped the choice between districts and at-large elections
18 were white, and large percentages of them, especially in 1946, lived in the most affluent
19 part of the city, north of Montana. Second, five members of the Council that refused to
20 allow a referendum in 1992 were elected on SMRR slates, and even though they might
21 have been expected, as liberals, to be in favor of electing more minorities, they voted 3-2
22 against putting a district measure on the ballot. Putting aside the Latino Tony Vazquez,
23 long a vocal proponent of districts, the white SMRR councilpersons voted 3-1 not to
24 allow voters to choose between districts and at-large.
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- 1 • Evidence about the **seventh factor**, other actions of decisionmakers, is different in this
2 case than in others, for the ultimate decisionmakers in two of the choices between
3 districts and at-large were the voters themselves. In 1946, as discussed immediately
4 above, the crucial fact is that there was a very strong correlation between the voters'
5 choices of at-large City Council elections and their rejection of an anti-discrimination
6 proposal, a state-level FEPC. In 1975, there was a similarly high correlation between
7 support for districts and support for two Latino candidates for the school board. On the
8 other hand, voters who supported one or more of the white candidates for the school
9 board overwhelmingly opposed a change to district elections.
- 10 • For a city with such a liberal reputation as Santa Monica has, there are a lot of statements
11 on both sides of the district/at-large battle, the **eighth factor**, that reflect an awareness of
12 the consequences of the choice of electoral system on the likelihood that minorities will
13 be able to elect candidates of their choice. That the *Outlook*, the chief proponent of a
14 new Charter in 1946, a paper that backed 14 of the 15 members of the Board of
15 Freeholders for election, repeatedly noted the connection between electing minorities and
16 having a district form of elections shows at the least that the editors must have intended
17 that consequence. The paper followed that indication of their awareness with advice to
18 the Freeholders against allowing "special groups" to push them into authorizing district
19 elections. And it declared paternalistically that "The interest of minorities is always best
20 protected by a system which favors the election of liberal-minded persons . . . of high
21 caliber, [who] will run for office and be elected if elections are held at large." These
22 statements show that this crucial decisionmaker favored at-large elections not merely in
23 spite of, but because of their effect on whether minorities could elect people of their
24 choice to represent them. Although opponents of districts in 1975 and 1992 were more
25 discreet, the fact that they spoke many times about the connections between districts and
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1 electing minority candidates indicates the necessary awareness. The fact that they then
2 impeded the adoption of districts is at least consistent with the view that one of the
3 reasons for their opposition to districts was racial.

- 4 • The **ninth factor** is state policies and formal and informal institutional rules. Few of the
5 state's local municipal bodies in 1914 were governed by commissions when Santa
6 Monica became the 13th city to adopt one. Previously, most cities, including Santa
7 Monica, had elected its councilmembers by districts. By 1946, the vast majority of cities
8 voted at-large, but some of them, particularly the larger ones, continued or changed to
9 district systems. By 1975, some cities of roughly Santa Monica's size, such as Pasadena,
10 had adopted district or semi-district systems, as was noted in the debates in Santa
11 Monica. By 1990, there were increasing efforts to convert to district elections in order to
12 facilitate the election of Latino candidates, and Watsonville, Salinas, Pasadena and San
13 Diego had recently done so, while others, such as Santa Barbara, were holding referenda.
14 After the decision by the California Court of Appeal in *Sanchez v. Modesto*, at least 94
15 cities and 177 school boards have converted to district systems or begun the conversion
16 process under the pressure of the CVRA.²¹¹ Even though it might have seemed for part
17 of the period since Santa Monica first adopted at-large elections that it was merely
18 following the general rule for election structure for California cities of its size, it
19 assuredly does not any more. One of the most difficult puzzles of this case is why a city
20 that purports to pride itself on its diversity and liberal spirit is fighting so hard against a
21 change that would almost surely increase the ethnic diversity of its councilmembers.
22 Whatever the reason, it is not that the city is following current state rules and policies.
23

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25
26 ²¹¹ I have been constructing a database on this subject for nearly a decade, drawing on reports of cases,
27 newspaper reports, State Board of Education documents, and information from voting rights lawyers.
28

- 1 • The **tenth factor**, the effect of the at-large structure on the election of minorities, is
2 clearly one that has been repeatedly foreseen, as well as demonstrated in fact. This report
3 is brimming with statements associating districts with the election of minorities and at-
4 large systems with the difficulty of electing them, and more could have been included.
5 And the impact is clear. To repeat: Since 1946, there have been 16 Latino candidates
6 and 22 separate candidacies by Latinos for the City Council. Only one Latino candidate,
7 Tony Vazquez, has ever won, and he was beaten for reelection the first time he ran by a
8 campaign that he charged, credibly, with racism.

9 135. Three competing hypotheses can be rejected without further lengthy consideration. One
10 is that the effect on minorities of the maintenance of the at-large system was unintended. But it was so
11 often noted that it could not have been unintended. A second is that leaders simply had a preference for
12 a city-wide view that might be undermined by councilmembers who represented their smaller
13 bailiwicks. But this is not inconsistent with the view that minorities, who generally have less visibility
14 and less access to campaign finances, will have less of a chance to get elected in at-large systems. It
15 ignores the fact that a city-wide view, as has often been noted, has left the Pico Neighborhood with
16 fewer services and more concentrated problems than other, more wealthy areas of the city. And it only
17 sanitizes the patronizing, paternalistic view that the *Outlook* proclaimed in 1946 that minorities should
18 defer to “liberal-minded persons . . . of high caliber” – implicitly, all whites. A third is that the members
19 of the City Council were less concerned with keeping minorities off the Council than they were with
20 keeping themselves and their allies on it. But this hypothesis falls victim to the pronouncement of Judge
21 Kozinski in his *Garza* concurrence: protecting white incumbents against potential minority challengers
22 is itself a racial motive.

23 136. Intent analyses are a lot more complicated than searching for racially tinged statements
24 that one is extremely unlikely to find in public in the glare of an all-pervasive media. They are almost
25 always largely circumstantial, and the only fair way to proceed is to lay out an explicit structure for
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1 examining the evidence and then to cite and quote sources extensively and make one's reasoning as
2 clear as possible. In this case, the evidence, exhaustively examined, leads to the conclusion that Santa
3 Monica selected and maintained the system of at-large elections, at least in part, for racially
4 discriminatory reasons. As I said in my report to the Charter Review Commission in 1992, the
5 evidence of racial intent in Santa Monica is stronger than that in *Garza*, and the additional evidence
6 that I have gathered since, especially the statistical analysis of racial polarization in elections and the
7 facts of the rejection of districts in 1992 and the defeat of Tony Vazquez for reelection in 1994, has
8 only strengthened that conclusion. It is laid out in this report in detail so that the court can see it and
9 draw its own conclusions.

10
11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct.

13
14 Executed on this 30th day of May 2018 at Pasadena, California.

15
16 
17 J. Morgan Kousser

**Appendix A: Racially Polarized Voting in Santa Monica
City Council Elections Involving Latino Candidates, 1994-
2016, Using Total Ballots Cast in the Election as a
Denominator**

Table I - A: 1994 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bob Holbrook	-108.1 (39.1)	349.0 (68.2)	37.1 (22.1)	35.1 (2.5)	36.5
Pam O'Connor	107.9 (27.4)	-160.3 (47.7)	7.2 (15.5)	39.6 (1.8)	36.3
Ruth Ebner	-104.6 (33.0)	302.0 (57.4)	45.2 (18.6)	35.2 (2.1)	35.7
Tony Vazquez	142.5 (28.2)	-190.1 (49.1)	20.2 (15.9)	34.4 (1.8)	33.2
Bruria Finkel	116.3 (28.9)	-207.2 (50.4)	6.3 (16.4)	36.9 (1.9)	33.0
Matthew P. Kann	-82.8 (31.2)	244.3 (54.3)	26.0 (17.6)	23.6 (2.0)	24.4
Bob Knonovet	-4.0 (7.8)	48.2 (13.6)	5.0 (4.4)	8.6 (0.5)	8.9
Ron Taylor	52.2 (6.4)	-38.7 (11.2)	9.9 (3.6)	4.9 (0.4)	6.3
John Stevens	38.7 (5.9)	9.3 (10.3)	2.5 (3.4)	3.6 (0.4)	5.6
Wallace Peoples	11.6 (7.1)	37.6 (12.4)	11.2 (4.0)	3.6 (0.5)	5.3
Joe Sole	12.5 (4.1)	-5.4 (7.2)	1.1 (2.3)	3.0 (0.3)	3.2
No Vote	117.8 (37.9)	-88.6 (66.0)	128.3 (21.4)	71.4 (2.4)	
Av. # of Candidates Voted For**	1.8	3.9	1.3	2.3	2.3
% of Registration	5.6	2.9	4.5	87.0	

- 3 winners

N= 94 Ethnic percentages based on voter registration. Candidate percentages based on number of mail and in-person ballots.

** = number of ballots/# of votes for all City Council candidates

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bob Holbrook	-108.9 (38.6)	371.7 (70.7)	37.7 (20.6)	34.4 (2.6)	36.5
Pam O'Connor	113.2 (27.3)	-177.9 (50.0)	5.6 (14.5)	40.1 (1.8)	36.3
Ruth Ebner	-103.5 (32.7)	323.5 (60.0)	44.5 (17.4)	34.4 (2.2)	35.7
Tony Vazquez	145.5 (28.0)	-209.4 (51.2)	19.2 (14.9)	34.9 (1.9)	33.2
Bruria Finkel	122.4 (28.4)	-234.8 (52.0)	5.1 (15.1)	37.6 (1.9)	33.0
Matthew P. Kann	-81.3 (30.8)	260.1 (56.4)	25.5 (16.4)	23.1 (2.1)	24.4
Bob Knonovet	-6.4 (7.5)	50.8 (13.8)	5.4 (4.0)	8.7 (0.5)	8.9
Ron Taylor	51.3 (6.1)	-35.7 (11.2)	9.9 (3.2)	4.8 (0.4)	6.3
John Stevens	37.4 (5.6)	9.8 (10.3)	3.1 (3.0)	3.6 (0.4)	5.6
Wallace Peoples	8.5 (6.7)	42.0 (12.3)	12.0 (3.6)	3.5 (0.5)	5.3
Joe Sole	11.8 (3.9)	-2.7 (7.2)	1.2 (2.1)	2.9 (0.3)	3.2
No Vote	109.8 (34.2)	-96.7 (62.8)	130.8 (18.2)	72.0 (2.3)	
Av. # of Candidates Voted For**	1.9	4.0	1.7	2.3	2.3
% of Registration	5.6	2.9	4.5	87.0	

- 3 winners

N= 94 Ethnic percentages based on voter registration. Candidate percentages based on number of mail and in-person ballots. Weighted by number of mail and in-person ballots.

Table II- A: 1996 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Michael Feinstein	149.9 (24.8)	-243.8 (54.3)	-3.8 (18.9)	40.9 (2.0)	36.4
Asha S. Greenberg	-113.5 (29.7)	301.5 (65.0)	77.0 (22.6)	34.9 (2.4)	36.2
Ken Genser	94.8 (20.0)	-128.5 (43.7)	1.3 (15.2)	37.4 (1.6)	33.9
Paul Rosenstein	48.3 (11.8)	30.5 (25.7)	26.1 (8.9)	31.8 (1.0)	32.6
Kelly Olsen	104.2 (20.3)	-107.8 (44.3)	-6.8 (15.4)	32.4 (1.7)	30.6
Frank D. Schwengel	-90.9 (28.1)	261.5 (61.6)	56.5 (21.4)	29.0 (2.3)	30.3
Shari L. Davis	-62.9 (23.7)	162.9 (51.8)	41.8 (18.0)	26.5 (1.9)	26.0
Donna Dailey Alvarez	24.9 (12.6)	161.5 (27.5)	33.4 (9.6)	15.6 (1.0)	22.0
Richard Bloom	47.4 (12.6)	15.2 (27.7)	-1.8 (9.6)	10.6 (1.0)	12.9
Susan L. Mearns	33.3 (6.8)	-41.6 (14.9)	-0.3 (5.2)	10.9 (0.6)	10.0
Jeffrey Hughes	15.3 (4.7)	-18.4 (10.2)	-0.7 (3.5)	7.6 (0.4)	6.9
Jonathan Metzger	0.6 (3.8)	15.9 (8.4)	6.6 (2.9)	5.1 (0.3)	5.2
Larry Swieboda	-0.1 (3.0)	0.4 (6.7)	4.4 (2.3)	3.3 (0.2)	2.9
No Vote	149.6 (43.7)	-9.2 (95.6)	166.3 (33.2)	114.1 (3.6)	
Av. # of Candidates Voted For**	2.5	4.1	2.3	2.9	2.9
% of Registration	6.9	3.4	4.4	85.3	

- 4 winners

N=66 Ethnic percentages based on voter registration. Candidate percentages based on number of mail and in-person ballots.

** = number of ballots/# of votes for all City Council candidates

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Michael Feinstein	149.1 (25.0)	-259.7 (57.1)	-3.6 (18.9)	41.5 (2.2)	36.4
Asha S. Greenberg	-114.1 (30.5)	312.4 (69.5)	78.2 (23.0)	34.7 (2.7)	36.2
Ken Genser	96.5 (20.3)	-147.0 (46.3)	1.2 (15.3)	37.9 (1.8)	33.9
Paul Rosenstein	48.1 (12.0)	33.4 (27.3)	26.3 (9.0)	31.7 (1.1)	32.6
Kelly Olsen	106.4 (20.6)	-121.1 (47.0)	-7.5 (15.6)	32.7 (1.8)	30.6
Frank D. Schwengel	-91.9 (28.8)	282.7 (65.6)	57.8 (21.7)	28.3 (2.5)	30.3
Shari L. Davis	-63.2 (24.3)	175.8 (55.4)	42.1 (18.3)	26.1 (2.1)	26.0
Donna Dailey Alvarez	22.2 (12.9)	160.3 (29.4)	34.5 (9.7)	15.8 (1.1)	22.0
Richard Bloom	51.9 (12.9)	28.5 (29.4)	-3.6 (9.7)	10.0 (1.1)	12.9
Susan L. Mearns	32.6 (6.9)	-38.3 (15.7)	-0.8 (5.2)	10.8 (0.6)	10.0
Jeffrey Hughes	14.7 (4.7)	-18.8 (10.8)	-0.7 (3.6)	7.7 (0.4)	6.9
Jonathan Metzger	0.6 (3.8)	19.2 (8.6)	6.4 (2.8)	4.9 (0.3)	5.2
Larry Swieboda	-1.1 (3.0)	2.0 (6.9)	4.4 (2.3)	3.2 (0.3)	2.9
No Vote	148.3 (44.0)	-29.3 (100.4)	165.4 (33.3)	114.6 (3.9)	
Av. # of Candidates Voted For**	2.5	4.3	2.3	2.9	2.9
% of Registration	6.9	3.4	4.4	85.3	

- 4 winners

N= 66 Ethnic percentages based on voter registration. Candidate percentages based on number of mail and in-person ballots. Weighted by number of mail and in-person ballots.

** = number of ballots/# of votes for all City Council candidates

Table III - A: 2002 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Pam O'Connor	54.7 (20.3)	-24.7 (50.3)	31.2 (27.7)	46.4 (2.2)	43.4
Kevin McKeown	62.4 (20.7)	-6.8 (51.3)	33.2 (28.3)	44.3 (2.3)	42.8
Bob Holbrook	-9.9 (25.6)	133.2 (63.5)	19.8 (35.0)	34.7 (2.8)	36.2
Abby Arnold	43.9 (16.0)	-50.3 (39.7)	17.5 (21.9)	39.4 (1.8)	35.2
Matteo Dinolfo	0.4 (20.4)	83.9 (50.6)	11.3 (27.9)	26.6 (2.2)	27.1
Josefina S. Aranda	68.2 (10.2)	52.1 (25.3)	28.7 (13.9)	16.5 (1.1)	21.3
Chuck Allord	0.5 (9.1)	14.7 (22.5)	0.6 (12.4)	10.9 (1.0)	10.1
Jerry Rubin	0.7 (7.2)	-13.2 (17.9)	25.1 (9.9)	9.0 (0.8)	7.8
Pro Se	8.6 (5.4)	2.9 (13.3)	27.8 (7.4)	4.8 (0.6)	5.4
No Vote	70.5 (18.5)	107.9 (45.9)	104.8 (25.3)	67.4 (2.0)	
Av. # of Candidates Voted For**	2.3	1.9	2.0	2.3	2.3
% of Voters	7.2	4.0	3.8	85.1	

- 3 winners

N=67 Ethnic percentages based on turnout at 2016 election. Candidate percentages based on number of mail or in person ballots. Weights based on number of mail or in person ballots.

** = $(300 - \% \text{ No Vote}) / 100 = \text{total vote for City Council/ballots}$

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Pam O'Connor	58.6 (22.8)	-27.0 (51.2)	25.1 (31.2)	46.2 (2.4)	43.4
Kevin McKeown	76.8 (23.0)	-21.9 (51.7)	12.9 (31.5)	44.3 (2.4)	42.8
Bob Holbrook	-31.2 (29.1)	179.7 (65.4)	49.0 (39.9)	34.6 (3.0)	36.2
Abby Arnold	45.8 (17.9)	-45.1 (40.2)	16.3 (24.5)	38.9 (1.9)	35.2
Matteo Dinolfo	-9.2 (23.1)	100.4 (51.9)	22.5 (31.7)	26.9 (2.4)	27.1
Josefina S. Aranda	82.6 (12.6)	24.4 (28.2)	10.6 (17.2)	16.5 (1.3)	21.3
Chuck Allord	-5.6 (10.1)	22.9 (22.8)	8.3 (13.9)	10.9 (1.1)	10.1
Jerry Rubin	6.0 (7.8)	-20.4 (17.6)	16.9 (10.7)	8.9 (0.8)	7.8
Pro Se	16.5 (5.9)	-12.5 (13.3)	15.7 (8.1)	4.9 (0.6)	5.4
No Vote	59.7 (20.3)	99.3 (45.6)	122.8 (27.8)	67.9 (2.1)	
Av. # of Candidates Voted For**	2.4	2.0	1.8	2.3	2.3
% of Voters	7.2	4.0	3.8	85.1	

- 3 winners

N= 67 Ethnic percentages based on turnout at 2016 election. Candidate percentages based on number of mail or in person ballots. Weights based on number of mail or in person ballots.

** = $(300 - \% \text{ No Vote}) / 100 = \text{total vote for City Council/ballots}$

Table IV – A: 2004 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bobby Shriver	29.6 (19.8)	44.1 (63.4)	-14.4 (27.0)	52.0 (3.3)	48.7*
Richard Bloom	59.9 (13.2)	-49.2 (42.4)	19.6 (18.1)	35.8 (2.2)	33.7*
Herb Katz	15.0 (21.8)	97.4 (70.0)	-20.6 (29.8)	28.7 (3.6)	29.2*
Ken Genser	50.3 (12.5)	-55.3 (40.1)	11.9 (17.1)	29.0 (2.1)	27.0*
Patricia Hoffman	37.4 (12.8)	-30.1 (40.9)	29.2 (17.4)	27.1 (2.1)	25.4
Matt Dinolfo	2.8 (23.4)	62.6 (75.0)	-17.7 (31.9)	25.6 (3.9)	23.7
Maria Loya	101.0 (12.0)	-65.4 (38.5)	25.6 (16.4)	21.0 (2.0)	23.1
Kathryn J. Morea	-8.3 (15.3)	61.7 (49.1)	14.5 (20.9)	21.5 (2.5)	19.5
Michael Feinstein	38.1 (8.7)	-29.7 (27.8)	3.1 (11.9)	16.6 (1.4)	16.2
David Cole	1.5 (3.7)	54.0 (11.8)	6.9 (5.0)	6.5 (0.6)	8.4
Leticia M. Anderson	14.5 (3.9)	6.1 (12.6)	13.1 (5.4)	5.7 (0.7)	6.8
Bill Bauer	3.9 (4.1)	35.1 (13.0)	7.4 (5.5)	5.3 (0.7)	6.8
L. Mendelsohn	4.5 (27.5)	26.3 (8.8)	9.4 (3.8)	5.2 (0.5)	6.6
Tom Viscount	10.7 (4.4)	4.7 (14.1)	7.7 (6.0)	5.2 (0.7)	5.6
Jonathan Mann	4.0 (2.4)	10.4 (7.6)	4.4 (3.3)	3.1 (0.4)	3.6
Linda Armstrong	3.8 (1.7)	16.5 (5.5)	6.0 (2.4)	1.0 (0.3)	2.1
No Vote	31.3 (37.2)	211.1 (119.4)	293.8 (50.8)	110.8 (6.2)	
Av. # of Candidates Voted For**	3.7	1.9	1.1	2.9	2.8
Total Actual	7.6	4.7	3.9	83.7	

• 4 winners

N= 67 Ethnic and candidate percentages based on turnout at 2004 election.

** = (400 - % No Vote) /100

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bobby Shriver	23.6 (20.3)	45.3 (60.0)	-3.6 (26.9)	51.5 (3.3)	16.5*
Richard Bloom	54.9 (13.8)	-19.4 (40.8)	23.7 (18.3)	35.2 (2.3)	11.8*
Herb Katz	5.1 (22.5)	121.7 (66.5)	-5.8 (29.9)	27.8 (3.7)	10.3*
Ken Genser	39.4 (13.6)	-9.4 (40.2)	21.8 (18.1)	28.2 (2.2)	9.4*
Patricia Hoffman	40.0 (13.1)	-31.7 (38.7)	24.9 (17.4)	27.3 (2.1)	8.9
Matt Dinolfo	-1.4 (23.9)	66.6 (70.6)	-7.7 (31.7)	25.1 (3.9)	8.3
Maria Loya	106.0 (12.3)	-74.0 (36.5)	19.2 (16.4)	21.2 (2.0)	8.1
Kathryn J. Morea	4.1 (16.6)	15.9 (49.1)	6.0 (22.1)	21.8 (2.7)	6.9
Michael Feinstein	28.2 (9.6)	2.4 (28.3)	12.1 (12.7)	16.0 (1.6)	5.6
David Cole	1.3 (3.8)	60.2 (11.3)	7.2 (5.1)	6.2 (0.6)	3.0
Leticia M. Anderson	15.6 (4.1)	11.7 (12.0)	11.2 (5.4)	5.5 (0.7)	2.4
Bill Bauer	3.2 (4.3)	38.9 (12.6)	7.7 (5.6)	5.2 (0.7)	2.4
L. Mendelsohn	0.9 (3.2)	38.1 (9.4)	12.8 (4.2)	5.0 (0.5)	2.3
Tom Viscount	11.6 (4.5)	-0.3 (13.4)	5.3 (6.0)	5.4 (0.7)	2.0
Jonathan Mann	3.7 (2.5)	13.7 (7.4)	4.2 (3.3)	3.0 (0.4)	1.3
Linda Armstrong	4.6 (1.8)	13.1 (5.3)	4.8 (2.4)	1.1 (0.3)	0.7
No Vote	59.1 (39.2)	107.2 (115.6)	256.0 (52.0)	114.4 (6.4)	
Av. # of Candidates Voted For**	3.4	2.9	1.4	2.9	2.8
Total Actual	7.6	4.7	3.9	83.7	

- 4 winners

N= 67 Ethnic and candidate percentages based on turnout at 2004 election. Weighted by turnout at 2004 election

** = (400 - % No Vote) / 100

Table V-A: 2008 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bobby Shriver	-2.7 (15.7)	27.0 (39.7)	58.8 (19.8)	53.2 (2.4)	47.7
Richard Bloom	50.2 (8.2)	7.0 (20.7)	42.0 (10.4)	40.6 (1.2)	39.7
Ken Genser	55.6 (9.7)	-12.7 (24.5)	30.7 (12.2)	39.4 (1.5)	37.6
Herb Katz	10.0 (14.6)	58.4 (36.8)	45.5 (18.4)	34.2 (2.2)	33.7
Ted Winterer	15.7 (12.9)	14.5 (32.5)	39.5 (16.2)	23.9 (2.0)	23.6
Susan Hartley	19.6 (9.3)	68.1 (23.5)	24.6 (11.7)	16.0 (1.4)	19.5
Michael Kovac	2.3 (6.3)	28.6 (16.0)	25.0 (8.0)	11.7 (1.0)	12.4
Jerry Rubin	19.9 (7.2)	8.8 (18.2)	20.3 (0.1)	10.8 (1.1)	11.9
Linda M. Piera-Avila	32.5 (5.5)	35.3 (14.0)	7.0 (7.0)	5.2 (0.8)	9.1
Herbert Silverstein	0.0 (5.4)	11.4 (13.7)	5.4 (6.9)	7.1 (0.8)	6.8
John Blakely	4.8 (4.3)	19.5 (10.8)	11.5 (5.4)	4.3 (0.7)	5.5
Jon Louis Mann	8.8 (3.4)	20.8 (8.5)	7.1 (4.2)	3.1 (0.5)	4.7
Linda Armstrong	13.8 (2.4)	18.8 (6.1)	4.5 (3.1)	3.0 (0.4)	4.7
No Vote	169.7 (32.5)	94.4 (82.2)	78.2 (41.1)	147.5 (4.9)	143.2
Av. # of Candidates Voted For**	2.3	3.1	3.2	2.5	2.6
Total Actual	8.1	5.2	4.1	82.6	

- 4 winners

N= 54 Ethnic percentages based on turnout at 2004 election. Candidate percentages based on number of mail or in-person ballots.

** = $(400 - \% \text{ No Vote}) / 100$

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bobby Shriver	-4.5 (15.7)	38.0 (40.2)	60.5 (20.0)	52.7 (2.5)	47.7
Richard Bloom	49.7 (8.0)	12.0 (20.4)	43.5 (10.1)	40.2 (1.2)	39.7
Ken Genser	55.1 (9.5)	-6.3 (24.2)	32.5 (12.0)	38.8 (1.5)	37.6
Herb Katz	7.0 (13.1)	86.5 (33.5)	48.8 (16.7)	32.3 (2.0)	33.7
Ted Winterer	16.9 (11.1)	-8.0 (28.4)	37.8 (14.1)	25.6 (1.7)	23.6
Susan Hartley	20.7 (9.0)	58.9 (23.0)	23.8 (11.4)	16.7 (1.4)	19.5
Michael Kovac	3.2 (5.3)	16.0 (13.6)	23.6 (6.8)	12.6 (0.8)	12.4
Jerry Rubin	20.9 (6.6)	-3.4 (16.8)	19.5 (8.4)	11.6 (1.0)	11.9
Linda M. Piera-Avila	33.3 (5.2)	27.3 (13.4)	6.4 (6.7)	5.7 (0.8)	9.1
Herbert Silverstein	0.4 (5.1)	4.6 (13.0)	4.3 (6.5)	7.7 (0.8)	6.8
John Blakely	5.2 (3.8)	11.1 (9.6)	10.6 (4.8)	4.9 (0.6)	5.5
Jon Louis Mann	9.3 (3.2)	16.4 (8.2)	6.4 (4.1)	3.4 (0.5)	4.7
Linda Armstrong	14.0 (2.4)	19.1 (6.2)	4.4 (3.1)	2.9 (0.4)	4.7
No Vote	168.9 (31.0)	128.0 (79.2)	77.9 (39.4)	144.9 (4.8)	143.2
Av. # of Candidates Voted For**	2.3	2.7	3.2	2.6	2.6
Total Actual	8.1	5.2	4.1	82.6	

- 4 winners

N= 54 Ethnic percentages based on turnout at 2004 election. Candidate percentages based on number of mail or in-person ballots. Weighted by the number of mail or in-person ballots.

** = $(400 - \% \text{ No Vote}) / 100$

Table VI -A: 2012 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Ted Winterer	55.1 (13.8)	-22.7 (52.8)	-3.9 (17.1)	41.1 (3.2)	36.9
Terry O'Day	65.1 (10.0)	-35.2 (38.1)	29.0 (12.4)	38.0 (2.3)	35.7
Gleam Davis	52.0 (11.2)	-27.7 (42.9)	30.0 (13.9)	34.0 (2.6)	31.7
Tony Vazquez	91.4 (8.4)	17.6 (32.0)	8.1 (10.4)	19.4 (1.9)	24.9
Shari Davis	3.8 (12.9)	49.7 (49.3)	7.7 (16.0)	24.2 (3.0)	22.6
Richard McKinnon	3.4 (9.8)	35.1 (37.4)	8.4 (12.1)	17.0 (2.3)	16.7
John Cyrus Smith	8.3 (4.7)	82.3 (18.1)	12.3 (5.9)	9.9 (1.1)	14.0
Frank Gruber	11.7 (11.7)	43.4 (44.6)	-17.0 (14.5)	13.1 (2.7)	12.9
Jonathan Mann	19.5 (4.7)	4.6 (17.9)	16.6 (5.8)	9.8 (1.1)	10.7
Bob Seldon	-10.5 (7.5)	99.2 (28.8)	6.4 (9.3)	5.3 (1.8)	8.9
Armen Melkonians	-1.3 (3.9)	31.5 (15.0)	19.1 (4.9)	7.0 (0.9)	8.3
Terence Later	0.3 (5.5)	1.5 (20.9)	11.2 (6.8)	8.8 (1.3)	7.8
Jerry Rubin	9.4 (3.4)	-13.5 (13.1)	11.4 (4.2)	7.0 (0.8)	6.4
Robert Gomez	29.6 (3.1)	15.2 (11.9)	8.8 (3.9)	2.9 (0.7)	6.1
Steve Doron	5.2 (2.5)	15.4 (9.4)	4.8 (3.1)	4.4 (0.6)	5.1
No Vote	57.0 (35.7)	103.8 (136.4)	247.1 (44.2)	158.1 (8.3)	
Av. # of Candidates Voted For**	3.4	3.0	1.5	2.4	2.5
Total Actual	8.3	5.3	4.9	81.5	

- 4 winners

N=54 Ethnic percentages based on turnout at 2012 election. Candidate percentages based on number of mail or in person ballots.

** = (400 - % No Vote) /100

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Ted Winterer	56.7 (14.9)	-16.0 (53.3)	-4.7 (18.2)	40.9 (3.3)	36.9
Terry O'Day	63.9 (8.0)	-32.8 (28.8)	36.0 (9.8)	37.3 (1.8)	35.7
Gleam Davis	50.2 (8.2)	-19.6 (29.3)	36.3 (10.0)	32.9 (1.8)	31.7
Tony Vazquez	92.7 (9.0)	23.9 (32.2)	7.1 (11.0)	19.1 (2.0)	24.9
Shari Davis	1.6 (12.3)	57.2 (44.1)	11.3 (15.0)	23.2 (2.7)	22.6
Richard McKinnon	5.0 (9.6)	41.4 (34.6)	4.2 (11.8)	17.1 (2.1)	16.7
John Cyrus Smith	8.7 (4.8)	78.9 (17.2)	11.6 (5.9)	10.2 (1.1)	14.0
Frank Gruber	15.1 (11.2)	55.9 (40.0)	-18.3 (13.6)	11.7 (2.4)	12.9
Jonathan Mann	19.8 (4.5)	-0.4 (16.2)	15.8 (5.5)	10.2 (1.0)	10.7
Bob Seldon	-11.0 (7.5)	96.3 (26.7)	7.0 (9.1)	5.4 (1.6)	8.9
Armen Melkonians	-0.6 (4.0)	25.8 (14.2)	18.8 (4.9)	7.4 (0.9)	8.3
Terence Later	-0.5 (5.6)	7.2 (20.2)	10.0 (6.9)	8.6 (1.2)	7.8
Jerry Rubin	9.5 (3.4)	-15.5 (12.3)	11.1 (4.2)	7.2 (0.8)	6.4
Robert Gomez	30.4 (3.3)	14.7 (11.8)	8.2 (4.0)	2.9 (0.7)	6.1
Steve Doron	5.0 (2.6)	16.8 (9.4)	5.0 (3.2)	4.4 (0.6)	5.1
No Vote	53.6 (35.4)	66.2 (126.9)	240.4 (43.2)	161.5 (7.8)	
Av. # of Candidates Voted For**	3.5	3.3	1.6	2.4	2.5
Total Actual	8.3	5.3	4.9	81.5	

- 4 winners

N= 54 Ethnic percentages based on turnout at 2012 election. Candidate percentages based on number of mail or in person ballots. Weights based on number of mail or in person ballots.

** = (400 - % No Vote) /100

Table VII-A: 2016 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Terry O'Day	51.5 (8.2)	8.9 (31.0)	20.3 (11.3)	39.1 (2.2)	37.3
Tony Vazquez	71.7 (11.4)	-6.4 (42.8)	12.1 (15.7)	36.6 (3.0)	35.7
Ted Winterer	32.4 (11.3)	-49.1 (42.4)	7.0 (15.5)	43.6 (2.9)	35.1
Shari Davis	39.8 (9.2)	-8.1 (34.4)	24.7 (12.6)	37.9 (2.4)	34.5
Armen Melkonians	11.0 (9.7)	69.6 (36.3)	9.4 (13.3)	23.3 (2.5)	24.4
Oscar de la Torre	89.9 (6.5)	32.2 (24.4)	22.1 (8.9)	13.3 (1.7)	21.8
James T. Watson	2.6 (5.3)	24.0 (20.0)	28.8 (7.3)	10.9 (1.4)	11.9
Mende Smith	12.0 (4.4)	11.3 (16.5)	14.1 (6.0)	9.4 (1.1)	10.1
Terence Later	4.8 (5.8)	12.3 (21.7)	5.9 (7.9)	10.3 (1.5)	9.9
Jonathan Mann	10.5 (3.6)	4.9 (13.4)	8.1 (4.9)	7.4 (0.9)	7.7
No Vote	73.8 (32.1)	300.5 (120.5)	247.4 (44.1)	168.2 (8.4)	
Av. # of Candidates Voted For**	3.3	1.0	1.5	2.3	2.3
Total Actual	8.9	5.9	5.0	80.1	

- 4 winners

N= 54 Ethnic percentages based on turnout at 2016 election. Candidate percentages based on number of mail or in person ballots. Weights based on number of mail or in person ballots.

** = $(400 - \% \text{ No Vote}) / 100 = \text{total vote for City Council/ballots}$

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Terry O'Day	55.3 (6.2)	4.6 (22.4)	21.0 (8.2)	38.7 (1.6)	37.3
Tony Vazquez	78.3 (9.0)	-20.4 (32.5)	12.3 (11.8)	36.6 (2.3)	35.7
Ted Winterer	38.1 (10.9)	-54.4 (39.3)	5.3 (14.3)	43.3 (2.7)	35.1
Shari Davis	43.8 (7.6)	-12.6 (27.5)	24.4 (10.0)	37.6 (1.9)	34.5
Armen Melkonians	8.8 (9.6)	80.1 (34.6)	10.0 (12.6)	22.9 (2.4)	24.4
Oscar de la Torre	88.0 (6.0)	43.2 (21.8)	20.2 (7.9)	12.9 (1.5)	21.8
James T. Watson	0.8 (5.1)	24.6 (18.4)	28.8 (6.7)	11.2 (1.3)	11.9
Mende Smith	11.5 (4.5)	12.6 (16.2)	14.4 (5.9)	9.5 (1.1)	10.1
Terence Later	1.4 (4.7)	22.9 (17.0)	6.1 (6.2)	10.1 (1.2)	9.9
Jonathan Mann	9.6 (3.1)	5.0 (11.4)	7.6 (4.1)	7.7 (0.8)	7.7
No Vote	64.2 (32.7)	294.5 (118.0)	250.0 (43.0)	169.5 (8.2)	
Av. # of Candidates Voted For**	3.4	1.1	1.5	2.3	2.3
Total Actual	8.9	5.9	5.0	80.1	

- 4 winners

N= 54 Ethnic percentages based on turnout at 2016 election. Candidate percentages based on number of mail or in person ballots. Weights based on number of mail or in person ballots.

** = $(400 - \% \text{ No Vote}) / 100 = \text{total vote for City Council/ballots}$

**Appendix B: Racially Polarized Voting in Santa Monica
City Council Elections Involving Latino Candidates, 1994-
2016, Using Total City Council Votes as a Denominator**

Table I - B: 1994 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bob Holbrook	-42.9 (15.3)	140.7 (26.6)	18.7 (8.6)	15.2 (1.0)	16.0*
Pam O'Connor	50.3 (12.4)	-80.9 (21.6)	6.8 (7.0)	17.4 (0.8)	15.9*
Ruth Ebner	-41.7 (12.6)	120.7 (22.0)	22.5 (7.1)	15.3 (0.8)	15.6*
Tony Vazquez	63.8 (12.7)	-92.4 (22.1)	14.3 (7.2)	15.2 (0.8)	14.5
Bruria Finkel	53.4 (13.1)	-100.5 (22.8)	6.4 (7.4)	16.3 (0.8)	14.4
Matthew P. Kann	-33.2 (12.3)	99.1 (21.4)	12.8 (7.0)	10.2 (0.8)	10.7
Bob Knonovet	-0.7 (3.3)	18.2 (5.8)	2.7 (1.9)	3.8 (0.2)	3.9
Ron Taylor	23.1 (2.9)	-19.1 (5.1)	6.2 (1.7)	2.2 (0.2)	2.8
John Stevens	17.1 (2.7)	2.5 (4.7)	2.3 (1.5)	1.6 (0.2)	2.5
Wallace Peoples	4.9 (3.3)	15.3 (5.7)	6.4 (1.9)	1.6 (0.2)	2.3
Joe Sole	5.9 (1.9)	-3.6 (3.3)	0.8 (1.1)	1.3 (0.1)	1.4
% of Registration	5.6	2.9	4.5	87.0	

- 3 winners

N= 94 Ethnic percentages based on voter registration. Candidate percentages based on those who voted in City Council contest.

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bob Holbrook	-44.8 (15.5)	151.2 (28.0)	18.7 (8.6)	15.1 (1.0)	16.0*
Pam O'Connor	52.8 (12.7)	-90.1 (23.0)	6.6 (7.0)	17.6 (8.5)	15.9*
Ruth Ebner	-42.9 (13.0)	130.5 (23.5)	22.3 (7.2)	15.1 (0.9)	15.6*
Tony Vazquez	65.9 (13.0)	-102.5 (23.5)	14.1 (7.2)	15.3 (0.9)	14.5
Bruria Finkel	56.5 (13.2)	-113.9 (23.9)	6.4 (7.3)	16.5 (0.9)	14.4
Matthew P. Kann	-33.7 (12.5)	106.4 (22.7)	12.5 (6.9)	10.1 (0.8)	10.7
Bob Knonovet	-2.0 (3.3)	19.3 (6.0)	3.0 (1.8)	3.8 (0.2)	3.9
Ron Taylor	22.5 (2.8)	-18.0 (5.1)	6.3 (1.5)	2.1 (0.2)	2.8
John Stevens	16.7 (2.6)	2.5 (4.7)	2.6 (1.4)	1.6 (0.2)	2.5
Wallace Peoples	3.7 (3.1)	16.9 (5.6)	6.6 (1.7)	1.5 (0.2)	2.3
Joe Sole	5.4 (1.8)	-2.2 (3.3)	1.0 (1.0)	1.3 (0.1)	1.4
% of Registration	5.6	2.9	4.5	87.0	

- 3 winners

N= 94 Ethnic percentages based on voter registration. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council election.

C. Ecological Inference

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bob Holbrook	5.5 (2.6)	8.6 (4.0)	6.1 (2.1)	17.3 (0.3)	16.0*
Pam O'Connor	9.6 (4.0)	5.5 (2.6)	14.9 (3.6)	16.6 (0.3)	15.9*
Ruth Ebner	6.1 (2.8)	8.6 (3.9)	7.5 (2.3)	16.8 (0.3)	15.6*
Tony Vazquez	13.1 (5.0)	5.0 (2.4)	24.3 (4.2)	14.4 (0.3)	14.5
Bruria Finkel	9.7 (4.0)	5.1 (2.4)	15.6 (3.5)	15.0 (0.3)	14.4
Matthew P. Kann	5.3 (2.3)	8.8 (4.1)	4.5 (1.7)	11.4 (0.2)	10.7
Bob Knonovet	5.4 (2.2)	10.7 (4.4)	3.3 (1.4)	3.7 (0.2)	3.9
Ron Taylor	16.7(3.8)	6.9 (2.8)	9.5 (2.8)	1.5 (0.2)	2.8
John Stevens	15.1 (3.3)	12.7 (4.3)	5.8 (2.1)	1.2 (0.2)	2.5
Wallace Peoples	7.9 (2.5)	17.1 (4.8)	5.6 (1.7)	1.3 (0.2)	2.3
Joe Sole	5.6 (1.9)	11.0 (3.3)	2.9 (1.4)	0.8 (0.1)	1.4
% of Registration	5.6	2.9	4.5	87.0	

- 3 winners

N= 94 Ethnic percentages based on voter registration. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council election.

Table II - B: 1996 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Michael Feinstein	52.4 (9.0)	-88.0 (19.7)	2.2 (6.8)	14.4 (0.7)	12.7*
Asha S. Greenberg	-36.5 (8.7)	97.1 (19.1)	28.0 (6.6)	12.2 (0.7)	12.7*
Ken Genser	33.5 (7.7)	-47.9 (16.9)	3.0 (5.9)	13.1 (0.6)	11.9*
Paul Rosenstein	17.9 (4.0)	6.5 (8.7)	11.7 (3.0)	11.1 (0.3)	11.4*
Kelly Olsen	36.9 (7.6)	-40.4 (16.7)	-0.1 (5.8)	11.4 (0.6)	10.8
Frank D. Schwengel	-28.5 (8.5)	83.5 (18.5)	20.2 (6.4)	10.1 (0.7)	10.6
Shari L. Davis	-19.6 (7.0)	50.6 (15.4)	15.3 (5.3)	9.2 (0.6)	9.1
Donna Dailey Alvarez	10.0 (3.9)	53.2 (8.6)	13.6 (3.0)	5.4 (0.3)	7.7
Richard Bloom	16.6 (4.1)	3.7 (8.9)	0.6 (3.1)	3.7 (0.3)	4.5
Susan L. Mearns	11.7 (2.5)	-15.5 (5.5)	0.9 (1.9)	3.8 (0.2)	3.5
Jeffrey Hughes	5.4 (1.7)	-7.1 (3.7)	0.3 (1.3)	2.7 (0.1)	2.4
Jonathan Metzger	0.3 (1.4)	4.9 (3.0)	2.7 (1.1)	1.8 (0.1)	1.8
Larry Swieboda	-0.3 (1.0)	-0.4 (2.3)	1.8 (0.8)	1.1 (0.1)	1.0
No Vote	6.9	3.4	4.4	85.3	

- 4 winners

N=66 Ethnic percentages based on voter registration. Candidate percentages based on those who voted in City Council contest.

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Michael Feinstein	53.4 (9.4)	-96.2 (21.2)	1.5 (7.3)	14.5 (0.8)	12.7*
Asha S. Greenberg	-38.5 (9.2)	102.0 (20.6)	29.4 (7.1)	12.2 (0.8)	12.7*
Ken Genser	35.3 (8.1)	-57.1 (18.1)	2.4 (6.3)	13.3 (0.7)	11.9*
Paul Rosenstein	18.0 (4.1)	6.3 (9.2)	11.6 (3.2)	11.1 (0.4)	11.4*
Kelly Olsen	38.7 (8.0)	-47.5 (18.0)	-0.9 (6.2)	11.5 (0.7)	10.8
Frank D. Schwengel	-30.7 (8.9)	92.6 (19.9)	21.6 (6.9)	9.9 (0.8)	10.6
Shari L. Davis	-20.9 (7.4)	56.2 (16.7)	15.8 (5.8)	9.2 (0.6)	9.1
Donna Dailey Alvarez	8.3 (4.1)	52.7 (9.2)	14.3 (3.2)	5.5 (0.4)	7.7
Richard Bloom	18.8 (4.3)	7.9 (9.6)	-0.4 (3.3)	3.5 (0.4)	4.5
Susan L. Mearns	11.9 (2.6)	-15.0 (5.8)	0.3 (2.0)	3.8 (0.2)	3.5
Jeffrey Hughes	5.5 (1.8)	-7.8 (3.9)	0.0 (1.4)	2.7 (0.1)	2.4
Jonathan Metzger	0.4 (1.4)	5.8 (3.1)	2.6 (1.1)	1.7 (0.1)	1.8
Larry Swieboda	-0.3 (1.0)	0.2 (2.3)	1.7 (0.8)	1.1 (0.1)	1.0
No Vote	6.9	3.4	4.4	85.3	

- 4 winners

N= 66 Ethnic percentages based on voter registration. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council contest.

C. Ecological Inference

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Michael Feinstein	14.6 (4.6)	5.4 (2.5)	16.8 (4.3)	12.6 (0.3)	12.7*
Asha S. Greenberg	4.5 (2.2)	7.8 (3.6)	7.3 (2.3)	13.7 (0.2)	12.7*
Ken Genser	11.0 (3.9)	5.9 (2.8)	12.0 (3.4)	12.1 (0.3)	11.9(
Paul Rosenstein	10.9 (3.9)	7.5 (3.5)	12.4 (3.4)	11.6 (0.3)	11.4(
Kelly Olsen	12.7 (4.2)	5.4 (3.1)	11.4 (3.6)	10.7 (0.3)	10.8
Frank D. Schwengel	4.3 (1.9)	7.7 (3.7)	5.5 (2.0)	11.4 (0.2)	10.6
Shari L. Davis	4.2 (1.9)	6.8 (3.3)	5.1 (1.8)	9.7 (0.2)	9.1
Donna Dailey Alvarez	13.1 (3.7)	10.4 (4.5)	10.7 (3.1)	7.0 (0.3)	7.7
Richard Bloom	9.4 (3.0)	8.1 (3.6)	6.0 (2.3)	3.9 (0.2)	4.5
Susan L. Mearns	6.0 (2.3)	6.5 (3.0)	5.0 (1.8)	3.2 (0.2)	3.5
Jeffrey Hughes	3.8 (1.5)	7.2 (3.1)	3.1 (1.3)	2.1 (0.2)	2.4
Jonathan Metzger	3.2 (1.3)	11.6 (4.2)	2.8 (1.2)	1.3 (0.2)	1.8
Larry Swieboda	2.2 (0.9)	9.7 (2.8)	2.1 (0.8)	0.5 (0.1)	1.0
No Vote	6.9	3.4	4.4	85.3	

- 4 winners

N= 66 Ethnic percentages based on voter registration. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council contest.

Table III – B: 2002 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Pam O'Connor	23.8 (8.3)	-7.3 (20.5)	16.3 (11.3)	19.9 (0.9)	18.9*
Kevin McKeown	27.2 (8.4)	0.9 (20.9)	17.4 (11.5)	19.0 (0.9)	18.6*
Bob Holbrook	-4.3 (11.7)	59.7 (28.9)	10.2 (15.9)	15.1 (1.3)	15.8*
Abby Arnold	18.8 (6.4)	-19.2 (15.9)	10.1 (8.8)	16.9 (0.7)	15.4
Matteo Dinolfo	0.4 (9.3)	37.7 (23.1)	5.7 (12.7)	11.5 (1.0)	11.8
Josefina S. Aranda	29.9 (4.3)	24.7 (10.8)	15.4 (5.9)	7.0 (0.5)	9.3
Chuck Allord	0.2 (4.1)	6.9 (10.2)	0.6 (5.6)	4.7 (0.5)	4.4
Jerry Rubin	0.3 (3.1)	-5.2 (7.6)	11.5 (4.2)	3.9 (0.3)	3.4
Pro Se	3.8 (2.3)	1.8 (5.7)	12.9 (3.1)	2.0 (0.3)	2.4
% of Voters	7.2	4.0	3.8	85.1	

- 3 winners

N=67 Ethnic percentages based on turnout in 2002 election. Candidate percentages based on those who voted in City Council contest.

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Pam O'Connor	24.6 (9.3)	-9.6 (20.9)	15.5 (12.9)	19.9 (1.0)	18.9*
Kevin McKeown	32.6 (9.4)	-7.3 (21.1)	10.2 (13.0)	19.1 (1.0)	18.6*
Bob Holbrook	-14.3 (13.2)	80.7 (29.6)	23.3 (18.3)	14.9 (1.4)	15.8*
Abby Arnold	19.2 (7.2)	-18.0 (16.0)	10.6 (9.9)	16.8 (0.7)	15.4
Matteo Dinolfo	-4.5 (10.5)	45.5 (23.6)	11.3 (14.6)	11.6 (1.1)	11.8
Josefina S. Aranda	35.7 (5.5)	12.1 (12.3)	8.3 (7.6)	7.0 (0.6)	9.3
Chuck Allord	-2.7 (4.6)	10.5 (10.3)	4.1 (6.3)	4.7 (0.5)	4.4
Jerry Rubin	2.4 (3.3)	-8.6 (7.5)	8.5 (4.6)	3.8 (0.3)	3.4
Pro Se	7.0 (2.6)	-5.2 (5.7)	8.1 (3.5)	2.1 (0.3)	2.4
% of Voters	7.2	4.0	3.8	85.1	

- 3 winners

N= 67 Ethnic percentages based on turnout in 2002 election. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council contest.

C. Ecological Inference

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Pam O'Connor	15.8 (4.7)	10.4 (5.0)	15.5 (5.9)	19.7 (0.4)	18.9*
Kevin McKeown	19.3 (5.0)	10.7 (5.1)	15.9 (6.0)	19.1 (0.4)	18.6*
Bob Holbrook	7.2 (2.8)	12.1 (5.6)	8.8 (3.7)	16.9 (0.4)	15.8*
Abby Arnold	11.2 (4.0)	8.7 (5.3)	12.9 (5.0)	16.1 (0.4)	15.4
Matteo Dinolfo	6.6 (2.7)	12.9 (5.9)	7.9 (3.5)	12.4 (0.4)	11.8
Josefina S. Aranda	25.6 (4.9)	13.9 (6.1)	15.1 (5.7)	7.5 (0.4)	9.3
Chuck Allord	3.1 (1.5)	11.6 (5.2)	4.3 (2.0)	4.2 (0.3)	4.4
Jerry Rubin	4.6 (2.0)	9.7 (4.3)	7.6 (3.0)	2.9 (0.3)	3.4
Pro Se	6.6 (2.4)	10.1 (3.8)	11.9 (3.8)	1.3 (0.2)	2.4
% of Voters	7.2	4.0	3.8	85.1	

- 3 winners

N= 67 Ethnic percentages based on turnout in 2002 election. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council contest.

Table IV – B: 2004 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bobby Shriver	6.3 (5.4)	20.0 (17.4)	3.8 (7.4)	17.9 (0.9)	16.5*
Richard Bloom	17.6 (4.9)	-13.6 (15.6)	14.0 (6.7)	12.5 (0.8)	11.8*
Herb Katz	2.9 (6.5)	36.8 (21.0)	-1.9 (8.9)	9.8 (1.1)	10.3*
Ken Genser	15.0 (4.6)	-16.2 (14.6)	9.5 (6.2)	10.1 (0.8)	9.4*
Patricia Hoffman	10.3 (4.9)	-6.5 (15.6)	16.0 (6.6)	9.4 (0.8)	8.9
Matt Dinolfo	-0.6 (7.3)	23.1 (23.3)	-2.0 (9.9)	8.8 (1.2)	8.3
Maria Loya	32.3 (4.3)	-21.8 (13.8)	16.3 (5.9)	7.4 (0.7)	8.1
Kathryn J. Morea	-4.6 (4.6)	24.1 (14.9)	9.1 (6.3)	7.4 (0.8)	6.9
Michael Feinstein	11.5 (3.0)	-8.5 (9.5)	4.9 (4.1)	5.8 (0.5)	5.6
David Cole	-0.5 (1.3)	20.2 (4.3)	4.4 (1.8)	2.2 (0.2)	3.0
Leticia M. Anderson	4.1 (1.5)	3.8 (4.9)	6.6 (2.1)	2.0 (0.3)	2.4
Bill Bauer	0.5 (1.5)	13.6 (4.7)	4.3 (2.0)	1.8 (0.2)	2.4
L. Mendelsohn	0.7 (1.1)	10.7 (3.5)	5.0 (1.5)	1.8 (0.2)	2.3
Tom Viscount	2.7 (1.7)	3.5 (5.4)	4.5 (2.3)	1.8 (0.3)	2.0
Jonathan Mann	1.0 (0.9)	4.3 (2.9)	2.4 (1.2)	1.1 (0.1)	1.3
Linda Armstrong	0.9 (0.7)	6.6 (2.1)	3.0 (0.9)	0.3 (0.1)	0.7
Total Actual	7.6	4.7	3.9	83.7	

- 4 winners

N= Ethnic percentages based on turnout at 2004 election. Candidate percentages based on those who voted in City Council contest.

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bobby Shriver	5.8 (5.7)	16.3 (16.7)	4.7 (7.7)	18.0 (0.9)	16.5*
Richard Bloom	16.8 (5.2)	-7.5 (15.2)	14.8 (7.0)	12.3 (0.9)	11.8*
Herb Katz	0.2 (6.9)	43.3 (20.3)	1.5 (9.4)	9.7 (1.1)	10.3*
Ken Genser	11.8 (5.0)	-3.8 (14.6)	12.8 (6.8)	9.9 (0.8)	9.4*
Patricia Hoffman	12.1 (5.1)	-11.7 (15.0)	13.8 (7.0)	9.6 (0.8)	8.9
Matt Dinolfo	-1.6 (7.6)	23.9 (22.4)	-0.2 (10.4)	8.7 (1.2)	8.3
Maria Loya	34.9 (4.6)	-27.8 (13.4)	13.2 (6.2)	7.5 (0.7)	8.1
Kathryn J. Morea	0.3 (5.4)	5.8 (15.7)	4.8 (7.3)	7.6 (0.9)	6.9
Michael Feinstein	8.7 (3.3)	0.5 (9.7)	7.5 (4.5)	5.6 (0.5)	5.6
David Cole	-0.2 (1.4)	21.2 (4.1)	4.0 (1.9)	2.2 (0.2)	3.0
Leticia M. Anderson	4.8 (1.6)	3.8 (4.6)	5.7 (2.1)	1.9 (0.3)	2.4
Bill Bauer	0.6 (1.5)	13.7 (4.5)	4.0 (2.1)	1.8 (0.3)	2.4
L. Mendelsohn	-0.3 (1.2)	13.4 (3.6)	5.9 (1.7)	1.8 (0.2)	2.3
Tom Viscount	3.6 (1.8)	-0.3 (5.2)	3.1 (2.4)	1.9 (0.3)	2.0
Jonathan Mann	1.0 (0.9)	4.8 (2.8)	2.2 (1.3)	1.1 (0.2)	1.3
Linda Armstrong	1.4 (0.7)	4.5 (2.0)	2.3 (0.9)	0.4 (0.1)	0.7
Total Actual	7.6	4.7	3.9	83.7	

- 4 winners

N= Ethnic percentages based on turnout at 2004 election. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council contest.

C. Ecological Inference

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bobby Shriver	6.3 (2.2)	4.9 (2.5)	6.5 (2.8)	18.5 (0.2)	16.5*
Richard Bloom	11.2 (3.0)	4.5 (2.3)	10.5 (3.9)	12.4 (0.3)	11.8*
Herb Katz	4.5 (1.9)	5.6 (3.0)	4.8 (2.2)	11.3 (0.3)	10.3*
Ken Genser	10.2 (3.0)	4.4 (2.4)	8.8 (3.5)	9.7 (0.3)	9.4*
Patricia Hoffman	8.1 (2.7)	4.3 (2.2)	10.4 (3.6)	9.2 (0.3)	8.9
Matt Dinolfo	3.1 (1.4)	4.9 (2.7)	3.8 (1.8)	9.2 (0.2)	8.3
Maria Loya	23.9 (4.0)	4.1 (2.1)	13.8 (4.7)	6.6 (0.3)	8.1
Kathryn J. Morea	3.3 (1.5)	5.1 (2.5)	4.9 (2.1)	7.4 (0.2)	6.9
Michael Feinstein	7.6 (2.4)	5.3 (2.6)	6.8 (2.7)	5.5 (0.2)	5.6
David Cole	2.8 (1.2)	7.9 (3.7)	3.5 (1.6)	2.7 (0.2)	3.0
Leticia M. Anderson	5.1 (1.8)	6.6 (3.1)	6.6 (2.5)	1.7 (0.2)	2.4
Bill Bauer	2.7 (1.2)	9.2 (4.0)	3.9 (1.8)	1.9 (0.2)	2.4
L. Mendelsohn	3.1 (1.3)	11.3 (4.6)	4.4 (1.9)	1.7 (0.3)	2.3
Tom Viscount	3.8 (1.5)	5.2 (2.4)	4.7 (1.9)	1.5 (0.2)	2.0
Jonathan Mann	2.5 (1.1)	9.5 (2.7)	3.0 (1.5)	0.6 (0.2)	1.3
Linda Armstrong	2.1 (0.8)	7.1 (1.4)	3.4 (1.3)	0.1 (0.1)	0.7
Total Actual	7.6	4.7	3.9	83.7	

- 4 winners

N= Ethnic percentages based on turnout at 2004 election. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council contest.

Table V – B: 2008 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bobby Shriver	0.7 (5.8)	6.5 (14.8)	18.4 (7.4)	21.1 (0.9)	18.5*
Richard Bloom	21.3 (3.1)	-1.0 (7.8)	12.2 (3.9)	16.1 (0.5)	15.4*
Ken Genser	23.4 (4.0)	-8.6 (10.1)	8.0 (5.1)	15.6 (0.6)	14.6*
Herb Katz	5.1 (5.9)	19.2 (14.9)	14.4 (7.5)	13.6 (0.9)	13.1*
Ted Winterer	7.0 (4.3)	5.3 (10.9)	13.1 (5.5)	9.3 (0.7)	9.2
Susan Hartley	8.5 (3.1)	24.9 (7.8)	7.6 (3.9)	6.3 (0.5)	7.6
Michael Kovac	1.4 (2.3)	10.5 (5.7)	8.5 (2.8)	4.6 (0.3)	4.8
Jerry Rubin	8.2 (2.7)	2.8 (6.9)	6.7 (3.5)	4.3 (0.4)	4.6
Linda M. Piera-Avila	13.0 (2.2)	13.5 (5.5)	1.8 (2.8)	2.0 (0.3)	3.5
Herbert Silverstein	0.1 (2.3)	4.3 (5.7)	1.7 (2.9)	2.8 (0.3)	2.6
John Blakely	2.0 (1.8)	7.4 (4.5)	4.0 (2.2)	1.7 (0.3)	2.1
Jon Louis Mann	3.6 (1.4)	8.0 (3.5)	2.3 (1.7)	1.2 (0.2)	1.8
Linda Armstrong	5.6 (1.0)	7.0 (2.5)	1.3 (1.3)	1.2 (0.2)	1.8
Total Actual	8.1	5.2	4.1	82.6	

- 4 winners

N= 54 Ethnic percentages based on turnout at 2004 election. Candidate percentages based on those who voted in City Council contest.

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bobby Shriver	0.0 (5.6)	13.6 (14.4)	19.0 (7.2)	20.7 (0.9)	18.5*
Richard Bloom	20.9 (2.8)	3.8 (7.1)	13.0 (3.5)	15.8 (0.4)	15.4*
Ken Genser	22.9 (3.7)	-3.3 (9.5)	9.0 (4.7)	15.2 (0.6)	14.6*
Herb Katz	4.1 (4.9)	32.9 (12.4)	15.6 (6.2)	12.7 (0.8)	13.1*
Ted Winterer	7.5 (3.6)	-3.7 (9.3)	12.4 (4.6)	10.0 (0.6)	9.2
Susan Hartley	8.9 (3.0)	22.5 (7.7)	7.3 (3.8)	6.5 (0.5)	7.6
Michael Kovac	1.7 (1.9)	5.9 (4.8)	8.0 (2.4)	4.9 (0.3)	4.8
Jerry Rubin	8.6 (2.5)	-1.6 (6.4)	6.4 (3.2)	4.6 (0.4)	4.6
Linda M. Piera-Avila	13.3 (2.0)	10.5 (5.2)	1.5 (2.6)	2.2 (0.3)	3.5
Herbert Silverstein	0.4 (2.1)	1.7 (5.4)	1.0 (2.7)	3.0 (0.3)	2.6
John Blakely	2.3 (1.6)	4.2 (4.0)	3.6 (2.0)	1.9 (0.2)	2.1
Jon Louis Mann	3.8 (1.3)	6.3 (3.4)	2.0 (1.7)	1.3 (0.2)	1.8
Linda Armstrong	5.7 (1.0)	7.4 (2.5)	1.2 (1.2)	1.1 (0.2)	1.8
Total Actual	8.1	5.2	4.1	82.6	

- 4 winners

N= 54 Ethnic percentages based on turnout at 2004 election. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council contest.

C. Ecological Inference

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Bobby Shriver	7.9 (3.0)	6.4 (3.1)	10.7 (4.0)	20.8 (0.3)	18.5*
Richard Bloom	15.1 (4.0)	6.6 (3.3)	13.0 (4.7)	16.2 (0.4)	15.4*
Ken Genser	14.6 (3.8)	6.7 (3.1)	12.1 (4.4)	15.2 (0.4)	14.6*
Herb Katz	9.0 (3.1)	7.0 (3.3)	10.8 (3.9)	14.0 (0.3)	13.1*
Ted Winterer	7.8 (2.8)	6.5 (3.1)	9.5 (3.5)	9.5 (0.3)	9.2
Susan Hartley	8.3 (2.7)	7.6 (3.6)	8.5 (3.2)	7.5 (0.3)	7.6
Michael Kovac	4.6 (1.8)	7.1 (3.3)	6.3 (2.4)	4.7 (0.3)	4.8
Jerry Rubin	7.3 (2.5)	7.0 (3.2)	7.6 (3.0)	4.1 (0.3)	4.6
Linda M. Piera-Avila	10.5 (2.8)	8.8 (3.8)	6.7 (2.7)	2.4 (0.3)	3.5
Herbert Silverstein	2.4 (1.0)	6.6 (3.0)	2.8 (1.3)	2.4 (0.2)	2.6
John Blakely	3.5 (1.4)	8.2 (3.4)	4.1 (1.6)	1.5 (0.2)	2.1
Jon Louis Mann	4.1 (1.4)	10.2 (3.5)	3.8 (1.5)	1.0 (0.2)	1.8
Linda Armstrong	5.0 (1.6)	11.3 (3.6)	4.1 (1.7)	0.8 (0.2)	1.8
Total Actual	8.1	5.2	4.1	82.6	

- 4 winners

N= 54 Ethnic percentages based on turnout at 2004 election. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council contest.

Table VI - B: 2012 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Ted Winterer	16.9 (4.1)	-13.6 (15.8)	4.0 (5.1)	17.0 (1.0)	14.9*
Terry O'Day	20.6 (3.4)	-15.5 (13.1)	16.8 (4.2)	15.6 (0.8)	14.4*
Gleam Davis	16.2 (3.8)	-12.9 (14.6)	16.5 (4.7)	14.0 (0.9)	12.8*
Tony Vazquez	32.2 (2.8)	5.9 (10.7)	7.2 (3.5)	8.1 (0.7)	10.0*
Shari Davis	-1.5 (4.9)	17.4 (18.8)	6.5 (6.1)	10.0 (1.1)	9.1
Richard McKinnon	-0.8 (3.4)	10.9 (13.0)	6.0 (4.2)	7.1 (0.8)	6.7
John Cyrus Smith	1.4 (2.1)	32.1 (8.1)	7.1 (2.6)	4.1 (0.5)	5.5
Frank Gruber	2.8 (4.0)	15.5 (15.1)	-4.3 (4.9)	5.3 (0.9)	5.2
Jonathan Mann	6.0 (2.2)	1.8 (8.4)	8.3 (2.7)	4.0 (0.5)	4.3
Bob Seldon	-5.2 (3.0)	38.6 (11.4)	3.7 (3.7)	2.2 (0.7)	3.6
Armen Melkonians	-1.9 (1.8)	12.5 (7.1)	9.2 (2.3)	2.9 (0.4)	3.3
Terence Later	-1.1 (2.2)	-0.3 (8.4)	5.9 (2.7)	3.6 (0.5)	3.1
Jerry Rubin	2.6 (1.5)	-5.2 (5.7)	5.8 (1.9)	2.9 (0.3)	2.6
Robert Gomez	10.5 (1.4)	6.7 (5.3)	4.6 (1.7)	1.2 (0.3)	2.4
Steve Doron	1.3 (1.1)	6.0 (4.0)	2.7 (1.3)	1.8 (0.2)	2.1
Total Actual	8.3	5.3	4.9	81.5	

- 4 winners

N=54 Ethnic percentages based on turnout at 2004 election. Candidate percentages based on those who voted in City Council contest.

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Ted Winterer	17.1 (4.2)	-11.4 (15.4)	3.6 (5.2)	17.0 (0.9)	14.9*
Terry O'Day	19.7 (3.3)	-17.5 (11.9)	19.6 (4.0)	15.6 (0.7)	14.4*
Gleam Davis	15.0 (3.3)	-11.8 (11.8)	19.1 (4.0)	13.7 (0.7)	12.8*
Tony Vazquez	32.4 (3.0)	7.3 (10.7)	6.5 (3.7)	8.1 (0.7)	10.0*
Shari Davis	-2.4 (4.9)	19.1 (17.6)	7.8 (6.0)	9.7 (1.1)	9.1
Richard McKinnon	-0.3 (3.2)	13.9 (11.4)	4.1 (3.9)	7.2 (0.7)	6.7
John Cyrus Smith	1.5 (2.1)	29.4 (7.4)	6.6 (2.5)	4.3 (0.5)	5.5
Frank Gruber	4.3 (3.9)	20.3 (13.9)	-5.4 (4.8)	4.9 (0.9)	5.2
Jonathan Mann	6.1 (2.1)	-1.4 (7.6)	7.9 (2.6)	4.3 (0.5)	4.3
Bob Seldon	-5.4 (2.9)	36.8 (10.5)	4.1 (3.6)	2.3 (0.6)	3.6
Armen Melkonians	-1.4 (1.8)	9.1 (6.5)	8.7 (2.2)	3.1 (0.4)	3.3
Terence Later	-1.3 (2.2)	1.6 (7.9)	5.1 (2.7)	3.6 (0.5)	3.1
Jerry Rubin	2.8 (1.5)	-7.0 (5.3)	5.4 (1.8)	3.0 (0.3)	2.6
Robert Gomez	10.9 (1.4)	5.5 (5.1)	4.1 (1.7)	1.3 (0.3)	2.4
Steve Doron	1.2 (1.1)	6.0 (4.0)	2.8 (1.4)	1.9 (0.2)	2.1
Total Actual	8.3	5.3	4.9	81.5	

- 4 winners

N= 54 Ethnic percentages based on turnout at 2004 election. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council contest.

C. Ecological Inference

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Ted Winterer	8.3 (2.9)	6.0 (2.9)	8.6 (3.5)	16.5 (0.3)	14.9*
Terry O'Day	13.0 (3.5)	5.8 (2.7)	14.0 (4.6)	15.1 (0.4)	14.4*
Gleam Davis	11.2 (3.3)	5.9 (2.8)	12.8 (4.4)	13.4 (0.4)	12.8*
Tony Vazquez	22.0 (3.8)	6.6 (3.2)	10.8 (3.9)	8.9 (0.4)	10.0*
Shari Davis	4.3 (1.8)	6.0 (2.9)	5.7 (2.3)	10.0 (0.3)	9.1
Richard McKinnon	2.9 (1.3)	5.9 (2.7)	4.7 (1.9)	7.3 (0.2)	6.7
John Cyrus Smith	4.6 (1.8)	7.4 (3.5)	5.9 (2.3)	5.5 (0.3)	5.5
Frank Gruber	2.8 (1.2)	6.1 (2.9)	3.2 (1.4)	5.5 (0.2)	5.2
Jonathan Mann	6.0 (2.1)	6.3 (3.0)	7.4 (2.6)	3.8 (0.3)	4.3
Bob Seldon	2.1 (1.0)	7.4 (3.4)	3.2 (1.3)	3.5 (0.2)	3.6
Armen Melkonians	3.1 (1.3)	7.2 (3.3)	5.2 (1.9)	3.0 (0.3)	3.3
Terence Later	2.7 (1.1)	6.4 (3.0)	4.0 (1.6)	2.9 (0.2)	3.1
Jerry Rubin	3.8 (1.5)	6.2 (2.8)	5.0 (1.8)	2.1 (0.2)	2.6
Robert Gomez	10.4 (2.2)	7.9 (3.2)	6.0 (2.1)	1.0 (0.3)	2.4
Steve Doron	2.8 (1.2)	9.1 (3.8)	3.5 (1.4)	1.5 (0.3)	2.1
Total Actual	8.3	5.3	4.9	81.5	

- 4 winners

N= 54 Ethnic percentages based on turnout at 2004 election. Candidate percentages based on those who voted in City Council contest. Weighted by those who voted in City Council contest.

Table VII - B: 2016 Election

A. Unweighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Terry O'Day	15.7 (2.5)	13.1 (9.3)	14.3 (3.4)	16.9 (0.6)	16.3*
Tony Vazquez	24.5 (3.4)	6.3 (12.8)	10.5 (4.7)	15.7 (0.9)	15.6*
Ted Winterer	8.1 (3.4)	-14.2 (12.8)	8.2 (4.7)	18.9 (0.9)	15.4*
Shari Davis	11.2 (3.0)	4.7 (11.1)	15.7 (4.1)	16.3 (0.8)	15.1*
Armen Melkonians	0.7 (3.9)	34.9 (14.7)	7.7 (5.4)	10.1 (1.0)	10.7
Oscar de la Torre	34.2 (2.7)	21.4 (10.2)	12.3 (3.7)	5.7 (0.7)	9.5
James T. Watson	-1.1 (2.7)	14.3 (10.1)	14.5 (3.7)	4.7 (0.7)	5.2
Mende Smith	3.4 (1.9)	8.1 (7.2)	7.8 (2.6)	4.0 (0.5)	4.4
Terence Later	0.4 (2.7)	6.8 (10.2)	4.1 (3.7)	4.5 (0.7)	4.3
Jonathan Mann	3.0 (1.6)	4.6 (6.2)	4.9 (2.3)	3.2 (0.4)	3.4
Total Actual	8.9	5.9	5.0	80.1	

- 4 winners

N= 54 Ethnic percentages based on turnout in 2016 election. Candidate percentages based on those who voted in City Council contest.

B. Weighted Regression

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Terry O'Day	16.6 (1.8)	10.7 (6.7)	14.9 (2.4)	16.8 (0.5)	16.3*
Tony Vazquez	26.5 (2.3)	0.1 (8.5)	10.8 (3.1)	15.9 (0.6)	15.6*
Ted Winterer	9.8 (3.3)	-16.6 (12.0)	8.0 (4.3)	18.9 (0.8)	15.4*
Shari Davis	12.2 (2.5)	2.3 (9.1)	15.9 (3.3)	16.4 (0.6)	15.1*
Armen Melkonians	-0.7 (3.6)	40.0 (13.1)	8.2 (4.7)	9.9 (0.9)	10.7
Oscar de la Torre	33.0 (2.3)	26.3 (8.6)	11.8 (3.1)	5.5 (0.6)	9.5
James T. Watson	-1.9 (2.5)	13.4 (9.3)	14.2 (3.4)	4.9 (0.6)	5.2
Mende Smith	3.0 (1.9)	7.9 (6.9)	7.7 (2.5)	4.1 (0.5)	4.4
Terence Later	-1.2 (2.2)	12.0 (8.1)	4.2 (2.9)	4.4 (0.6)	4.3
Jonathan Mann	2.6 (1.4)	4.0 (5.2)	4.4 (1.9)	3.3 (0.4)	3.4
Total Actual	8.9	5.9	5.0	80.1	

- 4 winners

N= 54 Ethnic percentages based on turnout in 2016 election. Candidate percentages based on those who voted in City Council contest. Weighted by turnout in City Council contest.

C. Ecological Inference

Candidate	Latino	Asian	Est. Black	Est. Non-Hispanic White	Actual %
Terry O'Day	13.0 (4.1)	9.1 (4.3)	14.2 (5.2)	17.4 (0.5)	16.3*
Tony Vazquez	17.1 (4.5)	9.2 (4.4)	14.4 (5.4)	16.0 (0.5)	15.6*
Ted Winterer	7.4 (2.8)	8.5 (4.0)	9.5 (3.8)	17.2 (0.4)	15.4*
Shari Davis	10.8 (3.7)	9.1 (4.3)	12.8 (4.8)	16.2 (0.5)	15.1*
Armen Melkonians	5.5 (2.2)	9.3 (4.4)	8.2 (3.2)	11.5 (0.4)	10.7
Oscar de la Torre	27.5 (4.4)	11.3 (5.3)	14.3 (5.1)	7.1 (0.6)	9.5
James T. Watson	4.7 (2.0)	10.1 (4.8)	8.8 (3.0)	4.7 (0.4)	5.2
Mende Smith	5.8 (2.3)	11.0 (5.0)	7.3 (2.7)	3.6 (0.4)	4.4
Terence Later	3.7 (1.5)	10.2 (4.7)	5.0 (2.0)	3.9 (0.4)	4.3
Jonathan Mann	4.4 (1.7)	12.3 (5.3)	5.6 (2.1)	2.5 (0.4)	3.4
Total Actual	8.9	5.9	5.0	80.1	

- 4 winners

N= 54 Ethnic percentages based on turnout in 2016 election. Candidate percentages based on those who voted in City Council contest. Weighted by turnout in City Council contest.

EXHIBIT 1

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GENERAL INFORMATION

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Place of Birth: Lewisburg, Tennessee

EDUCATION AND HONORS

Ph.D., Yale University, 1971, History
M.Phil., Yale University, 1968, History
M.A., Oxford University, 1984 (honorary)
A.B., Princeton University, 1965 (*summa cum laude*, Phi Beta Kappa), History
Woodrow Wilson Fellow, 1965-66

EMPLOYMENT

California Institute of Technology

Professor of History and Social Science, 1980-
Professor of History, 1979-80
Associate Professor of History, 1974-79
Assistant Professor of History, 1971-74
Instructor in History, 1969-71

Visiting and Adjunct Appointments:

University of Michigan
Visiting Instructor, summer, 1980
Harvard University
Visiting Professor, fall, 1981
Oxford University
Harold Vyvyan Harmsworth Professor of American History, 1984-85
Claremont Graduate School
Adjunct Professor of History, 1993

PUBLICATIONS

Books

Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction (University of North Carolina Press, 1999).

Dead End: The Development of Litigation on Racial Discrimination in Schools in 19th Century America (Fair Lawn, N.J.: Oxford University Press, 1986).

Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward (New York: Oxford University Press, 1982), co-edited with James M. McPherson.

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- Miles Fairburn, *Social History: Problems, Strategies and Methods*, in *Journal of Interdisciplinary History* 31 (2000), 247-48.
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- Keith J. Bybee, *Mistaken Identity: The Supreme Court and the Politics of Minority Representation*, in *American Political Science Review* 93 (1999), 968-69.
- Ward M. McAfee, *Religion, Race, and Reconstruction: The Public School in the Politics of the 1870s*, in *American Historical Review* 104 (1999), 1677-78.
- Samuel L. Webb, *Two-Party Politics in the One-Party South: Alabama's Hill Country, 1874-1920*, in *Journal of Economic History*, 59 (1999), 234-35.
- Stewart E. Tolnay and E.M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930*, in *Historical Methods* 31 (1998), 171-75.
- Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* in *Journal of Interdisciplinary History* 28 (1998), 484-85.
- Stephen Cresswell, *Multi-Party Politics in Mississippi, 1877-1902*, in *Journal of American*

History, 83 (1996), 642-43.

Nancy MacLean, *Behind the Mask of Chivalry: The Making of the Second Ku Klux Klan*, in *Journal of the History of the Behavioral Sciences*, 32 (1996), 229-32.

Daniel I. Greenstein, *A Historian's Guide to Computing*, in *Journal of Interdisciplinary History*, 27 (1996), 103-05.

Howard N. Rabinowitz, *Race, Ethnicity and Urbanization*, in *Slavery and Abolition* 16 (1995), 267-69.

Michael C. Dawson, *Behind the Mule: Race and Class in African-American Politics*, in *North Carolina Historical Review* 72 (1995), 376-77.

James Goodman, *Stories of Scottsboro*, in *Princeton Alumni Weekly* 95, #9 (Feb. 8, 1995), 20-21.

Robert R. Dykstra, *Bright Radical Star: Black Freedom and White Supremacy on the Hawkeye Frontier*, in *Reviews in American History*, 22 (1994), 442-48.

Robert C. McMath, Jr., *American Populism: A Social History, 1877-1898*, in *Georgia Historical Quarterly* 77 (1993), 634-6.

Michael F. Holt, *Political Parties and American Political Development from the Age of Jackson to the Age of Lincoln*, in *Reviews in American History* 21 (1993), 207-12.

William Cohen, *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915*, in *Slavery & Abolition* 13 (1992), 239-41.

Loren Haskins and Kirk Jeffrey, *Understanding Quantitative History*, and Konrad H. Jarausch and Kenneth A. Hardy, *Quantitative Methods for Historians*, in *Journal of Interdisciplinary History* 23 (1992), 139-40.

Donald G. Nieman, *Promises to Keep: African-Americans and the Constitutional Order, 1776 to the Present*, in *Journal of Southern History* 58 (1992), 704-05.

- William E. Nelson, *The Fourteenth Amendment: From Political Principle to Judicial Doctrine*, in *Slavery and Abolition* 11 (1990), 414-16.
- Kermit L. Hall and James W. Ely, Jr., *An Uncertain Tradition: Constitutionalism and the History of the South*, in *Georgia Historical Quarterly*, 73 (1989), 843-44.
- James D. Anderson, *The Education of Blacks in the South, 1860 - 1935*, in *Slavery and Abolition* 10 (1989), 144-6.
- Lacy K. Ford, Jr., *Origins of Southern Radicalism: The South Carolina Upcountry, 1800 - 1860*, in *Journal of Economic History*, 49 (1989), 767-9.
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- Richard L. McCormick, *The Party Period and Public Policy*, in *Journal of American History*, 74 (1987), 169-70.
- Gail Williams O'Brien, *The Legal Fraternity and The Making of a New South Community, 1843-1882*, in *North Carolina Historical Review*, 64 (1987), 219-20.
- Theodore M. Porter, *The Rise of Statistical Thinking, 1820-1900*; Stephen M. Stigler, *The History of Statistics: The Measurement of Uncertainty Before 1900*, in *Wilson Quarterly*, XI (Spring 1987) 2, 161-62.
- C. Vann Woodward, *Thinking Back: The Perils of Writing History*, in *Journal of Economic History*, 48 (June 1987), 591-92.
- Dan T. Carter, *When The War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867*; Ted Tunnell, *Crucible of Reconstruction: War, Radicalism, and Race in Louisiana, 1862-1877*, in *Slavery and Abolition*, 7 (1986), 290-98.

- Olivier Zunz, ed., *Reliving the Past: The Worlds of Social History*, in *Reviews in American History*, 14 (1986), 342-47.
- Robert F. Durden, *The Self-Inflicted Wound: Southern Politics in the 19th Century*, in *Journal of American History*, 73 (1986), 189-90.
- Alexander M. Bickel and Benno C. Schmidt, Jr., *History of the Supreme Court*, Vol. X, in *Journal of Southern History*, 52 (1986), 479-81.
- Eric Foner, *Nothing But Freedom*, in *Slavery and Abolition*, 7 (1986), 77-79.
- Alexander P. Lamis, *A Two-Party South*, in *Times Literary Supplement* (October 10, 1985).
- Steven F. Lawson, *In Pursuit of Power*, in *Georgia Historical Quarterly*, 69 (1985), 441-43.
- David B. Davis, *Progress and Human Slavery*, in *Times Literary Supplement* (1 February 1985), 123-24.
- Michael Perman, *The Road to Redemption: Southern Politics, 1869-1879*, in *Political Science Quarterly*, 100 (1985), 350-51.
- Catherine A. Barnes, *Journey From Jim Crow: The Desegregation of Southern Transit in Constitutional Commentary*, 2 (1984), 197-202.
- Raymond Arsenault, *The Wild Ass of the Ozarks: Jeff Davis and the Social Bases of Southern Politics*, in *American Historical Review*, 90 (1985), 228-29.
- Walter J. Fraser, Jr. and Winfred B. Moore, Jr., *The Southern Enigma: Essays on Race, Class, and Folk Culture*, in *Virginia Magazine of History and Biography*, 92 (1984), 475-76.
- Stephen Hahn, *The Roots of Southern Populism*, in *American Historical Review*, 89 (1984), 854-55.
- Paul Kleppner, *Who Voted?* and W. Dean Burnham, *The Current Crisis in American Politics*, in

- Social Science History*, 9 (1985), 215-28.
- Patricia C. Cohen, *A Calculating People: The Spread of Numeracy in Early America*, in *American Historical Review*, 89 (1984), 203-04.
- John W. Cell, *The Highest Stage of White Supremacy*, in *Journal of American History*, 70 (September, 1983), 424-25.
- David L. Kirp, *Just Schools: The Idea of Racial Equality in American Education*, in *The Public Historian*, 5, #3 (1983), 119-22.
- Anthony P. Dunbar, *Against the Grain: Southern Radicals and Prophets 1929-1959*, in *Business History Review*, 54 (1982), 608-09.
- Jody Carlson, *George C. Wallace and the Politics of Powerlessness*, in *American Historical Review*, 87 (1982), 884.
- Eric Anderson, *Race and Politics in North Carolina, 1872-1901: The Black Second*, in *Journal of Southern History*, 48 (1982), 123-25.
- William Gillette, *Retreat From Reconstruction, 1869-1879*, in *Register of the Kentucky Historical Society*, 79 (1981), 191-94; and 80 (1982), 214-16.
- Bruce A. Campbell and Richard J. Trilling, eds., *Realignment in American Politics*, in *Reviews in American History*, 9 (1981), 23-28.
- Paul Kleppner, *The Third Electoral Era*, in *Journal of American History* (December 1979), 670-1.
- Jonathan M. Wiener, *Social Origins of the New South: Alabama, 1865-1885* in *American Historical Review* (December 1979), 1482-3.
- Joel Silbey et al., *The History of American Electoral Behavior* in *Reviews in American History*, 7 (1979), 157-62.

Jack Bass and Walter DeVries, *The Transformation of Southern Politics*, in *American Historical Review* (December, 1978), 1368-69.

Michael P. Johnson, *Toward a Patriarchal Republic: The Secession of Georgia* in *Journal of Interdisciplinary History*, 9 (Autumn, 1978), 374-76.

Michael Schwartz, *Radical Protest and Social Structure: The Southern Farmers' Alliance and Cotton Tenancy, 1880-1890*, in *Journal of American History* (December 1977), 811-812.

Hugh D. Graham and Numan V. Bartley, *Southern Politics and the Second Reconstruction*, in *American Historical Review* 82 (1977), 217.

Lawrence Grossman, *The Democratic Party and The Negro: Northern and National Politics, 1868-92*, in *Journal of Ethnic Studies*, 4 (1977), 114-117.

John Shelton Reed, *The Enduring South*, in *Red River Valley Historical Review*, 4 (1979), 98-99.

Louis Galambos, *The Public Image of Big Business in America, 1880-1940* in *Journal of American History* (September 1975), 437-38.

Monroe Lee Billington, *The Political South in the Twentieth Century*, in *Political Science Quarterly*, 90 (1975), 561-562.

Roger L. Hart, *Redeemers, Bourbons, and Populists: Tennessee, 1870-1896*, in *Journal of American History* (March 1976), 1005-06.

James B. Murphy, L.Q.C. Lamar: Pragmatic Patriot, in *Mississippi Quarterly*, 27 (1974-75), 109-114.

Charles M. Dollar and Richard J. Jensen, *Historian's Guide to Statistics: Quantitative Analysis and Historical Research*, in *Journal of the American Statistical Association*, 67 (1972), 493.

Unpublished Works

"Tennessee Politics and The Negro, 1948-1964" (A.B. thesis, Princeton University, 1965).

POST-DOCTORAL GRANTS AND AWARDS

National Endowment for the Humanities Grant #R-9980-140, "Political Outputs in the South: Who Got What, When, Where, and Why?" January 1, 1974--May 31, 1975, \$23,641.

Graves Foundation Award, Summer, 1976

Howard Foundation Fellowship, 1979-80

National Endowment for the Humanities Grant #RO-20225-82, 1981-83, "Separate But Not Equal: A Social History of School Racial Discrimination Law in the Nineteenth Century," \$74,860.

Guggenheim Fellowship, 1985-86

Woodrow Wilson Center Fellowship, 1985-86

Haynes Foundation Grant, 1989-90

Lillian Smith Award, Southern Regional Council, 1999 (co-winner)

Ralph J. Bunche Award, American Political Science Assn., 2000 (co-winner)

Richard P. Feynman Prize for Excellence in Teaching, Caltech, 2011

Associated Students of Caltech Teaching Award, 1988-89, 2012-13

TEACHING

Undergraduate

U.S. History, Colonial - Present (many courses)

Why Were We in Vietnam?

Nuclear Weapons Policy and Star Wars

The Supreme Court

Race Relations in History and Social Science

Graduate

American Electoral Behavior

American Political Development

Race Relations in U.S. History

Social Science History

Topics in Econometrics

Writing for Social Scientists

Ph.D. Theses Directed

Gary W. Cox, "Party and Constituency in Victorian Britain" (1982)

Shawn Everett Kantor, "Politics and Property Rights: The Closing of the Open Range in the Postbellum South" (1991)

Micah Altman, "Districting Principles and Democratic Representation" (1998)

PAPERS AND LECTURES

Popular Writings:

"Voting Rights: Yes ___ No ___ Maybe ___ Obstructionists Threaten to Undo 16 Years of Effort," *Los Angeles Times*, February 7, 1982.

"Jim Crow in the Voting Booth," *Los Angeles Times*, June 24, 1984.

- "The District that Stretched Almost Anywhere but East," *Los Angeles Times*, June 12, 1990.
- "The Open Primary Will Ruin California Politics," *Public Affairs Report*, May 1996, 7.
(Institute of Governmental Studies, UCB)
- "Charges of bias way off target," *Sacramento Bee*, Oct. 9, 1998, B9.
- "How the Supreme Court Feeds a Rumor," *Los Angeles Times*, Oct. 10, 1999, M2.
- "Revamping the Doctrine of Separate and Equal," *Los Angeles Times*, March 26, 2000, M2.
- Remarks at Lillian Smith Award Ceremony, *Southern Changes* 21, #4 (Winter, 1999), 8-11.
- "The Duties of Historians," debate on review of *Colorblind Injustice*, H-POL.
- "The Supreme Court and the Undoing of the Second Reconstruction," *National Forum*, 80, # 2
(Spring, 2000), 25-31.
- "Proposition 77: How It Would Really Work," *San Diego Union-Tribune*, Oct. 31, 2005, p. B7.
- "Are we better off redistricting by citizen panel?" *San Francisco Chronicle*, Nov. 13, 2011.
- "The Strong Case for Keeping Section 5," <http://blogs.reuters.com/great-debate/2013/02/15/the-strong-case-for-keeping-section-5/>
- "Gutting the landmark civil rights legislation", <http://blogs.reuters.com/great-debate/2013/06/26/gutting-the-landmark-civil-rights-legislation/>

INVITED LECTURES

Universities (American):

University of Pennsylvania (1976)

California State University at Los Angeles (1977)
Harvard University (1978)
Duke University Law School (1979)
Michigan State University (1980)
University of California, Santa Barbara (1980, 1984)
University of Chicago (1980, 1984)
University of Michigan (1980)
University of California, Irvine (1981)
University of Alabama at Birmingham (1981)
Brandeis University (1981)
California State University, Fullerton (1982)
University of California, Los Angeles (1981, 1983, 1988, 1993)
University of Miami (1983)
Claremont-McKenna College (1984)
University of Maryland, College Park (1985)
University of Maryland, Baltimore County (1985)
New School for Social Research (1986)
University of Dayton (1986)
Ohio State University (1987)
Albany Law School (1988)
University of Texas, Austin (1988)
Stanford University (1990, 1999)
Univ. of CA, Berkeley (1991, 1999)
Univ. of CA, San Diego (1991, 2000)
Claremont Graduate School (1993)
Northwestern University Law School (1993)
Rutgers Law School, Camden (1993)
Georgetown Law Center (1994)
C. Vann Woodward Lecture, Henderson State College (1994)
Yale University (1994)
American U. Law School (1994)
Univ. of Michigan Law School (1996, 1998)

Univ. of Southern California Law School (1996)
Univ. of CA, Los Angeles School of Law (1994, 1996, 1999)
CA State Univ., San Bernardino (1999)
Harvard Univ., Du Bois Center (1999, 2000, 2001)
Augusta State University (1999)
Paine College (1999)
University of LaVerne (2000)
University of Montana (2004)
University of Texas, Austin, Law School (2004)
University of Texas, San Antonio (2004, 2005)
University of North Carolina, Chapel Hill, Law School (2006)
University of Texas, Austin (2006)
Duke University (2006)
Whittier Law School (2006)
Indiana University School of Law (2009)
U.C.L.A. School of Law (2010)

Universities (English):

Oxford University (1984, 1985)
Cambridge University (1984, 2009)
University of Leeds (1985)
University of East Anglia (1985)
East Anglia University (1985)
Southampton University (1985)
Warwick (1985)
Sussex, Keele (1985)

CONVENTIONS:

Papers Delivered:

American Historical Association (1974, 1976, 1988, 2015)
Social Science History Association (1976, 1978, 1980, 1981, 1983, 1987,

1989, 1991, 1993, 1994, 1995, 1996, 1997, 2000, 2004)
 Southern Historical Association (1978, 1980, 1992, 2005, 2012)
 Organization of American Historians (1981, 1984, 1986, 1990)
 International Conference on Quantitative History (1982)
 Association of American Law Schools (1983)
 Joint Center for Political Studies Forum on Run-Off Primaries (1984)
 16th International Congress of Historical Sciences, Stuttgart, Germany (1985)
 Brookings Institution Conference on the 25th Anniversary of the Voting
 Rights Act (1990)
 Continuing Legal Education Conference, Los Angeles (1990)
 Voting Rights Symposium, University of San Francisco Law School (1992)
 California Studies Association Convention (1994)
 Midwest Political Science Association (1997, 2004)
 USC/Caltech Conference, "Election Reform: 2000 and Beyond" (2001)
 NAACP/MALDEF/APLAC Conference, "Making Our Communities Count: United for a Fair
 Redistricting Process" (2001)
 AALS/APSA Conference on Constitutional Law (2002)
 "The Future of the Voting Rights Act" (Columbia University Law School, 2003)
 American Society of Legal History (2003)
 American Political Science Association (2004)
 "Who Draws the Lines: The Consequences of Redistricting Reform for Minority Voters"
 (University of North Carolina, 2006)
 "Whither the Voting Rights Act? Agreements and Contestations in the Debate over its Renewal"
 (Duke University, 2006)

Discussant on Convention Panels:

American Historical Association (1983, 1989)
 American Political Science Association (1977, 1988, 1989, 1995, 2000, 2007)
 Pomona College Conference on Voting Rights (1983)

California Institute of Technology Conference on Political Institutions (1984)
Organization of American Historians (1988, 2002)
Conference on The Future of African-American State Universities (1990)
UCLA Conference on American Politics in Historical Perspective (1990)
Federal Judicial Center, Conference on Civil Rights Act of 1964 (1994)
American Historical Association, Pacific Coast Branch (1996)
Southern Historical Association (1997, 2000, 2002)
Social Science History Assn. (1998, 1999, 2001, 2003, 2006, 2008, 2011)
Southern Sociological Society (1999, 2007)
Western Political Science Assn. (2001, 2002, 2004)
The Historical Society (2010)

Other:

Rand Corporation (1978)
Town Hall of Los Angeles (1979)
Severance Club of Los Angeles (1979)
NAACP Legal Defense Fund Conference on Voting Rights, New Orleans (1982)
Constitutional Rights Foundation of L.A. (1990)
Caltech, Martin Luther King Day Speaker (1990, 1992, 1999, 2010)
All Saints Church Issues Forum (1992)
Church of the Good Shepherd Issues Forum (1995)
Pasadena Jewish Temple (1996)
The Field Institute, San Francisco (1997)
"Beyond 2007: Voting Rights in the 20th Century," (Washington D.C., 1997)
Augusta-Richmond County Museum (1999)
Princeton University Reunion Forum, "Fifty Years of the Voting Rights Act" (2015)

ORGANIZATIONS AND PROFESSIONAL SERVICE

Committees

Chairman, Methodology Network, Social Science History Association, 1976-80

Program Committee, Social Science History Assn., 1981, 1983

Membership Committee, Southern Historical Association, 1976-77, 1983, 1991-2

American Historical Association Committee on Quantitative Methods, 1983-86

Anglo-American Historical Committee, 1984-85

Committee on Harmsworth Professorship, American Historical Assn., 1985-88

Executive Committee, Social Science History Assn., 1989-1993

Editorial Boards

Journal of American History, 1977-1980

Historical Methods, 1983-86

Social Science History, 1987-92

Journal of Interdisciplinary History, 1989-

Co-Editor, *Historical Methods*, 2000-05

Editor, *Historical Methods*, 2005-13

EXPERT WITNESS TESTIMONY

Hunter v. Underwood, 471 U.S. 222 (1985).

Mobile v. Bolden, 542 F. Supp. 1050 (S.D.Ala. 1982).

Moore v. Brown, 542 F. Supp. 1078 (S.D.Ala. 1982).

United States v. Dallas County Commission, 548 F. Supp. 875 (S.D.Ala. 1981).

Taylor v. Haywood County, Tenn. Commission, 544 F. Supp. 1122 (W.D.Tenn. 1982).

Sumter County Council v. U.S., 444 F. Supp. 694 (D.D.C. 1983).

Brown v. Board of Commissioners of the City of Chattanooga, Tenn. 722 F. Supp. 380 (E.D. Tenn., 1989).

Garza v. Los Angeles County Board of Supervisors, 756 F. Supp. 1298 (C.D. Cal., 1990), aff'd, 918 F.2d 763 (9th Cir. 1990), cert. denied, 111 S. Ct. 681(1991).

Brooks v. Harris (N.D. GA., Civ. Action No. 1: 90-CV-1001-RCF, July, 1990), preliminary injunction refused to plaintiffs.

U.S. v. City of Memphis (W.D. Tenn., 1991).

Gonzales v. Monterey County, CA (N.D. Cal., Civ. No. C-91 20736 WAI (DVT), 1992).

Members of the California Democratic Congressional Delegation v. Eu, summary judgment granted to defendants.

DeBaca v. San Diego County Board of Supervisors (S.D. Cal., Civ. No. 91-1282-R(M), May 11, 1992), summary judgment granted to defendants.

Cousin v. McWherter (E.D. Tenn., 1993), No. CIV-I-90-339 (Jan. 19, 1994).

Rural West Tennessee African-American Affairs Council v. McWherter 836 F. Supp. 453 (W.D. Tenn. 1993), *cert. denied*, --S.Ct.--(1995).

Shaw v. Hunt, 861 F.Supp. 408 (E.D. N.C. 1994).

Vera v. Richards, 861 F.Supp. 1304 (S.D. Tx. 1994).

Georgia v. Reno, 881 F. Supp. 7 (D.D.C. 1995).

Lopez v. Monterey County.

In Re 2001 Redistricting Cases v. Redistricting Board (Alaska, 2002).

Cano v. Davis, 191 F.Supp. 2d 1135 (C.D. Cal. 2002)

Sessions v. Perry, 298 F.Supp. 2d 451 (2004).

Farrakhan v. Locke, (Federal District Court, Washington State, D.C. No. CV-96-0076-RHW (2005); reversed by 9th Cir. Ct. of Appeals, No. 06-35669 (Jan. 5, 2010)).

U.S. v. Osceola County, FL, 475 F.Supp. 2d 1220 (2006), later proceedings at 474 F. Supp. 2d 1254 (2006).

American Civil Rights Foundation v. Los Angeles Unified School District (Los Angeles County Super. Ct. No. BC341363) summary judgment granted to defendants and affirmed by Court of Appeal, Second Appellate District, Division 5, in B205943.

Sanchez v. City of Modesto, settled before trial.

Gomez v. Hanford Joint Union School District, settled before trial.

Avitia v. Tulare County Local Healthcare District, settled before trial.

Gonzalez v. City of Compton, CA. (Case No. BC 450494, Superior Court, Los Angeles County), settled before trial.

Perez v. Perry, 835 F. Supp. 2d 209 (W.D.Tx., San Antonio Div. 2012).

Texas v. U.S., (C.A. No. 1:11-cv-01303, D.D.C.), decided Aug. 28, 2012.

Texas v. Holder, (C.A. No. 1:12-cv-00128-RMC-DST-RLW, D.D.C.), decided Aug. 30, 2012.

Jauregui v. City of Palmdale, California (Case No. BC483039), decided July 23, 2013.

Soliz v. City of Santa Clarita (LASC Case No. BC512735), settled before trial.

Soliz v. Santa Clarita Community College District (LASC Case No. BC512736), settled before trial.

Banales v. City of Santa Barbara (Case No. 1468167, Superior Court, Santa Barbara County), settled before trial.

League of Women Voters v. North Carolina, pending.

Testimony at Hearings

Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, U.S. House of Representatives, *Extension of the Voting Rights Act*, 97 Cong, 1st Sess. (1981), pp. 2005-28.

California State Assembly, District Representation Committee, April 14, 2005.
California State Assembly, Elections and Redistricting Committee and Senate, Reapportionment and Constitutional Amendments Committee, Sept. 26, 2005.
National Commission on the Voting Rights Act, Los Angeles, Sept. 27, 2005.
National Commission on Voting Rights, San Francisco, Jan. 30, 2014

CONSULTING

Philadelphia Social History Project, for The National Endowment for the Humanities, 1976.

History Review Panel, Research Grants Division, National Endowment for the Humanities, Spring, 1978, Winter, 1979.

U.S. Department of Justice, *U.S. v. South Carolina*, U.S. District Court, South Carolina, 1980 (State Senate; case withdrawn).

Lawyers' Committee for Civil Rights, *Harris v. Hopewell*, U.S. District Court, 1982 (CA 82-0036-R, Eastern District of Virginia), settled before trial.

U. S. Department of Justice, *Bladen County, North Carolina v. United States*, No. 87-2974 (D.D.C., 1988), settled before trial.

NAACP, *NAACP v. City of Tulsa*, Oklahoma, 1990: (N.D. OK.), settled before trial.

Alabama State University, *Knight v. James*, No. CV83-M-1676-S (N.D.Ala. 1991).

City of Santa Monica, California, Charter Revision Commission, 1992.

MALDEF, *Bonilla v. Chicago Board of Election Commissioners*, 1993.

Private Plaintiffs, *Reyes v. City of Dinuba, Ca.*, 1993, settled before trial.

MALDEF, *Valadez v. City of Santa Maria*, 1994.

MALDEF, 2001 California redistricting.

City of Salinas, California, 2001 redistricting of County Board of Supervisors.

City of Chino, California, California Voting Rights Act, 2003.

Leadership Conference on Civil Rights, on Hanford Unified School District and Modesto City Council, 2004

Democratic State Central Committee of California, Comment for the U.S. Department of Justice on scheduling of election in State Senate District 15, 2010

City of Lancaster, California, California Voting Rights Act, 2014

CURRENT RESEARCH

Separate But Not Equal: The Cumming Case and Race Relations in America (University of Kansas Press, under contract)

"The Supremacy of Equal Rights": School Desegregation in Nineteenth Century America (Cambridge University Press, under contract), a collection of three of my revised essays.

"The Onward March of Right Principles": School Segregation and Race Relations in the 19th Century United States (book) is an investigation of late nineteenth century state and federal court cases and the adoption of state laws on racial discrimination in schools in 22 states. The purposes are to throw new light upon black political power and the black social structure; to discover the identities and motivations of white supporters and opponents of black civil rights; to illuminate the murky history of the lower courts; and to integrate legislative and judicial history into a broader socio-political history.

Politics and the Distribution of Public Goods (book) is a primarily quantitative study of the effect

of changes in institutional political rules on the incidence of taxation and the distribution of public schooling in the South from 1880 to 1910.

June 2015

EXHIBIT 2

The Vote By Precincts

Precinct	Senator U.S.		Congress 16th		Assembly 88th		Proposition No. 11		City Charter		
	Dem	Rep	Dem	Rep	Dem	Rep	Dem	Rep	Dem	Rep	
1	220	35	172	34	8	190	23	27	188	204	28
2	150	21	186	8	8	126	21	28	172	173	38
3	225	40	204	32	7	228	31	28	208	213	43
4	130	38	172	38	13	168	40	28	178	172	44
5	195	28	172	40	8	178	52	27	182	181	48
6	124	30	128	42	10	120	48	41	128	125	50
7	140	35	132	51	8	154	30	44	160	166	48
8	128	42	121	38	8	122	38	26	124		
9	178	32	124	48	8	177	37	43	122	128	20
10	162	42	172	51	8	167	40	50	122	167	47
11											
12	127	40	144	44	11	150	52	29	128	122	41
13	146	48	167	52	8	150	43	53	148	140	50
14	209	43	188	38	17	194	51	42	202	208	48
15	124	37	178	30	18	152	44	31	167	163	38
16	117	42	187	48	19	171	61	22	120	120	43
17	148	12	120	38	18	149	78	40	179	188	45
18	122	37	144	42	11	123	68	44	128	128	48
19	144	44	123	38	8	126	54	37	128	131	57
20	142	77	148	64	8	128	78	51	128	149	42
21	145	68	148	42	20	133	68	84	120	182	33
22	108	42	102	42	4	103	42	28	120	100	53
23	97	30	48	36	12	88	14	48	114	100	49
24	97	38	82	38	19	88	78	22	128	121	20
25	128	48	128	48	14	128	48	32	128	116	73
26	123	43	128	42	12	111	47	40	128	118	60
27	128	48	128	48	9	111	48	38	128	123	33
28	78	104	82	75	20	78	108	49	122	123	47
29	79	106	74	88	13	81	108	43	110	128	41
30	82	87	78	55	21	74	82	55	106	98	48
31	104	94	108	88	20	108	115	141	84	128	72
32	97	88	88	58	11	81	78	35	124	120	22
33	122	78	118	67	15	115	71	38	128	140	31
34	72	85	67	54	4	74	58	22	107	98	24
35	114	82	112	58	18	112	84	68	122	124	42
36	120	82	121	68	12	107	82	41	126	144	41
37	115	78	72	72	8	97	77	24	141	122	48
38	82	108	88	71	28	101	84	68	128	127	41
39	81	98	92	82	2	81	118	42	118	117	64
40	92	98	97	71	14	82	82	48	128	82	107
41	88	98	88	68	18	81	78	32	88	88	72
42	82	98	82	68	18	82	82	48	128	88	72
43	82	112	82	72	28	84	88	72	112	98	30
44	82	98	88	68	18	82	77	54	74	94	48
45	82	118	88	72	18	71	82	48	88	88	48
46	88	148	82	82	0	84	128	90	121	95	112
47	87	144	82	62	68	87	128	87	88	108	74
48	108	88	41	81	28	108	88	38	122	111	58
49	81	128	68	61	61	88	128	108	84	88	88
50	104	88	104	57	15	87	78	48	122	100	78
51	75	87	71	45	19	78	72	42	90	81	84
52	80	94	79	80	18	82	90	78	100	102	82
53	104	84	98	44	18	74	88	48	122	120	54
54	108	98	104	52	10	111	88	28	112	111	48
55	118	78	107	68	28	107	72	58	128	121	48
56	94	79	79	55	12	81	72	68	108	120	28
57	82	126	91	62	28	82	121	148	88	111	48
58	98	78	102	47	8	88	78	38	128	128	108
59	128	81	98	60	21	91	71	24	118	111	42
60	128	58	128	47	10	128	54	21	112	128	42
61	128	52	82	41	18	72	52	38	128	88	42
62	98	79	91	22	12	81	72	38	120	90	51
63	112	52	107	48	18	108	52	48	111	122	47
64	126	48	121	48	2	121	42	42	122	148	32
65	128	42	128	42	0	127	48	48	128	124	28
66	128	48	128	48	12	94	88	28	118	118	41
67	148	42	122	38	7	122	48	22	121	121	42
68	128	48	124	50	8	124	37	54	128	124	38
69	148	48	148	38	4	148	58	38	122	122	42
70	148	50	147	32	12	151	48	24	122	121	22
71	177	28	158	38	8	154	42	28	178	188	38
72	88	88	81	52	28	88	81	58	107	88	68
73	128	48	128	48	18	128	48	28	128	128	72
74	172	44	179	48	16	164	50	48	191	184	32
75	172	48	182	38	5	154	44	21	172	165	48
76	124	38	128	38	8	112	38	28	148	148	34
77	178	38	181	38	0	184	41	42	177	128	42
78	152	48	158	48	12	158	47	41	168	128	48
79	122	48	127	42	14	108	72	48	124	124	24
80	88	128	72	62	28	84	108	178	64	112	28
81	128	42	128	54	8	98	68	28	128	121	42
82	148	48	148	52	0	122	41	181	78	128	28
83	128	48	117	72	8	112	48	48	128	128	28
84	112	42	112	50	8	112	42	22	121	128	48
85	128	117	128	90	27	128	107	38	168	162	41
86	118	68	108	68	7	108	78	42	120	122	28
87	87	88	77	51	28	88	88	32	121	78	78
88	94	128	42	64	41	91	98	42	98	42	68
89	88	88				88	71	41	88	81	68
90	81	80	87	68	12	82	68	44	102	88	64
91	128	32	101	48	7	111	37	22	122	128	44
92	128	47	128	37	7	128	71	38	121	162	31
93	128	32	112	40	12	117	42	21	121	122	42
94	82	168	86	67	41	82	142	122	38	88	108
95	268	22	124	28	4	128	28	47	191	199	48
96	188	54	144	44	7	148	58	27	172	122	32
97	128	88	128	84	14	124	81	42	162	172	48
98											
99	128	42	124	32	22	124	48	48	128	128	48
100	108	78	106	56	0	101	77	48	128	128	48
101	122	42	147	46	21	122	78	32	174	162	42
102	128	72	82	42	14	122	48	42	121	168	48
103	181	32	144	44	6	132	52	41	121	121	58
104	174	42	182	34	12	187	32	64	162	147	44
105	182	47	172	38	0	174	47	44	178	188	28
106	128	41	143	47	7	125	75	42	124	144	48
107	128	32	152	20	12	162	34	48	128	158	21
108	182	46	162	24	18	187	47	42	148	128	32
109	148	48	112	48	41	142	48	54	188	128	42
110	78	84	86	60	22	78	30	52	115	114	42
111	85	82	82	62	28	78	88	66	108	128	42
112	122	42	81	37	21	118	48	38	161	164	48

Senal Major To Re

Demo From Form

NEW YORK Morning publican

GOP contz built up a strong majorit For the P Wilson's ha White Hou a Congress and Senate President.

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and were in hot contest Assured I totaled only for three m gins. New The GOP o complete w

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EXHIBIT 3

BOARD OF EDUCATION and
GOVERNING BOARD of the
COMMUNITY COLLEGE DISTRICT
FOUR YEAR TERM

PRECINCT NO.	WACKER, JR.	SAYRE	NOONAN	COLBERG	BETETA	CAMPBELL	ETERMAN	HOUTZ	JUAREZ	PROPOSITION NO. 1		PROPOSITION NO. 2		PROPOSITION NO. 3		TOTAL BALLOT CAST
										YES	NO	YES	NO	YES	NO	
1	120	150	347	292	223	133	50	358	69	243	266	162	330	64	445	530
2	114	159	370	296	200	154	53	342	51	275	239	156	342	43	474	534
3	73	104	253	225	144	121	62	235	60	185	202	98	280	38	349	402
4	102	129	263	213	182	119	61	237	69	260	164	138	270	70	352	445
5	131	136	276	238	203	130	62	274	85	239	221	156	284	85	372	472
6	107	108	224	176	165	122	66	184	76	217	157	139	215	98	275	391
7	67	62	154	127	118	95	43	122	39	158	105	90	156	76	181	278
8	83	91	150	140	110	68	51	132	67	173	105	92	167	80	194	291
9	93	125	323	245	162	147	37	274	60	249	183	147	273	67	373	453
10	84	99	288	242	153	147	43	236	61	209	180	132	246	57	333	410
11	75	102	214	182	149	114	55	218	68	207	140	114	228	76	272	359
12	86	85	188	138	90	99	42	152	57	179	108	78	206	57	230	301
13	55	46	94	93	63	46	13	98	31	95	69	52	103	34	133	172
14	54	48	145	130	123	52	29	128	38	146	89	88	141	56	177	252
15	89	89	177	138	138	94	51	146	49	208	107	117	177	92	215	330
16	71	77	141	104	108	66	47	113	55	151	87	92	132	81	155	252
17	84	79	129	101	101	70	51	104	48	157	73	87	133	99	137	243
18	86	66	168	132	131	66	57	130	64	187	92	88	180	90	193	294
19	65	54	124	113	84	76	33	117	37	133	71	71	131	63	146	218
20	56	66	127	96	110	64	53	110	56	153	80	85	134	81	152	249
21	79	79	122	123	91	65	41	111	44	151	88	95	133	75	161	247
22	80	67	141	108	93	69	37	111	48	153	79	80	131	80	147	246
23	57	66	106	94	79	71	44	94	43	159	51	92	98	81	117	219
24	80	72	122	99	108	63	45	98	64	177	65	99	119	92	140	258
25	63	89	108	97	80	59	45	95	52	166	66	89	121	93	120	248
26	81	61	192	137	80	110	47	128	57	164	111	94	156	68	202	308
27	68	61	70	49	73	31	45	54	39	111	50	65	84	60	93	172
28	69	69	154	123	137	76	37	126	34	147	107	75	164	49	201	262
29	97	116	225	156	214	109	68	180	77	242	146	137	236	110	287	408
30	72	76	110	86	145	54	65	109	66	185	68	102	140	105	148	266
31	65	66	165	106	100	88	47	124	49	160	88	100	126	67	177	277
32	51	56	104	80	68	44	37	92	27	114	60	69	97	43	126	182
33	64	80	137	109	103	66	31	120	41	177	74	97	136	74	169	271
34	53	62	110	81	99	56	30	90	36	118	80	80	107	59	136	212
35	64	63	104	63	74	60	32	84	35	116	64	64	104	46	133	191
36	92	75	127	97	125	69	62	100	84	186	84	108	137	105	160	287
37	81	64	108	90	87	62	47	89	56	141	82	85	125	80	140	231
38	63	68	114	74	67	58	48	76	52	142	47	63	114	64	131	207
39	56	58	87	74	91	58	42	77	82	133	76	76	114	77	123	240
40	50	52	76	53	68	37	50	47	62	131	35	69	83	87	74	174

BOARD OF EDUCATION and
GOVERNING BOARD of the
COMMUNITY COLLEGE DISTRICT
FOUR YEAR TERM

TOTAL
BALLOTS
CAST

PRECINCT NO.	WACKER, JR.	SAYRE	NOONAN	COLBERG	BETENA	CAMPBELL	EYERMAN	HOUTZ	JUAREZ	PROPOSITION NO. 1		PROPOSITION NO. 2		PROPOSITION NO. 3		TOTAL BALLOTS CAST
										YES	NO	YES	NO	YES	NO	
41	49	51	76	48	81	38	48	58	55	123	45	62	89	72	97	188
42	73	72	64	53	88	37	79	59	90	170	38	99	95	126	74	211
43	53	47	72	58	102	37	44	59	64	133	44	71	91	86	86	187
44	50	58	58	39	86	35	56	56	60	129	39	87	67	105	56	175
45	46	57	92	58	83	64	40	66	47	139	51	80	98	75	108	196
46	55	59	101	65	78	69	40	77	61	169	50	93	94	78	135	282
47	81	61	80	73	96	42	58	73	54	156	53	89	104	86	120	217
48	36	44	81	55	55	50	22	77	33	99	44	43	92	29	109	152
49	64	62	143	104	111	80	34	114	42	145	86	83	139	68	159	242
50	85	65	98	95	101	59	31	85	61	150	56	84	115	75	127	215
51	37	34	56	32	67	44	32	45	39	98	29	66	51	56	74	171
52	86	90	198	134	158	97	41	165	53	183	126	100	193	73	231	325
53	66	68	149	130	120	84	30	132	35	153	109	66	187	55	204	273
54	77	84	167	134	157	100	51	146	71	166	129	99	188	81	218	314
55	74	83	174	128	150	97	41	156	58	194	102	103	183	89	201	303
56	106	108	277	214	246	139	56	219	78	262	194	136	300	98	364	484
57	56	46	46	41	84	23	66	37	52	135	29	87	75	119	51	177
58	76	64	92	73	112	60	72	74	77	167	53	104	106	134	86	225
59	96	112	91	74	154	53	103	70	102	246	61	142	131	209	94	317
60	92	71	52	45	122	25	105	43	96	215	30	129	96	187	55	250
61	62	70	76	70	96	53	60	69	66	186	48	116	105	132	107	244
62	16	20	39	36	19	22	4	35	8							53
63	13	24	45	41	25	19	10	43	11							63
64	13	21	32	26	13	17	12	29	12							46
65	18	28	51	46	24	22	13	36	16							68
66	18	20	44	38	18	12	7	38	9							55
67	22	14	24	33	20	14	19	32	21							59
68	13	22	39	37	22	22	14	31	21							62
69	20	34	66	64	27	33	20	59	20							94
70	31	38	62	58	37	37	13	50	25							93
71	29	42	67	66	28	38	18	58	23							99
72	18	24	42	43	18	19	14	31	28							63

ABSENTEES

*OUT	6	5	8	9	6	4	2	7	4							14
**IN	99	102	265	190	146	144	57	207	76	225	149	109	255	105	282	401

*Outside the City
**Inside the City

TOTAL	4,816	5,075	9,664	7,730	7,489	4,977	3,171	8,251	3,756	10,540	5,823	5,968	9,507	5,060	11,179	18,100
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EXHIBIT 4

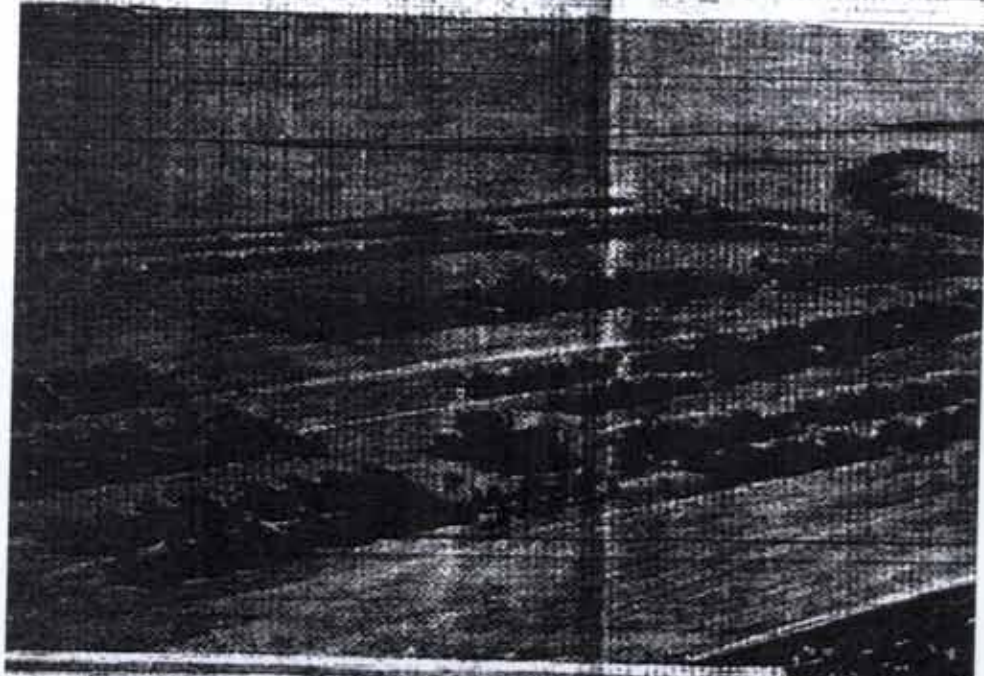
The Daily Outlook

WORKING FOR A BIGGER AND BETTER CITY

SANTA MONICA, LOS ANGELES COUNTY, CALIFORNIA, FRIDAY, NOVEMBER 11, 1938

IN SITUATION I

Corps As Viewed By a Camera Scout in the Air... Photograph Show



NT Seventh Warders Give F Charter Bilious Eye

The seventh ward, headed by its councilman, H. E. Shawver, is not kindly disposed toward the proposed amendments to Santa Monica's charter. Mr. Shawver stated at the Grant schoolhouse meeting last night that the secret meetings of the revision committee held in preparation of the change in the city's form of government had not been good business and that as present he is on the fence. As a councilman, he voted for its submission to the people for ratification or rejection, because it was the mandatory duty of the council to submit it, but that does not mean he will support the amendments which will give the city the new idea.

Several voices interrupted Leo Munkesberger last evening while he was speaking for the amendments, when he charged the Department of Public Works with having the commission form of city government. The assertion was made that this league, while

having a large membership, was policed solely by a directorate, which re-elected itself last year and that it is this crowd supporting the proposed tampering with the city's charter.

Speeches for and against the proposed amendments to Santa Monica's present charter occupied the meeting of the Fairview Heights Improvement association in Grant schoolhouse. Dr. C. H. Malchow and Leo Munkesberger spoke for commission form of government, J. W. Fineman and J. W. Steele refuting the proponents' statements. The consensus of opinion of the meeting, representing the seventh ward, seemed to indicate that the Heights people are not at all favorable to changing the old for the untried. Mr. Munkesberger gave history of certain pieces of real estate in which it was claimed the city has no title, that the deeds mysteriously disappeared. (Continued on Page Three)

WATERS VISITED FIRE

Damaging Fire Menace Water Supply

from Col. and Se. Church

Situation In Phycisian... Ed. H. L. ...

Robert, Elizabeth and Helen Arms-
cost. The next meeting will be held
Thursday afternoon, December 6, at
the home of Mrs. S. V. Carlin, Tenth
street.

SEVENTH WARDERS

(Continued from Page One)

appeared and have never been seen.
As a property owner on Green Ave-
nue, he charged the present council
with completely ignoring the petition
signed by 75 per cent of the frontage
owners on that street in which they
asked the council for asphalt paving
instead of bituminous. This and other
causes for dissatisfaction, Mr. Hoch-
enberg claimed, would be abolished
by the new order of things proposed.
The speaker attempted to refute the
opposition's claims that the proposed
change will be more costly than it
settles the audience how the estimated
start of \$8000 plus the salaries of
deputies will result in more economi-
cal conduct of the city's affairs.

J. W. Freeman expressed doubts
of various sections of the proposed
charter amendments which he thought
were the results of far seeing
framers. Objecting to the deputies
clause, he claimed it is as difficult to
keep politicians out of the job as to
keep daylight out of a window. He
observed that the word, "may," was
used throughout all sections relating
to duties of commissioners, saying the
word, "shall," would make it manda-
tory for the commissioners to follow
the spirit of the amendments. He
pointed out that the civil service pro-
vision, in the clause pertaining to the
purchasing agent's duties, the sec-
tion relating to contracts and every
provision purporting to insure effi-
ciency and equitable administration
of the city's government is rendered
optional by the innocent appearing
word, "may."

Patronize the home merchants.

EXHIBIT 5

other. Questioned as to his over-zealous interest in the charter amendments, he insisted that he was merely working in the best interest of the city, but nobody in the group of men

upon public funds such as has never been dreamed of, even by some who are taking an active part for the charter, because of promises that

(Continued on Page Eight)

Dodgerites Distribute Desperate Dying Dope

Anyhow, the well-sustained criticism of the undermining methods employed by charterites in promulgating a mess of cheap guff, unsigned and distributed chiefly after nightfall last week has had the effect of eliciting matter over names—in some cases not "signatures." It is explained, but names appear, nevertheless. The last "dodger" sent out, that of Saturday (late) contains the names of at least some members of the committee on charter campaign. But this last spasm of a dying cause—a poor cause, too—is one of the thinnest bids for support that has ever been spread here for any purpose.

It endeavors to gull the unsuspecting voter into believing that adoption of the nightmare proposed in place of the present form of handling the city's business will "save tax-

payors \$50,000 a year." The mere statement is made, without anything whatever by way of explanation or argument, the backers of the "dodger" evidently thinking that maybe somebody, at least, would "fall" for it.

The same source of "information" the boasted "dodger" of the previous year, states that "the largest contractors will receive a total of \$30,000 a year and that the amount to cost \$14,000.

Did you ever hear of anything like that being handed out in consideration of a vote? Did you ever hear of anything like that being handed out in consideration of a vote? Did you ever hear of anything like that being handed out in consideration of a vote?

dreds of Venice and Los Angeles people who have been unable to secure seats for the engagement there this week.

CHARTERITES MAKE

(Continued from Page One)

and with a suddenness sickening to the "dodgerites."

Do you desire to precipitate upon this fair city the ignominy of permitting it to be seized and controlled by a garbled, unclear, unfair, incomplete and expensively discordant system, the result of insidious tampering with its present form of government by a group of individuals, either mistaken, misled or acting for their own or the absolutely selfish interests of somebody who controlled them?

To the man or woman sincere in desiring the best things for this city, the appeal is herewith made to vote against the proposed charter amendments tomorrow, because they are craftily prepared to permit of selfish and personal gains at the expense of the public, not at all calculated to better city government one iota, but rather to make it more than double its present expense.

Vote "no" tomorrow when you go to the polls, because it is the opinion of all capable lawyers who have ruled upon it that the proposed amendments will not stand the test of legal requirements in clearness of meaning, that they are confictory, ill-fitting a city like this, that they contain curiously-shaded words demanding legal interpretation, and that their adoption at the polls tomorrow will bring down upon this city such a legal squabble as will burden the city with indebtedness such as has heretofore never been known in the history of the town.

There are hundreds of reasons why you should oppose the proposed amendments, and should they chance to carry, you will have ample opportunity to ascertain the truth of that last statement—at your own expense and to your lasting sorrow.

DODGERITES

(Continued from Page One)

The three commissioners provided for under the proposed charter amendments will receive \$3,000 each a year for selecting an indefinite and unlimited number of city employees, all of

who oppose the efforts to unload its misfiting provisions on the city should refrain from going to the polls, that they may assist in making assurance doubly sure, since it will be no joke for the taxpayer and sincere supporter of the city's best good if the propositions should happen to carry.

On the surface this evening it looks like the amendments will run up against a genuine snag in the shape of a decisive rebuke at the hands of the voters of the city. Apathy, only, on the part of the opposition will furnish the only ghost of a show for success by the charterites. The south side of the city will hand out a five-to-one vote against the measures, while they will also receive the cold shoulder from voters in this end of the city.

But do be careful that you are not deceived by any belated guff that may issue from the headquarters of the gangsters.

whom shall eat from the public crib so long as they dance to the tune of their creators, the commissioners, or each one of such commissioners who furnishes them the opportunity of waxing fat off of the easy marks, the voters who bit on the new-fangled method of conducting the city's business. The commissioners shall receive \$2,000 a year while the combined salaries of the appointive officers who will actually do the work, or fill the positions, at the while not their political headlights will in reality run into an amount that will stagger the taxpayers.

The "dodgerites" also smeared with publicity the illuminating information that on street work, alone, during the past two years there has been absolutely wasted, in this city, the sum of \$150,000. Is not that a brilliant commentary on those who have filled positions of public trust there and who are now filling them? If such were the truth, does it not appear to the sane man or woman that the will of the majority in this city is an unsafe thing to depend on in selecting officers?

In fairness there might also have been stated in the "dodgers" that scheming, selfish politicians in this city, not satisfied with vastly increasing the valuations of property and increasing the taxes are now attempting to increase the salaries of officers, by raising the salary of at least three (the commissioners) from \$312 a year each to \$3,000 a year each.

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EXHIBIT 6

EXHIBIT 7

The Daily Outlook

Published Every Morning

Published by Daily Outlook Publishing & Publishing Company
1100 North Main Street, Chicago, Ill.
Subscription Office: 1100 North Main Street, Chicago, Ill.
Telephone: 2-1100

THE DAILY OUTLOOK is an only in the following places:
LANTA, GEORGIA—The Outlook, 215 North Main Street, No. 1.
CITY, GEORGIA—The Outlook, 215 North Main Street, No. 1.
ST. LOUIS, MO.—The Outlook, 215 North Main Street, No. 1.
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DESPERATION SEEMS CHARACTERISTIC

It is estimated that a total of over 100,000, or thirty-eight per cent of the population of the city, are in the hands of the city government. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation.

According to a report in an out-of-town paper whose last representative appears to be taking more than a metropolitan's interest in the "outlook" for the charter amendments, it is stated that two of three of the city government's officers will be out upon the eve of gathering to the council to further the interests of the charter amendments.

If the state is as good as these political opponents state for the charter amendments, it seems a pity that it will be so. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation.

There are many other things that are being done in the city. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation.

With the amendments in the hands of the present committee to the city government, it is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation.

All of these things will be done in the city. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation.

It is believed probable that the committee that makes the present amendments to the city charter has the opportunity of making the present amendments to the city charter. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation.

It is believed that if a provision had been made in the amendments to the city charter, the officers whom they are to take and whose responsibilities and duties they shall assume, the disbanding oversight in which the attention of readers of the Outlook has been called on several occasions would not have existed, it that there would be about ten months from the approval of the new charter by the legislature, not later than March 1918, till January, 1918, during which the city would be without officers, also without the authority to choose officers—but no such provision appears to have occurred in any member of the charter revision committee.

To those citizens who do not want this experiment of city government under a semi-constituted form thrust upon them here, the Outlook suggests that they do not fail to go to the polls early next Tuesday and register their votes against the proposed amendments, also that they start their business with their neighbors and acquaintances in efforts to induce them to do the same. If the charter amendments chance to carry, such result will be brought about through apathy on the part of those who really oppose the change in an uncertainty, but who have neglected to go to the polls next Tuesday to give the measure the stamp of disapproval. That is the city manner in which the newly proposed change in city government stands any chance, whatever, of winning—but don't leave the defeat of this governmental stuff to others.

All voters of this city who have registered not less than 30 days preceding the date of election and during the present year will be eligible to vote at the polls next Tuesday of the charter. To carry the amendments requires a simple majority, instead of requiring a two-thirds majority, as is the case of bond issues. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation. It is estimated that the city government is in a state of desperation.

There will be the voting place in each of the city wards, each place being as follows:
First Ward—Polling place, 1001 N. Ashland and Trolleyway.
Second Ward—Engine House No. 1.
Third Ward—First St. and Chicago.

Fourth Ward—Polling place, 1001 N. Ashland and Trolleyway.
Fifth Ward—Engine House No. 2.
Sixth Ward—First St. and Chicago.

Chicago, Ill., Dec. 1, 1917.
The Outlook is published every morning.
Subscription Office: 1100 North Main Street, Chicago, Ill.
Telephone: 2-1100

ONE FIFTH OF VOTERS PREVAIL

Small Proportion Of Citizenry For Charter Novelty In City Management Wins

That a fairly good working majority of those who braved the incovenience of the current weather of yesterday to vote upon the proposed amendments to the city charter, supported the measure, such majority being two out of the three votes cast.

The vote in each of the seven wards of the city, as reported to the city hall, was as follows:

	For	Against
First	123	171
Second	22	33
Third	35	43
Fourth	74	102
Fifth	201	139
Sixth	311	127
Seventh	142	97

TOTALS 1028 797

Because of the threatened rain throughout the day, voting was intermittent, many citizens taking advantage of the patches of sunshine to go to the polls. At times it looked like an exceptionally light rain, that indication being sustained till late in the afternoon, but there was a spirited spirit as the closing hour of 7 o'clock drew near, this being augmented by the efforts of enthusiasts who drove autos, carrying signs known to be of their persuasion to their respective polling places.

It was a "short horse-run trial." Immediately after the closing hour at the voting places, the simple count began, this taking up but a few minutes. By 8 o'clock the attendant cluster of enthusiasts at the city hall had a fairly good idea of how the day had gone. While there was undoubtedly some jubilation on the part of the winning contingent, it was admirably restrained, this effect, perhaps, having resulted from the fact that the majority, even if the small number of total votes cast, being rather less than what was expected by those who had, until recently, the past three weeks, for salary or otherwise, for the success of the measure submitted.

Shortly, as reports of convincing evidence of defeat, the representatives of the opposition about camp, sending their way homeward to consider upon the expediency of this end of the busy thing that furnish food for thought at various places of human abode.

If the amendments go through all right, new laws constitutional, are approved by the next legislature and thereby become fundamental law for this city. It will be 12 months before they will become operative, and there will be no possibility of their being taken up for consideration by the next sitting legislature, the law year.

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EXHIBIT 8

Why SM Flourished After World War II



By ROBERT E. McCLURE

In my last column I told of the final months of World War II bringing many war veterans to Santa Monica to enjoy their leaves here. Many officers were allowed to bring their wives and they found this a heavenly place when given a vacation honeymoon in our best summer weather, after enduring the rigors and extreme dangers of the Pacific war with Japan, or the daylight bombing flights over Berlin and other German cities.

But the war veterans who settled here after the surrender of Japan composed only one element of the city's growth. There was a buoyant feeling of hope as Santa Monica voted for a Board of Freeholders, to write a charter for a new city government, and there was also remarkable prosperity.

One reason for the prosperity was that people were freed, at long last, from repressive food and gasoline rationing and from nightly blackouts which had made travel hazardous after dark. Housewives were able to shop for other things than daily groceries, and all wives, and husbands too, were finding out that the household appliances they had dreamed of for years were still not available but might be soon. All over the country there was a tremendous demand for housing, automobiles and such appliances as refrigerators and washing machines. Many smaller factories which had been producing war supplies and ammunition were able to convert fairly quickly to the production of household items which were in demand.

This circumstance confounded the economists and politicians who had been predicting all kinds of calamities if wartime controls were not kept on. The nation said goodbye to controls because the people were sick and tired of most of them. So we had a free market operating in a free economy and this alone made for prosperity in most sectors of the national economy.

In 1944 Santa Monica's mayor, Leonard Murray, had died and there was danger that after the war the former incumbent mayor would return from naval duty as a captain in Long Beach, wearing a halo and threatening to take over the city again. This was probably prevented by a series of articles in the Outlook recalling some of the wide-open town conditions which had prevailed in this little city during the former mayor's incumbency. A movement to draft a new city charter had gone forward rapidly and although the drafting would take many months, it was believed desirable that Commissioner D. C. Freeman should no longer do double duty as Mayor Murray's successor as well as commissioner of finance. A new standby commissioner of public safety should be elected. Accordingly Ray Shafter ran for the office at a special December 1945 election, pledging to step aside when the new government finally began to operate. He was a man of probity and good will, who, having property in Escondido, Calif., wanted to move there and close out his insurance business in Santa Monica.

The reason for charter reform was clear. The city had been operating under a three-man commissioner form of government which was quite inadequate to a city of Santa Monica's present size. The three commissioners were responsible individually for the police and fire departments, for finance and for public works. If any one of the three got into trouble or exceeded his authority, he could shift part of the blame to the other

two. A new city charter, rather hastily drawn by a woman student of government, had almost carried in 1922. It had the merit of following the city manager-council plan which had been adopted by several hundred cities of between 30,000 and 400,000 population, all over the country. With the ending of the war, we who believed in charter reform could elect a board of freeholders to draft a new charter along the lines of city manager-council plan, and candidates came forward for freeholder who include Santa Monica's ablest and most dedicated citizens. The board of 15 was headed by Samuel J. Crawford, Sr., after much conscientious study and debate the board decided that members of the new city council should be elected at large and not by district. This was a crucial issue at the time and it merits recollection now. Ocean Park and Sunset Park have had top priority under this government in getting desired improvements.

Once the charter was presented, the city voted again to elect a new council. Mark T. Gates received the highest number of votes and headed a delegation to offer the post of city manager to the best prospect they could find. Their choice settled on Randall M. Dorton, who had been city manager of Long Beach before rendering important service in a Washington department during the war. Mr. Dorton lost no time in hiring a new chief of police and building a water storage system for Santa Monica and a new sewage system connected with the Los Angeles outfall. The fire insurance rate dropped dramatically once the city had enough water to meet all emergencies. The city manager had no trouble getting authority from the new city council, and he made numerous other reforms which pleased most of the people of Santa Monica.

These were good years for the nation which had been victorious in World War II and whose citizens now could enjoy the very real blessings of peace. There were many marriages and the birth rate soared as eight million Americans or more were released from their war service, to take wives and make new homes for themselves. The nation had had to go heavily into debt to win the war, but now deficit financing stopped and the dollar was allowed to find its proper level as the soundest currency in the world. Except for those who had lost dear ones, Americans had never had it so good.

L.M. Boyd When Is Wife The Happiest?

In what stage of her matrimonial life is a wife most likely to be happiest? That's what the scholars wanted to know. At the University of Michigan's Institute for Social Research. After lengthy study of the matter, they concluded it was a toss-up between two stages. Before the first youngster was born and after the last left home.

No New York City policeman is authorized to wear a curly mustache. . . It's not the carrier pigeon that carries messages, but the homing pigeon. . . Three out of every 10 corporate bankruptcies result from employee theft.

about Proposition 13 the Coastal Conserva Commission.

A coastal commissioner in a letter published in the Evening Out stated that the opposition to Proposition 13 is beating a dead horse wasting their time. . . is a first-class example of an abuse of power by a public official. In so he has admittedly etched his mind to all that is in tune with his ultra-conservation ideas. Is the democratic way of public official has responsibility to report on with an open-mindedly understand sides of an issue, one-sided line of thought does greater harm to conservation program than good.

The commission gives real estate, courts and palm around like a game Monopoly, dicta developments that little to do with real life, the beach, or air. The side of conservation is winning man but it is losing the. Much of the public been "turned off" cause of conserv because of the conservation's abuse of property.

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Editor: It is a welfare system overhauling, familiar with one of it - county relief - lagree

The County Angeles welfare is weighed down work and burea red tape. True, y screen the need the free-loader, th from the fraudul the needy and th often suffer un pressures of the system. Some of ty requirements: constitutional. G welfare recipe conform or be tied for aid.

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The Mayorality Contest

The mayorality election next Tuesday presents an issue to the people of Santa Monica that is clear and unmistakable.

Shall Santa Monica be a wide-open town with all that implies in protected gambling and vice? That was what Ed Gillette gave the city when he was mayor.

Or shall Santa Monica be a decent, law-abiding and progressive community under an honest and faithful mayor? That is what Ray Schafer has stood for in his long years of successful business life in this city. His fidelity and honesty are unquestioned.

There is a third candidate, little known to this city, but with sufficient support to make it important that citizens understand his candidacy. He is Clyde Foster. His political associations since coming to Santa Monica have indicated a friendly attitude toward gambling. Some of the local gambling fraternity are supporting him, apparently because they fear that Gillette, if elected will bring in big outside gambling interests to compete with them.

The choice between Gillette and Foster is therefore simply one of degree. The only real choice is between Schafer and Gillette.

Another very important question is involved in the choice between these two candidates.

Shall Santa Monica elect a man whose manipulations blocked a civic movement for a new charter when he was mayor and who may be expected to follow the same policy again?

Or will it elect a mayor who is pledged to cooperate with the Freeholders Committee in drafting a new and up-to-date charter for the city? Ray Schafer has a lifetime record for keeping his word. When Gillette was mayor, he broke every public pre-election promise he had ever made.

It is a choice between decency and fidelity on the one hand and broken pledges and a wide-open town on the other.

The issue of a wide-open town is of vital concern to all parents who want their children to grow up in wholesome surroundings. It affects every citizen who believes that the laws should be enforced and that vice and gambling should not run riot in the community. It is the age-old contest of the home against vicious and demoralizing interests which, once they are admitted to a community, invariably spread and increase their operations.

The issue of a new charter is only second to the supreme issue of a decent and reputable city. It involves the question of a better form of government for the city, which Gillette's record as mayor indicates that he does not favor. Santa Monica has an antiquated charter, drafted for a city of 10,000. It is wholly inadequate for a city of 85,000. Schafer will cooperate and support a new charter. Gillette cannot be depended on.

These are subjects of vital concern to the future of Santa Monica. Its character as a decent city must be preserved. Its form of charter must be brought up to date.

It is very important that the voters of Santa Monica should go to the polls Tuesday and express their wishes on these vital subjects. No good citizen can afford to stay at home. With a full vote we have no doubt of the result.

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EXHIBIT 9

Santa Monica's Most Important City Election

Tomorrow's election is a momentous one for Santa Monica. It is not too much to say that it will decide whether this city will go forward as a high-class residence community and liberal resort, under a progressive and honest government, or will stagnate under the double blight of bad government and protracted racketeering.

The party Santa Monica has been handicapped by an getting a better form of government will be taken if citizens vote "yes" on this proposition: "Do you favor the election of a board of freeholders to frame a new charter?"

The main first vote on this question to make your vote on freeholders count. By voting "yes," you will be advancing a civic improvement which is long overdue and vital to the further growth and prosperity of this community.

You will not be voting for any specific new charter, but only for a chance to vote later on such a charter after it has been drafted by a chosen board of freeholders. (A freeholder is simply a citizen who has lived and voted in this city five years and who owns real property. There are 26 freeholder candidates on the ballot. Only 15 can be chosen.)

A recommended list appears at the top right-hand column of this page.)

While waiting for a new form of government, Santa Monica must continue under the present form, which calls for the election tomorrow of three city commissioners.

Of these, the Commissioner of Public Safety, the Police Department and the City Engineer are the candidates to keep them out; and because one of the candidates, Ed O'Brien, formerly made Santa Monica a wide-open town and blocked every attempt to reify the city's form of government, his election tomorrow would turn this city over to big-time gamblers and racketeers and would seriously jeopardize the movement for a better form of government.

Only by electing Ray Schaller mayor can Santa Monica be assured of civic decency, law enforcement and a new charter.

There is still another measure on tomorrow's ballot which is vital to this city's future. It is the proposed bond

issue to pay Santa Monica's share of a sewage disposal plant for the Los Angeles sewer district, of which this city is a part. This measure must pass if our beaches are to be saved from present pollution, and if the Bay District is not to be ruined as a seaside resort.

There are other important matters to be decided by the voters, as indicated below. But the three listed above are critical. They make tomorrow's city election the most important one in Santa Monica's history.

The Outlook Recommends

For Commissioner of Public Safety, Ray Schaller.
For Commissioner of Public Works, William W. Milliken.
For Commissioner of Finance, Dwight G. Freeman.
For Member of the Board of Education, Eli M. Noel.
For Mayor, Ray Schaller.
For Board of Freeholders, vote "yes."
Proposed new charter? Vote "yes."
Sewage disposal plant? Bond proposition (for average disposal plant), vote "yes."

Proposed Charter amendment No. 1, to increase salaries of the city commissioners, no recommendation.
The UCLA land proposal (see editorial on tonight's editorial page), vote "no."

Vote For 15 Freeholders

If choosing 15 freeholders, you will naturally select the 15 candidates whom the Outlook considers best qualified to do the job. The following list may be helpful. It includes not only the names of the candidates, but also their addresses and most widely representative occupations. It is printed here for your convenience, so that it may readily be torn out and taken on the spot.

Ben A. Bernard	Louis E. McHenry
John L. Conant	Pauline S. Martin
Samuel J. Crawford	Karl Nittinger
John W. Fisher	Charles O. O'Brien
Marion Goodfriend	Edwin E. Ryan
Edna E. Harsham	J. Lee Schummer
Marshall Wilson	Yvonne I. Wilkins
Charles Edwin Holt	

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Alden Bureau of Circulation
120 Fourth Street Phone S.M. 1228
Wm. L. A. Anderson, Editor

NUMBER 289

EVENING OUTLOOK

West Los Angeles Tribune

16 Pages—5 Cents

Westwood Hills Outlook

SANTA MONICA, CALIFORNIA, MONDAY, DECEMBER 3, 1945

WEATHER FORECAST

Party clouds tonight, Tuesday, possible showers during hours, sun Tuesday.
Temperatures: Low (28 Dec.) 42
High (28 Dec.) 58
This, Tomorrow's High: 42-58 Low: 38-48
8:11 A.M. 45
8:30 P.M. 25
Humidity: 45-55

VOLUME LXX

EXHIBIT 10

EXHIBIT 11

boys. That's OK. But we don't have

from Dike.
with a little piece about garbage.

White Population

Total Here 64,415

Government Releases SM Census Breakdown

The white population of Santa Monica increased 24.6 percent between April 1, 1940 and July 1, 1946, and the nonwhite population increased 89 percent, the United States Bureau of Census reported today.

A breakdown of figures compiled in the special census of last July showed a total population in Santa Monica of 57,473, an increase of 26.1 percent over the 53,500 reported in 1940. In 1946 there are 54,415 white residents, and 3058 comprising the total of other races.

The number of occupied dwelling units in Santa Monica was 18,025 on April 1, 1940, and on July 1 of this year census tabulators reported the figure had increased to 22,740 occupied units. This is an increase of 26 percent. The population per dwelling unit remained the same at an average of 2.97.

The figures were released by J. C. Capt. director of the Census Bureau, Washington, D. C.

Cancer Research Fund At UC Given \$592,065

BERKELEY (AP)—A total of \$592,065 in gifts including \$202,000

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EXHIBIT 12

Bay Leaders Spot Culture Problems

Discussions Probe Intergroup Tension

Seventy-five leaders of Santa Monica Bay District organizations met last night in the chapter home

to discuss plans for meeting race and culture problems in this area.

This was the first of a series of three sessions planned by the Santa Monica Bay District Branch of the Los Angeles County Supervisors' Committee for Interracial Progress of which Judge Orlando H. Rhodes is chairman.

Dinner Program

Leader of the workshop is Dr. Stewart G. Cole, director of the Pacific Coast branch of the Bureau for Intercultural Education. Consultants assisting Doctor Cole at last night's session were Sgt. Harry Tanouye, veteran of World War II, now with the War Relocation Authority, and William M. Jones of the Urban League of Los Angeles.

Following dinner, the group discussed "The Roots of Intergroup Tensions in This Community."

Next Session Monday

Committee members sponsoring the workshop are Judge Rhodes, Ernest Blenkhorn, Harry C. Boehme, Samuel Fink, Harry Markowitz, Robert McClure, Salvador Morales, C. G. O'Brien, J. Allen Reese, Jacob Rubel, Rex Feele, Robert C. Tindall, William Young, Dr. Roy G. Bose, Dr. Cecil Dickerson, Dr. Howard McConnell, Rev. W. P. Carter, John Gabrielson, L. H. Owens, Judge Thurlow T. Taft and Father James Grimes. Other members are Janet Gordon, C. N. Hendricks, Ede O'Brien, Rachel Valles, H. T. Wilken and Carrie Reynolds, secretary.

The next session will be Monday, November 19, when the topic will be "Methods of Social Action for the Improvement of Community Relations."

Resource leaders assisting Doctor Cole will be Prof. H. B. Trekker of the Graduate School of Social Work of the University of Southern California; Leon Lewis, Los Angeles attorney, and Dr. Pauline Young, professor of sociology at the University of Southern California.

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"Workshop" discussion of racial and cultural problems, sponsored by the Santa Monica District Branch of the Los Angeles County Supervisors Committee on Interracial Progress, engaged the attention of 85 Santa Monica civic leaders in the second of a series of meetings in the Red Cross Chapter House, 153 San Vicente Boulevard, last night.

The discussion was headed by Dr. Stewart G. Cole. The subject was "Methods of Social Action in Solving Interracial Problems." Resource leaders assisting Doctor Cole were Dr. Pauline Young, professor of sociology at University of Southern California; Leon Lewis, Los Angeles attorney, and William M. Jones, Los Angeles Urban League.

Next "Workshop" meeting will be held Monday night in the Chapter House when "Methods of Education for Interracial Progress" will be the discussion topic.

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Santa Ana Loan Firm Cancels 30 GI Cases

SANTA ANA (U.P.) — The Santa Ana Building and Loan Co., weary of filling out 20 feet of forms for every GI loan, today canceled 30 such loans and charged the Veterans Administration with "bogging down in red tape."

"It is impossible to do business with the Veterans Administration," Secretary - Manager George W. Cooper of the association said in a letter to Col. L. C. Chapman, regional veterans' manager. "We have canceled all attempted processing of GI loans and have so notified the veterans."

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Real Estate Transfers

Concert To Aid Interracial Group

Thursday Program To Feature Vocalists

...races will sit down together at a benefit concert to be staged next Thursday night in the Santa Monica Bay Woman's Club, Fourth Street and Wilshire Boulevard, for the purpose of raising funds to carry on the work of the Committee for Interracial Progress of this city.

Sergei Radzinsky, internationally known tenor, and Ruth Markowitz, soprano, will be featured artists. They are donating their services for the cause of better human relations, which is the committee objective.

Respect for human dignity through common appreciation of the worth of each individual, regardless of racial origin, is the purpose of the local Interracial Committee, which was organized here six months ago at the request of the County Board of Supervisors and through the initiative of Mrs. Hubert Wilkin.

The committee is made up of Santa Monica citizens of several races and is headed by Judge Orlando H. Rhodes, with Carrie Reynolds, executive director of the YWCA, as secretary.

Tickets for the concert may be obtained at the YWCA, 1318 Fourth Street; the Marbro Shop, 318 Santa Monica Boulevard; or at the office of the Woman's Club the night of the concert.

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EXHIBIT 13

sign your name in the space provided on

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(Continued from Page 1)

communities which would be aggravated by lessening of internship orders, the Peace Officers Association of Los Angeles County has appointed a committee consisting of Sheriff Eugene W. Biscailuz, District Attorney Fred N. Howser, John H. Hanson, superintendent of plant protection, Lockheed Aircraft Corp.; Los Angeles Police Chief C. B. Horrall and MGM Studio Chief W. P. Hendry to oppose any lessening of internship restriction, and other organizations and associations are actively fighting the release of internees.

"The citizens of the west coast are strictly and unequivocally opposed to the infiltration of Japanese into their communities."

A copy of the resolution was ordered sent to General DeWitt, the California members of congress, the secretaries of war and navy and the president of the United States.

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**NATIONAL PARK VACA
FACILITIES RESTRICTED**

Every visit a national park ...

many other radio and motion picture

committee

City Council Passes Resolution Against Japs

In answer to a query by the University of California as to how the City of Santa Monica feels about a return of the Japanese to the Pacific Coast at any time the City Council answered with an emphatic NO.

The letter from the university explained that a survey is being made and the results from city officials all over the state will be compiled. Commissioner W. W. Milliken offered the resolution against returning the Japanese either now or in the future and stated that he could see no reason why they should be permitted to come back ever. His resolution provided that they be banned from the Pacific Coast forever.

The resolution was adopted without argument and D. C. Freeman offered the suggestion that all Japs be deported to Japan after the war.

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EXHIBIT 14

The Little Savage

W



IN SCIENCE CIVILIZATION HAS MADE ITS GREATEST STRIDES - IN THIS LAB THEY'RE WORKING ON DISEASE CONTROL - ONE OF THESE DAYS WE CAN GIVE EVERYBODY A FEW GUINEAS AND...

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IN THIS LABORATORY THEY'RE WORKING ON SCIENTIFIC WAR WEAPONS - FISSION BOMBS, GERM SPREADERS, DEATH RAYS, DISINTEGRATORS, ETC. - TO PROTECT CIVILIZATION -



I GET IT NOW! YOU WANT TO KEEP ALL THE PEOPLE ALIVE UNTIL YOU'RE READY TO KILL 'EM YOURSELVES

REG. MANNING

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EXHIBIT 15

New Move Planned To End Ship Strike Fair Employment Proposition Proves Controversial Issue

Meeting Of Operators Called In Washington

By The Associated Press

There were indications today of possible progress in efforts to settle the nation's major labor disputes.

Government officials in Washington planned a new attempt to end the long-delayed shipping strike.

It is expected that the strike will end in the Pacific and Gulf ports.

In strike-bound Pittsburgh, where in 11-day strikes of 3600 power workers has curtailed general business, some 7700 AFL streetcar men planned to vote on whether to cross picket lines set up by the Independent Power Union.

Return to work would end one of the most severe transportation tieups in Pittsburgh's history and alleviate the effects of the work stoppage by the Duquesne Light Co. employes.

Operators To Meet In Washington, the Maritime Commission arranged to invite West Coast shipping officials to meet with East Coast operators and commission members over the weekend to seek an end to the maritime walkout.

The main obstacle to a settlement of the strike by CIO Marine Engineers and the AFL Marine Mates and Pilots was considered to be the West Coast deadlock over demands for more union security. The Maritime Commission wants a uniform settlement on both coasts and the Labor Department's compromise plan has been accepted by East Coast employers and the unions.

But a maritime official said the Pacific American Shipowners Association has held out on two provisions of union security—preference to union members in hiring, and a requirement that union men must maintain their membership or lose their jobs.

Further Conferences Planned Pending arrival of the West Coast operators, negotiators planned further conferences on wage demands and other issues.

CIO West Coast longshoremen, whose strike since Monday has tied up shipping on the Pacific Coast, offered to end their walkout pending further negotiations.

In Pittsburgh, the AFL-Pittsburgh Central Labor Union, representing 175,000 workers, told the Independent Power Union it would "tolerate" no interference with its members.

Top-ranking AFL officials urged the electrical employes to return to work as there was no indication of immediate settlement of the power work stoppage. A company statement said "absolutely no progress" has been made in conferences between power company officials and union laborers, who are demanding wage increases of 20 percent.

Former Cornero Lawyer Listed As Howser Aide

SAN FRANCISCO (AP)—Edmund B. Brown, Democratic nominee for state attorney general, has been accused by his Republican opponent, Fred Howser, of placing an attorney who once represented gambling ship interests in charge of a campaign to stop gambling on Tony Cornero's vessel Lux.

Brown charged in a broadcast speech that C. C. Stratton, "the Charles Stratton" now chief deputy under Howser, Los Angeles District Attorney, in 1942 represented Cornero and associates, owners of the gambling ship Tenger.

The value of farm buildings fell more than 20 percent from 1930 to 1940.

Creation of a fair employment practice act is to be submitted to Californians this year in the form of Initiative Proposition No. 11 on the November 3 election ballot.

Of wide and controversial scope, the proposed act will define an unlawful practice as any act which denies or abridges the right of opportunity to secure employment and defines as unlawful any discrimination on the basis of race, religion, color, national origin or ancestry in employment and labor union practices.

It defines unlawful employment practices and creates a five-man commission with arbitrary power to enforce prohibitions against them, vesting in the commission the exercise of the police powers of the state.

Labor and vocal interests have arranged themselves for and against adoption of Proposition No. 11.

Labor, Vote-Endorsement Plan Endorsing it are the Democratic Party of California, the CIO, the AFL, American-Veterans-Committee, the Northern California Council of Churches, the Ministerial Alliance and others.

Assigned against it are the California Farm Bureau Federation, the California Chamber of Commerce, the California Grape and Tree Fruit Association and others.

Its opponents label it "communist" and an incitement to incensed rather than broader acceptance by attempting to legislate individual conscience.

It is pointed out, too, that the act as drawn denies trial by jury and leaves the commission imbued with police law, or by statutory rules of evidence and procedure.

Its adherents, on the other hand, hail it as broadening the ideals of American civil rights and extending as a constitutional right the privilege of employment without racial, religious or nationalistic discrimination.

Hits Racial Discrimination The act declares at the outset: "All men are by nature free and independent and have certain inalienable rights, among which are those of enjoying and defending life, and liberty, and pursuing and obtaining safety and happiness. The opportunity to obtain and hold employment is one of these rights."

This act shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health and peace of the people of the State of California. The people declare that the protection and safeguarding of the right and opportunity to obtain and hold employment without such discrimination or abridgment shall be public policy of this state.

The act creates a fair employment practice commission to investigate violations and enforce the law. The five commissioners would be appointed by the Governor and paid \$7000 a year.

Powers Of Commission Powers of the commission are defined as follows:

1. To hold hearings, subpoena witnesses, create advisory agencies and registration councils, and to issue such publications and research material as it may determine.

2. To conduct hearings and investigations by rules of practice to be adopted by the commission, and which would not be bound by the common law or by statutory rules

of evidence and procedure as in the courts.

3. To issue cease and desist orders, and to obtain court orders enforcing its decisions. Courts are specifically required to enforce orders of the commission.

4. To issue cease and desist orders, and to obtain court orders enforcing its decisions. Courts are specifically required to enforce orders of the commission.

5. To issue cease and desist orders, and to obtain court orders enforcing its decisions. Courts are specifically required to enforce orders of the commission.

Injunction Forbidden 3. Commission orders may not be stayed by injunction or restraining order by the courts pending an appeal, nor may the courts assume jurisdiction affecting the commission or its orders.

6. Judicial review of final orders of the commission may be petitioned up to 30 days after final entry of the orders.

The act defines unlawful employment practices:

1. Refusal of employment to hire or to pay, or discharge from employment, anyone for reason of race, religion, color, national origin or ancestry.

2. For a labor union to exclude, expel, or restrict membership for the same reasons, or to relegate any member to second-class membership for those reasons.

3. For employers, as a preliminary hiring, to inquire into the race, religion or ancestry of job applicants, or to exercise discrimination on this basis in any inquiry regarding prospective employes. Questions of this nature, however, are permitted in setting forth occupation specifications provided specific written approval is obtained in advance from the commission.

4. To discharge or discriminate against anyone for reason of being connected with proceedings under the act.

5. To aid or abet anyone in acting contrary to forbidden practices.

Must Pledge Support The act also provides that every contract to which the state or any of its subdivisions is a party, must contain a provision requiring the contracting parties to adhere to the act.

In its functioning, the commission is empowered to act upon complaint or as a result of its own investigation.

After an investigation by a commissioner, the act requires that he shall attempt to eliminate the unfair practices by "conciliation and persuasion." This failing, a hearing shall be ordered and a decision rendered after evidence is heard.

The last proposition, No. 12, gives

constitutional sanction to legislative amendments of 1920 and 1941 to the initiative measure commonly known as the Alien Land Law.

Whether statutes in connection with the law which already have been enacted by the Legislature in connection with wrongful control of property by alien Japanese.

Opponents declare it is race discrimination, and term it "elaborate enticements" which have no place in the constitution. It is argued that it

is a calculated attempt to induce discrimination against Japanese, Indonesian, Filipino and Japanese and threatens to allow return of land and property of Japanese ancestry.

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EXHIBIT 16

LA Chamber Joins Salazar 'Fair Practice' Fight Faces

Active Opposition Urged In Statement

Paralizing action taken by the Santa Monica-Ocean Park Chamber of Commerce, the directors of the Los Angeles Chamber of Commerce today stated emphatic opposition to Proposition No. 11 on the November 2 ballot, the so-called Fair Employment Practices Act.

Harold W. Wright, general manager of the Los Angeles organization, said the designation of the act as a misnomer and urged active opposition.

Objections Listed

"Wright quoted the directors as saying that if the act is adopted it would:

"Authorize imposition of criminal penalties without trial by jury, one of our most valued constitutional rights."

"Set up a commission not bound by common law or statutory rules of evidence and procedure.

"Give the commission broad inquisitorial powers which could be and undoubtedly would be used to harass employers and to coerce them into employment of certain individuals rather than suffer the inquisition refusal would entail.

"Limit review of commission actions to certiorari, a review so limited in nature as to be valueless in most instances.

Curbs Employer's Rights

"Deny employers the right of obtaining full information about a prospective employe—race, religion, color, national origin or ancestry—for the purpose of intelligently appraising an applicant's qualifications for a particular job.

"Attempts to coerce a majority, by law, to employ members of any so-called minority groups likely to stimulate intolerance rather than remove it. Tolerance, by definition, is something which cannot be forced by law. It is a matter of individual conscience and private judgement.

"If enacted, Proposition No. 11 would set up a new bureaucracy with extremely broad and dangerous powers. It would emphasize racial and religious cleavages rather than allay them.

"It is a measure we believe most emphatically would be contrary to the public welfare," they said.

America gave the world a new and fully developed type of leather-soled shoes—the moccasin.

Permanent, Dignified

By J. M.

Associated

Trouble for government in growing for set

The regime most suspender the majority at country's maj possibly the A powerful sectio officer group stalled Carmons has been repo Some time

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Opposition

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News From

By JAS

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Envision

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EXHIBIT 17

tion for government employes being union-
ized. They already enjoy all the advantages
given by unions, and they also owe an un-
divided single allegiance to the people.

The Need Of A Republican Program

Most political observers today agree that
the Republican Party has a good chance of
capturing control of Congress in this year's
election. They give two reasons. The first is
the fact that the coalition which Franklin
Roosevelt succeeded in holding together,
which was composed of such incompat-
ible elements as Southern Democrats, North-
western big city bosses and the CIO,
is showing signs of falling apart, and can-
not be controlled by President Truman.

Another factor is that a party which
has been in power as long as the Democratic
Party is bound to suffer from
complacency and from a stale-

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ness in its leadership. By all the laws of political psychology, the country is ready for a change.

Don't

But it is equally agreed by these observers that after nearly 14 years out of power the Republican Party still lacks popular appeal. It must be admitted that so far it has no program and its leadership leaves much to be desired.

The party is definitely handicapped by the fact that its chief spokesmen and leaders in Congress are Sen. Robert Taft and Rep. Joe Martin. The last national standard-bearer of the party, Governor Dewey, is in political decline and cannot be looked to for

has grown in public stature and especially his interests are so much in foreign affairs that he is hardly likely to contribute greatly to domestic policy or emerge as a popular leader. There remain former Governor Bricker of Ohio and ex-Governor Stassen of Minnesota. Both promise to grow as national figures.

What the party needs most urgently is a program. There is no lack of issues on which it should take a stand which would be truly progressive and appealing to the majority of the American people. As the party of free enterprise as opposed to collectivism, it has the greatest cause in the world today. But it must expose and demonstrate the real advantages of free enterprise for organized labor as well as for farmers and the middle class.

The party should write, with the advice of men like Eric Johnston and ex-Governor Stassen, a new declaration of economic emancipation and opportunity, and a new affirmation that government must stand above class and be the honest servant of all the people—not their bureaucratic master and shortchanger. It should go back to the principles of its last great popular leader, Theodore Roosevelt, and revive the "square deal" as opposed to special privilege. It has a magnificent opportunity to serve the nation if it will do these things.



EXHIBIT 18

EXHIBIT 19

Why SM Flourished After World War II



By ROBERT E. McCLURE

In my last column I told of the first months of World War II bringing many war veterans to Santa Monica to enjoy their leaves here. Many officers were allowed to bring their wives and they found this a heavenly place when given a vacation honeymoon in our best summer weather, after enduring the rigors and extreme dangers of the Pacific war with Japan, or the daylight bombing flights over Berlin and other German cities.

But the war veterans who settled here after the surrender of Japan composed only one element of the city's growth. There was a buoyant feeling of hope as Santa Monica voted for a Board of Freeholders, to write a charter for a new city government, and there was also remarkable prosperity.

One reason for the prosperity was that people were freed, at long last, from repressive food and gasoline rationing and from nightly blackouts which had made travel hazardous after dark. Housewives were able to shop for other things than daily groceries, and all wives, and husbands too, were finding out that the household appliances they had dreamed of for years were still not available but might be soon. All over the country there was a tremendous demand for housing, automobiles and such appliances as refrigerators and washing machines. Many smaller factories which had been producing war supplies and ammunition were able to convert fairly quickly to the production of household items which were in demand.

This circumstance confounded the economists and politicians who had been predicting all kinds of calamities if wartime controls were not kept on. The nation said goodbye to controls because the people were sick and tired of most of them. So we had a free market operating in a free economy and this alone made for prosperity in most sectors of the national economy.

In 1944 Santa Monica's mayor, Leonard Murray, had died and there was danger that after the war the former incumbent mayor would return from naval duty as a captain in Long Beach, wearing a halo and threatening to take over the city again. This was probably prevented by a series of articles in the Outlook recalling some of the wide-open town conditions which had prevailed in this little city during the former mayor's incumbency. A movement to draft a new city charter had gone forward rapidly and although the drafting would take many months, it was believed desirable that Commissioner D. C. Freeman should no longer do double duty as Mayor Murray's successor as well as commissioner of finance. A new standby commissioner of public safety should be elected. Accordingly Ray Shafter ran for the office at a special December 1945 election, pledging to step aside when the new government finally began to operate. He was a man of probity and good will, who, having property in Escondido, Calif., wanted to move there and close out his insurance business in Santa Monica.

The reason for charter reform was clear. The city had been operating under a three-man commissioner form of government which was quite inadequate to a city of Santa Monica's present size. The three commissioners were responsible individually for the police and fire departments, for finance and for public works. If any one of the three got into trouble or exceeded his authority, he could shift part of the blame to the other

two. A new city charter, rather hastily drawn by a woman student of government, had almost carried in 1932; it had the merit of following the city manager-council plan which had been adopted by several hundred cities of between 30,000 and 400,000 population, all over the country. With the ending of the war, we who believed in charter reform could elect a board of freeholders to draft a new charter along the lines of city manager-council plan, and candidates came forward for freeholder who include Santa Monica's ablest and most dedicated citizens. The board of 15 was headed by Samuel J. Crawford, Sr., after much conscientious study and debate the board decided that members of the new city council should be elected at large and not by district. This was a crucial issue at the time and it merits recollection now. Ocean Park and Sunset Park have had top priority under this government in getting desired improvements.

Once the charter was presented, the city voted again to elect a new council. Mark T. Gates received the highest number of votes and headed a delegation to offer the post of city manager to the best prospect they could find. Their choice settled on Randall M. Dorton, who had been city manager of Long Beach before rendering important service in a Washington department during the war. Mr. Dorton lost no time in hiring a new chief of police and building a water storage system for Santa Monica and a new sewage system connected with the Los Angeles outfall. The fire insurance rate dropped dramatically once the city had enough water to meet all emergencies. The city manager had no trouble getting authority from the new city council, and he made numerous other reforms which pleased most of the people of Santa Monica.

These were good years for the nation which had been victorious in World War II and whose citizens now could enjoy the very real blessings of peace. There were many marriages and the birth rate soared as eight million Americans or more were released from their war service, to take wives and make new homes for themselves. The nation had had to go heavily into debt to win the war, but now deficit financing stopped and the dollar was allowed to find its proper level as the soundest currency in the world. Except for those who had lost dear ones, Americans had never had it so good.

L.M. Boyd When Is Wife The Happiest?

In what stage of her matrimonial life is a wife most likely to be happiest? That's what the scholars wanted to know. At the University of Michigan's Institute for Social Research, after lengthy study of the matter, they concluded it was a toss-up between two stages. Before the first youngster was born and after the last left home.

No New York City policeman is authorized to wear a curly mustache. It's not the carrier pigeon that carries messages, but the homing pigeon. Three out of every 10 corporate bankruptcies result from employee theft.

about Proposition 13 at the Coastal Conservancy Commission.

A coastal commissioner in a letter published in the Evening Outlook stated that the opposition to Proposition 13 was beating a dead horse, wasting their time. It is a first-class example of an abuse of power by a public official. In his mind to all that is in tune with his ultra-conservation ideas. Is the democratic way of public official has responsibility to put out with an open and fully understood sides of issue. one-sided line of this does greater harm to conservation program than good.

The commission gives real estate, courts and palm around like a game monopoly, dicta developments that little to do with life, the beach, or air. The side of conservation is winning battles but is losing the war. Much of the public been "turned off" cause of conserv because of the commission's abuse of property.

The California stretches for a by miles and the plot of this God-given

Well

Editor: It is a welfare system overhauling, familiar with one of it - county relief - lagree

The County Angeles welfare is weighed down by work and bureaus red tape. True, you screen the need the freeloader, it from the frauds the needy and they often suffer un pressures of the system. Some of ty requirements: constitutional. G welfare recipe conform or be fied for aid.

What do you set of bureaucrats perhaps inadvisedly designed to help person on welfare than return his support again?

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To qualify fi must look for attend-a-county ject for a certz of days accor own case. Wild vation. I agre first requires

EXHIBIT 20

Big 3 Split

City Council Of Seven Members Given Approval

Steps Taken Expedited To Free

Election-At-Large Proposal Adopted By Freeholders

Possibility of court action, equality of allocation to pay expenses. Monica Board was discussed today by (erny, City Atto

A City Council of seven members, to be elected at large, was approved last night by the Santa Monica Board of Freeholders for the manager-council form of government when they are writing into the proposed new city charter.

Under a tent through coopers and members of nance committee Inerny said, the should approve \$5600 budget as by the freehold

Only two of several important decisions made at the regular weekly session, the seven-man council and "at large" selection were carried by a 10-10-4 vote, after a previous motion for a nine-member council brought a 7-10-7 deadlock.

Plan C Before the n ever, the City members of the tee have agreed citizen's injunc the city action penditure."

Controversial Issue Settled
In approving this matter, the freeholders cleared what had been termed one of the most controversial issues in the charter program, and at the same time avoided what their attorney, Louis H. Burke, said might be political "horse-trading" tendencies under a ward system of selecting councilmen.

At a meeting last night, B chairman, pre approval of th that in his opi presents the "y desire of City (lance the vice ford revealed t Gandy has co the party sele testing action.

Under the seven-man system, four of the seven receiving the highest number of votes at the first election after adoption of the charter would receive four-year terms, the remaining three to serve two-year tenures. Thereafter, elections would be held every two years, with the terms staggered so members would be elected in alternate years.

MAY 7 It is expect will be prepar at tomorrow's sign, at which have indicated payment of \$3

Council Would Elect Mayor
The "mayor" under this program, the board decided, shall be an elected councilman, to be elected the mayor by other members of the council. He shall serve at their pleasure, being removable by majority vote at any time. The mayor, although he will be presiding officer of the body, will have no additional voice in government than his fellow members and he will receive the same \$50 per month expense fund. There is no other salary provided for councilmen.

This action, sent, McInern: tion of final Gandy to the parties.

The city manager—not an elected official—likewise will be appointed by members of the council. His term of office may be terminated at any time by majority vote of the elective officials. It was decided, rather than to engage a manager on a contractual basis.

Escaped 7 On Circuit

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Appointment Plan Approved
The freeholders also approved council appointment method of selecting the city treasurer and city clerk on recommendation of Attorney Burke, who explained that it was not always possible to select a man of ability over a man of popularity at the polls. In addition, he said such a method centralizes responsibility for good city government in an elected few to see that offices are filled by persons of ability.

California For SD-V

WASHINGTON: Senators Krueger (D-Cal) and (D-Cal) agree with Truman to study war financing pe porters that are now cons city's water

The present election system of members of the Board of Education was retained in the new program. However, the issue of increasing the number of school board members from the present five to a seven-man body ended in deadlock. Following a 7-10-7 vote, it was decided to postpone the matter two weeks, to give freeholder members an opportunity to study the matter more thoroughly.

LA Cour Oil-Drill

LOS ANGELES: nance granti Co. permit to acres of lan eales River Council toda received only sary 10-vote

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EXHIBIT 21

shows a final figure of \$55,767.30, due to a reduction of \$5000 in demolition and clearance costs.

'At-Large' Election Policies Unchanged

Members of the Board of Freeholders last night voted, 9 to 8, not to reconsider their previous decision that the proposed new city charter should call for election of all councilmen at large rather than

In favor of reopening the question were Ben Barnard, Mrs. H. T. Wilken, Mark Gates, Martin Goodfriend, the Rev. Howard McConnell and Mrs. Joan Leslie Cornett.

Prior to voting on the question, the board heard Ralph Lamb, Morton H. Anderson, Moe M. Fogel, E. D. Boynton and P. T. Hill, all of whom appeared to urge the freeholders not to modify their previous position in the matter.

The board also voted to designate the commission destined under the new charter to have jurisdiction over music, parks and recreation as the Recreation Commission.

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Dogs To Aid For Grieving

OGDEN, U. T. — Planned to throw the search for sessions. 25, -gr who wandered Monday after seen killed in a Police said Mr ently "started about the boy at ing."

Canadian G Acts In Lo

OTTAWA (U.P.) government inte nine-day strike gers and sawmill duced newspri United States.

Leo Carrillo's Purchase

EXHIBIT 22

Under the earlier channeling order so-called set up in each community, reflecting local build least half of future building permits were to come. Nationally the dividing lines were supposed to be mainly \$5000. However, FHA sources say the average is much more. Some sources put the figure at around

Freeholders Study Council Selection

Voters May Get Two Proposals On Ballot

Public opinion being divided on the question of whether members of the City Council should be elected at large or by districts, the Board of Freeholders last night took up the alternate proposal of placing two plans on the ballot and permitting the electorate to decide the issue.

The freeholders set July 9 as the date upon which they will decide definitely whether to place alternate proposals on the ballot, and a committee was appointed to draft the proposals as follows:

1. A method by which all seven members of the council would be elected at large.

2. A method by which three members would be elected at large and four from districts, the committee to determine the method of districting.

The question of council election was raised by Mrs. H. T. Wilken, after Samuel J. Crawford, chairman, had withdrawn a motion he advanced at an earlier meeting that all matters once reconsidered be regarded as final and not to be open for further discussion. Crawford said he withdrew the motion because of the harmony with which the freeholders have acted.

The board, with the exception of

President Drops Plans For Summer Vacation

WASHINGTON (AP)—Expressing

Coast Lumber Lash Back

Nine-Month Suit Case

SAN FRANCISCO—Coast lumbermen at Office of Industrial Relations officials who move to smash a nine-month "artificial" lawsuit over the court.

The OPA suit against 40 lumbermen and several courts of Washington, aims to collect a total of \$525,000 in damages. The suit involves 65,849,100 board feet.

At Aberdeen, Anderson, president of Harbors Lumber Co., called it a "political move."

Terms of the suit: "I think it is a mistake to should pick operators while S running ramp ket," he declared. Lumber Co. is the plaintiff in suit for \$525,000 of damages.

"These suit ences of OPA ceilings, dent of the Lumber Co. of Portland that in his opinion that the OPA suit against the lumbermen is a "so admirable" move. Donald D.

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lled
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Freshholders Study Council Selection

Voters May Get Two Proposals On Ballot

Continued From Page 1

The districting matter, completed the draft of the proposed new charter, taking final action, among other things, on a statement of labor policy under the section on civil service.

Before action was taken on the labor policy question, Crawford raised the question of whether the freshholders properly should inject the question of labor policy into the charter, since the proposed policy would not change the present situation.

Louisa Burke, counsel for the freshholders, said the provision might be regarded with propriety as a means of guaranteeing rights of employees in the future, and the provision was approved.

Basically it affords employees the right either individually or collectively to petition any board or the council, either personally or through a spokesman of their own choosing, on any matter relating to wages, hours, or working conditions. Only opposing votes were Crawford and E. P. Nittinger.

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surprised at it because, so far in the season, the crop has been so well supplied as in other years.

An Evasion Of Responsibility

It is unfortunate that some members of the Board of Freeholders are still attempting to reverse the board's decision for a charter with election at large of members of the City Council. This controversial issue has been settled twice by a majority of the board voting in favor of election at large. The advocates of election by districts are now asking the freeholders to place two proposals on the ballot and invite the voters to choose between them.

The first thing to be said on this point is that it would weaken any charter submitted. The freeholders were elected to draft a new city charter; they were not elected to submit alternate plans to the electorate that would be a confession of inability to decide which is preferable. They would be evading their responsibility if they resort to such an expedient.

It is also obvious that the proposal under consideration would, if adopted, be extremely confusing to most voters. The latter would be asked to decide between (1) a method by which all seven members of the Council would be elected at large; and (2) a method by which three members would be elected at large and four from districts, with a committee to determine the method of districting. To enable the voters to understand what is involved would require a separate educational campaign on top of what will be needed to expound the rest of the proposed new charter. No proposal could be more ill-advised. None could be better calculated to confuse the electorate and possibly jeopardize the whole work of charter reform.

The freeholders responsible for this unwise proposal are forgetting that one of the most desirable qualities of any charter is that it is the simplest. The freeholders need to get on with their job and stop arguing over points already settled.

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EXHIBIT 23

At Large.

Board Completes Work On Draft Of Proposed Charter

Members of the Board of Freeholders last night completed action on Santa Monica's proposed new city manager charter and sent the document to the printers, but it was emphasized that it will not be finally adopted as the report of the freeholders until interested individuals and organizations have been given full opportunity to read it and make any comments or suggestions.

Printing, according to Mrs. Jean Leslie Cornell, secretary of the board, should be completed in about three weeks, at which time copies will be available.

In an unexpected action, the board last night unanimously rescinded its previous decision to place an alternative plan for the election of councilmen on the ballot, and decided that the original proposal to name all seven councilmen at large will stand.

Reason given was that the board held it would not be desirable to confuse the issue by placing both on the ballot, that election at large is the best method and calculated to eliminate "log rolling" tactics.

The freeholders also reviewed and made a slight change in the Planning Commission organization, on recommendation of a committee composed of Ed Hills, Marshall Hickman and Judge Milan Ryan. The Planning Commission, as now proposed, would be made up of seven citizens, one member of the City Council without vote, and with the City Engineer and City Attorney in advisory capacities only.

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EXHIBIT 24

Dykstra Tells Civic League City Manager Obeys Council

Drive For Training

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Dr. Clarence A. Dykstra, for seven years city manager of Cincinnati, last night told a group of interested citizens that the city manager is a tool by which city councils get things done.

Now provost of the University of California at Los Angeles, the noted educator, who made an outstanding record in municipal government, pointed out that the manager concerns himself exclusively with the task of getting things done of carrying out the policies laid down by the city council.

Addressing Civic League, speaking at a meeting of the City

"Even our police department today is an agency of public service, rather than of government," the speaker declared. "If it were operated as a government agency, it would take on the character of a Gestapo."

New Profession

The speaker called attention to the fact that some 650 communities have changed over to the city manager form of government by this time, and said that "the business of operating cities has become a new profession, in which men advance from smaller cities to larger ones

Auditorium, Dykstra declared that there were two clearly distinct functions of government, the first being to determine what should be done, the second being to do the things determined on by the council.

"This second function," Dykstra pointed out, "is completely non-political. It is not a part of the policy determination. The city manager has no vote, and no official relation with the policy-making group except to carry out these policies."

Dykstra placed special emphasis on the point that, under present-day conditions, most city functions are not functions of government, but of service.

qualifications.

In response to a question from the audience, Dykstra expressed the opinion that the city council should be elected at large "because districts are usually ranged against each other," and expressed the opinion that the council should not consist of more than five or seven members.

A poll taken at the close of the meeting resulted in 6 votes being cast for the ward plan, 15 for the election of council members at large and 35 votes for the combination plan of election at large and by districts favored by Dr. Frank Dyer and the Citizens Civic League. Ray Johnson presided.

Five thousand men are now expense as Santa Monica, Loyola University, Mrs. Hazel E. Santa Monica, States Employment, pointed out students, universities.

Appeal To match for return-on-the-job announced to launch an interest employment training program under the service men.

"The great employer placement Mrs. Elliott prenticeship training and Public Law

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Pulton, Mo., where yesterday he introduced former British Prime Minister Winston Churchill for an address at Westminster College. The

said, "so that others may have a crust of bread." "Ours," he concluded, "should be a continuous Thanksgiving."

Louis J. Burke Named Legal Adviser For Freeholders

Continued From Page 1
ative budget of \$4000 for Burke's services, which will include advisory capacities in addition to preparation of final charter draft into legal terminology. Martin Goodfriend was named to assist other members of the board's Finance Committee in preparing a public appeal campaign for funds to pay charter revision writing expenses.

Burke explained the draft of city government should not be cumbersome and lengthy. An ideal charter, he said, should provide only the limitations on city officials, leaving less important matters to be determined by ordinance at a later date.

Warning the group to steer clear of the ward system of city government, Burke said all precautions should be taken to avoid the "horse trading" tendencies which develop in a council under this system of government.

The freeholders also should avoid compromises in basic principles of government in preparation of their charter, the speaker said. If Santa Monica is to benefit from the new city program,

In a preliminary statement to members of the group last night,

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EVENING POST

Evening Post Publishing Company

WALTER C. McCLURE ROBERT S. McCLURE
Publishers Editor

J. D. FUNK
General Manager

Published Daily Except Sunday
122 Fourth Street, Santa Monica

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The Freeholders' Good Work

The Board of Freeholders seems to be making commendable progress in the draft-
which it was called upon to make naturally
were the form of government and the num-
ber of council personnel, with the manner
by which they are to be chosen. These com-
prise the cardinal framework. What follows
is important in many respects, but it is
largely detail.

The board's first decision was on the form of charter, and it unanimously adopted the council-city manager type. This undoubtedly reflects the general sentiment of the electorate. For a dozen years there has been agitation for this type of charter. In one way or another, it was blocked. The first opportunity for a public expression came in the election of the Board of Freeholders, and that resulted in the choice of 15 citizens who, without a single dissent, adopted the council-city manager form.

The second important decision made by the board is that the City Council, which is the legislative and policy-making authority, shall be composed of seven members and that they shall be elected at large by the whole city. There was room for difference of opinion on this matter. Some have advocated election by wards and some favored a larger or smaller number of councilmen. The Board, by a vote of more than two to one, decided on a membership of seven and their election at large.

We believe this decision also reflects the sentiment of the great majority of our people. The number might have been five or nine, but seven is a fair compromise and the rapid growth of the city will justify a city council of that size. The election at large is even more important. A council elected by wards is never satisfactory. Each member log-rolls for his ward. He frequently puts the interest of his section above the welfare of the whole city. When the election is by the whole city the councilmen represent the city first and their section is secondary. The general experience of hundreds of council-city manager cities proves beyond argument that election at large results in a higher type of councilmen and better government.

In both these important fundamental decisions, the Board of Freeholders has reflected prevailing public opinion and has acted wisely. This is highly gratifying. It forecasts a charter that will reflect credit on the board and which should be adopted without serious controversy.

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EXHIBIT 25

EVERETT WEEKLY LOOK

Santa Monica Publishing Company

WALTER C. MCCLURE Publisher ROBERT E. MCCLURE Editor

J. G. YORK General Manager

1201 Fourth Street, Santa Monica, California 90401

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A Deliberate

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The Freeholders' Great Opportunity

After listening to various special groups, the Board of Freeholders will again discuss its decision to provide for the election at large of a seven-member council in the new city charter. As this important issue must therefore be decided again, it is not amiss to restate the very strong arguments for a council elected at large.

1. This city has only a small area with limits which are permanently fixed. It can and should develop into a remarkably homogeneous community, with all sections having a common stake in civic and beach developments. Under a new city charter, Santa Monica need have no sectionalism if it is given a government which will consider the community as a whole and not be compelled to play sectional politics.

If the council is elected at large, sectional rivalries will be rare and the problems of Santa Monica as a whole will receive the attention they deserve.

But if the council is elected by wards, sectionalism will be encouraged and aggravated. Members of such a council would tend to put the narrow demands of their local groups ahead of the general welfare. They would have to be sectional-minded.

2. All expert testimony on city government, based on the experience of scores of cities with the councilmanic-city manager form of government, is unanimous in favoring a council elected at large.

3. The arguments made by some groups for election by wards may apply to cities of very large and diverse population, but they emphatically do not apply to a small city as compact as Santa Monica. The cry "that minorities must be represented" would mean, if carried to its logical conclusion, that every religious group and every neighborhood should have its special representation.

In our civic life we must all think as members of one community and not as persons separated from one another by differences in creed, race, or neighborhood. It is the essence of Americanism to forget such differences, not to magnify and exaggerate them.

The freeholders have a great opportunity to bind this community more closely together, by doing away with sectionalism and providing for election at large. They should not allow special groups to write any part of the charter for them, against the voice of experience, which in countless cities has proved that a council elected at large is far more satisfactory than one elected by wards.

2. A government which will consider the community as a whole and not be compelled to play sectional politics. 3. If the council is elected at large, sectional rivalries will be rare and the problems of Santa Monica as a whole will receive the attention they deserve. But if the council is elected by wards, sectionalism will be encouraged and aggravated. Members of such a council would tend to put the narrow demands of their local groups ahead of the general welfare. They would have to be sectional-minded. All expert testimony on city government, based on the experience of scores of cities with the councilmanic-city manager form of government, is unanimous in favoring a council elected at large. The arguments made by some groups for election by wards may apply to cities of very large and diverse population, but they emphatically do not apply to a small city as compact as Santa Monica. The cry "that minorities must be represented" would mean, if carried to its logical conclusion, that every religious group and every neighborhood should have its special representation.

This need to try to persuade the only candidate name close to deception is a past expert

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EXHIBIT 26

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An Attempt To Repeal The Charter

Several attacks have been made lately on the decision of the Board of Freeholders to provide in the new city charter for election at large of the seven members of the proposed city council. It is charged that such a plan would deprive certain sections of the city of representation. But a little analysis shows that this fear is groundless.

If Candidate A is interested in only one part of the city and if his appeal is only to the residents of that part, he will surely receive fewer votes than Candidate B, who is widely known in all parts of the city as a man interested in the general welfare of the entire community. Candidate B would be elected. He could not fail to realize that he owed his election over A to the confidence which all sections had in him. He would be anxious to serve the people of Ocean Park and other sections quite as much as those of his own little neighborhood.

This has been proved by the excellent community work of the Board of Education, which is elected at large. No one has ever claimed that we would have a better School Board or one more concerned with giving each section its due, if it were elected by wards. On the contrary, a narrow spirit of sectionalism on this board would result in gross inequalities of treatment and a poorer school system.

The proponents of sectionalism point to the ward system of big cities, but they forget that groups such as organized labor and the colored people do not have the voting power in Santa Monica that they have in New York and Chicago. Here they are minority groups. The interest of minorities is always best protected by a system which favors the election of liberal-minded persons who are not contented to play penny politics. Such liberal-minded persons, of high caliber, will run for office and be elected if elections are held at large.

The attempt is made to play upon the fears of Ocean Park that it will not be represented if the council is elected at large. The truth is that Ocean Park is likely to get better treatment from a council at large, composed of men interested in Santa Monica as a whole, than it would under the ward system. In the latter case its representatives would be sectional. They would arouse opposition and compel others to take a sectional view. This civic disunity and dissension would inevitably grow, and the only way the council could get anything done would be by trading and logrolling, which always have been the curse of city governments.

But the forces which want to defeat the new charter will continue to talk about the alleged "lack of representation" in a council elected at large. To arouse fears on this score is their only hope of blocking this essential and long overdue reform.

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EXHIBIT 27

EDITORIAL

A Smoke Screen Won't Stop Santa Monica

For several weeks the self-styled Anti-Charter Committee daily has published deliberate misstatements, designed to play upon the fears and prejudices of the uninformed, about the new charter. A catalog of their falsehoods would fill this column. We do not believe they have succeeded in blinding any large number of people to facts which are public knowledge—among them these three:

1. The 15 elected freeholders who drafted the new charter deserve and have the confidence of this community.

2. These 15 public-spirited men and women, serving without pay, have drafted a new city charter which, though it obviously cannot satisfy everyone in all its particulars—must be conceded to be a vast improvement over the present antiquated form of government, adopted when Santa Monica was a small town.

3. Mayor Ray E. Schafer has publicly endorsed it. The question before Santa Monica voters is whether they shall adopt this better form of government, after registering their dissatisfaction with the present form of government by a 5-to-1 vote last year. Having stated that simple issue, we may notice briefly the smoke screen which the opposition has tried to throw up.

Falsehood No. 1: "The city manager would be a dictator." The truth: He could not possibly be a dictator. He would be hired by an elected council of seven members who could fire him at any time. This council, responsible to the people, would provide two and one-half times as much democratic control as citizens have over their present government.

Falsehood No. 2: "It would cost more." The truth: The new charter could not fail to reduce administrative costs by a substantial amount to begin with. It would effect other great savings by more efficient administration. The experience of hundreds of American cities under the council-manager plan has proved its superior efficiency and economy.

Falsehood No. 3: "It would take away the rights of our city employes." Nothing could be more false. The new charter not only protects all the present rights of city employes, but gives them better protection than before.

Argument No. 4: "The present government is efficient and economical." (Don't laugh, please.)

Mayor Ray Schafer knows something about the present form of government. He told the Woman's Club that it "presents so many contradictory provisions that any man (elected to the mayor's office) will have a hard time finding out what his duties are."

And look at your tax bills.

Argument No. 5: "The council-manager plan has been a failure in such and such a city." Any form of government can fail if it is badly drawn. The percentage of failures of the council-manager plan is remarkably low, far lower than under any other form of government. Its record of outstanding success in an overwhelming majority of cities cannot be disputed.

Falsehood No. 6: "A sinister power grab by the silk-stocking element." The people of Santa Monica elected 15 freeholders from among 35 representative candidates. The cry "silk-stocking element" has been raised by three would-be labor bosses who ran for freeholder in that election but failed to place among the first 15. They have been very worried about our democracy ever since.

It never was a very good smoke screen. The individuals responsible for it did not dare to let city employes hear the facts at the special mass meeting which they arranged for them and from which they barred any representative of the freeholders.

Visible through this noxious vapor is a clear and shining opportunity for the people of this city. They have a chance Tuesday to get rid of an incubus—the heavy handicap of our present inefficient and wasteful form of government. They have a chance to get a new city government that will be far more democratic, efficient and progressive.

Let's make it the biggest vote ever cast in Santa Monica—and an overwhelming endorsement of a change which is imperatively needed and long overdue.

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EXHIBIT 29

Bay Leaders Spot Culture Problems

Discussions Probe Intergroup Tension

Seventy-five leaders of Santa Monica Bay District organizations met last night in the chapter house

to discuss plans for meeting race and culture problems in this area.

This was the first of a series of three sessions planned by the Santa Monica Bay District Branch of the Los Angeles County Supervisors' Committee for Interracial Progress of which Judge Orlando H. Rhodes is chairman.

Dinner Program

Leader of the workshop is Dr. Stewart G. Cole, director of the Pacific Coast branch of the Bureau for Intercultural Education. Consultants assisting Doctor Cole at last night's session were Sgt. Harry Tanouye, veteran of World War II, now with the War Relocation Authority, and William M. Jones of the Urban League of Los Angeles.

Following dinner, the group discussed "The Roots of Intergroup Tensions in This Community."

Next Session Monday

Committee members sponsoring the workshop are Judge Rhodes, Ernest Blenkhorn, Harry C. Boehme, Samuel Pink, Harry Markowitz, Robert McClure, Salvador Morales, C. G. O'Brien, J. Allen Reese, Jacob Rubel, Rex Teele, Robert C. Tindall, William Young, Dr. Roy G. Bose, Dr. Cecil Dickerson, Dr. Howard McConnell, Rev. W. P. Carter, John Gabrielson, L. H. Owens, Judge Thurlow T. Taft and Father James Grimes. Other members are Janel Gordon, C. N. Hendricks, Leda O'Brien, Rachel Valles, H. T. Wilken and Carrie Reynolds, secretary.

The next session will be Monday, November 19, when the topic will be "Methods of Social Action for the Improvement of Community Relations."

Resource leaders assisting Doctor Cole will be Prof. H. B. Trekker of the Graduate School of Social Work of the University of Southern California; Leon Lewis, Los Angeles attorney, and Dr. Pauline Young, professor of sociology at the University of Southern California.

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Concert To Aid Interracial Group

Thursday Program To Feature Vocalists

People of various races will sit down together at a benefit concert to be staged next Thursday night in the Santa Monica Bay Woman's Club, Fourth Street and Wilshire Boulevard, for the purpose of raising funds to carry on the work of the Committee for Interracial Progress of this city.

Sergei Radzinsky, internationally known tenor, and Ruth Markowitz, soprano, will be featured artists. They are donating their services for the cause of better human relations, which is the committee objective.

Respect for human dignity through common appreciation of the worth of each individual, regardless of racial origin, is the purpose of the local Interracial Committee. Representative citizens of various races, which was organized here six months ago at the request of the County Board of Supervisors and through the initiative of Mrs. Hubert Wilkin.

The committee is made up of Santa Monica citizens of several races and is headed by Judge Orlando H. Rhodes, with Carrie Reynolds, executive director of the YWCA, as secretary.

Tickets for the concert may be obtained at the YWCA, 1318 Fourth Street; the Marbro Shop, 318 Santa Monica Boulevard; or at the office of the Woman's Club the night of the concert.

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BATHS



EXHIBIT 30

M. Snyder, to prevent development of complications from a severe cold. When Eisenhower testified yesterday before a House Foreign Relations Committee, his voice was hoarse and his face flushed. Mayor William Devin today called a meeting in his office of striking printers and business managers of three affected dailies.

Candidates For Freeholder

Editor's Note: In view of the large number of candidates for the office of freeholder on the December 4 ballot, the Outlook has invited each candidate to describe his or her qualifications briefly.

This feature is conducted as a service of information to voters, who must choose 15 freeholders out of more than 40 candidates appearing on the ballot.

A number of these short sketches will be published at frequent intervals between now and election. This is the second installment.

JEAN LESLIE CORNETT—Has lived in Santa Monica 25 years; attended Samohi and Cumnock School of Expression; graduate of University of Southern California, honor student and member of Phi Beta Kappa. Was a teaching Fellow in Psychology at USC. Did consumer research for Southern Counties Gas Co. and market research for Bullock's stores. Author of two published works of fiction and writer by profession. Married and mother of two children. Interested in civic affairs and a church member.

Monica Chamber of Commerce since 1933 and vice president of its Merchants Division two years. Board member of the Community Chest, the Boys Club, the United Palestine Appeal for Southern California. Founder and president of the Jewish Community Center of the Bay Cities, serving second term. President of B'nai B'rith Lodge in 1942. Past president and founder of the Jewish Community Council, past vice president and one of the founders of the Beth Sholem Temple. Was Boy Scout chairman for eight Western states for two years in District Grand Lodge No. 4, and was given Akiba award as the highest honor in the B'nai B'rith for outstanding Boy Scout work.

MARTIN GOODFRIEND—Has resided and been in business in Santa Monica since 1931. Attended public school in Duluth, Minn., and Boys High School in Brooklyn, N. Y., also night school. A member of Santa

IRIS G. HAGEMANN—A resident and property owner in Santa Monica.
Turn To Page 2

Column 6

Candidates For Freeholder

Continued From Page 1

lived in Santa Monica for 23 years. Attended business college night school. Was secretary for the Towner Terrace Oil Development Association in 1928-30. Later president of Olympic Boulevard Association. Has done considerable research work covering California law, leases, methods of ap-

he gained intimate knowledge of the present city charter. Past President of Santa Monica Bar Association and chairman of its committee which in 1937 prepared amendments to the present city charter establishing the city manager form but which failed to get on the ballot because of opposition from the City Commissioners. Also served on first Chamber of Commerce committee for a new

been in touch with many state and county officials, assemblymen, oil company officials and geologists. Affiliated with Order of Eastern Star, Women's Relief Corps, Red Cross and Unity. Favors city manager and council form of city government.

DR. LOUIS E. MAHONEY—Has lived and practiced in Santa Monica since 1924. Education: Boone (Ia.) High School, Creighton University of Colorado. Was attending surgeon Los Angeles General Hospital 1926-1930. Now senior surgeon of attending staff of Santa Monica and St. John's Hospitals in this city. Chairman of building committee of St. John's Hospital. Member Los Angeles County Medical Society, Los Angeles Surgical Society and a Fellow of the American College of Surgeons. Member of Elks, Town Club, American Legion. Married and has four children.

MILAN E. RYAN—Has lived and practiced law in Santa Monica 15 years. Graduate of USC with LL.B. degree. Had seven years experience in engineering work, a large part of it for city under city manager system. Has practiced law 18 years. Was Judge of Santa Monica Municipal Court eight years, during which

reason. His served as legal counsel for several cities and one county, with special reference to municipal bond issues, and is familiar with the charters of various Southern California cities. Favors the city manager form.

MRS. HUBERT WILKEN—A resident and property owner in Santa Monica for 18 years. Attended Willamette University in Oregon and Boston University. Past president and long-time member of the League of Women Voters, which constantly studies all phases of government. Has represented the League as observer of city council proceedings and represents Santa Monica on Los Angeles County Council of League. Past president of Madison and High School PTA, of YWCA and the Needlework Guild. Helped to organize Santa Monica USO. Active in War Chest and Travelers Aid, and chairman of budget committee of Community Chest. Founder member of Santa Monica Branch of the County Supervisors Interracial Progress Committee. Member of Woman's Club, the National Association for the Advancement of Colored People and the Methodist Church. Public Relations chairman for the Woman's Auxiliary to the California Medical Association.

Commerce Boost Meeting Tuesday

To foster the acquisition

course, tennis, swimming pool, a recreation committee, Santa Monica-Ocean Park, Commerce; the Chamber of Commerce; member of Commerce Tuesday afternoon Chamber of Commerce, 109 San Roy Moulthrop Ocean Park tee, who started golf course, w Moulthrop city engineer, map of the city of the city's climate.

In addition, committee of the Arthur Erickson tourist and headed by W will be at the Moulthrop also h Lamb, president A. O. Catholic Ocean Park, bert Punched, for Chamber.

Moulthrop widen the scaling in every Santa Monica ing power.

Luse Case Trial

Guessed Wrong

EXHIBIT 31

shows a final figure of \$55,767.30, due to a reduction of \$3000 in demolition and clearance costs.

'At-Large' Election Policies Unchanged

Members of the Board of Freeholders last night voted, 9 to 6, not to reconsider their previous decision that the proposed new city charter should call for election of all councilmen at large rather than

In favor of reopening the question were Ben Barnard, Mrs. H. T. Wilken, Mark Gates, Martin Goodfriend, the Rev. Howard McConnell and Mrs. Joan Leslie Cornett.

Prior to voting on the question, the board heard Ralph Lamb, Morton H. Anderson, Moe M. Fogel, E. D. Boynton and P. T. Hill, all of whom appeared to urge the freeholders not to modify their previous position in the matter.

The board also voted to designate the commission destined under the new charter to have jurisdiction over music, parks and recreation as the Recreation Commission.

attempts to main- crops East by refr viewed as virtually by a leading shipp shipping line ex not to be named not enough refr entire world" to crops fast enough Eastern markets.

Dogs To Aid For Grieving

OGDEN, U. W planned to throw the search for Sessions, 25, -gr who wandered Monday after se son killed in a Police said Mr ently "started about the boy al ing."

Canadian G Acts In Lo

OTTAWA (U.P) government inte nine-day strike gers and sawmill duced newspri United States.

Leo Carrillo's Purchase

Under the earlier channeling order so-called d set up in each community, reflecting local build least half of future building permits were to come Nationally the dividing lines were supposed to mainly \$6000. However, FHA sources say the average much more. Some sources put the figure at aro

Freeholders Study Council Selection

Voters May Get Two Proposals On Ballot

Public opinion being divided on the question of whether members of the City Council should be elected at large or by districts, the Board of Freeholders last night took up the alternate proposal of placing two plans on the ballot and permitting the electorate to decide the issue.

The freeholders set July 9 as the date upon which they will decide definitely whether to place alternate proposals on the ballot, and a committee was appointed to draft the proposals as follows:

1. A method by which all seven members of the council would be elected at large.

2. A method by which three members would be elected at large and four from districts, the committee to determine the method of districting.

The question of council election was raised by Mrs. H. T. Wilken, after Samuel J. Crawford, chairman, had withdrawn a motion he advanced at an earlier meeting that all matters once reconsidered be regarded as final and not to be open for further discussion. Crawford said he withdrew the motion because of the harmony with which the freeholders have acted.

The board, with the exception of

Turn To Page 2

Column 1

President Drops Plans For Summer Vacation

WASHINGTON (AP)—Expressing

Coast Lumbermen Lash Back

Nine-Month Suit Case

SAN FRANCISCO—Coast lumbermen at Office of Industrial Relations officials who move to smash increasing "rack" "artificial lumber" over the country.

The OPA against 40 lumberal courts of Washington, to collect a total damages. The involved \$5,549,100.

At Aberdeen Anderson, president Harbors Lumber a "political move"

Terms "I think it should pick operators while S running ramp ket," he declares Lumber Co. ant in suit \$525,000 of damages.

"These suit ences of OPA ceilings. dent of the Lumber Co. of Portland that in his opinion that the OPA against the Lumber tries that is "so admirable Donald D.

obs.
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Freeholders Study Council Selection

Voters May Get Two Proposals On Ballot

Continued From Page 1

The districting matter, completed the draft of the proposed new charter, taking final action, among other things, on a statement of labor policy under the section on civil service.

Before action was taken on the labor policy question, Crawford raised the question of whether the freeholders properly should inject the question of labor policy into the charter, since the proposed policy would not change the present situation.

Louis Burke, counsel for the freeholders, said the provision might be regarded with propriety as a means of guaranteeing rights of employees in the future, and the provision was approved.

Basically it affords employees the right either individually or collectively to petition any board or the council, either personally or through a spokesman of their own choosing, on any matter relating to wages, hours, or working conditions. Only opposing votes were Crawford and E. P. Nittinger.

AUSTRALIA FIRST

Australia was the first nation to make relations between capital and labor a matter for special courts of arbitration.

Value Of For Men

SAN FRANCISCO shock treatments in addition of more than group of patients dementia praecox, and other so-called orders, the American Association Conve formed today.

Drs. S. Katzene Mosovich, Washington reported qualified administration of electrotherapy on 82 diverse they issued a warning effects on brain electric shocks are extensive period.

"Intensive and convulsive treatments question whether in the sensorium following convulsions associated with pro-

Union C Seek Su

A campaign to labor leaders from labor's gains since way in Santa Courtney W. King arrived in town, white and blue bearing the standard bird Veterans Po

Aiming to circ lords in their cur use of power t seeking 178,764 si tive petitions for

EXHIBIT 32

rain and who have no sound argu-
ing in the way of civic progress.

New Charter Aids

Racial Minorities

As Mrs. Cornett Tells
at Group Of Benefits

by Santa Monica members of the
fully National Association for the
the Advancement of Colored People.
735 meeting last night at the Af-
rd a rican Methodist Episcopal Church,
the 19th Street and Michigan Avenue,
upon with Frank Barnes acting as chair-
n its man, heard Mrs. Jean Leslie Cor-
char- nett, secretary of the Board of
Freeholders, explain various provi-
sions of the new charter proposal.
akers She dealt particularly with the
the Civil Service provisions, fair em-
made ployment clause and the right of
dittee employes to petition collectively.
sides Admitting that the proposed char-
is no ter is not perfect in every respect,
back- Mrs. Cornett pointed out that the
posi- opportunity for representation in
minority groups has been increased
a at- two and a half times over the pres-
ever ent charter by expansion of the
been City Council from three to seven
told members.
d in Finance Commissioner D. C. Free-
they man, appearing unexpectedly at the
serv- meeting, was given an opportunity
new to speak. The Commissioner gave an
account of "his stewardship" and
made an impassioned plea for con-
tinuance of the present form of
city government.

Marine Morale In China
High, General Reports

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EXHIBIT 33

VOLUME LXXI

Mass Meeting Opens Charter Support Drive

Council-Manager Advantages Outlined By Two Speakers

A citywide campaign to inform voters on the advantages of council-manager government and to assure adoption of the new Santa Monica charter by a substantial majority at the November 5 election was launched last night at the Madison School by the Citizens Charter Committee.

Called together by Charles Ashford, chairman of the group, property owners, service club leaders, and city employees who were in attendance heard assurances from Louis Burke, attorney for the Board of Freeholders, and Ben Barnard, chairman of the freeholders' committee on research, that the new charter promises Santa Monica a form of government under which it will "grow and prosper."

Opposition Called Drivel

Turning his heaviest artillery upon the opposition, Burke charged that most of the arguments raised so far against the council-manager government were "pure drivel, a smoke screen thrown up to confuse the public."

Champion of the freeholders and their work, Burke pointed out that Santa Monicans already have decided at the polls by a "very substantial majority" that they want a new charter for their city, the only question now at issue being whether they want to ratify the decision made by the freeholders in drafting this document.

Declaring that legislative and administrative functions are "horribly mingled" under the present city charter, Burke said the council-manager system proposed in its place adhered strictly to the American principle of a clear separation of powers between those who establish municipal policies and those who are charged with carrying them out.

City Employees Praised

"It is a credit to the individuals who have served the city of Santa Monica that they have done as fine a job as they have done under the form of government under which they were working," Burke asserted.

Turn To Page 4, Column 5

Palestine Peace Plans Outlined By Spokesman

Audits Keep Sewer

Santa Monica and other in the Hyperion disposal plant an engineering audit of under construction today.

The action of the Board of Engineer and City Attorney, stated that the engineering audit of the firm of L. which offered \$4000, plus a month thereof is completed.

Santa Monica
Turn To Page

Council Aid Vel

Nonpri Permits

Implementing the venting the materials to use and other expense of veto seeking adequate months, the Commission unanimous approval which will permit for ready grant of PMA or CPA.

The ordinance form of an ordinance already in effect will remain in effect of the Commission on direct visitation of the He returned and copies pance, which council today changes.

The new ordinance enable the effort to help priority build patronize his materials. Heretofore, without aut

EXHIBIT 34

Change

Only 7 Precincts Here Of 113 Return Negative Margins Final

Complete unofficial precinct returns from Tuesday's election today showed that 70 percent of Santa Monica's voters favored adoption of a council-manager form of government. Final figures released today by Scott A. McHenry, deputy clerk in charge of elections, indicated that the charter reform program had carried by a margin of more than 8500 votes, 15,078 ballots being cast in support of the proposal, as against only 6497 against it.

A notable feature of McHenry's report was that only seven precincts of 113, these being Nos. 40, 44, 45, 48, 47, 58 and 65, returned small majorities in opposition to the change, thus indicating that voters in all sections of the city generally were agreed upon the desirability of making a change in the system under which city government is operated in Santa Monica.

62.71 Percent Voted

Without considering absent voters, ballots the record today indicated that 22,346 persons voted here Tuesday, this figure representing 62.71 percent of the number qualified to cast ballots. Although this fell short of the record 29,615 votes cast here in the presidential election of 1944, when 23 percent of the electors went to the polls, it compared favorably with the municipal election of 1945, when 13,282 votes were cast. Final figures on the outcome of the election were not available until 4 o'clock yesterday afternoon, election boards at 2414 31st Street, and at 628 18th Street being more than 12 hours late in completing their returns.

Patterson Loses

There were some indications that the official tally to be made by the Board of Supervisors would show an increase in the write-in vote for Ellis K. Patterson, some election boards having failed to note the Patterson vote on the unofficial election tallies.

Patterson also lost heavily because some voters insisted on writing his name in for offices other than the one for which he was campaigning, these votes being of no value to him.

Tariff-Free Shipments To Alaska Authorized

WASHINGTON, D.C. — Canada today authorized the United States to begin tariff-free shipments between the United States and Alaska over the Alaska Highway. Announcement of the agreement, providing for peacetime use of the war-built highway, was announced simultaneously in Washington and Ottawa. The highway is not yet in condition for unrestricted civilian travel.

Attorney Gen.
Edmund G.
Fred N. 1

U. S. Senat
William F.
Will-Roge

16th Congres
Donald L.
Harold Ha
Ellis Patu

86th Assemb
M. Phillip
W. K. Hin

Proposition
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No

Ashford Frees Charter

Charles A.
Citizens' Ch
Wednesday

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city council."

Boat 'Los
Dabruca

EXHIBIT 35

EXHIBIT 36

OP Cultivates A Unique Style

Continued From Page 21A
 ing a feud with his partners in the Ocean Park Improvement Co. — by selling half his interests in 1962.

When the firm was dissolved two years later, Kinsey obtained all the land south of Navy Street, which was largely undeveloped. He left the other portions, which by now was a bustling resort community, to others.

He had his plans, though. Kinsey had traveled extensively through Europe, learning a cigarette-making technique that was to make him a millionaire, through the success of his brand, Sweet Caporal.

He also had lived in Venice and was struck by the unique beauty of the Renaissance transport. Why not, he thought, create the same thing by the Pacific's benevolent waters?

The short, happy life of Venice of America, however, is another story.

The Ocean Park City Hall was built on 16th Street, which became Venice Boulevard. But Venice was becoming so prominent — thanks to Kinsey's wild but nonetheless alluring dreams — that most Ocean Parkers began calling it the Venice City Hall.

The only problem was that Ocean Park really wasn't Ocean Park. Ocean Park had been Kinsey and Ryan's name for their beachside development begun in 1955, somewhere north of Navy Street.

Furthermore, the Ocean Park Post Office was on Marine Street, in Santa Monica. When Ocean Park (the newly incorporated city) finally got its post office on Windward

Finally, in 1961, following statewide reforms equalizing tax burdens between unincorporated and unincorporated municipalities, Kinsey launched an effort to incorporate the southern reaches of Venice and drop the name Ocean Park, which had applied to the northern end.

The voters approved the measure, and on May 20, 1961, Venice became a class 6 city. "Ocean Park," said and reborn "Venice," disappeared.

Meanwhile, back in the "real" Ocean Park — which officially was called Santa Monica — the community had grown to 1,300 homes. Prater and George Merritt Jones — his — to the city's founder, Sen. John P. Jones, had built the Horseshoe Pier and Pavilion to compete with Kinsey's pier in Venice.

Nat Goodwin, a famous actor whose numerous marriages scandalized many of the good citizens of Santa Monica, took up residence on the Ocean Park beachfront. He was a familiar figure in the community, jogging along the railroad tracks in a leather sweater, keeping in trim both for his stage appearances and his philosophical battles with neighborhood neighbors.

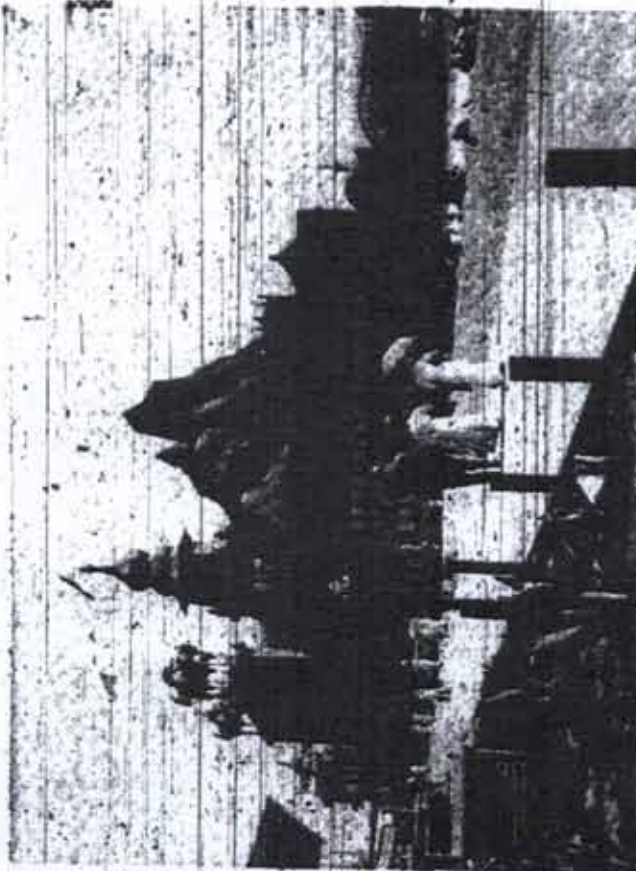
Goodwin established a cafe bearing his name on the Crystal Pier and a famous hangout of Charlie Chaplin and other stars of the silent screen.

Piers came and went in Ocean Park. In 1910, Prater's Million Dollar Pier was built, approximately at the site of the old POP Pier. The next year, James Lick built a conspicuous pier, over which the city built the Venice Pier.

Financial setbacks savaged the wharfs over the years.

The most ambitious project carried out on the mountain side of Pacific Coast Highway for Malibu Campus, the center of operation for Pepperdine University.

"At today's value, this is a gift of more than \$10 million, or addition to offering the Santa Monica area



BEFORE THE BLAZE—Beach strollers out for a refreshing walk around 1912 approach the northern end of Ocean Park Pier, site of the famous Dragon George Roller Coaster (which went

onto "mountain" in background). The entire area burned in the 1912 fire, giving way to a new pier, which suffered the same fate a dozen years after that.

ject of 31 — Pacific Ocean Park — was a joint, \$15 million venture of CBS and the site improvements. All together, the project cost \$14 million.

A five-acre site was sold to be developed with two 17-story apartment buildings, housing 522 units. The \$13.5 million Santa Monica Shores project opened in 1966.

Ted, developed several proposals have been made and withdrawn. One, by Crescent Bay Properties, would have created a high-rise hotel and eight 28-story apartment buildings. The project would have extended out into the water. The plan was abandoned when it became obvious the State Lands Commission would not approve it.

A proposal by HFLM, in development, 1,400 units on the remaining 20 acres was tied up in at least five suits involving the developer, the city and the California Coastal Commission.

HFLM has since pulled out of the deal.

In the meantime, the red-tiled remains of POP finally are being removed. The

stagnant amusement park deteriorated — white bankruptcy proceedings. An \$82,000 raising project by Santa Monica began last October and is expected to be complete by summer.

It will give Ocean Park a new stretch of beach and a new look. But the community has been getting its new look anyway in recent years.

Once again, it is absorbing its individuality. It's still part of Santa Monica.

But it remains, in many ways, a place apart.

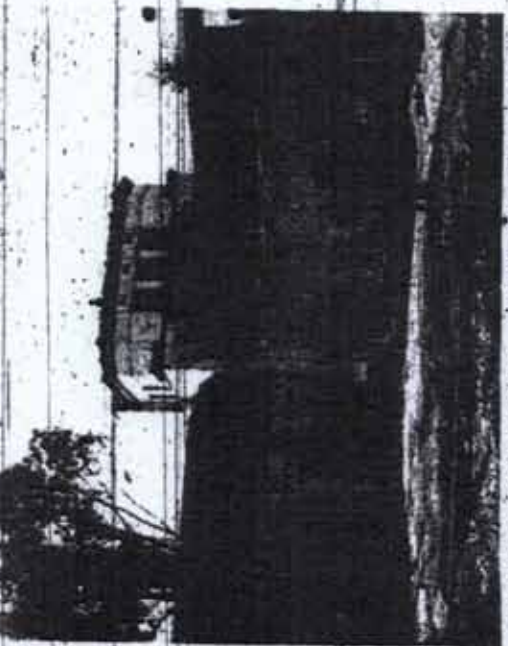
Early Bay Life Not Popular With All

Not everyone was enamored with the Santa Monica Bay Area in the early days.

Take, for example, the opinion of Maj. Horace Bell, who took to the saddle after an early day in Los Angeles.

"Horrid hills" — Twenty-two years later, subdividing salesmen Tom Fitch described the new-born community at the foot of those "horrid hills" as "the Zenith City by the Sunset Sea."

Incidentally, an introduction to an edition of Maj. Bell's book published in 1977 notes that the author "had a tendency toward exaggeration."



BILLIOP RETREAT — Couple inherits the big Malibu Spectra Retreat on Malibu's "Laudamus Hill," during construction smaller scale. It is run by the Frat in 1956. The former Rindge Castle was a ciscan Order.

Rindge Planned Slow Malibu Growth

Continued From Page 21A

an American Riviera, 500-foot beach frontage with a high, level plateau between it and a similar frontage on Roosevelt Highway was advertised in the Evening Outlook at \$15 a foot.

When Mrs. May K. Billidge died in 1941, Malibu had a scattering of homes along

clear land on the mountain side of Pacific Coast Highway for Malibu Campus, the center of operation for Pepperdine University.

"At today's value, this is a gift of more than \$10 million, or addition to offering the Santa Monica area

EXHIBIT 37

Separate Clubs, Churches

SM Blacks Develop Own Culture

By NANCY SMITH
 Learning Through Job Skills
 Nigger, Colored, Negro.

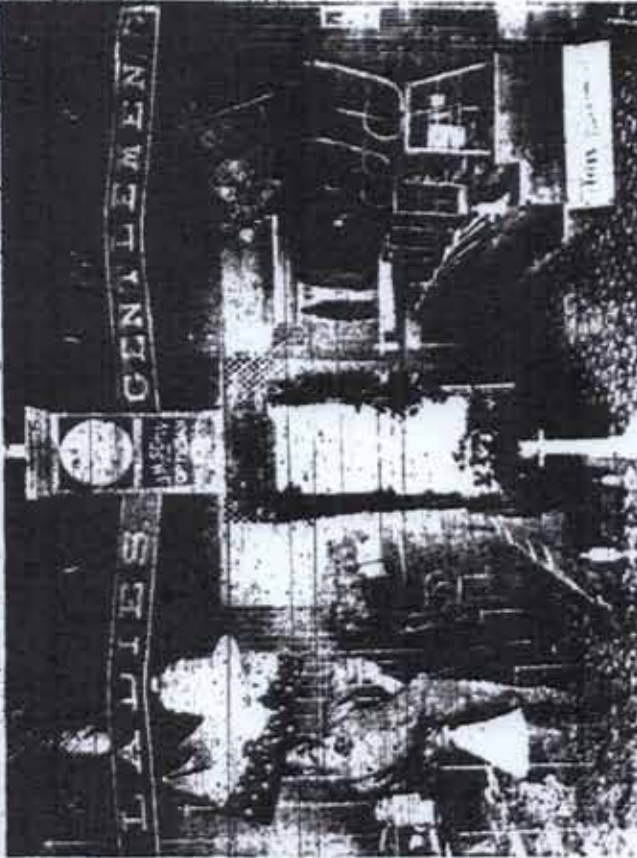
Their progress in recent years has been-ship, the difference in those words sometimes adds, some times strong.

And the story of blacks in Santa Monica probably is not much different than that of blacks across the country. They have been here, as elsewhere, discriminated against in job opportunities, segregated residentially and ostracized socially.

Blacks have traditionally been hired in domestic jobs in Santa Monica just as they have throughout the country. They have lived in a minority part of town—between Lincoln Boulevard and northern city limits between Colorado and Pico boulevards.

Socially, blacks in Santa Monica have developed their parallel culture—with their own men's and women's clubs and churches.

Although the early black families were undoubtedly



EARLY BUSINESSMAN — Gilbert McCarrroll, who was probably Santa Monica's first black businessman, stands — which broom at the ready.

The CME Phillips Chapel, Fourth and Bay streets, began with three or four members who met in Hull's Hall, at the same location, under the direction of the Rt. Rev. Charles H. Phillips.

The names of the charter members are: 1917 — become listed among the pioneering black families of Santa Monica. Mrs. Luza Heard, Mrs. Luvaier Fritz, Mrs. Ada Whitley.

Evangelism of black and white society developed as a result of blacks not being allowed to participate in white activities.

That need became apparent in Santa Monica in 1911, when black men organized the Crescent Bay Mason's Lodge, which also got its start in Hull's Hall as the first black resident called "an outlet for people getting together."

The 1920s brought a time

of strong activity and memories for the city's blacks.

It was in 1920 that they organized the Calvary Baptist Church, which would grow to be a major force in the development of the civil rights movement in Santa Monica.

Like the CME church, Calvary Baptist also started with only a handful of members who made their first commitment to the church in a home at 17th Street and Broadway.

And it was also 1920 — June 7 — that James Maxwell made Santa Monica his home here, probably longer than any other black resident of Santa Monica.

When he arrived with his wife and children, he recalled, there were only about 15 or 20 other blacks in Santa Monica. Quite a change from Kentucky.

had moved to the city after being discharged from the military in San Francisco at the end of World War I.

Carter, who used his horse and mule teams to grade streets and haul garbage to Los Angeles, Union Street and Broadway in the south of this city by the ocean and they came west to join him.

The 20s were filled with other activity in 1921, black women joined in Mrs. Eleanor Lane's home in the 1500 block of Fifth Street and formed the Philomathean Charity, Literary and Art Club.

Membership has fluctuated over the years, reaching a peak of about 52 in 1966 when the club held the ceremonial-burning ceremony for the clubhouse, 1813 Broadway.

Another brother-in-law, Emmitt Carter, had been the reason his family moved here.

Carter, a well-known San Jose, Calif., resident, had support a third church, and

rest and change clothes — began to develop in Santa Monica in the late 1800s. They were not allowed in the public houses.

—Newdrop firm cafe at Seaside Street and Broadway.

—Alphabet — Brunson and his mother, Selena Brunson said his father got his nickname because he had 50 many names with 50 many letters.

It was in the 20s that the boys from the so-called "south of the tracks" to have a scout troop — Brunson recalled.

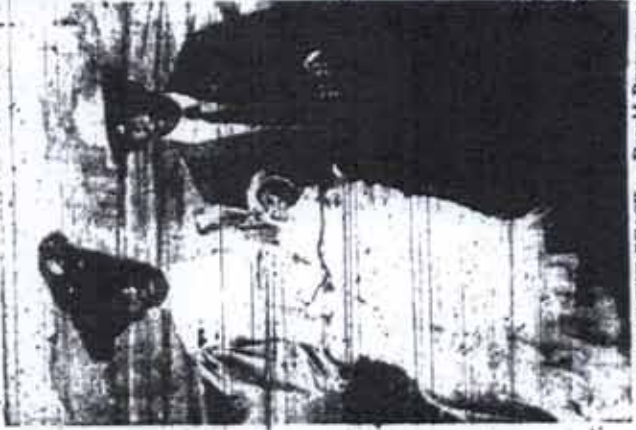
It wasn't until 1923 that a group of readers sponsored the city's first truly integrated scout troop.

It made it possible for the boys from the so-called "south of the tracks" to have a scout troop — Brunson recalled.

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—Alphabet — Brunson and his mother, Selena Brunson said his father got his nickname because he had 50 many names with 50 many letters.



DAY AT THE BEACH — Donald Brunson, a long-time Santa Monica letter carrier and Boy Scout leader, is shown as an infant in this 1907 photo. Brunson, now 68, is held by his father, C. E. A. Alphabet Brunson and his mother, Selena Brunson said his father got his nickname because he had 50 many names with 50 many letters.

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EXHIBIT 38

Dr. Sayre received 5,075 votes, Wacker 4,816, Mrs.

Yes 5,297
No 8,497

those indicated under a 1977
state Court of Appeals rul-

body do that much winning
(at dog shows) . . . obviously
their dogs are not abused."

cal awards.
Ellen Bur
Best Actress
Carney was n

Turn To Page 4 Column 5

Turn To Page 5 Column 2

Turn To Page 4 Column 1

By Wide Margin

SM Districting Initiative Fails

By ANNE
MORCINTHALER

Evening Outlook Staff Writer

Santa Monica's system of government won a vote of confidence Tuesday when an initiative to divide the city into seven councilmanic districts failed by a margin of more than 2-to-1.

The controversial measure, Proposition 3, received only 4,424 votes or 30.59 per cent, while 10,036 residents or 69.41 per cent of those casting ballots voted against the measure.

The municipal election drew 17,333 voters from San Monica while an addi-

tional 767 Malibu voters voted for school board candidates. Some members of the group sponsoring Prop. 3 said rainy weather discouraged supporters of districting from voting.

The districting initiative, the dominant issue in the election, proposed establishing seven councilmanic districts with one representative to be elected from each district. Council members now are elected at large.

Outgoing Mayor Clo Hoover said she was relieved by the defeat of Prop. 3.

"I hope this puts the idea

of districting to rest for good," said Mrs. Hoover, who was the honorary chairman of the "No on 3" group, called the United for Santa Monica Committee.

"This move was a power play by a very small group, and yet the damage that would have been done to the city would have taken a long time to repair," she said.

The easy recall provision in Prop. 3 would have kept "good solid citizens" from running for office and would have allowed people who have no knowledge of solid business principles to run

the city, Mrs. Hoover claimed.

The initiative proposed reducing the required number of signatures on recall petitions to 10 per cent of the voters in a district or the city at large. The signatures of 25 per cent of the voters now are required on recall petitions.

The retiring mayor also criticized the platforms of members of the Election Reform Coalition, which sponsored the districting measure. Nine members of the coalition ran for seats on

seven awards

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Turn To Pag

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Turn To Page 5 Column 1

Prop. 3

SM Distri

Continued From Page 1

the city council, and devoted much of their campaign time to promoting the districting issue.

"They talked about a six-story building height limits and knocking out plans for the downtown shopping center, and yet they wanted the streets cleaned and the refuse picked up," she charged. "It takes money to run a city, but they don't seem to care about that."

Members of the Election Reform Coalition, which sponsored the initiative, attributed the defeat of Prop. 3 largely to heavy spending by its opponents. They also cited the rainy election day weather.

"The anti-Prop. 3 camp had far more money than we did," said spokeswoman Sharon Gilpin. "You can't beat that kind of money that came from all over the city and money that can hire professional people."

"They beat us with \$12,000, with a piece of literature that was a giant lie, and with professional people who walked door to door," she said. "It was a businessman's movement, not a citizen's movement."

"They (the opponents) used scare tactics, and then there was the Evening Outlook with its flaming editorials," she added bitterly.

Ms. Gilpin vowed that members of her group would continue attending city council meetings and would fight for better representation of the people's wishes. She suggested they might propose an initiative to limit high-rise building in the city.

Another coalition member, Gary Schwedes, who ran sixth in the council race, said, "It's tough for money to lose with an at-large system."

"Certain groups control the money and the power in this city, and that's why Prop. 3 lost."

But Councilman Fred Judson, who had denounced the districting idea publicly, said his confidence in the citizens has been justified.

"My hope is that the people behind this divisive scheme to separate our city will read the mandate of the voters," he said.

Prop. 3 would have put the present council out of office, including the three newly-elected members, since the measure provided that a new election by council districts be held within six months.

Councilman Pieter van den Steenhoven said he believed the districting advocates started out with what was a good idea. It called for three council members to be elected from districts and the remaining four to be elected at large.

"But when seven districts were included in the package, the whole idea was destroyed," said Van den Steenhoven, who had attended early meetings of the Election Reform Coalition.

"They (districting sponsors) became selfishly motivated, as revealed in their campaigns and their insistence on presenting a candidate from each district," he said. "They already had carved up their dukedom."

Frank Jamison Jr., general chairman of the anti-districting United for Santa Monica Committee, attributed the defeat of Prop. 3 partly to "overkill" on the

Pi

By CLIFF

Evening Outlook

In its logs Tuesday, Prop. 3 widespread a voters in vir sector of the Ocean Park, results in car showed today.

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Prop. 3 Defeated

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Continued From Page 5

part of the Election Reform Coalition.

"They got so caught up in their enthusiasm to vindicate all the wrongs they thought had befallen them that they couldn't see the forest for the trees," he said. "They were trying to accomplish too much in one small package, and it just didn't sit well with the voters."

Jamison said he believed most of the opposition to Prop. 3 developed toward the end of the campaign.

Councilman Nat Trives, who won a second term on the council, invited districting advocates to work with the council in resolving some of the issues that brought about the districting movement.

A different view was expressed by Dan Cohen, who served on the city Election Review Committee, which drafted the new elections ordinance.

"There are some electoral reforms that need to be made, and I'm glad these young people who sponsored districting worked within the system," he said. "They should not be made to feel like villains, but rather that the community disagreed with them."

Cohen said he abstained from voting on Prop. 3.

The groups supporting districting included the Santa Monica League of Women Voters and the Santa Monica Democratic Club.

The opponents included the Santa Monica PTA Council, the Santa Monica Chamber of Commerce, the Sunset Park Property Owners Association and the Santa Monica Jaycees.

Three city employee groups also campaigned against Prop. 3. They were the Municipal Employees Association, the Fire Fighters Association and the Police Officers Association.

Petitions to put the districting initiative on the ballot were circulated last summer. There were 10,000 names on the petitions, nearly twice the 5,100 required.

The initiative's sponsors

demand that the measure be put on the November, 1974 ballot, but the council voted 4 to 3 to postpone the referendum until the municipal election.

The districting supporters then took the city to court in an attempt to force an earlier vote, but they failed in court.

Among its other provisions, Prop. 3 would have reduced the number of names required on initiative and referendum petitions from 15 to 10 per cent. It also would have required a special election to fill any council vacancy that occurred more than 272 days before the end of the term vacated. The council now may fill any vacancy by appointment, except in cases of recall, when a special election is required.

A previous attempt to establish councilmanic districts in the city was made in 1971 by a group that included a number of Democrats and senior citizens. The petition drive to put the issue on the ballot failed at that time because of the lack of signatures.

There was a time in the city's early history, however, when council members were elected from districts. In the period from 1907 to 1914, voters selected the mayor and representatives of seven wards.

Then, apparently out of criticism that the city's problems were becoming too complex for the system, a new city charter was adopted. It provided for the election of three full-time members to a Board of Commissioners.

The commission form of government lasted from 1914 until 1946, when the present charter, establishing the city manager-council form of government, was adopted.

PEACE IN LAOS

On Feb. 21, 1973, the Laotian government and the Communist Pathet Lao signed a peace agreement, ending 20 years of war.

By CH

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EXHIBIT 39

SM Districting

Hearing Set On Initiative Election Date

By ANNE
MORGENTHALER
Evening Outlook Staff Writer

The controversy over the initiative proposing to divide Santa Monica into councilmanic districts is expected to be renewed Tuesday night when the city council is scheduled to formally adopt the election date for districting initiative.

At its Aug. 6 meeting, the council voted 4 to 3 on a resolution to put the measure on the ballot at next April's regular municipal election.

The law requires that the date must be established in ordinance form and for this reason, the first and second readings on establishing the date will be held Tuesday night. This means the public may be heard on the issue.

In the meantime, City Atty. Richard Knickerbocker said he expects to challenge the legality of the initiative on grounds that the seven councilmanic districts proposed in the initiative are not equally divided by population.

The group leading the districting initiative drive has filed suit to force city officials to call an early election on the measure. Knickerbocker said he plans to file his brief contending that the initiative is illegal in connection with the same suit brought by Election Reform Coalition members.

The city attorney said he plans to report to the council on the allegations to be raised in the cross-complaint.

A hearing on the petition for a writ of mandate filed by members of the Election Reform Coalition will be held Friday in Los Angeles Superior Court.

Knickerbocker said the council on Tuesday night will have the option of holding firm on the April 8 date, adopting a different date, or not setting any election date on the initiative.

Those who previously supported putting the initiative on the April ballot were Councilmen John McCloskey, Fred Judson, Hilliard Lawson and Donna Swink.

Opposing the April date and urging that the initiative be put to voters at the Nov. 5 election were Councilmen Nat Trives, Pieter van den Steenhoven and Mayor Clo Hoover.

climen Nat Trives, Pieter van den Steenhoven and Mayor Clo Hoover.

SM Weighs Ban On Smoking

By ANNE
MORGENTHALER
Evening Outlook Staff Writer

Smoking would be banned in Santa Monica stores, theaters and public halls, including the council chambers, under an ordinance to be introduced at the city council meeting Tuesday night.

The proposed ordinance would also require large restaurants to set aside "no smoking" sections. Hospitals would be required to provide "no smoking" waiting rooms along with those in which smoking is allowed.

Those convicted of smoking in illegal places would be fined \$25 for each offense, under the measure prepared by City Atty. Richard Knickerbocker.

The city attorney, a non-smoker, was asked by the council to draw regulations on smoking in public places after researching community opinion on the subject.

The ordinance will be introduced on first reading which means that only council members will be allowed to discuss. If approved on first reading, the measure would be open to public discussion during a subsequent second reading.

It proposes to ban smoking in retail stores and other commercial facilities open to the public except possibly in areas where tobacco and tobacco products are sold. Setting up discretionary tobacco areas would be decided by the owners.

Smoking would be prohibited in theater auditoriums, behind stage and in lobbies of theater buildings. However, it could be allowed in the lobby or restrooms of a theater.

Owners of restaurants seating 50 or more would be required to set aside at

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converted to Catholicism, his wife's faith, in 1970 while serving in Vietnam.

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SM Adopts Districting Ballot Date

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By ANNE MORGENTHAUER

Evening Outlook Staff Writer

Reaffirming an earlier decision, the Santa Monica City Council Tuesday night voted 5 to 2 to adopt an ordinance setting April 8 as the date for an election on an initiative proposing that the city be split up into councilmanic districts.

shut

City Atty. Richard Knickerbocker requested that the date-setting ordinance be adopted at this time because of the suit seeking to force the city to call an earlier vote on the initiative, such as on the November general election ballot.

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A hearing is scheduled Friday in Los Angeles Superior Court on the suit

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maximum of 10 "free" or "reward" games.

by a 4 to 3 vote. It was also supported by Councilmen Hoover and Trives. The reward el

SM Sets Date For Districting

Continued From Page 1

brought by members of the group leading the districting initiative drive.

Bruce Henstell, the convening officer of the initiative group called the Election Reform Coalition, made a last-ditch plea to the council to hold an earlier election on the measure.

"The 10,000 people who signed the initiative petitions have asked for an election on the issue and the people should have the right to debate the issue and it is not up to the council to debate the merits of the issue," Henstell said.

Mark Baker, who started a districting move four years ago, said he was disturbed by the council's move to delay the election.

Recreation and Parks Commissioner Christine Reed said she opposed districting but she feared that delaying an election on the issue would only alienate voters and would result in passage of the initiative.

Another speaker, Jack Lugsch, supported the April 8 date, while resident Walter Schwartz accused the council of putting off the initiative out of "fright."

Knickerbocker said he plans to file a cross-complaint in the suit, claiming that the initiative is unconstitutional on grounds that the seven councilmanic districts proposed in the measure were not equal in population.

The city attorney was criticized by Mayor Clo Hoover and several members of the audience when he quoted from a deposition given Susan Rice, a member of the Election Reform Coalition.

According to Knickerbocker, Mrs. Rice admitted that the districts were not equally divided by population.

Mayor Hoover said she did not believe the city attorney should be haring the city's case in public. Henstell complained Mrs. Rice was being quoted out context.

Henstell later told the Evening Outlook that an error was made by his in-

itiative group in population calculation for the councilmanic districts. However, he said only two blocks were involved in the mistake and that the districting measure still met the legal standards for population distribution.

At its Aug. 6 meeting, the council voted 4 to 3 on a resolution to put the measure on the ballot at next April's regular municipal election.

The council adopted the

date setting of 5 to 2 vote, with Hoover switching in favor of it. She explained her vote because late to consolidate initiative election county's Nov.

Also favored date were John McClellan, Judson Hill and Councilwoman Swink. Council Trives and Pi Steenhoven April 8 date.

In addition to the initiative make it easier council meeting 10 per names of specific districts the entire city partitions. Th of 25 per cent are now required petitions.

It also called council vacancies special elections by appointment all the vacancy nine months tion.

Trespassing On POP Pier Outlawed

An emergency ordinance forbidding trespassing in the ruins of Pacific Ocean Park was adopted by the Santa Monica City Council Tuesday night.

The ordinance effective immediately, was required because the city attorney's office has been unable to prosecute the numerous citations which police have issued for trespassing at POP, according to Deputy City Attorney Richard Goldman.

The measure prohibits walking under the collapsing pier as well as loitering in debris of the Santa Monica section of POP. (Part of the pier is in Venice.)

Violation of the ordinance carries the standard maximum penalty of a \$500 fine and six months in jail.

The measure was required to deter looting of lumber and other material at POP and to protect the city from liability in the event of injury, the council was told.

The demolition of POP is scheduled to start in October.

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EXHIBIT 40

SM City Council

There are 32 candidates vying for the three Santa Monica City Council seats to be decided at the April 8 election.

Three of the seven council seats will be up for grabs. There will be at least one new member on the council because Mayor Clo Hoover is retiring from office.

The three will be elected for four-year terms.

All 32 candidates were invited to submit platform statements and biographical material. Two of them, Jeffrey M. Solomon, a lifeguard, and Frances Dean Smith, waitress, did not provide the material requested.

Information about the candidates, along with their photographs, appears in the same order the candidates will be listed on the ballot. The ballot position was determined by a lottery as provided by the city's new election ordinance.

The statements are at right.

Proposition 3

There are two hotly disputed features in the Proposition 3 package, according to ballot arguments presented by opposing sides of the initiative measure to change the city's charter.

The key issue is the proposal to divide the city into seven councilmanic districts, with one representative to be elected for a four-year term from each district. The seven council members are now elected at-large by all the city's voters.

The other contested feature is a provision to reduce the number of signatures on petitions to recall a council member to 10 percent in a district or the city at large. The number of 25 per cent of the voters are now required on recall petitions.

Calling themselves the Election Reform Coalition, the sponsors of Prop. 3 have contended that districts would mean more democracy.

"Districts, despite what the politicians say, are a traditional part of American democracy," according to the argument written by the coalition headed by Bruce Henstleil.

But the United for Santa Monica Committee in its argument for a "no" vote on Prop. 3, charged that districting would divide Santa Monica into seven "separate fiefdoms."

"Instead of a city acting and thinking as one, we would become a city of seven parts, without unity," said the opposing argument prepared by the committee headed by Mayor Clo Hoover as honorary chairman.

The voting power of a resident would be cut by 85 per cent, because instead of voting on all seven council candidates, he or she would be allowed to vote for only one, opponents argued.

Further, participation in city government would be reduced by 50 per cent, since a resident could vote for one council member every four years, instead of voting every two years for all council members, the committee stated.

But sponsors of Prop. 3 criticized the present system of electing council members at large. Council candidates are required to campaign throughout the whole city and in order to reach all the people, they need large sums of money, the supporters claimed.

"This means politicians turn to special interests, and together they control the elections — and the city," read the argument favoring Prop. 3.

Charging that Prop. 3 would be a "devastating blow at taxpayers' expense," opponents pointed out approval of the measure would nullify the April 8 city council election.

Another special council election to cost taxpayers nearly \$30,000 would be required six months later, they said.

The opposition also claimed that Prop. 3 would open the door to costly and frequent recall elections initiated by as few as 10 per cent of the voters in one district.

They claimed that as few as 300 people could force a recall election which would cost the taxpayer \$5,000 for each election, they said.

Furthermore, residents could force a recall in a neighboring district by gathering the signatures of 10 per cent of the voters city-wide.

But Prop. 3 supporters claimed that the recall provision would mean "needed election reform."

They also cited the provision to hold special elections to fill council vacancies as a good feature of the Prop. 3 package.

A special election would be required to fill any vacancy for the council which occurs more than 272 days before the end of the term vacated. As it now stands, the council may fill any vacancy by appointment except in cases of recall when a special election is required.

Earl Chapin

Earl Chapin, 26, a recreational manager, stressed the importance of preserving the quality of the city's beaches and curbing high-rise development. He said he supports a downtown shopping center, Proposition 3 and believes the airport should be "phased out."

"The beach master plan that has been submitted to the city council is premature, ill-conceived and internally inconsistent," he said. "It is, in fact, not really a 'master plan' at all but a hodge-podge of alternatives."

He pledged that as a council member, he would support maximum public use



EARL CHAPIN
Recreational Manager

without commercial development. "Our beaches should never become a Coney Island or a Miami Beach."

The proposed shopping center, he said, "will create jobs and add needed conveniences and services to the local residents" as well as add tax revenue "without changing the essential character of the city."

High-rise development, according to Chapin, would lead to air, noise and visual pollution. Although much of the problem with visibility comes from smog from Los Angeles, he said, "We certainly can refrain from adding to this distressing pollution."

Calling the airport "one of the last remaining open-space areas in the city," Chapin said no adequate study of its future use has been made. Such a study would require professional in-depth assessment and until such a planned study is completed, the best alternative is a regional park.

In arguing for Prop. 3, Chapin said the districting plan would bring council members "more responsive to local needs and more accessible to their constituents. The closer elected officials are to the people, the better our democracy works."

Chapin lives at 804 Pacific Coast Highway.

John Henry Cartwright

John H. Cartwright Jr., 49, an attorney, said he is running for the city council because he is a "moral, mature, responsible person" who would make decisions



JOHN H. CARTWRIGHT JR.
Insurance Legal Counselor

"consistent with the desires of the community at large."

He said, "Present council members seem to fly with the wind on different issues."

The Santa Monica Airport, Cartwright said, should be maintained because it encourages industry and therefore brings tax revenue to the city.

Referring to Proposition 3, a ballot measure that would divide Santa Monica into councilmanic districts, Cartwright said, "I do not feel that districting is necessarily an evil. . . . But attached to Prop. 3, there is an amendment changing the recall requirements — I am utterly opposed to the principle of recall, and to make it an easier matter . . . would be a mistake."

Cartwright said he does not believe the proposed downtown shopping center or land-use planning should be issues in this election.

"I fail to see why or how the downtown redevelopment project costs, or should be a controversy. . . . The project would be beneficial to the residents of the city and . . . a benefit to the existing merchants," Cartwright said. "By proper planning and research, the problems can be solved."

A resident of 602 10th St., Cartwright also listed as qualifications for candidacy his membership in the California State Bar Association. He is a disabled veteran of World War II

Seymour Cohen

Seymour A. Cohen, a Realtor, has pledged to maintain the integrity of single family areas and to establish building height limits that are compatible with immediate areas.

To generate increased revenues and preserve the city's favorable tax rate, the candidate said he favored the proposed new downtown shopping center, the completion of the Ocean Park Redevelopment Project and the restoration of the Santa Monica Pier.

A member of the planning commission for five years, Cohen also advocated sound planning for the McDougall Douglas property and surrounding area.

He called for a responsible city budget and said he would work toward controlling the cost of city government.

He urged defeat of Proposition 3, the districting initiative which he said would create a "division tool for special interest groups."

Cohen, 50, was chairman of the 1974 Citizens Committee for Santa Monica



SEYMOUR A. COHEN
Realtor

Schools which promoted passage of Prop. 3 last November.

He is past president of the Santa Monica Bay District Board of Realtors and the Santa Monica Jewish Family Service. Recipient of the Brotherhood Award of the Santa Monica Bay Area Chapter of the National Conference of Christians and Jews in 1968, he was the chapter's general chairman in 1971-72.

He is treasurer of the Santa Monica Boys' Club and a member of the Kiwanis Club. He is also past chairman of the Community Chest fund drive and a member of the Santa Monica Chamber of Commerce.

Cohen and his wife, Helen, who live at 514 25th St., are the parents of four children.

Van Royce Vibber

Van Royce Vibber, 30, president of PCM Advertising, is a member of the Election Reform Coalition supporting Proposition 3.

He said he believes Santa Monica's government "has gradually eroded to a point where a very few people



VAN ROYCE VIBBER
Business Executive

with very special interests [money] make decisions." For this reason he favors expanded citizen participation, which he said would come about through districting.

Calling Santa Monica Airport a "ridiculous subsidized blunder," he said he favors closing the airport and putting a park with overnight camping facilities, and low-income housing and light industry in its place. He said he especially favors industries relating to the "furthering of alternative energy sources."

He said he is against shopping center proposals in general because they "subsidize the banks, realtors, construction companies and giant retail corporations far more than the residents of Santa Monica."

A major issue, he said, is who should benefit from the limits on land use and height — society or developers.

"Zoning variations and other political favors in exchange for campaign contributions are one of the best documented and most widely abused forms of political corruption," he said.

In addition to his position as an advertising executive, Vibber teaches business administration at Pierce College.

VOTE APRIL 8!

EXHIBIT 41

blesseu themselves to the cut in a spirit of oneupmanship. Tax cuts are popular. Further-

and give Congress an opportunity to act on a more responsible measure.

Beteta For School Seat

For the first time in years, there's an open seat on the Santa Monica Board of Education.

With William Campbell's voluntary retirement from the seven-member board, only three instead of four incumbents are seeking re-election April 8.

We urge the re-election of the three: David Houtz, and John T. Noonan, both of whom have served on the board since 1967, and Schiller Colberg, with 16 years on the board.

For the fourth seat, we recommend the election of Fred Beteta, a Hughes Aircraft Co. engineer and 21-year resident of Santa Monica. Beteta made a strong showing two years ago when he was the only candidate challenging the other three incumbent board members, Mrs. Blanche Carter, James Wyatt and Dr. Moulton K. Johnson.

Beteta and several incumbent board members have disagreed strongly in the past on the question of whether the school district has done enough to compensate for special learning problems involving students of Mexican and Spanish descent. Beteta, a Nicaraguan native, feels he is particularly well qualified to assess these problems and deal constructively with them.

He points out that about 14 per cent of the students enrolled in Santa Monica schools have Spanish surnames, and that 19 per cent of the total population is of Spanish or Mexican descent.

We are impressed, too, with the candidacy of Dr. Simon A. Sayre, as assistant clinical professor at the UCLA School of Medicine and practicing physician in Santa Monica and West Los Angeles.

Nevertheless, we feel Beteta would be a more knowledgeable member of the board in an area of interest that needs particular attention, and therefore we recommend his election.

Reflections

By IRENE McDERMOTT

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School Board

Blanche Carter Heads SM Panel

Mrs. Blanche N. Carter, who became the first black ever elected as president of Santa Monica school board three years ago, was again elected to the post at a



MRS. BLANCHE CARTER

55 Treated For Inhaling Toxic Fumes

By City News Service

A total of 55 persons were treated in San Fernando Valley hospitals after they inhaled fumes from a toxic chemical that spilled when a truck carrying insecticide overturned in Arleta Thursday night.

The big rig collided with another vehicle on the Hollywood Freeway at the Golden State Freeway interchange shortly after 9 p.m.

Those treated included

special board meeting Thursday night.

The meeting also saw Fred L. Beteta formally seated as the seven-man board's newest member. Beteta, a 43-year-old Hughes Aircraft Co. engineer, was elected to the board Tuesday.

The board approved Schiller A. Colberg to serve as vice president of the unified school district under Mrs. Carter.

Other action at the brief board meeting, which began at 5:30 in the Administration Building, included electing Dr. Moulton K. Johnson as chairman of the Community College Board of Trustees and David E. Houtz as vice chairman.

The school board also acts as governing body for the Santa Monica College.

Mrs. Carter succeeded Houtz and Johnson replaced John T. (Jack) Noonan in the one-year posts.

Mrs. Carter first joined the board in 1968 and was subsequently reelected in 1969 and again in 1973. She is the widow of the Rev. Welford P. Carter, who was pastor of the Calvary Baptist Church before his death in 1965.

She has been a champion of integration in Santa Monica, and has held office in a number of religious and civic groups, including the Santa Monica Coordinating Council, Church Women United and the YWCA.

She was named Citizen of the Year in 1970 by the Santa Monica Board of Realtors.

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Editorials

Reed McClure, Editor, Editorial Pages

Busing Upset, Justified

A three-judge state appellate court was on firm ground when it set aside a controversial 1970 decision by former Superior Court Judge Alfred Gitelson which would have required massive and costly involuntary busing to integrate all of the schools in the Los Angeles City School District on a precise mathematical basis.

Legally, the decision hinged on the fact that Gitelson, who was removed from office by Los Angeles County voters after he handed down the ruling, failed to make a finding that the board of education intentionally did anything to cause racial segregation in the schools.

The court pointed out that only official, or de jure, segregation is forbidden. The school board is not compelled by the law to adjust its scales in order to balance out de facto segregation caused by housing patterns over which it has no control.

It also should be noted that it would be impossible for the board of education to comply with a portion of Gitelson's 1970 edict that no school in the district could have a minority enrollment of more than 50 per cent. The reason is simply this: minorities (blacks, Mexican-Americans, Asians and American Indians) already comprise more than 50 per cent of the district's total enrollment in lower grades.

Judge Gitelson did not compel the district to use involuntary busing to achieve racial balance in its schools. However, busing would have been the only practical solution to meet his ends. And forced busing in Los Angeles, we fear, could be as violent and divisive as it has been in Boston and elsewhere.

It would be wrong, in our opinion, to interpret the court's decision — and public opposition to involuntary busing — as convincing evidence of a deep-rooted determination among the majority to perpetuate racial discrimination in the United States.

The decision should remind us that the Constitution separates the judicial function from the legislative function of government. The job of judges is to

interpret the law and throw out those laws found to be unconstitutional. They are not appointed with authority to make new laws for the people.

The public at large opposes busing for many reasons. Most parents believe they have a right to send their children to neighborhood tax-supported schools. And many, we suspect, sense that forced busing is just a way of making innocent children scapegoats for racial injustice. Busing does not address itself to the root cause of segregated housing — the denial of equal opportunity because of race and ethnic background.

Opportunities for minorities will not be improved by unpopular policies, such as busing, which create racial friction. The need, as we have said before, is for conciliation — not coercion.

Cap's Knife

Caspar (Cap the Knife) Weinberger cut the issue to the bone when he opposed efforts by Senate liberals to have the taxpayers subsidize private health insurance policies for unemployed workers.

"We do not intrude into the private budgetary decisions of people and ask them what they spend their money for," the secretary for health, education and welfare told a Senate health subcommittee.

It is unfortunate that many unemployed persons will lose their health insurance policies (commonly financed by employers) unless they pay the premiums with their own funds. But really, is that burden more severe for the jobless than bills for groceries, gasoline, rent, mortgages, utilities, taxes, installment payments and other forms of insurance?

What the health subsidy would do is put money directly in the insurance companies' pockets, rather than the pockets of the unemployed. Many jobless persons, we suspect, would rather use the money supposedly being spent for their benefit in other ways.

It may be necessary from strictly humanitarian grounds to increase or extend unemployment benefits, but we don't



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Reflections

EXHIBIT 43

Viewpoint

Opinions . . . Features

Ability To Write Hurt By Weakness In English



By RONALD REAGAN

Copley News Service

"No one can't rite hardly anytime." That was the headline. The story left little doubt about the matter. If you think your youngster is the only one in school who uses sentence fragments, run-ons, poor spelling and misplaced punctuation, you may find some consolation in knowing that this problem is more than an individual one; it's national.

In a recent survey of 436 colleges, the Association of Departments of English found that students are leaving high school with a much poorer training in fundamentals than before. The survey also showed that problems aren't exclusively those of students from lower-income families. Middle-class kids are apparently affected just as much.

Nearly half the entering freshmen at the University of California in Berkeley last fall had to take a remedial English course called "bonehead" because they failed a qualifying grammar and essay test.

Most teachers seem to agree that the problem isn't a new one. It's always been there, but it's more intense and widespread than ever before and it's probably being diagnosed more energetically. Some teachers think too much television viewing is the main cause. It's probably true that young people aren't being encouraged to read, either at school or at home. One educator summed up the importance of reading this way: "Students must read well to write well."

If you think back to your own high school days, you probably dreaded those endless grammar drills, plotting out subjects, predicates and objects; stuffing your head with rules and exceptions-to-rules until you could reel them off from memory. This was interspersed by singsong recitations of "Evangeline" or "The Rhyme of the Ancient Mariner," the purpose for which you never could divine. Well, it now appears that such rigorous drills, as part of compulsory courses and

coupled with a well-planned and supervised reading program, are really the key to one's ability to write clearly.

During the 1960s the ferment in education didn't leave the English departments unscathed. In many states and communities compulsory English classes were reduced in number. More became "electives."

And, for many who did choose to take these courses, the choice was between such things as Creative Writing, Film Making, Mythology and Detective Story Writing. These may be perfectly legitimate subjects to study, but they should be offered after the student has a strong foundation of reading and grammatical writing—not before, or there may never be an "after." One has only to remember the standard: "Like . . . I mean . . . ya know, man" monosyllables of the youth of just a few seasons ago to see that the need for change is obvious.

One metropolitan curriculum director surveyed recently was concerned that students "don't zero in on a real, solid academic core." But, a representative of the Modern Language Association—an organization of college English teachers—sees some hopeful signs.

She observes that all over the country English professors are reporting that students are becoming goal-oriented again and that they're asking for English courses that focus on essential writing skills. As she puts it, there is a shift away from "the tough-free stage, the love-everybody-and-good-writing-will-result" days.

Amen to that! Maybe the advocates of plain old "readin' and writin'" were correct after all. In another decade or so we may finally be turning out more students who can organize a sentence properly than cannot. And, with plenty of nudging from concerned parents and teachers, they may begin reading again, too.

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EXHIBIT 44

Decision On April 8

Districting Stirs Feelings

By CLIFF TARPY

Evening Outlook Political Editor

Would the partitioning of Santa Monica into seven councilmanic districts lead to more responsive government, as proponents believe, or prove detrimental to the city's welfare, as opponents charge?

Arguments on both sides tend to fall into that twilight zone of political debate where there may never be any final judgment.

Even semantics has become an issue. To speak in terms of "dividing" the city into districts is certain to raise the dander of the proponents. They feel it is a negative term and prefer the word "create."

Ultimately, it is a question that each resident must answer for himself when he steps into the voting booth April 8 and casts his ballot for or against Proposition 3.

Under the present system, any city council candidate may live anywhere in the city. Each is elected by all residents, that is, "at-large."

Under Prop 3, Santa Monica would have seven council districts. Candidates would run for the district in which he or she lives and would receive votes only from that district.

Up until the second and third decades of this century, cities for the most part elected councilmen under a district or "ward" system. At that point a movement began away from that system and towards the at-large approach. Some familiar with municipal government favor this trend, believing that districting is an outmoded and backward approach. Others foresee a

return to districting, believing that form of government provides better representation.

"Dissatisfaction grew up around this districting system from a feeling that a few councilmen were thinking of the needs of the whole city," according to John Bollens of Pacific Palisades, an author, lecturer and a political science professor at UCLA specializing in urban problems and government.

"Residents felt that their representatives were concerned only with the problems of their particular area of town.

"In more recent years, there has been a counter swing," said Bollens. "You do have neighborhood viewpoints that would be representative or at least listened to seriously — and you also have city-wide interests."

The pros and cons of election by district were discussed in a paper issued last year by the League of California Cities.

For the type of system proposed for Santa Monica, the paper said advantages include increased attention given by individual councilmen to needs "involving personal contact with the people in specific areas.

Every area of the city would be assured of a representative, the paper pointed out, eliminating the possibility that a majority of councilmen would come from anyone area of the city (as is the case in Santa Monica).

Other advantages include the increased

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Districting Stirs Feelings

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Continued From Page 1

chance for ensuring minority representation by drawing boundaries around minority neighborhoods, and reduced campaign costs since city-wide campaigning would not be necessary.

On the other side of the coin, according to the League statement, districting increases the likelihood of "log rolling" since each councilman naturally would try to "obtain sufficient benefits for his district to talk about at the next election."

District lines can be gerrymandered to divide or consolidate political strength in order to minimize opposition, the League said.

Also, the League paper stated that districts "tend to divide a city for more than election purposes. Administrative, as well as political decisions, are influenced by the district division and each district becomes an entity unto itself. Vested interests come to owe their stability to the district organization and resist change."

A list compiled by the League shows that 25 charter and general law cities in the state have districting. Of those, 16 have populations smaller than Santa Monica's.

Other districted cities in Los Angeles County include Downey, Pasadena, Inglewood, Redondo Beach, Santa Fe Springs, Pasadena, Alhambra, Compton, Long Beach, Pomona, and Los Angeles.

The list includes both cities that elect council members only by district, and those which have districts in which council members must live but which elect them at large. Some cities elect council members by districts but elect a mayor and other city officers at large.

Prop. 3 also would make it easier to recall council members. In order to force a recall, signatures of only 10 per cent of the voters in a district or in the city as a whole would be needed. Under current law, the signatures of 25 per cent of the voters is required.

It also would reduce the number of signatures needed for ballot initiatives in a special election from 15 per cent to 10 per cent.

In addition, vacancies on the council would have to be filled by special election, although an appointment would be allowed if a vacancy occurred 90 days or less before a regular city election. The council now has the option of calling a special election or filling a vacancy by appointment.

The recall provision has proved to be highly controversial. Opponents of the measure claim it would make it too easy to recall a councilman, leaving city government in turmoil. They also feel it would inhibit council members from taking action on controversial issues.

Prop. 3 proponents claim the recall provision is a "needed election reform" that would make council members aware of citizen needs. Also, they say the city's operation would not be hindered, claiming that recall attempts would not be as numerous as opponents fear.

Two city councilmen in Southern California cities sharply contrasting viewpoints when asked for comment about the districting question.

"In the city of Inglewood, I believe it has worked very well and I would want it to continue," said Merle Mergell, that city's mayor. "It is absolutely the best form for local municipal government, as far as it relates to our city. You need a wide variety of opinions from people from different places."

Mergell said log-rolling is not an issue in Inglewood. "No elected official should be beholden to another official. It just doesn't happen here."

"I've never said we have the most efficient form of government," Mergell added. "But districting is getting back to one-man, one-vote, which is the basis of our democracy."

But in Pasadena, Walter Benedict, a 12-year veteran of the Board of Directors (Pasadena's term for city council) decided not to run for re-election March 4 because he is against the city's districting plan. Districting was approved by voters in 1969.

"It's doing just what I thought it would do," said Benedict. "The directors' main interest now is serving his district first and foremost. To me, serving the entire city is first in my mind. I recognize the need of the people for someone they can look to but I don't like this new concept. It's a lousy set-up."

Blacks make up about 21 per cent of Pasadena's population and Benedict said the move towards electing a black director was the main impetus in the 1969 districting drive.

However, he said, it was not until 1973 that the first black was elected and an effort to elect a second black to the seven-member panel failed this year.

One result of the new system is a board that is getting less and less representative of the business community, said Benedict, a plumbing contractor. "Their orientation now is toward the great social push," which he defined as the "welfare state" approach.

Also, he said, "the council can't make decisions until they go back and check their people," as they say. Things drag out.

Political scientist Bollens feels a lot of people are overlooking an important point. "Much of the discussion — largely unacted upon — calls for the combination of the two systems in an attempt to get the best of both possible worlds."

One alternative is electing part of the councilmen from districts and the remainder at large.

"If you have only part of the city to satisfy then you are going to give paramount interest to those considerations," Bollens said. But there also are city-wide issues that demand a broader view, he said.

Bollens says it is difficult to make sweeping statements about the likelihood of log-rolling under either system.

There has never been any systematic study of these two systems and what the differences really are, he said. "One would tend to think there would be more log-rolling with districting but it depends on the personalities involved and on other factors, such as the committee system a city has."

"Anytime you have a division of power — with districts or without them — you always have that possibility."

WASHINGTON
James McCord chief for 1972 re-election has lost appeal to avoid going part in burglary.

U.S. District Judge Sirica Friday said he would not rule on new evidence in the case of a man accused of burglary. He said any such ruling should be left to the Supreme Court.

"This is the truth," Sirica told the jury in a ruling scheduled for next Friday.

William Magruder, a lawyer, told the jury that the evidence was conversational. He said Dean III Magruder.

McCord, former law and Alech's Bailey, said he had adequate evidence to seal the case.

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EXHIBIT 45

SM Districting Plan

Prop. 3 Battle Lines Shape Up

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By STELLA ZADEH
Evening Outlook Staff Writer

Battle lines are beginning to shape up in an initiative campaign which could fundamentally alter the course of municipal government in Santa Monica.

The measure, Proposition 3 on the April 8 ballot, seeks to divide the City of Santa Monica into seven councilmanic districts. Instead of electing council members at large, as at present, voters would select a councilman to represent their respective districts.

And voters would be able to choose only one councilman — from their districts — every four years. Under the present system, they elect three or four members

of the seven-member council every two years.

The initiative has rapidly become the hottest issue in the election, overshadowing the traditionally heated contest for council openings.

Prop. 3 would also make it easier to recall council members, requiring only 10 per cent of a district's or the city's voters signatures on a petition instead of the 25 per cent now required.

It would also reduce the number of signatures needed for ballot initiatives from 15 per cent to 10 per cent of the city's voters.

Under Prop. 3, vacancies on the council would have to be filled by a special election, although a council appointment would be allowed if a vacancy occurred 90 days or less before a regular city election. The council now has the option of calling a special election or filling a vacancy by appointment.

Additionally, a person would have to reside in his district for 90 days before filing to run for office.

Controversy over the measure has gone beyond the traditional questions of whether districting would hurt or help the city. It has touched on issues of what would happen to the Santa Monica Pier if the measure passed, and whether districting would make it possible for a small group of people to gain control of municipal government.

But when those questions are raised, districting proponents claim they are "scare tactics" used to divert attention from what they say is the central issue — unresponsiveness in government.

Three council seats are also at stake in the April 8 election. But whoever wins those seats, as well as the four other council members, would automatically leave office within six months if the districting proposal passes by a simple majority.

Then elections from the newly created districts would be held in six months to choose a completely new council.

The districting measure has drawn support from disparate groups, including a number of people from the Ocean Park area, the area north of Montana Avenue.

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U.S. Halts Airlift To Cambodia

PHNOM PENH (UPI) — Rebel rocket attacks on the Phnom Penh airport forced a temporary halt today to the U.S. airlift that has kept the battered capital from falling. Communist-led insurgents kept up their attacks on Neak Loong, the only enclave on the lower Mekong River still held by the government.

President Lon Nol was reported to be preparing an announcement of a cabinet reshuffle billed as a move to improve handling of the country's fight for survival.

Unofficial lists of its membership showed it to be little different from the old government, however. Sources said the new army chief, Lt. Gen. Sux Suxsakhon, is a likely candidate to become vice prime minister and defense minister.

Of the total of 13 Chinese-made 107mm rebel rockets which landed in the capital during the day, 9 struck Poehentong Airport, 6 miles from downtown.

One landed in an unloading area for the DC8 cargo jets which bring rice supplies from South Vietnam, killing 4 Cambodian workers and wounding

Turn To Page 2 Column 2

Turn To Page 4 Column 1

'Lousy Psychologically'

EXHIBIT 46

SM Prop. 3 Advocate Supported

By CLIFF TARPY

Evening Outlook Political Editor

The main forces behind Prop. 3, the districting measure in next week's municipal election, tightened their ranks Thursday when two council candidates from the Election Reform Coalition threw their support to the group's front-runner, Gary Robert Schwedes.

City Council candidate Van Royce Vibber flatly urged voters to support Schwedes rather than himself. Another candidate, Bruce Hestell, did not bow out of active campaigning but recommended voting for Schwedes.

In all, there are nine candidates on Tuesday's ballot who are members of the Coalition, a group that gathered signatures in an initiative drive to place Prop. 3 on the ballot.

At a candidates' forum at John Adams Junior High School, still another Coalition candidate, Femmy De Lyser, said she was in the race not to win but only to speak in favor of Prop. 3. The highly controversial measure would end Santa Monica's at-large election system and set up seven

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SM Tax Issue

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stage during a forum at which 26 city council candidates spoke Thursday. Proposition 3, the dis-

declared that the measure was more than the council race.

(Evening Outlook Photo by

Prop. 3 Advocate Supported

Continued From Page 1

councilmanic district. If Prop. 3 passes, candidates would run for the district in which he or she lives and voters would cast ballots only for candidates running from their district. Also, Tuesday's winners of the three open council seats—as well as the other four council members—would have to leave office to make way for another election within six months.

Besides Schwedes, Vibber, Henstell, and Ms. De Lyser the other Coalition candidates are Sharon L. Gilpin, Sheila Ostrow, Ernie Powell, L. Gary Sansing and

Next Page

About 250 persons attended the forum to hear speeches by 26 of the 32 candidates running for three council seats up for election Tuesday.

Prop. 3, a measure to divide the city into seven councilmanic districts, dominated the candidates' remarks. Many said the issue outweighed the candidates in importance.

Vibber, who is in the advertising and political campaign management business, said Prop. 3 would lead to elections determined more by volunteer efforts than by expensive media campaigns.

He then declared himself not a "serious candidate," saying that meant he had little campaign funding. He then asked voters to instead support Schwedes, who has emerged as a top contender in the council race.

Revenues

Continued From Page 1

have announced plans for stores in the center.

Santa Monica — whose taxable retail sales have been increasing slower than those of the county and state in recent years — is facing new retail competition later this year when a regional shopping center is scheduled to open in Culver City. That center — which is a redevelopment project — will include Broadway, May Co. and J.C. Penney stores.

Henstell, a writer, said he found it "ironic" that the League and the Chamber should jointly sponsor the forum. The Chamber is aligned with those who oppose Prop. 3, he said, while the League came out in favor of it after long years of study of the pros and cons of districting.

While asking that the audience vote for him, Henstell also said he "recommends" Schwedes.

While she did not recommend voting for another candidate, Ms. DeLyser, also a Coalition member, said that the only reason she ran for the council was to be able to speak on behalf of

Prop. 3

Schwedes, a member of the city Recreation and Parks Commission, blamed the failure of his "pocket parks" proposal and the high density in the city on an "unresponsive city council."

Answering critics who claim that Prop. 3 would lead to fighting factions in city government, Schwedes declared that "Santa Monica is already divided

Financing For Piers Clarified

In an analysis of the Santa Monica Piers Preservation initiative to appear as Prop. 1 on Tuesday's ballot, the Evening Outlook imprecisely stated that the City of Santa Monica has committed more than \$1 million toward restoring the piers.

The actual figures are as follows:

A sum of \$265,000 in city funds has already been spent over the past two years on reconstructing portions of the municipal pier and repairing and maintaining the adjoining Newcomb Pier, according to Recreation and Parks Director Don Arnett.

Additionally, the city has

Prop. 3 will create a unity to Santa Monica.

Other candidates gave strongly opposing views to the districting question. Planning Commissioner Seymour Cohen called it "the most devastating measure to come before the voters in many years."

Calling it a "politically divisive tool for special interest groups," Cohen claimed it would lead to "trade offs" between council members to get things for their districts.

The two incumbent council members up for election — Nat Trives and Hilliard Lawson — also opposed the measure, although their

statements against it were

mild. Trives cited his record of working to save Santa Monica Pier and acquire Pacific Ocean Park property for beach use, and cited his stands against jet noise and offshore drilling.

In urging a "na" vote on Prop. 3, Trives said only that "alternative avenues" toward more responsive government "have not been explored."

Lawson cited few reasons for his opposition, saying that during his residency in the city both as a council member and as a private citizen, he has worked toward unity in the city.

Recreation and Parks Commissioner Christine E. Reed took issue with Henstell's comment on the League of Women Voters. She said that she is a League member but disagrees with its support of the proposition.

The League has not studied the question in as much detail as Henstell suggested, Mrs. Reed said. Rather, it studied the idea two years ago and determined that districting would work in the city of Santa Monica's size, she said.

Noting the division among candidates over the Prop. 3 question, Mrs. Reed said, "I feel I can bridge some of the gaps in the community."

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DURHAM, N.C. — Baptist 200 persons at City Council pass an ordin message parl The city's parlors, said Hooper, are than "front tution, call gi sion.

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EXHIBIT 47

SM City Council

There are 22 candidates vying for the three Santa Monica City Council seats to be decided at the April 8 election.

Three of the seven council seats will be up for grabs. There will be at least one new member on the council because Mayor Clo Hoover is retiring from office.

The three will be elected for four-year terms. All 22 candidates were invited to submit platform statements and biographical material. Two of them, Jeffrey M. Solonson, a lifeguard, and Frances Dean Smith, waitress, did not provide the material requested.

Information about the candidates, along with their photographs, appears in the same order the candidates will be listed on the ballot. The ballot position was determined by a lottery as provided by the city's new election ordinance.

The statements are at right.

Proposition 3

There are two hotly disputed features in the Proposition 3 package, according to ballot arguments presented by opposing sides of the initiative measure to change the city's charter.

The key issue is the proposal to divide the city into seven councilmanic districts, with one representative to be elected for a four-year term from each district. The seven council members are now elected at-large by all the city's voters.

The other contested feature is a provision to reduce the number of signatures on petitions to recall a council member to 10 per cent in a district or the city at large. The amount of 25 per cent of the voters are now required on recall petitions.

Calling themselves the Election Reform Coalition, the sponsors of Prop. 3 have contended that districts would mean more democracy.

"Districts, despite what the politicians say, are a traditional part of American democracy," according to the argument written by the coalition headed by Bruce Henstell.

But the United for Santa Monica Committee in its argument for a "no" vote on Prop. 3, charged the districting would divide Santa Monica into seven "separate fiefdoms."

"Instead of a city acting and thinking as one, we would become a city of seven parts, without unity," said the opposing argument prepared by the committee headed by Mayor Clo Hoover as honorary chairman.

The voting power of a resident would be cut by 85 per cent, because instead of voting on all seven council candidates, he or she would be allowed to vote for only one, opponents argued.

Further, participation in city government would be reduced by 50 per cent, since a resident could vote for one council member every four years, instead of voting every two years for all council members, the committee stated.

But sponsors of Prop. 3 criticized the present system of electing council members at large. Council candidates are required to campaign throughout the whole city and in order to reach all the people, they need large sums of money, the supporters claimed.

"This means politicians turn to special interests, and together they control the elections — and the city," read the argument favoring Prop. 3.

Charging that Prop. 3 would be a "devastating blow" to taxpayers' expense, opponents pointed out approval of the measure would nullify the April 8 city council election.

Another special council election to cost taxpayers nearly \$30,000 would be required six months later, they said.

The opposition also claimed that Prop. 3 would open the door to costly and frequent recall elections initiated by as few as 10 per cent of the voters in one district.

They claimed that as few as 300 people could force a recall election which would cost the taxpayer \$5,000 for each election, they said.

Furthermore, residents could force a recall in a neighboring district by gathering the signatures of 10 per cent of the voters city-wide.

But Prop. 3 supporters claimed that the recall provision would mean "needed election reform."

They also cited the provision to hold special elections to fill council vacancies as a good feature of the Prop. 3 package.

A special election would be required to fill any vacancy for the council which occurs more than 272 days before the end of the term vacated. As it now stands, the council may fill any vacancy by appointment except in cases of recall when a special election is required.

Earl Chapin

Earl Chapin, 26, a recreational manager, stressed the importance of preserving the quality of the city's beaches and curbing high-rise development. He said he supports a downtown shopping center, Proposition 3 and believes the airport should be "phased out."

The beach master plan that has been submitted to the city council is premature, ill-conceived and internally inconsistent," he said. "It is, in fact, not really a 'master plan' at all but a hodge-podge of alternatives."

He pledged that as a council member, he would support maximum public use



EARL CHAPIN
Recreational Manager

without commercial development. "Our beaches should never become a Coney Island or a Miami Beach."

The proposed shopping center, he said, "will create jobs and add needed conveniences and services to the local residents" as well as add tax revenue "without changing the essential character of the city."

High-rise development, according to Chapin, would lead to air, noise and visual pollution. Although much of the problem with visibility comes from smog from Los Angeles, he said, "We certainly can refrain from adding to this distressing pollution."

Calling the airport "one of the last remaining open-space areas in the city," Chapin said no adequate study of its future use has been made. Such a study would require professional in-depth assessment and until such a planned study is completed, the best alternative is a regional park.

In arguing for Prop. 3, Chapin said the districting plan would bring council members "more responsive to local needs and more accessible to their constituency." The closer elected officials are to the people, the better our democracy works.

Chapin lives at 504 Pacific Court Highway.

John Henry Cartwright

John H. Cartwright Jr., 49, an attorney, said he is running for the city council because he is a "moral, mature, responsible person" who would make decisions



JOHN H. CARTWRIGHT JR.
Insurance Legal Counselor

"consistent with the desires of the community at large."

He said, "Present council members seem to fly with the wind on different issues."

The Santa Monica Airport, Cartwright said, should be maintained because it encourages industry and therefore brings tax revenue to the city.

Referring to Proposition 3, a ballot measure that would divide Santa Monica into councilmanic districts, Cartwright said, "I do not feel that districting is necessary or even... But attached to Prop. 3, there is an amendment changing the recall requirements — I am utterly opposed to the principle of recall, and to make it an easier matter would be a mistake."

Cartwright said he does not believe the proposed downtown shopping center or land-use planning should be issues in this election.

"I fail to see why or how the downtown redevelopment project could, or should be a controversy... the project would be beneficial to the residents of the city and... a benefit to the existing merchants," Cartwright said. "By proper planning and research, the problems can be solved."

A resident of 602 10th St., Cartwright also listed as qualifications for candidacy his membership in the California State Bar Association. He is a disabled veteran of World War II

Seymour Cohen

Seymour A. Cohen, a Realtor, has pledged to maintain the integrity of single family areas and to establish building height limits that are compatible with immediate areas.

To generate increased revenues and preserve the city's favorable tax rate, the candidate said he favored the proposed new downtown shopping center, the completion of the Ocean Park Redevelopment Project and the restoration of the Santa Monica Pier.

A member of the planning commission for five years, Cohen also advocated sound planning for the McDougall Douglas property and surrounding area.

He called for a responsible city budget and said he would work toward controlling the cost of city government.

He urged defeat of Proposition 3, the districting initiative which, he said, would create a "straw-man" for special interest groups.

Cohen, 50, was chairman of the 1974 Citizens Committee for Santa Monica



SEYMOUR A. COHEN
Realtor

Schools which promoted passage of Prop. 3 last November.

He is past president of the Santa Monica Bay District Board of Realtors and the Santa Monica Jewish Family Service. Recipient of the Brotherhood Award of the Santa Monica Bay Area Chapter of the National Conference of Christians and Jews in 1968, he was the chapter's general chairman in 1971-72.

He is treasurer of the Santa Monica Boys' Club and a member of the Kiwanis Club. He is also past chairman of the Community Chest fund drive and a member of the Santa Monica Chamber of Commerce.

Cohen and his wife, Helen, who live at 534 25th St., are the parents of four children.

Van Royce Vibber

Van Royce Vibber, 30, president of PCM Advertising, is a member of the Election Reform Coalition supporting Proposition 3.

He said he believes Santa Monica's government "has gradually slipped to a point where a very few people



VAN ROYCE VIBBER
Business Executive

with very special interests (money) make decisions." For this reason he favors expanded citizen participation, which he said would come about through districting.

Calling Santa Monica Airport a "ridiculous, subsidized blunder," he said he favors closing the airport and putting a park with overnight camping facilities, and low-income housing and light industry in its place. He said he especially favors industries relating to the "furthering of alternative energy sources."

He said he is against shopping center proposals in general because they "subsidize the banks, realtors, construction companies and giant retail corporations far more than the residents of Santa Monica."

A major issue, he said, is who should benefit from the limits on land use and height — society or developers.

"Zoning variations and other political favors in exchange for campaign contributions are one of the best documented and most widely abused forms of political corruption," he said.

In addition to his position as an advertising executive, Vibber teaches business administration at Pierce College.

VOTE APRIL 8!

Carmen G. Casillas Ernie Powell Sheila Ostrow Dr. Nancy Reeves Mark Baker Bruce Henstell

Carmen G. Casillas, 56, a businessman, said he believes that the most serious problems facing the city are the Ocean Park



CARMEN G. CASILLAS
Businessman

Redevelopment Project, the downtown shopping center, the city's airport, the piers, the ocean front, land use density and building height limitations.

Casillas also said he opposes Proposition 3 on the ballot, saying he believes "is the right to vote for all seven council seats." He said the proposition's recall provision is too liberal and would cost the city's taxpayers too much money.

He called for the "orderly and beneficial development of a downtown shopping center," the development of the Santa Monica Municipal airport in a way "compatible with its neighbors and beneficial to all of Santa Monica," and a "sound plan for the controlled growth of our city."

The Ocean Park project is "half finished," he said, and he called for "quick action now."

A 35-year resident of the city, Casillas said he is running in order to add to the council "the perspective of a native, successful small businessman and member of the Spanish-surname community."

Casillas is a member of the League of Latin American Citizens (LULAC), the National Organization of Citizens Service Organizations, and Operation SER. He also served on the Memorial Park Committee in the late 1960s and a special parks and recreation committee in the 1960s.

Casillas lives at 827 Pine St. He and his wife Connie have six children, all of whom were educated in the Santa Monica Unified School District.

Ernie Powell, 26, a community organizer, said he strongly favors closing Santa Monica Airport so it could be used as mixed residential and public open space.

He said he would fight to block the proposed downtown shopping center because it would reduce the quality of life in Santa Monica and benefit special interests, particularly the Evening Outlook.

"To sum, you have more cars, more tall buildings, free prizes for the Evening Outlook at taxpayers' expense, the possibility of the old mall being pushed out of existence by increased com-

petition, the possibility in the west side of Main Street in Ocean Park being torn



ERNIE POWELL
Community Organizer

down because of increased traffic flow, no low cost housing, and the project will not give this city any more park area."

A member of the Election Reform Coalition sponsoring Prop. 3, Powell said he favored districting because it would get the council out of office and increase citizen participation in government.

He also said he favors keeping the present housing stock in neighborhoods are preserved, and a two-story height limit in residential zones.

Powell majored in political science at San Diego College, and has worked with VISTA, a rural poverty project, and the National Farm Workers Ministry.

He is a member of the Ocean Park Civic Association and the board of directors of the Ocean Park United Methodist Church, as well as being a community organization consultant to the church.

Sheila Ostrow, 36, works with her husband at a concession on the Santa Monica Pier. She has three children and is active in the PTA and in volunteer aid programs at Franklin School.

A member of the Election Reform Coalition sponsoring Prop. 3, she said districting would increase citizen participation in government. "It is not enough for council



SHEILA OSTROW
Housewife

members to listen to organized special interest groups," she said. If the airport is kept open, she said, the city should shorten the runway to completely eliminate jets and increase the city's revenue through rental leases which are commensurate with fair market value. If closed, the airport should be turned into a park and low-density residential area, she said.

She said she opposed the Rouse proposal for the downtown shopping center, and favored instead upgrading the mall with better restroom facilities, merchandising and eating places.

Regarding land use, she said she favors a master plan, no high-rise along the coast, and no high-rise in residential areas. She also urged more green space throughout the city, pocket parks, and more recreational facilities.

She said she supports the pier preservation initiative, and also providing moderate income housing through use of federal funds.

Dr. Nancy Reeves, a lawyer who has declared herself a feminist candidate for the city council, said she does not believe districting, the airport, shopping center or density are the most impor-



NANCY REEVES
Attorney-Author

tant issues affecting Santa Monica.

Although she has taken stands on all those issues, she said she felt "joblessness, runaway rents, skyrocketing food prices and all the other economic ills — and their consequences in human suffering — are the key issues in this election."

She pledged that, if elected, she will call a fact-finding conference to develop ways of supplementing innovative programs at the local level — such as rent control, with equitable guidelines to protect landlords, especially small landlords.

The author of "Womankind: Beyond the Stereotypes," Dr. Reeves is also a lecturer, educator and columnist who has made numerous television appearances. She is a member of the New York and California bar associations.

A resident of Santa Monica Shore, Dr. Neilson says Dr. Reeves said she favors councilmember districting proposed by Prop. 3. "I think the history of the city, with political power based in the north side, has resulted in an imbalance of council representation."

She took a cautious view of jet noise at Santa Monica Airport, and said she believes the city needs improved shopping facilities and that building height and density limits should be set. She said the city should accept federal funds for low- and moderate-cost housing.

Mark Baker, a store manager, believes that Proposition 3 is the single most important issue in the election.

"For the first time in Santa Monica history, the citizens will be able to obtain representative government which is now denied," he said. Future council members will not be bought by special interest money. The power people in Santa Monica are standing in quicksand, their power drifting away with no chance of rescue.

Baker said Prop. 3's



MARK BAKER
Store Manager

message would make council members more responsive and the recall provision would spur them to "greater activity."

Baker also said the airport should be closed and turned into a park.

He opposed construction of a shopping center in downtown Santa Monica, calling it "not in the best interests of the city. Visitors come to the beach, not to shop. The center could draw customers from only three directions and the proposed shops are no better than we have now."

Baker called for no high-rise buildings from the ocean to Lincoln Boulevard and limiting construction to only five stories east of Lincoln.

There should be a measure of low-cost housing, he said. Rents would ease the rent situation making a more reasonable rent picture in Santa Monica. Rents have skyrocketed because we do not have a base level."

Baker, a 16-year resident of the city, lives at 933 Seventh St. He is founder of Santa Monica Citizens for Civic Action, which he described as a "non-partisan organization for the betterment of Santa Monica."

Bruce Henstell, a writer, believes the most important issue in the campaign is election reform and he is a strong advocate of Proposition 3 on the April 8 ballot.

Districts mean democracy, Henstell said. They mean equal representation. He said scholarly studies have repeatedly shown that districts increase the participation of citizens in their government.

Henstell cited the airport as a "prime example" of lack of equal representation. Stating he "leans" toward phasing out the airport, Henstell said he thinks the issue merits closer study.

He would like to see brought to the citizens for a vote.

"Nor for one minute do I believe the legitimacy and doubletalk of the current council and its city attorney that nobody can touch the airport until some time later in this century or the next," Henstell said.

The candidate said he favors height limitations, calling high-rise buildings



BRUCE HENSTELL
Writer

"energy-wasteful, a drain on public services not compensated for by increased revenues and — considering the high vacancy rates for such buildings in the rest of the basin — economic folly."

Henstell also backed a city ordinance that would guarantee low- and middle-income housing in all developments in Santa Monica.

He opposed the proposed downtown shopping center, calling it socialism — "the granting by government of a large subsidy to private, wealthy individuals." The present council has refused to hear "citizen input" for the proposal to "turn Santa Monica into another Westwood," he said.

Henstell, of 2818 Third St., was graduated with honors from the University of California with a degree in history. He is single.

**VOTE
APRIL 8!**

Russ Priebe

Russ Priebe, 54, a real state consultant, said he favors the proposed downtown shopping center, supports more high-rise construction and is against Proposition 3.

"The ideal situation in Santa Monica would be if we could all live within one mile-high building and the rest of the city were used for variety of recreational and social purposes," Priebe said.

"The next best is where we reasonably allow the marketplace to determine density of development based upon demand and free market economics," he said. "If people will and can purchase a condominium unit in a 50-story tower on Wilshire Boulevard, let's let him do so."

Priebe said he opposes Prop. 3 but added, "It really



RUSS PRIEBE
Real Estate Consultant

isn't that big of a deal one way or the other, but I guess some people lack vision."

Priebe said the proposed downtown shopping center is "desirable" for the community but he doubted that the city administration has the skill "to get it off the ground in our lifetime."

He said he thinks that recreation is the best use of the Santa Monica Airport property.

Priebe said he is against what he termed "Big Brother" which he said is dimly visible now in our quaint little town. He opposed deficit financing of government, saying a city should spend no more than it takes in.

Priebe, of 1117 Franklin St., is a World War II veteran, and has held a number of positions in the real estate field, including a stint as secretary of union regional for the City of Santa Monica.

L. Gary Sansing

L. Gary Sansing, 32, a central office installer for the General Telephone Co. is a member of the Election Reform Coalition sponsoring Prop. 3. He said he favors districting to "get the special interests out of City Hall."

He said he favors a two-story height limit in the city, and restricted construction along the coast. "Let's build only when we have to



L. GARY SANSING
Phone Co. Installer

replace a structure," he said.

He also liked Prop. 1, the pier preservation initiative, and enacting a noise ordinance to reduce "sound pollution."

He called for improved police protection to keep streets safe, and opposes "inefficient city government" which he says is exemplified by the "waste of land and land use at the airport and the giveaway of land in the downtown shopping center area."

He said he favors closing the airport and the present plans for the downtown shopping center.

Sansing, a graduate of Santa Monica High School, spent one year at Santa Monica College.

He is co-chairman of the Save the Piers Citizens Committee and the Citizens Initiative to Preserve the Piers.

He said he is also active in the Samo West Ocean Club, the Bay City Democratic Club, the Santa Monica Democratic Club, and the Santa Monica Centennial Landmark Protectors. He is a delegate to the State Central Democratic Committee.

Philip N. Mitchell

Philip N. Mitchell, 64, a retired motion-picture sound engineer, promised that if elected to the city council, he will support the proposed downtown shopping center and fight for removal of the city's building height limitations.

Mitchell, who is against city districting, said, "There is enough divisiveness in the council now without districting, which would pit each councilman against every other one on every measure not specifically aiding his district." Mitchell said he opposed Prop. 3, a ballot measure that would divide Santa Monica into councilmanic districts.

"I support the downtown shopping center proposal. Fine shopping centers in nearby cities are drawing business away from Santa Monica. I do not think a great shopping center would hurt the present mall, but actually improve business



PHILIP N. MITCHELL
Retired

by bringing more people into the immediate area."

Mitchell said that with Santa Monica's eventual loss of McDonnell Douglas Corp., the city will need to make a concerted effort to create new sources of tax revenue.

"Growth and development must be based on a suspension of the height limitations will have to be based on the economic factors to be brought into the city."

Mitchell said Santa Monica Airport should remain as it is, including limitations on jet landings.

His academic background is in political science and law and he earned his B.A. from USC in 1952.

He lives at 1125 Arroyo Ave.

Neal Wiener

Neal T. Wiener, an attorney and life-long resident of the Santa Monica Bay Area, has come out in favor of Proposition 3, the districting initiative, and is against high-rise development in Santa Monica except in limited areas.

A graduate of Loyola University Law School, Wiener cited his interest and background in "two areas of law most pertinent to city government," constitutional law and municipal corporations.

"It is very important that the City Council be independent



NEAL WIENER
Attorney at Law

of the single legal view of the non-elected — but not disinterested — city attorney."

Passage of Prop. 3 is the most important single reform to get council members representing all parts of the city and elected by people who know them as persons, not publicly elected."

Concerning density of development Wiener said he feels high-rise construction, "should not be permitted to destroy the human-scale, casual beach-community atmosphere of Santa Monica." He said buildings on the eastern portions of Wilshire should be limited to six or seven stories.

"Taxpayers should not subsidize business development," he added. "Rather, the city must plan and zone for development beneficial to the community which is economically sound enough for private financing."

Wiener, who lives at 321 Ocean Park Blvd., is a member of the Beverly Hills Bar Association, Common Cause, and the American Civil Liberties Union.

Leonard Clunes

Leonard M. C. Clunes, an industrial-relations engineer, said he is against Proposition 3, and favors limits on new construction and more reasonably priced housing for senior citizens.



LEONARD M. C. CLUNES
Industrial-Relations Engineer

Clunes said that Prop. 3, the districting initiative on the ballot, "has no checks and balances that account to the people and no mayor to veto bills."

Concerning the proposed shopping center for downtown Santa Monica, Clunes was non-committal, saying he would study the proposal and "determine if needed."

Clunes also called for improving the police department, an effective noise ordinance that would ban street cleaning before 8 a.m., and improved lighting on the beach and on some streets and alleys.

He also called for improved recreational facilities for better use of the beach and pledged to "upgrade and refurbish" the Santa Monica Pier.

Clunes also pointed to his work in getting 800 trees planted in the city and said he favors making Lincoln Boulevard a scenic corridor. He said he has attended 80 per cent of the city council meetings over the past six years and was a petitioner for the movement against the proposal to construct an island in the bay.

Clunes was chairman of the Save Santa Monica Pier Citizens Committee in 1973-75, and co-chairman of the Santa Monica "Clean-up Campaign" in 1970.

He also advocated reducing fines for overtime parking and street-cleaning violations.

Clunes, of 700 Cedar St., is a widower and is the father of five children.

Christine Reed

Controlled growth for Santa Monica is being advocated by Christine Reed, a civic worker and member of the city Recreation and Parks Commission.

Mrs. Reed, 31, has pledged to represent neighborhood and community interests on the council and to maintain the quality of residential neighborhoods.

An immediate problem facing the city is the development pressure on the downtown district and the commercial corridors, Wilshire and Lincoln Boulevards, she said. She indicated she was not totally opposed to high-rise buildings in these areas, but at the same time, she said she deplored "random and indiscriminate construction of high-rises."

Mrs. Reed said she favored more convenient



CHRISTINE E. REED
Civic Activities-Home maker

shopping facilities in the city, but she said she would be pleased to see a reduction in the scope of the proposed shopping center in the downtown district.

She said she could foresee the short-term financial benefit to be derived from the shopping center proposal, but she also wanted assurances that the shopping center would not be outdated and a "drag" on the economy 30 years from now when the revenue bonds have been paid off.

Mrs. Reed said she would vote to control city spending to encourage the widening of the city's tax base by encouraging light industry to locate in the city and promoting tourism and convention business.

She is a graduate of UCLA where she majored in political science. She belongs to the League of Women Voters, Common Cause, Nature Conservancy, and the Santa Monica Chamber of Commerce.

She and her husband, Jason, and their two-year-old daughter live at 228 23rd St.

VOTE APRIL 8!

Alex T. Mlikotin

Alex T. Mlikotin, a contractor, 46, said he favors the proposed downtown shopping center... together with development of the Santa Monica Airport into an industrial park and an integrated plan for "rehabilitation of the city." The airport, Mlikotin said,



ALEX T. MLIKOTIN
Executive

"represents a tremendous asset to the city" and should be made an industrial park to increase property tax base and employment. But jets, he said, should not be permitted at the airport.

Mlikotin said he supports the proposed downtown shopping center... providing agreements with developers are made to best benefit the city. Presently the "unproductive downtown area acts as a liability" because of low revenues.

On high-rise buildings and growth limitations, Mlikotin said: "at issue is congestion. That problem can only be solved by a balanced planning of high- and low-rise buildings, transportation, open spaces, parks and parking spaces." Freezing growth or building heights will not solve the problem, he said.

He said he opposed Proposition 1 which would divide the city into community districts. He said it would limit voters' choice of candidates who might not meet local needs with qualifications needed on the council.

A resident of 1108 19th St., Mlikotin is also president of Solar Systems, Inc., a company engaged in research and development of solar energy systems. He has previously spent 18 years working on large development projects.

Nathaniel Trives

Running for a second term Councilman Nat Trives described his position



NATHANIEL TRIVES
Incumbent

on various city issues.

Trives, 40, the mayor pro tem, said he favored mixed uses at Santa Monica Airport, including a facility for quiet aircraft, light industry and compatible recreation.

While opposed to high rise on Ocean Avenue and the beachfront, he said he favored well-planned and patterned high-rise in the central business district and other areas.

He advocated a controlled land-use policy to assure that water, power, waste disposal and transportation facilities are not overburdened.

A supporter of the downtown redevelopment project, Trives cited the shopping convenience it would bring to residents and the revenues to be generated from the project.

He further said he favored use of federal funds to rejuvenate older homes which might otherwise be left to deteriorate. Such a plan, which would be decided by the housing authority, would allow people on fixed incomes to remain in the city, he said.

A former sergeant on the Santa Monica police force, Trives is an assistant professor in police science at Cal State University-Los Angeles. He is also the affirmative action coordinator at the university.

He serves on the boards of the Santa Monica Boys' Club and the city chapter of the American Red Cross. He is president of the California Institute of Criminal Justice and a member of the Los Angeles Regional Criminal Justice Planning Board.

He holds a master's degree in public administration from UCLA and a bachelor's degree from Cal State, Los Angeles.

He and his wife, Ida, live at 2007 Navy St.

Femmy DeLyser

Femmy De Lyser, 38, is a single mother of two children. She teaches classes in childbirth preparation at Cedars of Lebanon Hospital. She said she is running for city council seat because she hopes women involved in raising children should add their perspective to as many areas as possible.

She said she is frightened by the mushrooming of walk-in wall apartments and condominiums in Santa Monica and the decreased availability of housing for low and middle income families. Many apartments do not allow children, she said.

A member of the Executive Board Chairman sponsoring Prop. 3, she said she favors transportation because she



FEMMY DELYSER
Child Birth Educator

claims it will bring a more representative government.

She opposed the proposed downtown shopping center because she says it will increase air pollution and traffic congestion, and increase land values, thereby raising rents and taxes.

She said she favors converting Santa Monica Airport to a park with low and moderate income housing for families with children.

She also said she is generally against high-rises and said she would like to see their appearance limited to ones of excellent design in carefully selected places, not along the coast.

She said land use density should be studied "in its relation to sanity."

Gary R. Schwedes

Gary Robert Schwedes, 25, a Santa Monica Recreation and Parks commissioner, is one of the staunchest supporters of Proposition 3 among the 32 candidates.

He shares campaign headquarters with the pro-Prop. 3 forces—in addition to giving residents a council member who lives in his district. Schwedes also said the measure would bring down campaign costs, reduce the influence that "money interests" have on the council, and increase voter registra-



GARY ROBERT SCHWEDES
Securities Analyst

tion and participation.

"Prop. 3 does not provide a perfect government, there is no such thing," he said. "It merely provides a better government."

Schwedes also opposed the proposed shopping center for the downtown area, saying it would be a "major catastrophe for Santa Monica." Schwedes said the project would add traffic congestion, increase property taxes by driving up assessments, and starve existing businesses on the Mall. A decision on the project should be made by a city-wide election, he said.

Schwedes also said he favors an election to determine the fate of the airport.

"I personally favor a different use for the land at the airport in order to provide more money for Santa Monica and to also increase the amount of open space and parks within the city," he said. The airport presently serves less than 100 Santa Monica residents. Neither does it achieve its fair share of revenue.

Schwedes also said he favors land use controls and height limitations on building near the coast and efforts to reduce density to provide more open space. "We need to plan for five years or ten but for 40-50," he said.

Schwedes, of 1419 15th St., holds a BA degree in government and is working toward a masters degree at USC.

Joseph G. Williams

Joseph G. Williams, 43, an architect and store planner, said he supports the proposed downtown shopping center. He said he believes the center, together with an effort to limit other development and revitalize older neighborhoods, would touch



JOSEPH G. WILLIAMS
Architect-Store Planner

off the "spark of life" which exists in the city.

He said "esthetic consideration and good planning" for the shopping center are compatible and that the center should be "people oriented" and coordinated with existing facilities at the Santa Monica Mall and beaches.

By changing standard store hours to 11 a.m. to 8 p.m., Williams suggested, business at existing downtown stores would be increased and be compatible with the new center.

"A well planned shopping center with competitive department stores, would not only provide a greater tax base and increased employment, but upgrade merchandise presentation as well," Williams said.

In opposing Proposition 3, a measure which would divide the city into community districts, Williams said, "Santa Monica is not an unmanageable size."

The Santa Monica Airport, Williams said, "should be planned in conjunction with the Douglas property into an esthetically designed light industrial park, including airport facilities as required (and) an adequate recreational park."

A resident of 1024 Maple St., Williams is a member of the Little League Association, the First United Methodist Church and the Institute of Store Planners.

Hilliard Lawson

Campaigning on a slogan that "he loves Santa Monica," incumbent Councilman Hilliard Lawson defined his platform as follows:

"My efforts will be to continue to represent all the people of the city to make Santa Monica an even better and more contented place to live by controlling costs of government and providing greater safety to our families."

Lawson, 71, was appointed to the council in October 1972 to fill the vacancy created by the death of Councilman Anthony L. Iltari.

A resident of the city since 1921, he cited his involvement in community activities over the years. He



HILLIARD L. LAWSON
Incumbent

has belonged to the PTA, the Masons, the Kiwanis Club and was a member of the board of the Santa Monica Community Chest.

He also served 12 years on the Santa Monica College Advisory Board. He is now a member of the board of trustees at Calvary Baptist Church.

Lawson contended that his service on the council has been directed toward improving the city as a better place to work and live. The last written announcement that he would not run for his council seat, but, at the last minute, he filed for office because he said he wanted to defeat the distracting initiative to appear on Prop. 3 on the ballot.

He worked at the Santa Monica Post Office for 31 years before he retired in 1960. He now works parttime for William S. Altied, a Realtor in the city.

He attended Tuskegee Institute and Santa Monica College. Lawson and his wife make their home at 2222 Virginia Ave.

VOTE
APRIL 8!

Sharon L. Gilpin

Sharon Lynn Gilpin is a government operations and planning analyst employed by SCA, Inc., Westwood. A spokesperson for the Election Reform Coalition sponsoring Prop. 3, she claimed districting would make the council more accountable to the people, adding "it seems the City Council members



SHARON L. GILPIN
Government Operations Analyst

not accountable to no one except a bank or group of businessmen."

She would like to see the airport issue resolved by a vote of the people, she said, noting she personally favored closing Santa Monica Airport and using the land for other purposes.

The downtown redevelopment project, she charged, would "turn Santa Monica into another smoggy, crowded, ugly shopping center." She said she favored the downtown becoming a "beautiful small specialty shop area." The shopping center's "greatest beneficiary," she claimed, would be the Evening Outlook.

She said she favors a land swap to provide more open space "selling land elsewhere in the city to acquire land in a densely populated area."

Ms. Gilpin also is against buildings of more than two stories in most of the city except on Wilshire Boulevard east of Sixth Street.

A lifetime member of the National Forensic League and a member of the Franklin School PTA, Ms. Gilpin holds a BA in history and economics from California Polytechnic University, Pomona. She lives at 16 Seaview Terrace.

Jacqueline Doyle

Jacqueline Doyle, 29, a cook at Al's Kitchen restaurant on the Santa Monica Pier, is in favor of the downtown shopping center, Proposition 3, low-income housing, and said she believes the Santa Monica Airport should be closed.

She also said she opposes high-rise buildings, claiming that "the bay, the beach and the view must be preserved for everyone, not just the few 'luxury' apartments. I urge a height limitation within a certain distance from the beach and modified limitations, including intermodal parking, for the rest of the city."

Ms. Doyle also favored limits on "growth which prices senior citizens and young families out of the city."

Concerning Prop. 3, she said, "Apportionment by districts supports a more equitable and responsible



JACQUELINE DOYLE
Student

city government" and would increase citizen participation in government.

She said she supports a downtown shopping center because "our city could benefit by improving the diversity and quality of our downtown shopping area." The currently proposed plan, however, "falls short in its traffic handling, parking and pedestrian movement," she said.

She also supported closing the airport because she said it serves few residents and could be better used as a blend of commercial, recreational and specialized housing with open space green belts.

Ms. Doyle, who lives in Ocean Park, is on the board of directors of the Children's Place of Ocean Park, a preschool which her son attends. She also is a volunteer counselor at the Ocean Park-Community Center and is active in women's rights.

Richard S. Rosenthal

Richard Sanders Rosenthal, 35, a writer-director, submitted the following statement to the Evening Outlook.

"Thank you for soliciting my views in furtherance of your consideration of my candidacy for the Santa Monica City Council. At the outset — and I shall re-state it again at the conclusion of this response to your inquiry — let me respectfully state that while I appreciate the Evening Outlook's solicitation of my views and its possibly publishing them, I



RICHARD S. ROSENTHAL
Writer-Director

must state my virtually complete opposition to what the Evening Outlook represents and stands for editorially, politically and socially and I, therefore, do not seek, nor would I accept the Evening Outlook's endorsement. Should you quote any of what follows by way of representing me, to your readership I ask that, should you find it necessary to edit copy, you retain this preceding statement."

Asked to respond to questions of increasing the city's tax base, the future of Santa Monica Airport, the proposed downtown shopping center, Rosenthal said he did not believe those issues represented the "immediate problem" of Santa Monica.

"It (the problem) is how to best restrain runaway development so as to preserve and improve the quality of life for those who are already citizens of the community and how best to reallocate the community's resources to ensure, or, at least, to make possible, the upgrading of the lives of all Santa Monicans. How to ensure the participation and representation of all Santa Monicans in the affairs of the government that can most influence their daily lives, and, towards both these ends, how to unshackle the city from the grip of the land developer / real estate / Evening Outlook grip, the oligarchy that controls the city."

Robert Ziebarth

Making Santa Monica safe for liberty and property is one of the main platform issues of Robert (Bob) Ziebarth, a businessman. He termed crime a major problem in the city.

On another issue, he has advocated a total jet ban at the Santa Monica Airport. He also urged development of certain areas of the airport to increase the city's tax base.

If elected, Ziebarth, 63, said, he would pursue the rapid development of the downtown shopping area, which, he said, should include a complete supermarket.

He urged a new master plan for the city which would provide for controlled growth in all areas of the city. The proposed plan should include limits on high-rise buildings and measures to prevent overcrowded living conditions, he said.

Campaigning on a slogan of "Restore dignity and reason to the Santa Monica City Council," Ziebarth has



ROBERT ZIEBARTH
Businessman

urged contributors to limit donations to his campaign to \$5. The spending limit in a new election ordinance is \$100.

He is a member of the Santa Monica Chamber of Commerce, the Sister City Association, and the Committee for Employment of the Handicapped.

His affiliations also include the Santa Monica Kiwanis Club, the Elks Lodge, the Moose, the Masons and the Shrine. He has also served as president of the Santa Monica Community Chest.

A widower, Ziebarth lives at 1211 Ocean Ave. He has for the past 15 years operated the Santa Monica Chemical Corp., which manufactures cleaning products.

He was formerly president of the Snowy Non-Polluting Bleach Corp. for 12 years. Before that, he owned a paint and hardware firm in Seattle.

Peter A. Barnett

Peter A. Barnett, 29, a financial advisor, said he believes Santa Monica needs new leadership "that can



PETER A. BARNETT
Financial Advisor

seek out prospects for growth and development in order to effect a higher quality of life for all the residents of this city." He said he opposes Proposition 3 and favors the proposed downtown shopping center.

Santa Monica is going through a period of "relative economic inactivity," Barnett said. "Major industry has left this region. Retail sales continue to dwindle. New programs which can be readily financed must be adopted in order to turn the tide of economic failure into financial success."

Barnett said the city should have a zone specifically designed for high-rise hotels, apartments and condominiums. The airport should continue to operate as such, he said, with tax incentives to lure light industry to locate there.

"If Santa Monica is to compete as a retail merchandising community, we must proceed with the plans to provide a new downtown shopping center," Barnett said. The city should make use of its natural beauty by "encouraging the continued growth of hotel and convention facilities," he said.

Concerning Prop. 3, Barnett called it "one of the greatest dangers facing the city" and an "obvious sham" that would result in "undesirable elements moving into districts that have the highest competition to vote for council. This plan in no way furthers the cause of democracy, nor do those who are trying to persuade the citizenry to accept it."

Barnett owns Barnett Developmental Realty, a graduate of San Fernando Valley State College, he lives at 215 23rd St.

Merton W. Claar

Merton W. Claar, 67, a retired air traffic control specialist said he supports keeping the Santa Monica Airport open because it "has brought world-wide recognition to Santa Monica."

Claar said there is "an urgent need for unifying the city's objectives" and noted his opposition to ballot measure Proposition 3 which would divide the city into councilmanic districts.

"Districting can only fragment the city," he said.



MERTON W. CLaar
Retired Federal Government

Referring to the proposed downtown shopping center, Claar stated it "should be developed to fit in with the existing shopping area. Failure to do this will cause much of the potential business to be diverted to shopping centers outside of Santa Monica."

He said he does not favor restraints on growth and development. "A city must either progress or regress and economics will provide the natural limitations."

High-rise buildings, he said, "if properly zoned and within reasonable limits, will increase tax and private income and provide for the maximum use of available land."

Federally financed low-income housing, however, drew his opposition because, he said, "experience countrywide has proven most such programs have failed."

A 17-year resident of Santa Monica, Claar lives at 1310 Oak St. Before his retirement, Claar was responsible for establishing Federal Aviation Administration control facilities in 16 western states.

VOTE APRIL 8!

J. Ray Gallagher

J. Ray Gallagher, 47, a former General Telephone Co. employee who lists his occupation as "legislative analyst and advisor," has a platform of reorganizing city government.

Gallagher said the city charter should be revised and the city manager and "various" other city administrators should be replaced.

He said he is in favor of Prop. 2, a ballot measure that would divide the city

Paul Dolan

Paul Dolan, 35, a law clerk, said he bases his candidacy on attempting to decrease the city's crime rate and fight inflation by



PAUL DOLAN
District Attorney Clerk

cutting city spending 25 percent.

By improving street lights throughout the city, and instituting a "citizen participation and education" program, the city's crime rate will decrease, Dolan said.

Reductions in city spending, he added, can be made by a straight 10 per cent across-the-board cut in all city department budgets — including councilman salaries.

He promised that, if elected, he would seek a reduction in property taxes and an elimination of utility taxes for senior citizens.

Because redistricting would cost the city money by requiring a new election of councilmen, Dolan said he opposes Proposition 2, a ballot measure which would divide Santa Monica into councilmanic districts.

Regarding the proposed downtown shopping center, Dolan said it would bring a "new spirit" to Santa Monica, along with increased tax revenue that would create an attraction for new residents.

Dolan said he proposes "a limit on apartment and condominium construction."

and anti-expansion of single-family residential homes. "All future building in the city should be limited to no higher than two stories."

Federally financed low-cost housing, Dolan said, "could lead to deteriorate Santa Monica's international flavor."

A former law student, Dolan holds a bachelor of arts degree from the University of Minnesota.

A 10-year resident of Santa Monica, Dolan resides at 2545 Fourth St.

SM School Board

Eight candidates are battling for four seats on the Santa Monica Board of Education in a race that may change the make-up of the board for the first time in seven years.

Three of the four incumbents whose terms end next month are actively seeking re-election in the April 8 election. The fourth incumbent, William B. Campbell, announced late in the race that he was withdrawing. Campbell's name will appear on the ballot however, as the announcement came after ballots were printed. He has said he will serve if elected.

The election will determine four of seven members of the board who will serve four-year terms in the non-voting posts.

The school board, which also acts as the Board of Trustees for Santa Monica College, governs the 18-campus unified school district. In all, there are more than 28,000 students in both the unified and college districts.

All eight are statements and platforms of the eight candidates submitted to the Evening Outlook. Campbell did not respond to the request for a statement.

Proposition 1

A flutter of controversy has emerged over the Santa Monica Pier Preservation initiative to appear as Prop. 1 on the ballot.

Aimed at preventing the removal of the pier structures, the measure was put on the ballot by petitions circulated two years ago when the municipal pier and the adjoining Newcomb Pier were being threatened with demolition by the previous council. The two piers are jointly called the Santa Monica Pier.

The measure declares the two piers to be of "great environmental and historic and recreational value and importance to the citizens of Santa Monica and its neighboring communities."

Passage of Prop. 1 would make any city official or person who attempts to raze the pier subject to a misdemeanor offense. Further, any resident of Santa Monica or any neighboring city could bring civil action against demolition-minded individuals.

Adoption of the piers initiative has been interpreted to mean that any major expansion of the piers could presumably bring grounds for legal action.

If the measure is approved, it would take another vote of the people to tear down or expand the piers.

Since petitions were circulated to put Prop. 1 on the ballot, the city has committed more than \$1 million toward restoring the piers.

But sponsors of Prop. 1 claim that future councils could decide to remove the piers.

They argue that the piers have a rich history from the time when the city was a busy port for sailing ships to the days when the Santa Monica ballroom attracted thousands and for this reason should be preserved as a unique part of the city's environment.

A ballot argument against Prop. 1 was submitted by resident John Jerecka, who said in his statement that there is a danger in approving the initiative.

Jerecka said the Newcomb Pier was built as a commercial venture but yet there is not enough city profit generated to pay for maintenance of the pier.

Future generations of taxpayers would be required to subsidize the pier even after the structure is worn out, he said.

Proposition 2

Proposition 2 on the Santa Monica municipal ballot proposes to change the city charter to reduce residency requirements for candidates for the city council and the board of education.

The city charter now requires that candidates live in the city or the school district at least two years before running for office. The Santa Monica School District includes the community of Malibu.

However, courts have recently ruled that only 30 days' residency was required to run for office, according to City Atty. Richard Knickerbocker, who requested the issue on the ballot.

Even if the residency proposition is defeated at the polls, the city would still be required to abide by the 30-day rule, Knickerbocker said.

There were no arguments for or against Prop. 1 filed for distribution to voters.

Charles H. Wacker Jr. Simon A. Sayre

Charles H. Wacker Jr., an educator specializing in work with handicapped children, said he is running for the Santa Monica school board in the hopes of initiating "a revolutionary approach to teaching and learning."

Wacker, who lives at 1228 San Vicente Blvd., said, "Although many new learning tools and concepts are already at our disposal, such as teaching machines, TV, language laboratories, computers, sensing devices, hypnosis, subliminal and sleep learning, we have barely begun to probe the potential

Dr. Simon A. Sayre, a physician with offices in Pointe, said key issues in the April 8 election for the Santa Monica school board include collective bargaining for teachers and increased tax support for schools from the



SIMON A. SAYRE
Physician, Educator

business community.

Dr. Sayre, who lives at 216 Georgina Ave., Santa Monica, said, "The highest levels of education for all can be achieved by shifting a part of school tax responsibility to those who benefit — the business community."

Dr. Sayre, 48, said he was convinced that collective bargaining for teachers, although "a knotty problem," could be successfully accomplished through "binding arbitration in an atmosphere of honesty, good will, and firm safeguards for implementation."

He said although Santa Monica schools already have excellent counselors, their time is devoted to high school curriculum and personal adjustment problems.

He called for a program involving business, crafts and professional leaders in a career training program for tenth- and eleventh-grade students at Santa Monica High School.

Dr. Sayre, whose wife, Ruth, is a nurse at Sarnohi, is an assistant clinical professor at the UCLA School of Medicine and a lecturer at the UCLA School of Public Health.

Graduated with honors from Harvard University in 1949, he received his medical degree from Yale University four years later and a masters degree in public health at UCLA in 1968.



CHARLES H. WACKER JR.
Educator

for the learner and teacher.

"The responsibility of the educator is to enable our children to be prepared to meet the challenge of a world based on the instantaneous display of information demanding immediate decisions in all walks of life — whether buying a car or electing a President," Wacker said.

Wacker, whose wife is a special education teacher at Edison Elementary School, is education supervisor of the vocational program at the Foundation for the Junior Blind.

He was educated at Columbia University, where he earned his undergraduate degree in Education in 1950. Wacker subsequently received a masters degree in English and a doctorate degree in English and education at UCLA.

He is a member of the St. Augustine By-The-Sea Episcopal School board of trustees, and a member of the advisory board of the Educationally Handicapped Program at El Camino College.

Wacker has been a Santa Monica resident since 1967.

John T. Noonan

John T. (Jack) Noonan, member of the Santa Monica school board, and hardware store owner, said he is firmly committed to sound budgetary control and an increased emphasis on basic education.

Noonan, 60, who lives at 3318 Colony View Circle, Malibu, added he sought to maintain and improve "the high standards in our administrative, teaching and non-teaching staffs."



JOHN T. NOONAN
Incumbent

He said career education at both Santa Monica College and Santa Monica High School were also important considerations for board members.

He stressed teaching children according to their individual needs at all levels of education.

Noonan, who has been a member of the school board since 1966, said the district would be hard-pressed to maintain quality programs in light of current financial restrictions, and stressed "fiscal responsibility in all district expenditures."

Noonan is presently the chairman of the college board of trustees. Santa Monica school board members also act as the governing body of the college.

A resident of the Santa Monica Bay Area for the last 10 years, he is currently president of the Santa Monica Rotary Club, a member of the Chamber of Commerce, the YMCA and other community organizations.

Noonan, who was graduated from the University of California at Berkeley, is owner of Noonan's Home-ware and Gifts.

He is a past president of the Pacific Southwest Hardware Association and rose to the rank of major as a pilot during service in World War II.

Both he and his wife, Jan, as well as their two daughters, Mary and Carol, attended schools in the Santa Monica Unified School District.

Schiller Colberg

Santa Monica school board incumbent Schiller A. Colberg said the April 8 election will focus on the issues of inflation, school finance and collective bargaining for teachers.

Colberg, who has been a school board member for the last 18 years, said the problems of inflation can be overcome by "careful adherence to budgetary limitations and the spending of funds for only properly approved school needs."

Colberg, 61, who lives at 7934 Birdview Drive, Malibu, called school finance limitations expected



SCHILLER COLBERG
Incumbent

under the controversial Serrano-Priest decision, "an unfair" and added, "Taxpayers of a district... willing to pay to support a school system of excellence... should be permitted to do so... and should not be hindered by restrictive legislation..."

Collective bargaining for teachers "is not necessary because... our school employees have been treated fairly and the needs of their families have been met in a fashion commensurate with others in the community who have similar roles," he said.

Colberg said, "If public employees wish to have the right to strike, they should give up their tenure."

Colberg, whose daughter, Kristine, is a teacher at Roosevelt Elementary School, is a graduate of the University of Illinois and the University of Chicago.

He received a masters degree... He is a life member of the Santa Monica PTA, a member of the board of governors of Goodwill Industries, a director of the First Federal Savings and Loan Association and a Rotarian. He is a Scout Executive of The Great Western Council of The Boy Scouts of America.

Fred L. Beteta

Fred L. Beteta, a 45-year-old engineer for Hughes Aircraft Co., said he is running for office in the April 8



FRED L. BETETA
Engineer

Santa Monica school board election to provide leadership from the western part of the city with greater board representation.

"Beteta, who lives at 3001 Glenn Ave., and only one seven board members (two south of Montana Avenue while three live in the rest of the city's population) represent."

"The school board needs someone who understands the special needs of all our citizens... who can communicate... with parents as a neighbor," Beteta said.

He said he was "shocked" to learn of varying educational opportunities among similar schools in the district. He said he was concerned about many students whose education ends with their graduation from high school.

Beteta, who is the sole challenger in the 1973 board election, won more than 1,200 votes, said the board should seek "balanced input from the administration... the teachers' union... citizens."

He promised to hold scheduled office hours with an open-door policy should he be elected to one of the four contested board seats.

Beteta, who lives at 3001 Glenn Ave., graduated from Santa Monica College and UCLA and is attending Cal State Northridge. The Nicaragua-born engineer is a member of the Santa Monica School Citizens Advisory Committee and the Association of Mexican American Educators.

He is a member of the First United Methodist Church.

Elizabeth Eyerman

Elizabeth Eyerman, a 23-year-old graduate in child development, from California State University, Northridge, said she was prompted to run for the school board because of what she termed citizen "dissatisfaction" with the board's record.

Miss Eyerman, presently working for her masters degree in psychology, said, "Quite clearly, more family-school communication is necessary." She said many Malibu and Santa Monica residents have "voiced dissatisfaction with the system..." and are concerned about how their school taxes are spent.

She said her platform in the April 8 election assumed the form of questions asked her by many concerned citizens.

"How much money is given for our schools... and precisely in what ways has it been used? Are family beliefs and efforts in moral upbringing becoming overshadowed by the educational process? How



ELIZABETH EYERMAN
Grad Student, Psychology

does the scholarship system work... are community college? Does every qualified student have a fair and equal chance for being accepted?" she asked rhetorically.

She added she had sought to answer these and other questions for the past several months. "Many times I have become confused with the apparent waste of money and human resource (in the school district)," she said.

She said she has also worked "with and within" preschools in the Santa Monica Bay Area while studying for her degree.

David E. Houtz

David E. Houtz, Santa Monica Bay Area Realtor presently serving as president of the school board, said finance and local control of schools were of prime importance in maintaining high quality schools in the city.

Houtz, 41, said: "Work needs to continue in the area of controlling costs and



DAVID E. HOUTZ
Incumbent

maintaining local control of schools."

"State legislation is continually eroding away our ability to finance and administer local schools."

Houtz, who lives at 245 21st St., emphasized strong educational programs in primary grades were vital for the success of the Santa Monica school system.

He added, "Students must be treated as individuals. There are no failures by students. Failure... is the problem of the system which does not respond to the student needs..."

He said Santa Monica College should expand to include people of all ages and walks of life within the city.

Houtz was educated at UCLA, where he received a bachelor's degree in business administration. He has won the "Sigma Xi" award.

He was awarded the "Sigma Xi" Award and has served as president of the Santa Monica Realty Board. He was also director of the Santa Monica Chamber of Commerce, and a member of the Los Angeles County Committee on School District Organization.

He is an elder of the First Presbyterian Church.

Beulah R. Juarez

Beulah Juarez, homemaker and social worker, said maturity, stability and interest in Santa Monica's youth were her prime assets.



BEULAH R. JUAREZ
Homemaker, Social Worker

is a candidate for the Santa Monica school board election April 8.

Mrs. Juarez married and the mother of four grown children, said, "Because I am a stable person, mature and concerned with the lack of direction of our young people, I believe I am qualified to serve well on the board of education."

Mrs. Juarez, one of eight candidates running for four open seats in the election has been active in community affairs, serving on the advisory committee to Santa Monica College's "Emeritus Center." She also is a member of the city's State City Board and the school district's Mexican-American Citizens Committee.

Mrs. Juarez presently serves as social worker for the Catholic Youth Organization and recently was secretary of the League of United Latin American Citizens.

In the past, she has worked for the Westside Health Group and has been a member of the Santa Monica board for the National Conference of Christians and Jews.

She also serves on the board of the Santa Monica YWCA.

She has been an active supporter of cultural, educational and bilingual programs among the city's youth, she said.

VOTE APRIL 8!

EXHIBIT 48

Editorials

Reed McClure, Editor, Editorial Pages

For Trives, Cohen, Reed

We don't believe it's overstating the case to say that the April 8 election in Santa Monica will be one of the most important in the city's 100-year history.

In our opinion, the stakes approach those faced by the voters in the drought year of 1924, when real estate interests wanted the city to annex to Los Angeles to tie in with the abundant Owens Valley water supply. An informed electorate rose to the challenge, however, and defeated the proposal by a 4-3 margin.

On the ballot this year is a proposal to divide the city into seven councilmanic districts. Although not a suicidal proposal like the 1924 annexation plan, it would, if approved, mean the end of effective city government.

Those advancing the proposal, Proposition 3, are principally the nine "coalition candidates" for council seats, none of whom really expects to be elected April 8. What they hope is that the proposition will pass, in which case a followup election would have to be held within 180 days to fill all seven council seats.

With the city divided into easily manipulated political units, they'd stand a lot better chance of filling those seats with hand-picked candidates than they ever would in citywide elections. It would amount to capturing city hall through the back door.

We believe voters will see through the proposal — just as voters in 1924 saw through the annexation arguments.

Among the 32 candidates on the ballot are three who we believe would assure the continuance of sound government in Santa Monica.

They are incumbent Nathaniel Trives, 40, seeking a second term; Seymour A. Cohen, 50, a realtor who has sat on the planning commission for five years; and Christine Reed, 31, a recreation and parks commissioner who advocates a very cautious approach to growth and development.

Trives, a former policeman and a police science instructor, has proven himself to be an exceptionally able and effective

council member with a rare ability to analyze difficult problems and formulate practical solutions.

Cohen, in our opinion, is cut from the same cloth as the late Councilman Kenneth Wamsley, who, until his untimely death in 1969, was one of the strongest council members to have served in years. Cohen is equally strong-minded, yet not opinionated. Last year, he was instrumental in marshalling voter support in the successful campaign to raise the school district's taxing limit. On the planning commission, he has shown an enlightened interest in preserving the city's open environment.

Christine Reed would bring to the council a degree of dedication to the job that is too often lacking in elected public officials. An independent thinker, she would look closely at all sides of a question, then make her decision based on her own strong principles. Her mind would be among the brightest and quickest on the council.

We would take this opportunity to say that, although it is surely understandable why she is retiring from the council, the people of Santa Monica will sorely miss Mayor Clo Hoover's leadership, intuition and common sense on the council.

Councilman Hilliard Lawson, 71, appointed to fill the vacancy caused by the death of Anthony Dituri, has shown little independence or originality of thought. We believe that instead of seeking election, he should have adhered to the statement he made when appointed that he would serve only the unexpired term.

In conclusion, we urge all residents who feel a personal stake in the future of sound government in Santa Monica to go to the polls April 8 and vote for candidates Trives, Cohen and Reed, and against Proposition 3.

DC2 'Home'

Santa Monica City Council members have changed their minds and have decided, at least tentatively, to provide free space at the Municipal Airport for a historic DC2 transport donated to the planned Donald W. Douglas Museum and Library.



Water Had

Over our 40 years as Watergates, there is one thing we can be sure of: They're not a total loss for us next time.

The exorbitant, divisive, was-already-federal campaign cost

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And it is far worse than Watergate has been.

James Nease Watergate is intensely corrupt and guilty.

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Reflections

City Manager James D.

EXHIBIT 49

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Frances W. Tremaine,
Santa Monica.

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Prop. 3: Who Benefits?

Editor: Having spent most of my life in Santa Monica and having been elected three times to serve the community, I have a deep sense of involvement which makes it obligatory for me to speak out on the subject of the proposed charter change.

The reasons for voting against Proposition 3 seem to me to be self-evident: it is a move to disenfranchise the elector by limiting his vote to one council member; it permits removal from office by a shockingly small number of registered voters; it fragments a small, unified city; it reduces participation in government (by the governed) from once in two years to once in four; and it is needlessly expensive. Any voter who takes the time to consider this proposition will see immediately that it must be defeated at the upcoming election.

Sometimes change is necessary if a charter is not keeping step with an expanding community; at other times the action originates with a splinter group of dissidents, often people who have run for office and, for one reason or another, failed to be elected.

Their rationalization, understandably, is that "the system" is discriminatory and that tinkering with the charter will somehow

make everything better. Districting might benefit them, but for the community as a whole it would be opening a Pandora's Box of vote-swapping, jealousies and contention. We cannot afford to carve up a city of only eight square miles surrounded by Los Angeles and the Pacific Ocean into seven little principalities each struggling for special privileges.

There is nothing wrong with the existing charter. Every voter has the opportunity to vote for seven council members and each elected official is expected to represent the whole community impartially. Contrary to anything the charter-changers may claim, anyone who has put down roots here, who has shown his / her concern by serving in school, church or civic organizations, and who has friends who will ring doorbells and speak out on his / her behalf can be elected to public office. It takes time and commitment, but most worthwhile things do.

Proposition 3 should defeat itself. Only voter apathy will give it a chance to succeed.

Jean Leslie Cornett,
Santa Monica.

(Editor's note: The author is a member of the Board of Freeholders which wrote the city charter approved by Santa Monica voters Nov. 5, 1946.)

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EXHIBIT 50

Gary R. Jose Schwedes Wil

Gary Robert Schwedes, 23, a Santa Monica Recreation and Parks commissioner, is one of the staunchest supporters of Proposition 3 among the 32 candidates.

He shares campaign headquarters with the pro-Prop. 3 forces. In addition to giving residents a council member who lives in his district, Schwedes also said the measure would bring down campaign costs, reduce the influence that "monied interests" have on the council, and increase voter registra-

tion and participation. Joseph G. architect and he supported a downtown center. He the center, effort to limit and neighborhood



JOSEPH
Architect



GARY ROBERT
SCHWEDES
Securities Analyst

tion and participation. "Prop. 3 does not provide a perfect government, there is no such thing," he said. "It merely provides a better government."

Schwedes also opposed the proposed shopping center for the downtown area, saying it would be a "major catastrophe for Santa Monica." Schwedes said the project would add to traffic congestion, increase property taxes by driving up assessments, and starve existing businesses on the Mall. A decision on the project should be made by a city-wide election, he said.

Schwedes also said he favors an election to determine the fate of the airport. "I personally favor a different use for the land at the airport in order to provide more money for Santa Monica and to also increase the amount of open space and parks within our city," he said. "The airport presently serves far too few Santa Monicans. Neither does it achieve its fair share of revenue."

Schwedes also said he favors land use controls and height limitations on building near the coast and efforts to reduce density to provide more open space. "We need to plan not for five years or ten but for 40-50," he said.

Schwedes, of 1419 15th St., holds a BA degree in government and is working toward a masters degree at USC.

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He said sideration ning" for center are that the ca "people ori dinated facilities Monica Mall

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Sharon L. Jac Gilpin C

Sharon Lynn Gilpin is a government operations and planning analyst employed by SJA, Inc., Westwood. A spokesperson for the Election Reform Coalition sponsoring Prop. 2, she claimed districting would make the council more accountable to the people, adding "it seems the City Council members

Jacque cook at A rant on Pier, is in town shop position 3 ing, and the Santa should be-

She also high-rise l that "the l the view r for every few "luxu urge a b within "a from the b limitation nalized pa of the city.

Ms. Do limits on prices an young "r city.

Concern said, "Af districts i equitable



SHARON L. GILPIN
Government Operations
Analyst

feel accountable to no one except a bank or group of businesspeople."

She would like to see the airport issue resolved by a vote of the people, she said, noting she personally favored closing Santa Monica Airport and using the land for other purposes.

The downtown redevelopment project, she charged, would "turn Santa Monica into another smoggy, crowded, ugly shopping center." She said she favored the downtown becoming a "beautiful small specialty shop area." The shopping center's "greatest beneficiary," she claimed, would be the Evening Outlook.

She said she favors a land swap to provide more open space ("selling land elsewhere in the city to acquire land in a densely populated area.")

Ms. Gilpin also is against buildings of more than two stories in most of the city, except on Wilshire Boulevard east of Sixth Street.

A lifetime member of the National Forensic League and a member of the Franklin School PTA, Ms. Gilpin holds a BA in history and economics from California Polytechnic University, Pomona. She lives at 16 Seaview Terrace.



JACQUE

city govern increase c pation in go

She said downtown because "benefit by diversity as downtown : The curre plan, howe in its traffic ing and pe ment," she s

She also w the airport l it serves fe could be be blend of recreational housing w green belts.

Ms. Doyle Ocean Park, of directors : Place of Oce school whic tends. She s teen counsel Park Comm and is activ rights.

e Richard S. R Rosenthal Zi

Richard Sanders Rosenthal, 35, a writer-director, submitted the following statement to the Evening Outlook:

"Thank you for soliciting my views in furtherance of your consideration of my candidacy for the Santa Monica City Council. At the outset — and I shall re-state it again at the conclusion of this response to your inquiry — let me respectfully state that while I appreciate the Evening Outlook's solicitation of my views and its possibly publishing them,



RICHARD S. ROSENTHAL
Writer-Director

must state my virtually complete opposition to what the Evening Outlook represents and stands for editorially, politically and socially and I, therefore, do not seek, nor would I accept the Evening Outlook's endorsement. Should you quote any of what follows by way of representing me, to your readership I ask that, should you find it necessary to edit copy, you retain this preceding statement."

Asked to respond to questions of increasing the city's tax base, the future of Santa Monica Airport, the proposed downtown shopping center, Rosenthal said he did not believe those issues represented the "immediate problem" of Santa Monica.

"It (the problem) is how to best restrain runaway development so as to preserve and improve the quality of life for those who are already citizens of the community and how best to reallocate the community's resources to ensure, or, at least, to make possible, the upgrading of the lives of all Santa Monicans; how to ensure the participation and representation of all Santa Monicans in the affairs of the government that can most influence their daily lives, and, towards both these ends, how to unshackle the city from the grip of the land developer / real estate / Evening Outlook grip, the oligarchy that controls the city."

Making for liber one of t issues (Ziebarth, termed problem)

On ano advocates the Santa He also t of certain port-to s tax base.

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EXHIBIT 51

wished themselves to be cut in a spirit of oneupmanship. Tax cuts are popular. Further-

and give Congress an opportunity to act on a more responsible measure.

Beteta For School Seat

For the first time in years: there's an open seat on the Santa Monica Board of Education.

With William Campbell's voluntary retirement from the seven-member board, only three instead of four incumbents are seeking re-election April 8.

We urge the re-election of the three: David Houtz, and John T. Noonan, both of whom have served on the board since 1967, and Schiller Colberg, with 16 years on the board.

For the fourth seat, we recommend the election of Fred Beteta, a Hughes Aircraft Co. engineer and 21-year resident of Santa Monica. Beteta made a strong showing two years ago when he was the only candidate challenging the other three incumbent board members, Mrs. Blanche Carter, James Wyatt and Dr. Moulton K. Johnson.

Beteta and several incumbent board members have disagreed strongly in the past on the question of whether the school district has done enough to compensate for special learning problems involving students of Mexican and Spanish descent. Beteta, a Nicaraguan native, feels he is particularly well qualified to assess these problems and deal constructively with them.

He points out that about 14 per cent of the students enrolled in Santa Monica schools have Spanish surnames, and that 19 per cent of the total population is of Spanish or Mexican descent.

We are impressed, too, with the candidacy of Dr. Simon A. Sayre, as assistant clinical professor at the UCLA School of Medicine and practicing physician in Santa Monica and West Los Angeles.

Nevertheless, we feel Beteta would be a more knowledgeable member of the board in an area of interest that needs particular attention, and therefore we recommend his election.

Reflections

By IRENE McDERMOTT

Love one another.

—John 13:34.

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Here is there are their bill:

Editorials

Reed McClure, Editor, Editorial Pages

For Trives, Cohen, Reed

We don't believe it's overstating the case to say that the April 8 election in Santa Monica will be one of the most important in the city's 100-year history.

In our opinion, the stakes approach those faced by the voters in the drought year of 1924, when real estate interests wanted the city to annex to Los Angeles to tie in with the abundant Owens Valley water supply. An informed electorate rose to the challenge, however, and defeated the proposal by a 4-3 margin.

On the ballot this year is a proposal to divide the city into seven councilmanic districts. Although not a suicidal proposal like the 1924 annexation plan, it would, if approved, mean the end of effective city government.

Those advancing the proposal, Proposition 3, are principally the nine "coalition candidates" for council seats, none of whom really expects to be elected April 8. What they hope is that the proposition will pass in which case a follow-up election would have to be held within 180 days to fill all seven council seats.

With the city divided into easily manipulated political units, they'd stand a lot better chance of filling those seats with hand-picked candidates than they ever would in citywide elections. It would amount to capturing city hall through the back door.

We believe voters will see through the proposal — just as voters in 1924 saw through the annexation arguments.

Among the 32 candidates on the ballot are three who we believe would assure the continuance of sound government in Santa Monica.

They are incumbent Nathaniel Trives, 40, seeking a second term; Seymour A. Cohen, 50, a realtor who has sat on the planning commission for five years; and Christine Reed, 31, a recreation and parks commissioner who advocates a very cautious approach to growth and development.

Trives, a former policeman and a police science instructor, has proven himself to be an exceptionally able and effective

council member with a rare ability to analyze difficult problems and formulate practical solutions.

Cohen, in our opinion, is cut from the same cloth as the late Councilman Kenneth Warnsley, who, until his untimely death in 1969, was one of the strongest council members to have served in years. Cohen is equally strong-minded, yet not opinionated. Last year, he was instrumental in marshalling voter support in the successful campaign to raise the school district's taxing limit. On the planning commission, he has shown an enlightened interest in preserving the city's open environment.

Christine Reed would bring to the council a degree of dedication to the job that is too often lacking in elected public officials. An independent thinker, she would look closely at all sides of a question, then make her decision based on her own strong principles. Her mind would be among the brightest and quickest on the council.

We would take this opportunity to say that, although it is surely understandable why she is retiring from the council, the people of Santa Monica will sorely miss Mayor Clo Hoover's leadership, intuition and common sense on the council.

Councilman Hilliard Lawson, 71, appointed to fill the vacancy caused by the death of Anthony Dituri, has shown little independence or originality of thought. We believe that instead of seeking election, he should have adhered to the statement he made when appointed that he would serve only the unexpired term.

In conclusion, we urge all residents who feel a personal stake in the future of sound government in Santa Monica to go to the polls April 8 and vote for candidates Trives, Cohen and Reed, and against Proposition 3.

DC2 'Home'

Santa Monica City Council members have changed their minds and have decided, at least tentatively, to provide free space at the Municipal Airport for a historic DC2 transport donated to the planned Donald W. Douglas Museum and Library.

Water Had

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SM School Board Incumbent To Quit

By FRANK HOTCHKISS
Evening Outlook Staff Writer

a change in makeup of the Santa Monica school board for the first time in seven years, incumbent William B. Campbell Tuesday announced he will not seek reelection April 8.

Campbell, who was first elected to the board in 1963, said he made the decision for personal reasons.

Campbell's announcement came four weeks after he had filed for reelection and just a month before voters go to the polls.

The 55-year-old retired General Telephone Co. executive twice served as president of the seven-member board and once as the chairman of the college board of trustees during his 12-year tenure.

The school board acts as governing body for both the Santa Monica Community College District and the

Oxygen Shortage Discovered In Pregnant Women

PORTLAND, Ore. (UPI) — Strenuous exercise might cause an oxygen deficiency in pregnant women and their unborn children, medical researchers said Tuesday.

Studies by the University of Oregon Health Sciences Center indicated both pregnant women and pregnant African pygmy goats required more oxygen when active than do nonpregnant females.

Drs. James Metcalfe and Martin Pernoll said they were attempting to determine whether babies "stressed" by lack of oxygen show any serious consequences.

unified school district, which includes Malibu schools.

Although composition of the board has not changed since the 1968 election of Mrs. Blanche N. Carter, in 1973 three incumbents narrowly fought off a strong challenge from Fred L. Beteta.

Beteta, a Hughes Aircraft engineer who is running again this year, had argued that the board lacked sufficient representation from the south side of Santa Monica.

Beteta polled about 9,000 votes, compared to incumbents Mrs. Carter, James W. Wyatt, and Dr. Moulton K. Johnson, who each polled more than 13,000.

Incumbents in the April 8 contest are David E. Houtz, a realtor now serving as president of the board; Schiller A. Colberg, a Boy Scout executive, and John T. (Jack) Noonan, a hardware store owner presently serving as chairman of the college board of trustees.

Challengers for the four-year offices, besides Beteta, are Elizabeth Eyerman, a graduate student; Beulah Juarez, homemaker; Dr. Simon Sayre, a physician, and Charles H. Wacker, an educator.

In response to Campbell's announcement, school superintendent Dr. Alfred A. Artuso said, "We are losing a dedicated board member who served well for 12 years. We looked to him particularly in the area of budgeting personnel policies.

"He will be sorely missed by the entire board and many of the staff members," Artuso said.

Culver City Fire Blamed

EXHIBIT 52

SM Voters Elect 3 Newcomers

NIGHT FINAL
Complete
Closing Stocks

EVENING OUTLOOK

SANTA MONICA, CALIFORNIA, WEDNESDAY, APRIL 9, 1975

100th Year—85th Issue

DISTRICTING LOSES 2-1

'Vigorous' Help

NIXON VOWED AID TO THIEU

WASHINGTON (UPI)—Former President Richard M. Nixon made over-the-air promises to South Vietnam in 1973 that the United States would renege "vigorously" if the Communists violated the Paris peace accords, a White House spokesman said today.

House War Foe Backs Arms Aid

WASHINGTON (UPI)—The House voted today to support the administration's request for \$1.5 billion in military aid for South Vietnam, but the House also passed a resolution opposing the administration's request for \$1.5 billion in military aid for South Vietnam.

Rep. Donald Fraser, D-Maine, one of the opposition and strongest opponents of the U.S. role in Vietnam, said at a hearing of the House International Affairs Committee he will vote for the military aid to stabilize the battlefield situation.

"It would be unwise to send humanitarian aid to a country that is going to collapse," Fraser said.

The change of position surprised other committee members and caused the colleagues who were asked to vote on the aid to be confused.

Rep. Donald W. Riegle Jr., D-Mich., urged to Fraser and said:

"The other day you said you were opposed to fighting the war in the last Cambodian. Now it is to fight in the last Vietnam."

David Parker, administrator of the Agency for International Development, at the time said he was "in the same boat" as Fraser.

Stocks Soar

Details On Page 27

Carney 'Best Actor' 'Godfather II' Sweeps Oscars

By RALPH GRIFENWALD

The second tiebreaker film, "The Godfather Part II," was named Best Picture and Best Director for Francis Ford Coppola.

The winning script for "The Godfather Part II" was written by Francis Ford Coppola and John Oliver.



VICTORY BUGS—Newly elected Santa Monica City Council members Seymour Cohen (left photo) and Charles E. Reed (right) get hugs from their spouses, Helen and Jean respectively, following Tuesday's hotly contested election.

U.S. Invites Israeli To Washington

WASHINGTON (UPI)—The State Department today invited the Israeli foreign minister to visit Washington for a meeting with Secretary of State Henry A. Kissinger.

The Israeli foreign minister, Golda Meir, is expected to arrive in Washington for a meeting with Secretary of State Henry A. Kissinger.

A meeting spokesman said that the Israeli foreign minister will be accompanied by a delegation of officials.

The Israeli foreign minister will be accompanied by a delegation of officials.

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The Israeli foreign minister will be accompanied by a delegation of officials.

SM Council Election 1 of 3 Trives, Cohen, Reed Win

By ANNE MORGENTHALER

Santa Monica voters Tuesday elected Seymour Cohen, Charles E. Reed and Charles E. Reed to the city council.

The council election drew 22 candidates, although only four were elected.

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Remove Dogs From Kennel

By NANCY QUINN

Several registered dogs were removed from the city kennel today.

The city kennel today removed several dogs from its facility.

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SM Charter Reform Bid Voted Down

By ANNE MORGENTHALER

Santa Monica's system of government was a vote of confidence Tuesday when an initiative to double the city's size was defeated.

The controversial measure, Proposition 2, received only 4,000 votes of 10,000 cast.

The municipal election drew 17,000 voters from Santa Monica.

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SM Voters Okay Pier Initiative

By STELLA SAGIN

Proposition 1, the pier preservation initiative, was approved by a 5-4 vote.

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With 3 Incumbents Beteta Elected To School Post

By FRANK INTERDONO

Santa Monica voters Tuesday elected Fred C. Beteta to the school board.

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FRED C. BETETA

Mr. Beteta is Santa Monica's first elected school board member.

Mr. Beteta is Santa Monica's first elected school board member.

Mr. Beteta is Santa Monica's first elected school board member.

Mr. Beteta is Santa Monica's first elected school board member.

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Unemployment	54	Oil on Coast	13
Utilities	55	Oil on Coast	13
Weather	56	Oil on Coast	13
World	57	Oil on Coast	13
Other	58	Oil on Coast	13

Source: Wall Street Journal

TV Week Sweepstakes

Winners On Page 14

gratulated by retiring Mayor Clo Hoover upon his reelection to a second four-year term.

(Evening Outlook Photo by Steve Armstrong)

SM Council Race

Continued From Page 1

winners had taken stands opposing Prop. 3.

Nine of the candidates were members of the Election Reform Coalition which sponsored the districting measure, and most said publicly that passing Prop. 3 was more important than their own election.

The nine coalition members, who generally ran fairly well, were Gary Robert Schwedes, Van Royce Vibber, Sharon Gilpin, Sheila Ostrow, Neal Wegner, Bruce Henstall, Ernie Powell, L. Gary Sansing and Femmy De Lyser. Schwedes, a recreation and parks commissioner, ran sixth, winning 2,422 votes or 6.09 per cent.

Those favoring the controversial Prop. 3 charged that it would make each council member more responsive to his constituents, while opponents claimed it would factionalize the city and invite corruption.

Trives, who won a second term; Mrs. Reed, a recreation and parks commissioner; and Cohen, a planning commissioner, will take the oath of office at the April 15 council meeting, when the council will also elect a new mayor.

The top vote-getter was Trives who pulled 7,123 votes, nearly 18 per cent of the votes cast.

"It's a lot different running a second time," he observed about his increasing margin of victory.

"I had a record I was proud of, but when you vote on certain issues you are bound to make enemies," he said. "I had some outspoken, active opponents who created a concern for me and my committee."

Trives, the first black man to be elected to the city council, has been serving as the mayor pro tem for the past two years.

A former sergeant on the Santa Monica police force, Trives, 46, is now assistant professor of police science at Cal State University-Los Angeles, and the affirmative action coordinator at the university.

He had wide-based community support in his campaign. He was the only candidate in the race to be publicly endorsed by outgoing Mayor Clo Hoover. The remaining members of the council also backed him, with the exception of Councilman John McCloskey.

Trives said he did not solicit the endorsement of McCloskey who, in recent months, has verbally tangled with Trives.

He was also endorsed by the Sunset Property Owners Association, several Democratic organizations and an informal group called Santa Monicans for Good Government.

While city employees played a low-keyed role in the election, they did some campaigning on Trives' behalf over the weekend. He was backed by the Municipal Employees Association, the Police Officers Association and the Fire Fighters.

Next in popularity was Cohen, who received 4,656 votes, amounting to 12 per cent.

Cohen, 50, a realtor, has supported controlled growth for the city in the course of his five years on the planning commission.

He voted to recommend increased open space requirements in multiple residential districts and lower density for the R-4 (high density) and R-3 (medium density) districts.

At the same time, he has also spoken out on behalf of property owners who have found themselves unable to develop their land because of city restrictions.

Cohen said he avoided seeking endorsements because he wanted to prevent being obligated to any special interest groups. His financial backers have included many business people in the city.

Long active in civic affairs, he was the chairman of the 1974 Citizens Committee for Santa Monica Schools which successfully promoted passage of a tax override measure, Prop. TT, last November.

He is the past president of the Santa Monica Bay District Board of Realtors and the Santa Monica Jewish Family Service. He is also treasurer of the Santa Monica Bay Club and member of the Kiwanis Club.

Winning the third spot was Mrs. Reed, who received 4,138 votes, just over 10 per cent of those cast.

A homemaker, Mrs. Reed, 31, became involved in city affairs three years ago.

Following the footsteps of Councilman Pieter van den Steenhoven in his own campaign for office two years ago, she attended most council and planning commissioner meetings and expressed her views on a variety of issues.

Mrs. Reed's campaign was chaired by Van den Steenhoven. She was also endorsed by the Sunset Park Home Owners Association and the ad hoc Santa Monicans for Good Government. A letter in Mrs. Reed's behalf signed by Houston Flournoy, Republican candidate for governor last year, was sent by her committee to a select group of Republican voters.

She has served on the recreation and parks commission two years. She was also a member of the Beach Area Study Committee.

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engineer. financed c CONTRIBUT \$748.96; acci cial, reports city clerk's t 'Most of used to-its roots, door paign intent ery register Nomca, Bet

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Additional went for u using Beteta

2 of 3

2 of 3

SM Council Race

EVENTS

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Continued from Page 1

which made recommendations on the beachfront.

She is a graduate of UCLA where she majored in political science. She and her husband, Jason, who is employed at UCLA, are the parents of a two-year-old

child who ran in fourth place with 3,216 votes, or 8.08 percent. Operator of the Santa Monica Chemical Corp., which manufactures cleaning products, he has been hospitalized for the past two weeks and was unable to campaign.

Contin

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Monica B
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Lawson, who ran with 2,468 votes, learned about his defeat in the course of the election night city council meeting, when a city worker brought in the early returns.

The returns were passed around the council table. Near the end of the meeting Mayor Hoover asked whether Lawson wanted to name a new member to an ad hoc committee since his appointee had resigned.

But Lawson replied quietly, "Since I will no longer be serving on this council, let the new council make the appointment."

He was named to the council in October, 1973 to fill the vacancy created by the death of Councilman Anthony L. Dituri. A retired postal worker, Lawson, 71, worked part-time in a real estate office.

Businessman Robert

Panel OKays Voter Protest Ballot Spot

SACRAMENTO (UPI)— Legislation allowing disgruntled voters to cast their ballots for "none of the above" was approved Tuesday by the Assembly Elections and Reapportionment Committee.

The bill (AB59) by Assemblyman William Campbell, R-Hacienda Heights, went to the floor on a 6-2 vote.

But Assemblyman Curtis Tucker, D-Inglewood, abstained, saying "none of the above are acceptable."

The measure would permit the designation after the listing for each group of candidates for all positions.

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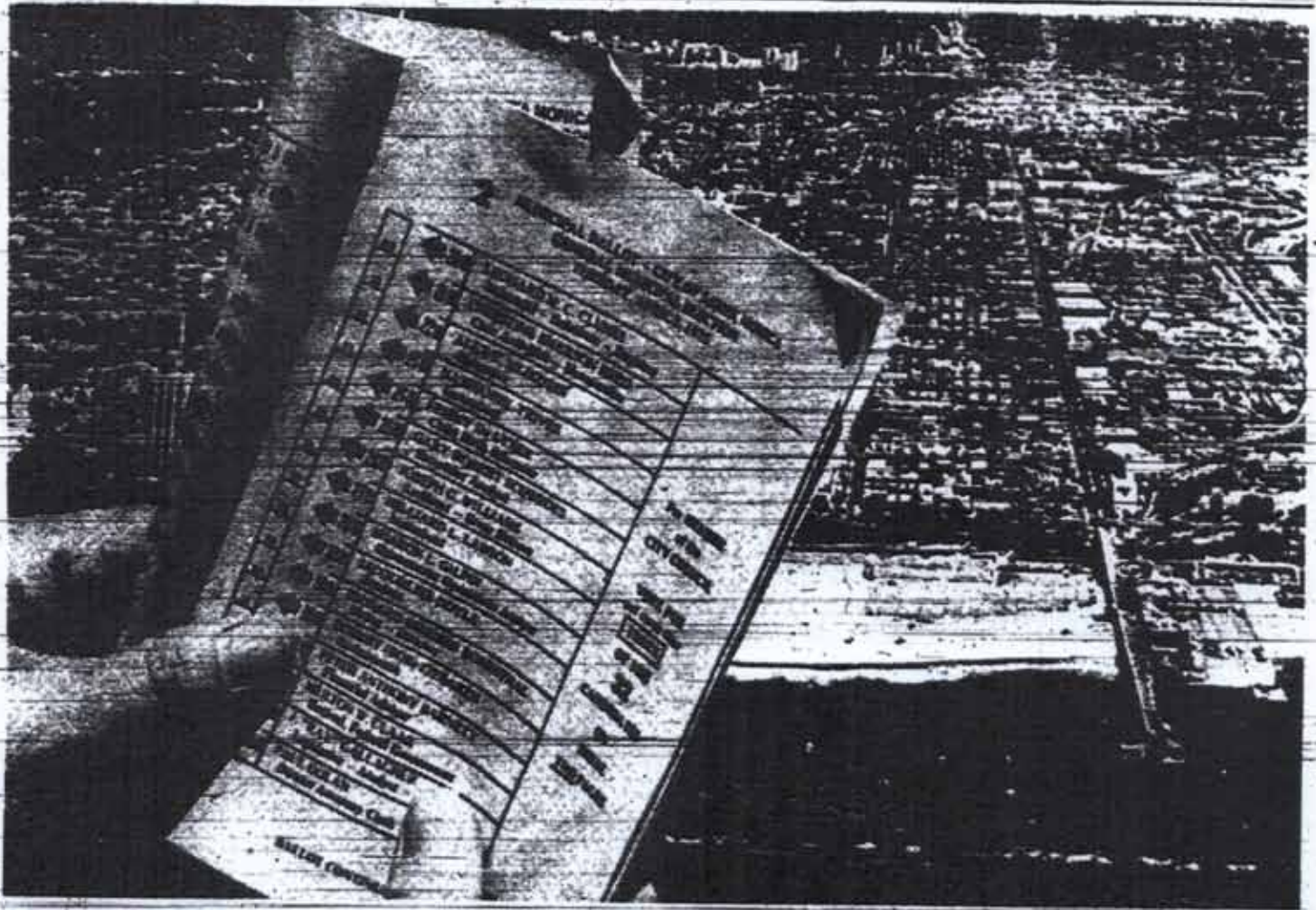
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EXHIBIT 53

EVENING OUTLOOK

Special
Election
Section

April 1, 1975



SM Voters Facing Crucial Choices

When Santa Monica voters go to the polls April 8, the choices they make may fundamentally affect the future of the city.

On the ballot, voters will be asked to select four school board members from a total of nine candidates, three council members from a field of 32 contenders, and vote on three ballot propositions.

The choices will be difficult, and they will require careful thought.

In this special section, voters will find the platforms and biographies of candidates for the city council and board of education, as well as information on the three ballot measures. Material on the candidates has been supplied at the request of the Evening Outlook.

This newspaper has extensively covered elections in the past, but this year marks the first time the information is contained in a single package.

One reason the section is being published is because candidates were promised city financing for mailing out campaign

literature under the city's new Fair Election Practices ordinance, but the city council did not appropriate funds for the mailing, citing the high cost involved.

The city did, however, agree to pay for printing the statements of qualifications which were mailed to voters along with the sample ballot. In the past, candidates have had to pay for the printing.

This year, as in the past, voters will have to choose members of the governing bodies which run the city and the school district, which includes Malibu.

But this year's election has taken on added importance because one of the ballot measures, Proposition 3, would fundamentally alter the city's government for the first time since the charter was adopted in 1946.

If Prop. 3 passes by a majority vote, all seven council members — including those elected April 8 — would automatically leave office within six months.

Then a new election would be held in the

fall to choose council members under a new system of representation.

Prop. 2 would divide the city into seven districts. Candidates would run for the district in which he or she lives and receive votes only from that district. Under the present system, each candidate is elected "at large," that is, by all the voters in the city.

Prop. 3 would make it easier to recall council members by reducing the number of names on nominating petitions to 10 per cent of the voters of a district or the city at large. It would also reduce the number of signatures needed to put initiatives and referendums on the ballot. Additionally, it would change procedures for filling vacancies on the council.

In other ballot measures, Prop. 1 would make it unlawful to demolish the Santa Monica and Newcomb piers. The issue was put on the ballot by initiative petitions circulated two years ago when the piers were being threatened with removal by the previous city council.

The present council has taken steps to remove the piers, but Prop. 1 sponsors contend that councils in the future may decide to remove the structures.

Prop. 2 would require a candidate to live in the city at least 30 days prior to filing nomination papers or being appointed. The issue was put on the ballot because court decisions have struck down the two-year residency requirement in the city's charter. Prop. 2 would apply to both council and school board candidates.

All three ballot propositions will require a simple majority for passage.

Traditionally, Santa Monica municipal elections have attracted less than half of the city's registered voters.

Voter registration in the city has declined in approximately 40,000, according to the city clerk's office.

This compares with the 47,000 people who were registered to vote at the last city election in 1973. At that time, 48 per cent of the eligible voters participated in the election.

EXHIBIT 54

(Evening Outlook Photo by Bob Smith)

- (Four-year
1. Trives (Inc.)
 2. Cohen
 3. Reed
 4. Ziebarth
 5. Lawson (Inc)
 6. Schwedes
 7. Reeves

SM Districting Proposal

Prop. 3 Vote Studied

By CLIFF TARPY

Evening Outlook Political Editor

In its lopsided defeat Tuesday, Proposition 3 met widespread opposition by voters in virtually every sector of the city except Ocean Park, a study of results in certain precincts showed today.

Precinct results also showed that voter turnout—42.6 per cent citywide—was particularly low in Ocean Park, the seat of the most vocal Prop. 3 supporters.

While the controversial districting measure was approved by margins as high as 70 per cent in some Ocean Park neighborhoods it was not enough to stem the tide from other areas. The proposal to split the city into seven councilmanic districts fell by an overall vote of 10,036 against and 4,424 in favor.

The citywide margin was 69.41 per cent against and 30.59 in favor, the reverse of the outcome in the Ocean Park precinct sampling.

Part of the picture can be seen by looking at Precinct 57 in Ocean Park, which runs generally between Fourth and Seventh streets, with Strand Street on the north and Hill Street on the south.

There Prop. 3 carried by a

wide margin of 119 in favor and 51 against. But of the 571 registered voters, only 177 cast ballots.

A similar story was told in Ocean Park's Precinct 58, bounded by Ocean Park Boulevard, Lincoln Boulevard, Highland Avenue and the south city limits.

Again Prop. 3 was given strong backing with 134 in favor and 86 against. Turnout was higher than in Precinct 57, with 225 of 571 registered voters in 58 going

This was contrasted sharply by the results in Precinct 5, a predominantly single-family area running north from Montana Avenue to Santa Monica Canyon and between Lincoln Boulevard and 12th Street.

Turnout was high in the Fifth Precinct with 472 of 779 registered voters turning out for a percentage of 60 per cent. The precinct was overwhelmingly opposed to districting with 372 voting against Prop. 3 and only 85 voting for it.

Areas north of Montana Avenue with lower turnouts also apparently went against Prop. 3, including Precinct 8 which runs from Fourth Street between Georgina Avenue and Palisades Avenue west to the beach houses along Pacific Coast Highway.

Precinct 8, with a 43 per cent turnout, rejected Prop. 3 by a 193-to-60 margin.

Two large precincts in the Sunset Park area near Santa Monica Airport in the city's southeast section had higher-than-average turnouts hovering around 50 per cent and both rejected Prop. 3 by wide margins.

Voters rejected the measure 231 to 73 in Precinct 52, bounded by 28th Street, 22nd Street, and by Pico and Ocean Park boulevards.

The adjacent Precinct 53—stretching along 25th Street to the city limits between 21st Street and the airport—turned down the measure 204 votes to 55.

Another setback for the districting measure—although by a narrower margin—came in a precinct in the densely populated "apartment band" area between Montana and Wilshire Boulevard.

In Precinct 18—bounded by Seventh and Ninth streets and Montana and California avenues—218 of 548 voters turned out and voted against Prop. 3 by a 146-to-63 margin.

A precinct with a high percentage of black and Spanish-surname residents had a higher-than-average turnout and showed opposition to Prop. 3. Precinct 46 between Pico and Santa Monica boulevards and stretching between 14th and 22nd streets, had 282 of its 554 registered voters turning out with 78 in favor of Prop. 3 and 135 opposed.

1-House Legislature Plan Killed By Panel

SACRAMENTO (UPI)—Constitutional amendments to merge the state Senate and Assembly into a one-house legislature were killed by an Assembly Committee Tuesday.

The proposed amendments by Assemblymen Tom Bane, D-Van Nuys, and Kenneth Maddy, R-Firebaugh, were scuttled by the Elections and Reapportionment Committee, when members agreed to assign the legislation to a between legislative session study.

Rainstorm

Continued From Page 2

when a mass of arctic air settled over Southern California and remained stationary until today.

Temperatures recorded for Bay Area communities included: Santa Monica, high 60 degrees, low, 52; West Los Angeles, 57, 51; Culver City, 52, 46; Malibu, 54, 45; Topanga, 48, 40.

Rainfall figures for the Santa Monica Bay Area are:

SANTA MONICA Post 24 hours (until 8 a.m.) This storm-Season to date (July 1 to June 30)-Last



UNIT 2



UNIT 2



\$1.9

UNIT 3



EXHIBIT 55

John T. Noonan

John T. (Jack) Noonan, member of the Santa Monica school board, and hardware store owner, said he is firmly committed to sound budgetary control and an increased emphasis on basic education.

Noonan, 60, who lives at 3216 Colony View Circle, Malibu, added he sought to maintain and improve "the high standards in our administrative, teaching and non-teaching staffs."



JOHN T. NOONAN
Incumbent

He said career education at both Santa Monica College and Santa Monica High School were also important considerations for board members.

He stressed teaching children according to their individual needs at all levels of education.

Noonan, who has been a member of the school board since 1966, said the district would be hard-pressed to maintain quality programs in light of current financial restrictions, and stressed "fiscal responsibility in all district expenditures."

Noonan is presently the chairman of the college board of trustees. Santa Monica school board members also act as the governing body of the college.

A resident of the Santa Monica Bay Area for the last 50 years, he is currently president of the Santa Monica Rotary Club, a member of the Chamber of Commerce, the YMCA and other community organizations.

Noonan, who was graduated from the University of California at Berkeley, is owner of Noonan's Home-ware and Gifts in Santa Monica.

He is a past president of the Pacific Southwest Hardware Association and rose to the rank of major as a pilot during service in World War II.

Both he and his wife, Jan, as well as their two daughters, Mary and Carol, attended schools in the Santa Monica Unified School District.

Schiller Colberg

Santa Monica school board incumbent Schiller A. Colberg said the April 8 election will focus on the issues of inflation, school finance and collective bargaining for teachers.

Colberg, who has been a school board member for the last 16 years, said the problems of inflation can be overcome by "careful adherence to budgetary limitations and the spending of funds for only properly approved school needs."

Colberg, 51, who lives at 7034 Birdview Drive, Malibu, called school finance limitations expected



SCHILLER COLBERG
Incumbent

under the controversial Serrano-Priest decision, "an unfair" and added, "Taxpayers of a district... willing to pay to support a school system of excellence... should be permitted to do so... and should not be hindered by restrictive legislation."

Collective bargaining for teachers "is not necessary because... our school employees have been treated fairly and the needs of their families have been met in a fashion commensurate with others in the community who have similar roles," he said.

Colberg said, "If public employees wish to have the right to strike, they should give up their tenure."

Colberg, whose daughter, Kristine, is a teacher at Roosevelt Elementary School, is a graduate of the University of Illinois and the University of Chicago School of Business, where he received a masters degree.

He is a life member of the Santa Monica PTA, a member of the board of governors of Goodwill Industries, a director of the First Federal Savings and Loan Association and a Rotarian. He is a Scout Executive of The Great Western Council of The Boy Scouts of America.

Fred L. Beteta

Fred L. Beteta, a 45-year-old engineer for Hughes Aircraft Co., said he is running for office in the April 8



FRED L. BETETA
Engineer

Santa Monica school board election to provide residents from the northern part of the city with greater board representation.

Beteta, who lives at 2021 Glena Ave., and only one of seven board members lives south of Montana Avenue, while more than 80 per cent of the city's population resides there.

"The school board needs someone who understands the special needs of all our citizens... who can communicate... with parents as a neighbor. Beteta said.

He said he was "shocked" to learn of varying curricular opportunities among similar schools in the district. He said he was concerned about many students whose education ends with their graduation from high school.

Beteta, who, as the sole challenger in the 1973 board election, won more than 3,000 votes, said the board should seek "balanced input from the administration... the teachers (and) citizens."

He promised to hold scheduled office hours with an open-door policy should he be elected to one of the four contested board seats.

Beteta was educated at Santa Monica College and UCLA and is attending Cal State Northridge. The Nicaraguan-born engineer is a member of the Santa Monica School Chicanos Advisory Committee and the Association of Mexican-American Educators.

He is a member of the First United Methodist Church.

Elizabeth Eyerman

Elizabeth Eyerman, a 23-year-old graduate in child development, from California State University, Northridge, said she was prompted to run for the school board because of what she termed citizen "dissatisfaction" with the board's record.

Miss Eyerman, presently working for her masters degree in psychology, said, "Quite clearly, more family-school communication is necessary." She said many Malibu and Santa Monica residents have "voiced dissatisfaction with the system," and are concerned about how their school taxes are spent.

She said her platform in the April 8 election assumed the form of questions asked her by many concerned citizens.

"How much money is given for our schools—and precisely in what ways has it been used? Are family beliefs and efforts in moral upbringing becoming overshadowed by the educational process? How



ELIZABETH EVERMAN
Grad Student, Psychology

does the scholarship system work in our community college? Does every qualified student have a fair and equal chance for being accepted?" she asked rhetorically.

She added she had sought to answer these and other questions for the past several months. "Many times I have become confused with the apparent waste of money and human resource (in the school district)," she said.

Beteta was educated at Santa Monica College and UCLA and is attending Cal State Northridge. The Nicaraguan-born engineer is a member of the Santa Monica School Chicanos Advisory Committee and the Association of Mexican-American Educators.

She said she has also worked "with and within" preschools in the Santa Monica Bay Area while studying for her degree.

David E. Houtz

David E. Houtz, Santa Monica Bay Area Realtor presently serving as president of the school board, said finance and local control of schools were of prime importance in maintaining high quality schools in the city.

Houtz, 43, said: "Work needs to continue in the area of controlling costs and



DAVID E. HOUTZ
Incumbent

maintaining local control of schools.

"State legislation is continually eroding away our ability to finance and administer local schools."

Houtz, who lives at 245 21st St., emphasized strong educational programs in primary grades were vital for the success of the Santa Monica school system.

He added, "Students must be treated as individuals. There are no failures by students. Failure... is the problem of the system which does not respond to the student needs."

He said Santa Monica College should expand to include people of all ages and walks of life within the city.

Houtz was educated at UCLA, where he received a bachelor degree in business administration. He has won the Santa Monica Rotary Club's "Man of the Year" Award, and has served as president of the Santa Monica Realty Board. He was also director of the Santa Monica Chamber of Commerce, and a member of the Los Angeles County Committee on School District Organization.

He is an elder of the First Presbyterian Church.

Beulah R. Juarez

Beulah Juarez, homemaker and social worker, said maturity, stability and interest in Santa Monica's youth were her prime assets.



BEULAH R. JUAREZ
Homemaker, Social Worker

is a candidate for the Santa Monica school board election April 8.

Mrs. Juarez married and the mother of four grown children, said, "Because I am a stable person, mature and concerned with the lack of direction of our young people, I believe I am qualified to serve well on the board of education."

Mrs. Juarez, one of eight candidates running for four open seats in the election has been active in community affairs, serving on the advisory committee to Santa Monica College's "Emeritus College." She also is a member of the city's Sister City Board and the school district's Mexican-American Advisory Committee.

Mrs. Juarez presently serves as social worker for the Catholic Youth Organization and recently was secretary of the League of United Latin-American Citizens.

In the past, she has worked for the Westside Health Group, and has been a member of the Santa Monica board for the National Conference of Christians and Jews.

She also serves on the Los Angeles County Board of the Aging Council, and is a board member of the Santa Monica YWCA.

She has been an active supporter of cultural, educational and bilingual programs among the city's youth, she said.

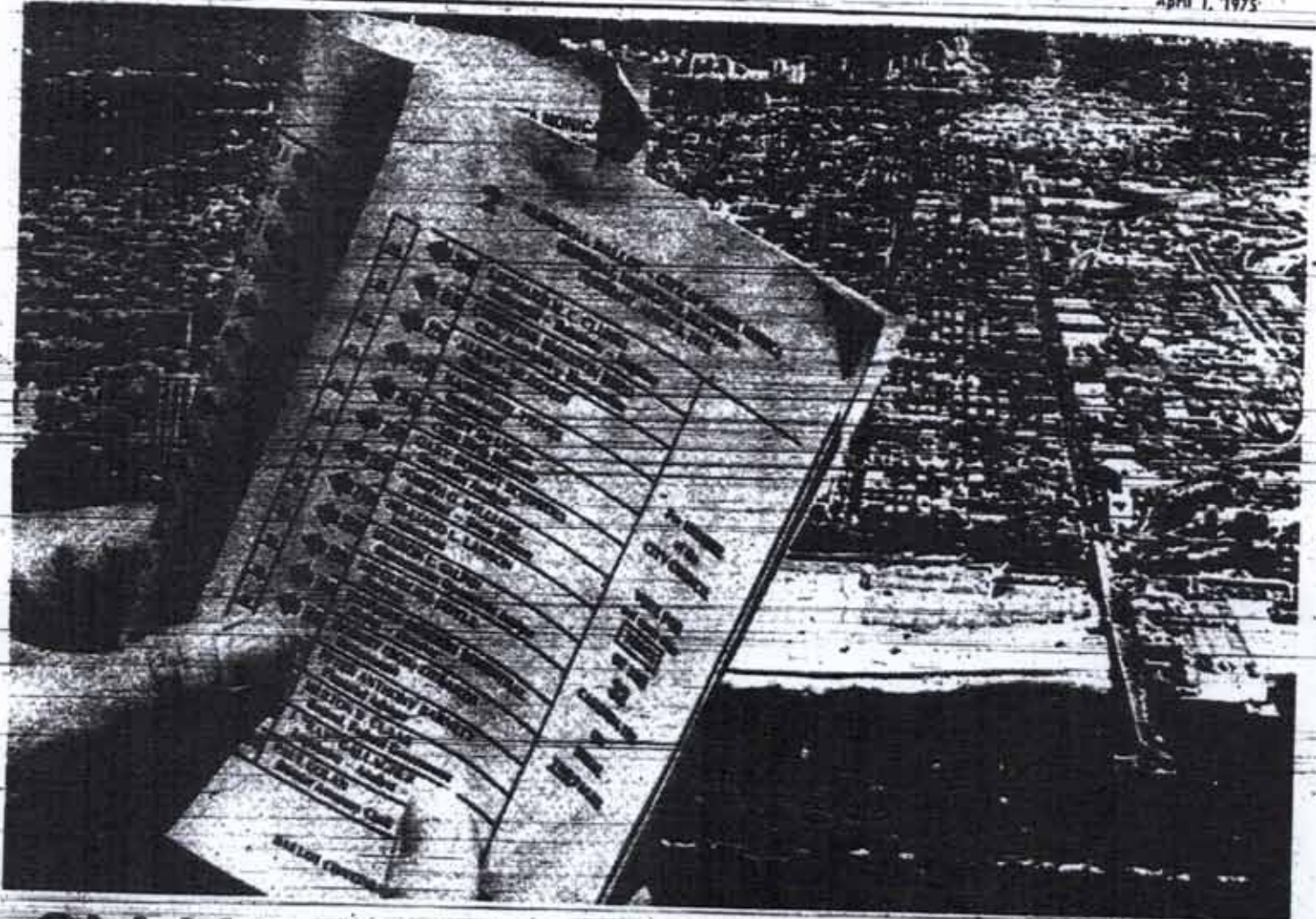
VOTE APRIL 8!

EXHIBIT 56

EVENING OUTLOOK

Special
Election
Section

April 1, 1975



SM Voters Facing Crucial Choices

When Santa Monica voters go to the polls April 8, the choices they make may fundamentally affect the future of the city.

On the ballot, voters will be asked to select four school board members from a total of nine candidates, three council members from a field of 32 contenders, and vote on three ballot propositions.

The choices will be difficult, and they will require careful thought.

In this special section, voters will find the platforms and biographies of candidates for the city council and board of education, as well as information on the three ballot measures. Material on the candidates has been supplied at the request of the Evening Outlook.

The newspaper has extensively covered elections in the past, but this year marks the first time the information is contained in a single package.

One reason the section is being published is because candidates were promised city financing for mailing out campaign

literature under the city's new Fair Election Practices ordinance, but the city council did not appropriate funds for the mailing, citing the high cost involved.

The city did, however, agree to pay for printing the statements of qualifications which were mailed to voters along with the sample ballot. In the past, candidates have had to pay for the printing.

This year, as in the past, voters will have to choose members of the governing bodies which run the city and the school district, which includes Malibu.

But this year's election has taken on added importance because one of the ballot measures, Proposition 3, would fundamentally alter the city's government for the first time since the charter was adopted in 1946.

If Prop. 3 passes by a majority vote, all seven council members — including those elected April 8 — would automatically leave office within six months.

Then a new election would be held in the

fall to choose council members under a new system of representation.

Prop. 3 would divide the city into seven districts. Candidates would run for the district in which he or she lives and receive votes only from that district. Under the present system, each candidate is elected "at large," that is, by all the voters in the city.

Prop. 3 would make it easier to recall council members by reducing the number of names on nominating petitions to 10 per cent of the voters of a district or the city at large. It would also reduce the number of signatures needed to put initiatives and referendums on the ballot. Additionally, it would change procedures for filling vacancies on the council.

In other ballot measures, Prop. 1 would make it unlawful to demolish the Santa Monica and Newcomb piers. The issue was put on the ballot by initiative petitions circulated two years ago when the piers were being threatened with removal by the previous city council.

The present council has taken steps to restore the piers, but Prop. 1 sponsors contend that councils in the future may decide to remove the structures.

Prop. 2 would require a candidate to live in the city at least 30 days prior to filing nomination papers or being appointed. The issue was put on the ballot because court decisions have struck down the two-year residency requirement in the city's charter. Prop. 2 would apply to both council and school board candidates.

All three ballot propositions will require a simple majority for passage.

Traditionally, Santa Monica municipal elections have attracted less than half of the city's registered voters.

Voter registration in the city has declined to approximately 40,000, according to the city clerk's office.

This compares with the 67,000 people who were registered to vote at the last city election in 1973. At that time, 48 per cent of the eligible voters participated in the election.

EXHIBIT 57



VIET ANGLISH BARRAGE

Marina Mishap

Oil Heir Saved From Boat Fire

By NANCY SMITH

DISASTROUS mishaps were avoided with saving the lives of the son and grandfather of an millionaire when a pleasure boat, which he owned, burst into flames.

Districting Spurs SM Turnout

By NANCY SMITH

A crucial decision on Santa Monica's future is expected to be made in the city's regular election on the July 22nd.

City Clerk Kenneth O. Gorman estimates that between 60 and 80 per cent of the 48,000 voters registered in Santa Monica will turn out to the polls.

Polls will be open from 7 a.m. to 7 p.m. at Santa Monica and Malibu.

In the election, voters will decide on the Prop. 3 initiative to divide the city into council districts and to elect council members for four-year terms.

They will also select three council members and vote on the Prop. 1 initiative to prevent removal of the Santa Monica beach.

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and burned in Marina del Rey.

Fire and police officials credited Don Holland and other members with saving Robert "Buz" Pinsky, 5, of Brentwood, his daughter, Tasha, 3, and son, Matt, 5. Pinsky suffered second and third-degree burns over 25 per cent of his body, and Tasha and Matt were not seriously hurt. Both reportedly were in good condition this morning in Ronald Reagan Hospital, Culver City.

Matt was treated for minor burns but was hospitalized.

Los Angeles County fire officials reported the 40-foot "Playmate," docked in slip C-1000, 1200 Pinsky Way, exploded at about 9:15 p.m. on Sunday apparently while attempting to start the engine and gas fumes ignited in the boat's engine compartment.

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Smog Device Repeal Vote Falls Short

SACRAMENTO (UPI) —

The Assembly today defeated a bill repealing a controversial requirement that all auto-emission devices be installed on 12 million cars in Southern California.

The measure, introduced by Sen. Oscar Brown, D-Ventura, was rejected as a 40-30 vote, 10 votes short of the minimum 34 needed. But opponents said the bill would be reintroduced at a later session.

Gov. Edmund G. Brown Jr. has not taken a position on the bill. But his top environmental adviser, Air Resources Board Chairman Tom Quinn, recently opposed the measure.

The National Weather Service predicted today's high in the upper 50s and lower 60s, with winds of 25-30 miles per hour out of the northwest adding to the smoggy air.

The temperature in parts of the Bay Area today was about 70 degrees, the weatherman said.

The weatherman said the mercury dipped to 60 tonight in downtown Los Angeles — the coldest April 6 ever recorded there. Today's dewpoint early morning reading of 30 was also a record low for the weather service.

Proposed laws for April 7 were 40, recorded at 100 and 100 according to National Weather Service records.



"HAILMAN" — Gary Sheldon, 47, was pulled from his boat Sunday morning about 6:30 a.m. by the hair company crew. Sheldon said he was making out of his boat when it exploded. Sheldon said he was making out of his boat when it exploded. Sheldon said he was making out of his boat when it exploded.

Chill Air To Stay In Bay Area

By FRANK HUTCHINS

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Leader Dead At 87

Taiwan Mourns Chiang Kai-Shek

TAIPEI (UPI) —

Thousands of Taiwanese children in old uniforms lined their heads in sorrow today to honor their country's first president, Chiang Kai-Shek, dead at 87.

The official 30-day mourning period for the first of the Republic of China began today in a quiet ceremony at a government school in Taipei.

For the next 12 hours, mourners lined their heads in sorrow at a 20-gate school in Taipei.

The Nationalist government mourned the death of its first president, Chiang Kai-Shek, who died in Taipei on April 5.

Chiang, who served as president from 1949 to 1975, was the last of the Republic of China's first generation of leaders.

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U.S. Saves 'Operation Babylift'

S. Vessels Halt Flights Briefly

The South Vietnamese government today halted Operation Babylift, the large-scale evacuation of the South Vietnamese, when U.S. Navy ships in the Gulf of Thailand were ordered to stop flying over the area.

The Saigon government said it would permit U.S. Navy ships to fly over the area if they are ordered to stop flying over the area.

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Refugee Try To Save Babies

By CHA

SAIGON (UPI) — Many South Vietnamese babies were abandoned in the streets of Saigon during the evacuation of the city.

They don't want to see their babies die. They don't want to see their babies die.

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CHIANG KAI-SHEK

He was today being honored in a ceremony in Taipei.

They said more than 200,000 people lined up to pay tribute to the late leader.

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U.S. Presents Oil Talks Compromise

PARIS (UPI) —

The United States and the Soviet Union today agreed to a compromise on oil exports to the Middle East.

TV Week Sweepstakes

Winners On Page 10

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Weather Forecast—Tomorrow's Day

Temperature	60-70	Humidity	60-70
Wind	10-15	Clouds	10-15
Sea	10-15	Visibility	10-15

Train Carriers Gas Derricks In Rural Area

By CHA

Train carriers in the rural area are installing gas derrick equipment.



CHINESE LEADERSHIP—Vice President C. K. Yen (left) in a 1967 photo, was present at Sunday at the National China following the death Sunday of Chiang Kai-shek. Observers, however, the power of the government usually lie in the hands of Premier Chiang Ching-kuo in

Shooting Victim's Relatives Arrested

The brother-in-law and sister-in-law of a woman shot on Santa Monica last week have been arrested on suspicion of attempted murder, Santa Monica police said today.

During the past two weeks, he said, the couple allegedly had spent approximately \$10,000 of the money — purchasing motorcycles, a car, clothing, furniture and in paying debts, amounting to \$10,000.

Chiang

Chiang A. G. ... At a later date ... Generalissimo ...

SM Vote Turnout

City Council ... The election ...

In the Board of Education ... The Board of Education ...

House Urged To Push Bill On Oil Firms

WASHINGTON (UPI) — Sen. James O. Eastland ...

Eastland ... The bill ...

OE2 C Puts C In The

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Iran Ex Airline

TOKYO ... Iran Ex Airline ...

EXHIBIT 58

The Outlook

HOME EDITION 25¢
June 8, 1988
Santa Monica, California
113th Year/Number 139
©1988 The Copley Press Inc.

A COPLBY
LOS ANGELES
NEWSPAPER

WEDNESDAY

Mar Vista gives street gangs the brush-off
Residents paint away graffiti

A buffet celebrates cap-and-gown time
Familiar favorites mark the graduation milestone

Pistons surprise Lakers at Forum
Detroit takes Game 1, 105-93

A10

FOOD

B1

SPORTS

D1

SM election reform measure loses

By Louise Yarnall
STAFF WRITER

Santa Monica voters showed their reluctance to radically change the city's electoral system Tuesday by soundly defeating a ballot measure that called for separate races for each City Council seat.

With all precincts counted, Proposition J was defeated 18,165 to 9,582, or 57.9 to 42.1 percent.

PROP. J

Councilman Alan Katz, the chief sponsor of Proposition J, said the measure was misunderstood by most voters, but it at least succeeded in introducing the issue of election reform in the city.

Proposition opponents, who flooded voters with anti-Proposition J mailers in the past week, said they view the mea-

sure's defeat as a starting point for their effort to establish district elections in Santa Monica.

"Most people are not going to make that significant of a change unless there's been substantially more debate and education," said opponent Paul DeSantis, vice president of the New Deal Democratic Club.

Proposition J brought together a large and diverse group of people who are now working on

REFORM/A10

Pay hike rejected for SM council members

By Louise Yarnall
STAFF WRITER

A bid to give Santa Monica City Council members a hefty pay raise was narrowly defeated Tuesday, but members of the city Planning Commission won a regular paycheck for the first time in history.

With all 93 of the city's precincts reporting,

the council pay measure, Proposition N, lost 51.5 percent to 48.5 percent. Proposition O, the measure to establish a stipend for planning commissioners, was handed a strong victory, 56.4 percent to 43.6 percent.

With the rejection of Proposition N, council members will not see their monthly stipend

PAY/A10

County

— Back to Original Article

Group to Unveil Plan to Form Council Districts : Santa Monica: Backers ready initiative drive. Seven districts would replace at-large system. Proposal also limits council members to two terms.

December 03, 1989 | JULIO MORAN | TIMES STAFF WRITER

A broad-based group is preparing to launch an initiative drive to have Santa Monica voters elect City Council members by district instead of at large, and to limit council members to two terms.

On Monday, the group, Citizens United to Reform Elections, will hold a public hearing on its proposal at 7:30 p.m. at the Will Rogers Elementary School auditorium, 2401 14th St. On Wednesday night, it will make a presentation to the League of Women Voters.

The group expects to notify the city clerk next week that it will begin collecting signatures for its measure to create seven council districts. The group hopes to get the measure placed on the November, 1990, municipal ballot so that it would go into effect before the November, 1992, City Council election.

However, the group hopes that the council will place the issue on the ballot without requiring the 5,600 signatures needed to qualify the initiative.

"This is clearly the trend," said attorney Paul C. DeSantis, a member of the group's executive committee. "Even if we didn't do anything, a case could be made that the current system is discriminatory and that districts are needed to remedy the situation. I think the worst case would be court-ordered districts. I think the best way is for the City Council to place the issue on the ballot."

Recent court decisions have ruled that in some cities with significant minority populations, at-large elections have kept minorities from being represented. In these cases, the courts have ordered a change to district elections.

In 1975, a ballot measure to create district elections in Santa Monica failed. Last year, Prop. J, a ballot measure that would have created numbered council seats to be voted on citywide, also failed.

Under Prop J, a candidate would have had to declare which seat he was running for. He would have been opposed only by other candidates running for the same seat, but all voters would have been able to vote for all the seats.

Citizens United to Reform Elections is made up of men and women from various political and ethnic groups. It formed last year to oppose Prop. J on grounds that the measure would protect incumbents and hinder minorities rather than help them get elected.

Group members noted that the proposed districts in 1975 were drawn at random and predicted that the current effort will be more successful because the districts will reflect historic neighborhoods.

The seven proposed districts are as follows:

District 1 is the Sunset Park area bordered by Pico Boulevard, 11th Street and the city's eastern and southern borders.

District 2 is the Pico neighborhood bordered by Pico Boulevard, Lincoln Boulevard, Colorado Avenue and the city's eastern border.

District 3 is the area north of Wilshire Boulevard bordered by Wilshire, 6th Street, Montana Avenue and 21st Street.

District 4 is the Mid-Cities area bordered by Wilshire Boulevard, 7th Street, the city's eastern border and along Broadway, Santa Monica Boulevard and Colorado Avenue.

District 5 is the Ocean Park area bordered by 11th Street, the city's southern and western border, and along Bicknell Street and Pico Boulevard.

District 6 is the area north of Montana bordered by the city's northern and eastern border, 4th Street and along Montana Avenue, 21st Street and Wilshire Boulevard.

District 7 is the downtown area bordered by the city's western and northern perimeter, along 6th and 7th streets and Pico Boulevard and Bicknell Street.

"Our neighborhoods are pretty much intact," said Irene Zivi, a member of the group's executive committee and the city Commission on the Status of Women. "Also, most of the incumbents would not be thrown into the same district."

As part of its proposal, incumbent council members already serving two or more terms would be exempted from the two-term limit in the 1992 election, DeSantis said.

Rather than protecting incumbents, supporters of the proposal said, district elections would bring in new blood and better representation for areas that some feel have no voice on the City Council.

"This community is based on diversity," DeSantis said. "You do not have the same economic basis, the same ethnic background, the same aspirations. What districts allow is this diversity to have a voice. You have a healthier community when you get everybody at the table and talking together."

Antonio Vasquez of the Westside chapter of the Mexican American Political Assn. said district elections would allow the predominantly minority Pico neighborhood to elect someone to the City Council who would be accountable to neighborhood concerns.

Vasquez said the recent failure to bring a supermarket to the primarily Latino area indicates a lack of representation.

"If we had someone from the Pico neighborhood sitting on the City Council, we would have had a supermarket in the area by now," he said.

Herman Rosenstein, a member of the group's executive committee and the Santa Monica Democratic Club, said district elections are a "more democratic idea."

"It makes the elected official more accountable to the community that elected him, which is not the case now," Rosenstein said.

Doug Ehlers, a committee member and chairman of the 44th Assembly District Republican Central Committee, said district elections could help members of his party get elected to the council.

"As Republicans, we are a minority in the community," Ehlers said. "Districts will create a democracy that will give us each an opportunity to talk to our representative."

A majority of the City Council appears to be open to the idea of district elections and the two-term limit, although it is unclear whether the council would place the matter on the ballot without a successful initiative drive.

"I am philosophically receptive to the idea," said Mayor Dennis Zane. "But I have to see the specific proposal and map before I can say I support this effort."

Councilman Herb Katz said he opposes district elections but would not oppose placing the matter before the voters.

"I'm opposed to district elections because the excuse that districts will help minorities in a small town like ours is false," Katz said. "But I think two terms is fine. Eight years is plenty for anybody."

Hearing Slated

Citizens United to Reform Elections will hold a public hearing on its proposal at 7:30 p.m. Monday at Will Rogers Elementary School, 2401 14th St.

EXHIBIT 59

Push for SM district vote under way

By Louise Varvell
STAFF WRITER

Backers of a move to establish district elections in Santa Monica hope the voter awareness sparked by Tuesday's stunning defeat of the Proposition J election reform measure will boost their effort.

On Wednesday, just hours after 57.9 percent of the voters rejected the measure for establishing separate elections for each City Council seat, council members and districting organizers alike were talking about the prospects for district elections in the city.

The goal of organizers in the group Citizens United to Reform Elections is to put a districting proposal to voters before the 1990 City Council race. In hope of ensuring victory, CURE will seek the backing of Democrats and Republicans, tenants and homeowners, political moderates and progressives in the Santa Monica for Renters' Rights.

The new system would replace the current election process where council members run at large in a single field for the available seats on the seven-member council. Proposition J would have forced candidates to run for specific seats, but would not have divided the city into districts.

District elections are needed to get better minority representation on the council and foster closer communication between candidates and constituents, said Paul DeSantis, a Santa Monica attorney, leading city Democrat and CURE organizer.

"It will open it up to more people, particularly in the minority community," he said. "Then, it makes for more representative government. It makes it more responsive to the people."

CURE leaders also were heartened by other results of Tuesday's election, such as the rejection of raises for council members and approval for two statewide campaign reform measures. They interpret both as clear signs of voter disillusionment with politics and a desire for a change.

However, districting may not be the change voters want. In 1975, city residents rejected a proposal to carve up the city into districts represented by individual council members.

Yet proponents say the past 13 years have brought dramatic changes to the city's political landscape, making district elections more palatable. Since 1979, when the city's voters passed the strict rent control law, two well-financed political factions have dominated the political scene, selecting council candidates and running competing candidate slates.

When Councilman Alan Katz, the sole independent on a politically divided council, introduced Proposition J, he hoped it would pry open the

Changing poll sites irk voters

By Louise Varvell
STAFF WRITER

There's a little game in Santa Monica each voting day. It's called musical polling places.

It catches anyone who fails to read the fine print on their sample ballot, and anyone who assumes that the trusty ballot box will be in the same place it has been for the past 14 years.

And, unfortunately, the game also snags many handicapped voters who arrive at new polling places only to find they have to negotiate a dozen stairs in their wheelchairs.

Every election season, the County Registrar-Recorder's office must secure places to put the polls for a day. Santa Monica is one of the cities that has a high turnover of such locations. Marcia Ventura, a registrar's spokeswoman said.

On Tuesday, frustrated voters called the city clerk and the League of Women Voters of Santa Monica and The Outlook, wondering where to vote.

"People don't pay attention," acting City Clerk Donna Betancourt said. "If people would read their sample ballots, they wouldn't have a problem."

Handicapped voters, however, face a problem of missing information, not poor reading, and Betancourt said she wants to urge the county to improve its information about handicapped access to polling places.

Betancourt said she hopes to iron out the problem with the help of the city's handicapped advisor by the November election.

factions' stranglehold on the elective process, opening it up to more independent candidates. Katz does not plan to seek re-election in November.

Even though his measure flatly defeated, Katz says he is pleased that it galvanized a movement to reform council elections. He plans to support the districting effort.

Other council members too are gearing up for the districting debate.

Councilman Dennis Zane, a member of the renters' faction, said he supports district elections as long as the number of council seats is increased to match the number of neighborhood heads in the city.

JUN

EXHIBIT 60

← Back to Original Article

Bid to Alter Council : Santa Monica Group Pushes for Districts

November 27, 1988 | TRACY WILKINSON | Times Staff Writer

With City Council elections over for this year, a group of community activists is stepping up its efforts to have Santa Monica divided into voting districts.

District council elections, the group contends, would give minorities a better shot at winning an office, increase representation of neighborhoods and bring down the costs of campaigning.

But others say that drawing district lines doesn't make sense in a city as small as Santa Monica. The city would become fractionalized, they argue. And in some cases, campaign costs have actually gone up instead of down when cities were divided into districts.

Latest in Series

In Santa Monica—an 8-square-mile city of 90,000 people—government leaders are chosen in at-large elections. Seven City Council members are elected to serve 4-year terms, and members of the council designate one of their own as mayor every two years.

The push for districts is only the latest in a series of reform measures that have been urged in Santa Monica for years, as voters watched campaign spending soar and the power of so-called slate politics remain strong.

Buoyed by San Diego's decision this month to enact district elections, an ad hoc Santa Monica committee calling itself CURE (Citizens United to Reform Elections) has started meeting to plan strategy for putting a districting measure on the ballot in 1990.

CURE was formed last June but held off most of its activities until after this last election. Members say the money spent on the campaign for four council seats in November—about \$400,000—illustrates the need for changes in the system.

The group, which includes representatives of local Democratic Party clubs and local chapters of the Mexican American Political Assn. (MAPA) and the NAACP, plans to write several proposals that would be discussed and refined at public forums early next year.

Common Goals

Supporters of districts are still debating how many districts would be designated and where the lines would be drawn, but they agree on trying to maintain intact already established neighborhoods like Ocean Park or the Pico area, according to Tony Vazquez, a representative of MAPA and one of the proponents.

They also want to have at least one district in which blacks and Latinos form a majority, Vazquez said.

Only two blacks have served on the City Council, and there has never been a Latino council member. Some activists in the low-income Pico neighborhood also complain that they have never had a representative elected to a council seat.

Another issue that will have to be examined is whether to select the mayor through an at-large election.

Argument for Districts

"Single-member districts are always a good thing for any community, whether or not it has a large minority population," said Richard Fajardo, chief legal counsel for the Mexican American Legal Defense and Educational Fund, which is suing Los Angeles County to force districts to be redrawn for Board of Supervisors elections. Fajardo spoke to the Santa Monica group earlier this week.

"(Districts) are in the best interest of the community, (which is) best served when all sectors' points of view are reflected. They begin to see the needs and problems of other sectors."

But others say districts would only divide the city and would not solve problems of high costs and slate dominance. They contend minorities are too spread out through the city to easily create a single, minority-dominated district.

"In a city the size of Santa Monica, districting is the worst thing I can think of," said Councilman Herb Katz. "Going at-large, you have a better chance for representing the whole city."

Katz's opposition to districts cost him an endorsement from MAPA during his successful reelection campaign this fall.

He urged what he called true reform, such as limiting individual campaign contributions to \$500 per candidate. The limit is currently \$1,491.

Supporters of districts say the system reduces election-related spending because candidates campaign in smaller areas, appealing to a smaller pool of voters.

Pasadena Experience

But in the case of Pasadena, which went to districts in 1983, the reverse happened. In 1979, 10 candidates spent \$62,000; in 1983, 10 candidates spent \$197,000, according to the California Commission on Campaign Spending.

Santa Monica's case is somewhat different, however. Elections in Pasadena before districting had not been very competitive; in Santa Monica elections have been contentious for years and spending has steadily climbed.

Councilwoman Christine Reed, who has been on the council longer than anybody, said political reality probably makes districts inevitable. But she said she continues to believe that the city is geographically small enough to be represented well by city-wide elections?

Councilman Dennis Zane said district elections are "an idea whose time has come" but added that council members would also have to be sure they addressed issues from a city-wide perspective as well looking at how their own districts would be affected.

Santa Monica voters overwhelming defeated a measure that would have drawn districts in 1975.

EXHIBIT 61

— Back to Original Article

Study Finds Fault in Election Method : Government: The city's at-large system of voting for council members could be vulnerable to a lawsuit on the grounds that it thwarts the influence of minorities.

March 22, 1992 | JEFF KRAMER | SPECIAL TO THE TIMES

SANTA MONICA — The year is 1946, and Santa Monica is in transition.

Its days as a quiet, turn-of-the-century beach village are long gone. Its emergence as a national beacon of progressive liberalism is far in the future.

What exists is a growing town whose minority population has risen by 69% during World War II, a trend much on the minds of the community's white—and increasingly wary—leadership.

That November, Santa Monicans reject a plan to elect City Council members from districts, a decision that essentially leaves the city's largest minority neighborhood without political representation. Instead, they adopt a system of at-large elections by which seven council members are chosen from throughout the city.

Now, almost a half century later, that vote is coming back to haunt Santa Monica, exposing one of America's most tolerant cities to the possibility of a costly discrimination suit and pitting the interests of the powerful citywide rent control lobby against those who argue for greater neighborhood representation.

A study by J. Morgan Kousser, a voting-rights expert retained by the city's Charter Review Commission, shows that Santa Monica's method of electing council members could be vulnerable to a legal challenge on the grounds that it was established to thwart the influence of minorities.

Kousser, a Caltech history professor, also warns that municipalities forced to defend themselves against complex specialized claims based on the federal Voting Rights Act are often required to pay hundreds of thousands of dollars for outside legal help.

"Even if you win, it costs," he said.

Adding a sense of urgency to Kousser's historical diggings is the fact that while the council currently has one Latino member, Tony Vazquez, no one has ever been elected from the city's most racially diverse area, the Pico neighborhood.

"It's still a system arguably disadvantageous to minorities," Kousser said.

His findings are detailed in a 27-page report submitted to the 15-member Charter Review Commission, which is reviewing various aspects of the City Charter, including the electoral system, and is expected to present its finding to the City Council next month.

Kousser and city officials emphasize that the study, which relies heavily on back issues of the Santa Monica Evening Outlook (now known simply as The Outlook), is not meant as conclusive evidence that Santa Monica is violating the law.

The Outlook, said Assistant City Attorney Joseph Lawrence, "is not the official government of the city of Santa Monica."

Nevertheless, Lawrence acknowledged that Kousser's findings raise questions. "It's not an insignificant thing he has told the charter commission," Lawrence said.

Federal courts have consistently overturned at-large systems that deprived minority candidates of a fair chance to win elections. In California, the U.S. 9th Circuit Court of Appeals struck down such a system in Watsonville in 1988, and in 1990 a federal judge ordered the Los Angeles County Board of Supervisors to redraw its districts on the grounds that the old boundaries illegally discriminated against Latinos.

In Santa Monica, the charter commission is in broad agreement that the current electoral system should be scrapped, but after a year of monthly and sometimes twice-monthly meetings, it has been unable to agree on an alternative.

In a recent straw vote, the commission backed the concept of proportional representation, a general description for any number of complex, at-large schemes that call for voters to rank candidates by order of preference.

For example, voters might be given a number of votes based on the number of open seats, then be free to distribute those votes to one or several candidates in any manner they wish. A system of election by council districts, though endorsed by the National Assn. for the Advancement of Colored People as the most equitable means of giving minority neighborhoods a voice, has received the support of only five of 15 commission members, some of whom criticized their fellow panelists for failing to grasp the issue as one of basic fairness.

"I don't think any progress has been made to convince . . . people that district elections are the way to go," said Commissioner Stephen Alpert, a proponent of districts. "I feel very disenchanting."

Herman Rosenstein, another commissioner who advocates district elections, said such a system would reduce the impact of citywide slates, force candidates to respond to a broad range of neighborhood concerns and reduce the cost of running for office.

But City Council members—five of whom are backed by Santa Monicans for Renters Rights, the city's powerful rent control organization—seem generally reluctant to embrace districts, Mayor Ken Genser and Councilman Vazquez being the exceptions.

"I would stand the most to lose from all this," Vazquez said, "but the issue is to set up an institution for neighborhoods to be able to elect local representation."

Councilman Dennis Zane, an influential member of SMRR-backed council majority, argued that the Pico neighborhood already is represented on the council "to the extent that the dominant issue in their lives is the ability to keep their homes."

Zane added, however, that he is interested in a hybrid system of representation in which some members would be elected by district and others at large.

Councilwoman Judy Abdo, also a member of the rent-control majority, was noncommittal. "I am interested in understanding the other (non-district) options," she said.

Councilman Herb Katz, who is not affiliated with SMRR, dismissed district elections as inappropriate in a geographically small city whose neighborhoods have more similarities than differences.

He said he is leaning toward the idea of requiring council members to live in specified districts but campaign for votes citywide.

Councilman Kelly Olsen, a SMRR member, predicted "hanky-panky" if a district system were adopted. In particular, he expressed concern that members could band together to place undesirable projects into the districts of other members—a practice that, Vazquez claims, occurs already.

"Everything's getting dumped in the Pico neighborhood," he said.

The city manager's office says it has no income data for the district, described in the 1990 U.S. Census as the area extending east of Lincoln Boulevard between Pico and Santa Monica boulevards.

Of the district's 17,185 people, 56.5% are Latino, black or Asian, according to the census. The largest minority group is Latinos, representing 36% of the population or 6,187 people.

A UCLA demographer has told the commission that the area would form a logical district in a seven-district city, but skeptics suggest that such a plan would be obsolete in a city driven less by the politics of race than by a desire to protect geographically dispersed minorities and subgroups such as homosexuals, the disabled, the elderly and, of course, renters.

Other observers say that rent control—and the dominance of SMRR—are likely to remain the central facts of political life and City Council elections in Santa Monica, regardless of the political system adopted.

Referring to Vazquez's Latino heritage, Commissioner Peggy Lyons, who is black, said of Vazquez's 1990 election: "He could have been green, purple, chartreuse or anything because he had the backing of SMRR."

The concept of charter reform surfaced in Santa Monica twice in the 1970s, but been a dormant issue during the '80s. Two years ago, the council considered, then rejected, a proposal to place a charter reform measure on the ballot.

Whatever the outcome of the current discussions, the debate is occurring in a climate markedly different from 1946, when gross racial stereotypes and overt discrimination were the accepted norm.

Kousser's study notes that The Outlook was routinely running an editorial cartoon titled "The Little Savage," which depicted a big-lipped, bare-chested native with a stick through his nose.

In patronizing fashion, the newspaper opposed a district system on the grounds that minorities would be best served by coalescing behind "liberal-minded persons who are not compelled to play peanut politics."

That no minorities were elected to either the City Council or the school board that year is only one of many examples of discrimination documented in a study that at times reads like a mid-century profile of rural Alabama or Mississippi.

"Now," said Kousser, "we've realized California is not all that different from the South."

EXHIBIT 62

http://www.montereycountyweekly.com/blogs/news_blog/meet-voting-rights-champ-and-genius-joaquin-avila/article_b9c30bee-4854-11e5-b03b-77584fe8beb7.html

Meet voting rights champ and genius Joaquin Avila.

Voting rights champion Joaquin Avila returns to Salinas to celebrate the past—and look to the future.

Sara Rubin Aug 22, 2015



Voting rights attorney Joaquin Avila perusing bracero-era memorabilia in Salinas, at an exhibition honoring him and the 50th anniversary of the Voting Rights Act.

Sara Rubin

Joaquin Avila has argued before the U.S. Supreme Court, and also Monterey County Superior Court. He's an acclaimed voting rights attorney whose career began in the '70s in California, and who continues a fight today that he thought would've been completely won long ago.

His hallmark legal and advocacy effort has been to convert from at-large to district elections, designed to give a voice to smaller communities, and give minority neighborhoods the power to win elections, instead of campaigning city-wide to represent larger, more established constituencies.

(Locally, this type of conversion to district elections played out most recently at Salinas Valley Memorial Healthcare System. Four of five board members previously lived in South Salinas; now they come from five different regions, and there are three of five Latinos serving, up from one.)

Avila has received numerous awards for his work. He won a MacArthur Genius Grant in 1996, the Harvard Law School Association award in 2012 and the Ohtli award from the Mexican government, among other awards.

He suffered a stroke in 2010, leaving him with continuing health challenges (he can't fly, for example, but travels by train from Seattle all over the county). He's still active in voting rights, and this week visited old friends active in voting rights in Salinas for a celebration of the 50th anniversary of the Voting Rights Act of 1965.

The *Weekly* caught up with Avila at a month-long historical exhibit honoring Mexican-American and Chicano civil rights achievements in the area, including farmworker rights, ending the bracero program and voting rights achievements.

The exhibit is located at 1123 Baldwin St., Salinas. For more information and hours, call 794-0006.

How did you get involved in voting rights cases?

I got my first case against the city of San Fernando in Los Angeles County and lost at the trial court and the appellate court. That [published appellate decision] made it difficult [in California], so we didn't file any more cases.

That loss shifted my work from California to Texas. I spent six years out there with the Mexican American Legal Defense and Educational Fund.

Intellectually, I knew it voting rights a good thing. But I didn't get a passion for it until I went to Texas and worked with MALDEF and saw how people were struggling for decades to make the political process more accessible.

I'd talk to people who for generations had gotten beat up, fired, or harassed when they [advocated voter registration in minority communities].

It made a big impression on me.

Is it always a good idea to switch to district elections?

It makes an electoral system more accountable. If you're not doing well, you get kicked out the next election. It's much harder to do that [in a larger district].

At-large, you need money to campaign city-wide or district-wide, plus it's subject to racial polarization.

There are still obstacles that prevent people of color from truly having franchise. One is - inority vote dilution, which is caused by at-large elections, and gerrymandering that fragments communities of color.

The challenge is to eliminate the blight of voting discrimination once and for all.

Why does it matter to transition from at-large to district-based elections?

Political power is never given away, you have to take it. So that's what I do.

I saw that once elections converted to district elections, it made a big difference. In

Watsonville it made a big difference, and in Salinas it made a big difference.

King City City Council is considering Tuesday what to do about transitioning to district elections. Are there other at-large elections around here that you think should convert to districts?

They need to do it for [the board of] Monterey Regional Airport. They've got a significant [number of] Latinos there.

The city of Salinas switched to district elections in 1989, after you won a lawsuit there. How is the city doing now?

You're seeing it be more reflective of the community it serves. In the long term, that has a positive impact. That takes awhile, a change in culture, a change in participation.

It may take several election cycles, but once you achieve that, you'll have a better community for everyone, not just Latinos. Everyone will have a vested interest in making sure the government resources are distributed equitably and fairly.

How did you decide to get involved in Salinas?

After 1982 amendments to Voting Rights Act, we were looking for voting rights challenges. I got a call from [former Alisal Union School District board member and candidate for county supervisor] Jesse Sanchez, who wanted me to consider Salinas. We decided to go with Watsonville, which had a stronger voter polarization at the time.

We filed and lost at the trial court, then won on appeal in 1988. After that I contacted Jesse and we filed suit against city of Salinas.

During that time period, because of the success we are having, many jurisdictions—school districts in particular—started to convert voluntarily.

In 2013, the U.S. Supreme Court overturned Section 5 of the Voting Rights Act, which applied to three California counties, including Monterey County. What's the damage of that court ruling?

It's considerable damage. The Roberts court is the most anti-voting rights court in the history of the United States.

The reason why we won the Monterey Board of Supervisors case was specifically because of Section 5.

Even with the progress you've made, many voters still feel disenfranchised. Activists with Black Lives Matter and Brown Lives Matter are making it clear that they still don't think the electoral system is fairly representing them. What do you say to the people who say it's not working?

They have to look at the long-term picture. They have to get invested longterm in their communities. The best way of doing that is to make sure they're registered, and to turn out to vote. And get their friends to register and turn out to vote.

You have to channel that energy into constructive action. It's harder to do voter registration drives than other kinds of advocacy, but they have to do that.

Especially on issues like climate change, the economy, law enforcement and criminal justice: It's incumbent upon them to step up to the plate and become attorneys, become judges, become bureaucrats, so they can develop and implement policies that are going to make a difference.

You get people excited or angry enough to register, or run themselves, and they can introduce civility back into government discussions.

You're still actively working on voting rights issues. What's next for you?

I initiated a program, the National Voting Rights Advocacy Initiative, which I am in the process of trying to get funding for. I am working on a case in Yakima, Washington, and a Texas redistricting case.

I'm trying to get a state voting rights act in Washington, then Colorado, then Arizona, then Texas. So I still have a big agenda ahead of me.

Did you think you'd still be working on redistricting cases in 2015?

No. I thought after the city of Watsonville case was won at the appellate court level, all these other jurisdictions would voluntarily convert. They didn't.

Sara Rubin

EXHIBIT 63

ing England's Glyndebourne Festival Opera in 1947. The following year he became

the most priceless gift for conductors."

city in 1970 with "Così fan Tutte," and for the next few years led

ELECTION: Watsonville City Council

Continued from A3
tem in Watsonville.

"The face of local governments in the state is going to change forever," Hulett said.

She declined to name specific cities being studied for court challenges next year. A survey conducted during the courtroom fight for district elections in Watsonville found more than 130 California cities that could be forced to change the way they choose council members. Each was found by the San Francisco law firm of Rosen & Phillips to have at-large elections, a Latino population of at least 10% and no Latino city council members.

Most of the cities were small- and medium-sized, although the list did include Fresno. San Francisco had district elections at the time of the survey, but since returned to at-large balloting for city supervisors and may now be required to switch back. Other large California cities, such as Los Angeles and San Diego, already vote by districts.

In total, about 95% of California's 444 cities with city councils choose council members at large.

Voters in Salinas, not far from Watsonville, voted to start district elections for the City Council last year. Salinas City Manager Roy J. Herte said the city scrapped at-large elections to avoid a lawsuit it could not afford and probably could not win. In June, the seven-person Salinas City Council got its first Latino member.

Rios, an El Salvador-born labor organizer who enjoyed a 7-to-1 Latino registration advantage in his district, said the effect goes beyond those who are elected. He said it extends down to those who vote.

"Voters tell me, 'Hey, this means something now, I have power,'" he said Tuesday while shaking hands outside the city library, one of 12 polling places in this earthquake-bruised but bustling farm town of nearly 30,000. "Why were the [Latino] voters so apathetic for so long? Because they never saw their candidates elected, never felt they could change anything. Now we are telling them they can elect people, can change things."

The lawsuit challenging at-large elections in Watsonville was filed in 1985, when the city—then nearly half Latino—still had yet to elect its first Latino to city office in its 120-year history.

The suit alleged that voters in the city were racially polarized—that is, voted for candidates of their own or a similar ethnic background regardless of political philosophy. Since Anglo or non-Latino residents had an edge in voter registration, the suit alleged that they were able to effectively—and unfairly—shut out Latino candidates, and thus deny Latino voters fair representation.

As a result, during the 15 years immediately preceding the filing of the lawsuit, all nine Latino candidates who stood for office in Watsonville were defeated. The suit asserted that such election practices were outlawed by the Voting Rights Act of 1964.

"It's not just a question of bad representation for Latinos; we are also talking about poor people in general—Latinos, Anglos, Filipinos, others," Rios said. "They live mostly in these two council districts. Ask them if they ever saw a council candidate down here before now; they'd probably say they didn't know the council existed."

Nonetheless, U.S. District Judge

William A. Ingram of San Jose rejected the suit in 1987, noting no overt discrimination by current city officials and asserting that the lack of success by Latino candidates was probably due to the low voter turnout by Latino voters in Watsonville.

Ironically, Campos was elected to the seven-member City Council a few months after Ingram's ruling. Civil rights activists denied his success obviated their lawsuit, saying Campos, an affluent real-estate agent, did not represent the interests of most Watsonville Latinos, poor farm or cannery workers fighting to maintain the city's stock of low-income housing in the face of developers' plans for gentrification.

In any case, Ingram was overruled on appeal in July, 1988, by the U.S. 9th Circuit Court of Appeals, which said Ingram's observations on low voter turnout were irrelevant to the question of the fairness of the system. The U.S. Supreme Court last March refused the city's request to reinstate Ingram's view, and a new election was ordered.

Originally, the election was to have been held Nov. 7, but was postponed a month after the October earthquake. The temblor damaged half of downtown Watsonville beyond repair, and hundreds of people remain camped in tents.

Rios said that the fact that almost all of the people still living in tents are Latino underscores the need for greater Latino representation in local government.

"The Bay Bridge has been fixed, and freeways are being fixed," he said, "but nothing is happening here. People don't like to hear that we are being treated as second-class citizens, but it's a fact."

ALBANI, LINDA
Bridgette Marie
AGNEW, Mary
December 31
Beloved son of
Swedesboro,
brother of Denise,
P.A., and
Williamstown,
by many loved
and friends, son
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project by top college journalism students across the country. inewssource publishes these yearly projects on its website (and on two occasions, has hired those students after graduation – they're very good).

The result? Latinos now fill four of the board's seven seats, compared with just one or two prior to the district system.

For decades, many Californians elected their representatives in at-large systems – like cities and towns across the United States. But an at-large voting system can lead to racially polarized voting – when politically powerful racial groups vote as a bloc, they can drown out the minority vote even if the minorities make up a considerable share of the population.

In 2002, the California Voting Rights Act became the first, and as yet only, state law in the country to strengthen a provision of the federal Voting Rights Act of 1965 that prohibits racial discrimination. California's law has enabled plaintiffs to sue jurisdictions to switch to districts, which advocates say helps ensure minorities have a better chance at

electing people who understand their neighborhoods. From Redding in the Cascade Mountains to Monterey along the central coast to the San Bernardino desert, more than 200 jurisdictions have switched to district systems since 2004.

Some communities have fought the changes, saying the system isn't necessary, promotes division or encourages reverse discrimination.



Madera, an agricultural town outside of Fresno, is lined with vineyards and nut tree groves. The town's population is 78 percent Latino. Photo by Alejandra Armstrong, News21.

Gonzales said some people don't like the district setup adopted in Madera in 2008, and some think the quality of the board has suffered. He doesn't agree.

"You have a little bit more of a connection to somebody that actually lives in your neighborhood rather than the way it used to be, when five or seven people could live on the same two-block stretch of an upper-

middle class part of town, and they're the ones that called the shots," he said.

Combined with the schools' efforts at outreach and transparency, Gonzalez said families feel much more a part of the process, and board members feel more responsive to their constituents.

"And they should be."

^

Voting rights attorney fought for decades to pass law

The law was Joaquin Avila's brainchild.

In 1985, the longtime voting rights attorney and East Los Angeles native started authoring predecessors to the California Voting Rights Act, advancing bills that would ultimately face vetoes by the Republican governors of the 1980s and '90s.

By the early 2000s, with the installment of Democratic Gov. Gray Davis, Avila tried again. In 2002, the law went into effect.



Santa Monica is pushing back against a lawsuit filed earlier this year. The plaintiffs argue that the city's at-large system, which dates to the 1940s, is "a relic of its racist past." The city says local voters rejected districts in 1975 and 2002, and the lawsuit is frivolous. Photo by Hillary Davis, News21.

Avila didn't stop the fight, representing early plaintiffs who wanted to change their systems into districts.

Avila said he learned right and wrong from his late father, a Mexican immigrant and foundry laborer.

The elder Avila came to the United States around 1946, but kept a green card for more than 40 years because he wanted to one day return to his native country. Avila's father changed his mind in the 1990s during Gov. Pete Wilson's reelection campaign.

Wilson took a hard line against illegal immigration with his staunch support of Proposition 187, a state law that would have denied public services to undocumented immigrants. Avila's father was a legal resident, but would ask his son, "Why is he picking on us?" The campaign galvanized him.

"He became a U.S. citizen," Avila said, "and voted."

^

When the Mexican American Legal Defense and Education Fund hired Avila in 1974, one of his first assignments as a rookie lawyer was a voting rights case. In 1985, he went solo as a voting rights specialist.

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Avila, with colleague Robert Rubin, filed the first suit to enforce the law against the city of Modesto in 2004. The Central Valley city, in Stanislaus County about an hour south of Sacramento, fought the case in county court and initially succeeded on the argument that the new law favored minorities – as “reverse racial discrimination” and “unconstitutional affirmative action benefiting only certain racial groups,” according to a state appeals court decision reversing the county’s verdict. The California Supreme Court declined the city’s appeal.

The case took about four years to settle, with Modesto on the hook for \$3 million.

Avila had a message for defendants: These are expensive cases to lose, and it’s cheaper to settle early.

Does race matter when it comes to representation?

Denise Hulett, national senior counsel for the Mexican American Legal Defense and Education Fund, said minority candidates have a hard time winning votes from white voters, and no law can address that. But, she said, governments can do something about an at-large system that enables the polarization.

The California law says plaintiffs only need to show that racially polarized voting exists in at-large systems to force the change to districts. This is a lower threshold than the federal law requires.

Since 2004, attorneys have filed about 30 lawsuits and issued dozens of threats to try to institute districts, according to data collected by districting experts. About 210 jurisdictions, from community college boards to city councils, have either voluntarily converted to district elections, lost or settled in court, or sent the question to a referendum. More than three-quarters of these have been school boards.





Since 2011, attorneys have filed about 20 lawsuits in Los Angeles County to force government entities to switch from at-large to district voting systems. Photo by Pam Ortega, News21.

Morgan Kousser, a history and social science professor at the California Institute of Technology, studies the California Voting Rights Act. He said cash-strapped school districts began switching en masse, intimidated by Modesto's multimillion-dollar liability.

Having a Latino on a school board is a breakthrough, Kousser said.

"You can imagine that for a bunch of Hispanic parents in that situation, it really makes a hell of a big difference if you've suddenly got somebody where you feel like this is not just a faceless Anglo bureaucracy. These are people that you can relate to."

In Madera, a heavily agricultural town near Fresno where streets have names like Pecan and Merlot, about 90 percent of the more than 20,000 public schoolchildren are Latino, and about as many qualify for free or reduced lunch. More than a third are English-language learners.

School board President Al Galvez, who has lived in Madera for 35 years and served on its school board for almost two years, said that when the board was elected at-large, members paid more attention to the schools in affluent neighborhoods. It wasn't that they didn't care about the needs of other families, he said, they just didn't have firsthand experience with the problems.

Galvez grew up in a poor migrant laborer family, spending his youth picking grapes, plums and cotton along the San Joaquin Valley. He worked the fields into college.

He eventually moved into the middle class. But he remembers the needs of families like his.

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"I know that side of the street. I've been there. I know that," he said. "My passion is to try to help."

Almond trees give way to palm trees heading south into Fullerton. Kitty Jaramillo has lived in this Orange County city for all of her 62 years, raised in the barrio on the east side, and calls an ethnically mixed, middle-class neighborhood on the southwest side home.



The California Voting Rights Act enabled residents to pursue lawsuits to force jurisdictions to switch from an at-large voting to a district system. Photo by Roman Knertser, News21.

Jaramillo, along with a Korean-American resident, sued the city last year. One of the complaints describes a compartmentalized city, with Latinos concentrated to the south, Asian-Americans to the northwest, and whites to the north, particularly the northeast. Jaramillo said council members almost always come from the well-heeled north side.

She described a popular Latina city councilwoman in the 2000s who, although also a resident of north Fullerton, engaged with southside Latinos, even drawing immigrants who couldn't vote out to council and community events. Otherwise, Jaramillo said, residents on the south side haven't felt close to a council member or felt they had a champion in city hall.

In a settlement, the city agreed to put the question of districts on the November ballot.

She said Latinos need other Latinos to represent them in Fullerton.

"There's a certain familiarity or comfort level: 'Wow, there's somebody on city council that really cares about us,'" she said.

About 2 1/2 hours to the north, in the coastal city of Santa Barbara, Frank Bañales, 70, remembers when the city switched to an at-large system in the 1960s. He said the change made it hard for minorities to become involved in city politics.

He joined a lawsuit against Santa Barbara in 2014. The city settled and carved out six districts.

The next year, voters elected a pair of Latinos.

Today, Latinos make up about 40 percent of the population, concentrated in two of the new districts – the ones that produced the Latino representatives. Bañales said "as long as they do the work for the neighborhood," it doesn't matter if representatives are from the same race or ethnicity.

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"That's what district elections is about. It's about getting your streetlights," he said. "It's about getting your streets fixed. It's about taking care of crime in your neighborhood."

Other communities that have switched to a district system have experienced changes in power as well. Compton, which African-Americans dominated for years but has a growing Latino population, elected its first Latino to the City Council in 2013. The school district in Cerritos, in the Long Beach area, now has a multi-ethnic school board of Latinos, Asian-Americans and whites.

John Dobard, manager of political voice for the Advancement Project's California office, said there might be a direct relationship between the racial compositions of the boards and electorates after a law-induced conversion, but not necessarily.

Dobard said it can take time to see long-term change.

"It's one way in which we can try to get fair representation and also try to encourage more participation," he said. "(But) it's unreasonable to expect a conversion to happen and then immediately to see mind-blowing results because you're dealing with historical factors that have created particular conditions."



As of mid-July, at least 26 cities and school districts, mostly in Southern California, had been sued or threatened to force jurisdictions to switch from an at-large voting to a district system. Photo by Roman Knertser, News21.

Some communities push back

Roger Clegg, CEO of the Center for Equal Opportunity, a Virginia-based conservative think tank devoted to issues of race and ethnicity, said any racially based treatment is problematic.

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"It's still requiring the government to zig rather than zag when it's drawing district lines," Clegg said. "And basically, it is requiring racial gerrymandering and to some extent the racial segregation of voting districts."

Santa Monica, outside of Los Angeles, is an affluent, mostly white seaside city. And it's also defending itself against a lawsuit to force it to adopt district elections for city council.

It declared the lawsuit frivolous, citing previous two local elections that rejected districts by wide margins. It also said that Latinos are a minority even in some of the more ethnically diverse neighborhoods.

And other elected bodies within city limits – school, rent control and community college boards – all have at least one minority. In addition: Santa Monica's current mayor, Tony Vazquez, and a councilwoman, Gleam Davis, are Latino.

A Los Angeles County Superior Court judge is scheduled to set a trial date in August.

Potential for spread in the West

Avila, who now lives in Seattle, still assists other attorneys with voting rights cases. He said he hopes to bring similar laws to Colorado, Texas and Arizona.

Hulett, from the Mexican American Legal Defense and Educational Fund, said she hasn't studied all 50 states enough to know whether a California-style law would work nationwide.

Some states might have such small and dispersed minority populations that districts might not make a difference, she added.

However, Hulett said her organization has been working on similar legislation in Illinois. She also pointed to efforts in Washington state, where district advocates scored a major victory in the city of Yakima.

Voters, led by the state chapter of the American Civil Liberties Union, won a lawsuit against the city in 2014 under the federal Voting Rights Act. The next year, three Latinas won seats on the Yakima City Council under newly drawn district lines.

The civil rights group points to the California law to show that it's possible for states to have their own legal remedy, said Doug Honig, a spokesman for Washington's ACLU.

But California also is a bit of an outlier compared with the rest of the country – 62 percent of its population is nonwhite, and registered Democrats far outnumber Republicans and independents. Outside of California, some jurisdictions have moved the opposite way. In Pasadena, Texas, outside Houston, the City Council converted two largely Latino districts to at-large seats in 2013. (Latino voters have sued to reverse the change.)

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Nonetheless, California chips away at at-large voting. Just the number of jurisdictions that have transitioned to district elections shows that the law has been “a tremendous success,” Avila said.

“Political power is never given away, and you have very substantial economic interests at the local level that want to have a vested interest in making sure that the political status quo does not change,” Avila said. “For that reason, you have to have federal intervention and that’s why you have state intervention to level the playing field.”



About -News21-



This report is part of the project titled “Voting Wars – Rights | Power | Privilege,” produced by the Carnegie-Knight News21 initiative, a national investigative reporting project by top college journalism students across the country and headquartered at the Walter Cronkite School of Journalism and Mass Communication at Arizona State University.



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EXHIBIT 65

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Bid for Vote by District Is Shelved : Santa Monica: A group aiming to increase minority representation on the City Council by shifting from at-large elections suffers a setback.

July 26, 1990 | NANCY HILL-HOLTZMAN | TIMES STAFF WRITER

The Santa Monica City Council has rebuffed a citizens group that was seeking to place on the November ballot a measure that would replace the at-large system of council representation with a district system and limit council members to two consecutive terms in office.

Instead, the council voted Tuesday to refer the issue to a Charter commission, as yet unnamed, that would be charged with studying a number of issues, including council pay raises. The unanimous vote followed a lengthy public hearing during which impassioned speakers said it was imperative to elect council members by district to give minorities a voice in City Hall.

"Since I've been in Santa Monica, the City Council has been as white as any council in darkest Orange County," said Henry McGee, a UCLA law professor.

Only two blacks have ever served on the council, and there has never been a Latino member.

City officials estimate that about 20,000 Latinos live in the city of 97,000, many of them in the Pico neighborhood, which was repeatedly mentioned Tuesday night as lacking a voice at City Hall. "Latinos continue to be the invisible and silent minority," said Blanca Malpartida-Girard. "Their lack of representation is directly attributable to at-large elections."

Recent court rulings, such as one pertaining to the city of Watsonville, have concluded that at-large elections in some California cities have prevented minorities from winning office. But Santa Monica City Atty. Robert Myers said in a telephone interview that the city is not legally required to shift to districts.

Many at the public hearing also complained that rent control has been the driving force behind Santa Monica elections for years, leading to a system where only those candidates allied with politically potent and well-financed special interest groups stand a chance of being elected.

"We haven't had a true election in Santa Monica," said Joel Goldfarb. "It's one power situation against another. . . . Money and class is driving the electoral process."

A limit of two consecutive terms is needed to dilute the power of incumbents, speakers said.

The few who spoke in opposition to the idea said they preferred having all seven council members accountable to the entire populace, as it is now. "I come from the other side," said Russell Shaver. "I would lose the right to hold each and every one of you responsible for your actions."

The proposal for the elections by district and two-term limit is the work of a group called Citizens United to Reform Elections, whose members said they have been trying to advance the idea for two years. They did not collect signatures on petitions to qualify the measure for the ballot, saying they lack the financial resources to do so. Instead, they asked the City Council to put the issue to the voters as a "good government" measure.

CURE includes representatives of local Democratic clubs, local chapters of the Mexican American Political Assn. and a minority not typically included in under-represented groups in other less liberal municipalities: Republicans.

Before voting with their colleagues to refer CURE's proposal to the Charter commission, council members David Finkel and Ken Genser said they strongly supported elections by district even though the two were themselves elected on a Santa Monica for Renters Rights slate.

Finkel said that though some might argue civil rights is already a prime value in Santa Monica, "whenever there's an opportunity to advance it, you should."

District elections will not harm rent control, Genser said, but will broaden the number of issues addressed and provide a council that reflects the ethnic diversity of the community. "Perhaps the reason we don't want to face district elections is we don't want to talk about issues," he said.

In 1975, a ballot measure to create district elections failed. In 1988, Proposition J, which would have created numbered citywide council districts, was also defeated. The CURE group opposed the proposition on the grounds that it would protect incumbents and hinder minorities.

— Back to Original Article

Council Balks at Election Reform Plan : Voting: Proposal to elect members by district rather than citywide fails to make ballot. Critics say city system is vulnerable to legal challenges.

July 09, 1992 | JEFF KRAMER | TIMES STAFF WRITER

SANTA MONICA — Despite strong evidence that Santa Monica's method of electing the City Council deprives the city's sizable Latino community of political representation, the council on Tuesday balked at a chance to initiate major reforms.

The panel voted 4 to 3 against placing a measure on the November ballot that would have allowed voters to decide whether to scrap the 46-year-old system of citywide council elections in favor electing council members from the city's seven geographically defined neighborhoods.

Critics of the decision warned that the council is leaving the city vulnerable to legal challenges under the federal Voting Rights Act.

Councilmen Tony Vazquez and Robert T. Holbrook and Mayor Ken Genser voted in favor of district elections, which have been endorsed nationally by the NAACP and by the Mexican-American Legal Defense and Educational Fund (MALDEF) as promoting minority representation.

But the remaining members of the council, several of whom were elected on a citywide rent-control slate, expressed fears that a district system with its narrow neighborhood perspective would be ill-suited to a city renowned for the broad scope and progressivism of its politics.

"It's the parochialism that bothers me," Councilman Herb Katz said.

Having dispatched with districts, the council then agreed to pursue more information on hybrid systems, a term for any number of schemes by which some candidates run citywide and others are elected from districts.

But even adoption of a hybrid may not be sufficient to dispel the legal cloud hovering over the city because of its adoption in 1946 of the current system.

A Caltech history professor retained by the city's Charter Review Commission has indicated in a report that the system may have been established in part to thwart the influence of the city's Pico neighborhood, which in the 1940s was experiencing a large influx of blacks but is now predominantly Latino.

MALDEF attorney Richard Fajardo told the council Tuesday night that any reform short of straight district elections could leave the city open to costly litigation from the Pico neighborhood, which has never sent one of its residents to the City Council.

Moreover, he warned that weaker reforms such as a hybrid system could actually work against the city in court if a lawsuit were brought.

"The question always arises: You recognize you have a bad system but you're not willing to make a complete change," Fajardo said.

Fajardo added that the recent election of Vazquez, a Latino, to the council would not, to a court, negate a "fatal defect" in a system established to thwart minority voices.

In voting to pursue more information on hybrid systems, the council soundly rejected the recommendation of the 15-member council-appointed Charter Review Commission to implement a complicated system called Single Transferable Vote.

That method, currently in use in Cambridge, Mass., allows voters to rank candidates by order of preference, after which votes not needed by the top vote-getter are redistributed to other candidates.

The system is touted for giving representation to an array of interests, but the council was put off by its complexity, and it was clear that even the charter commission was far from united behind it. At least five commissioners favored district elections and backed the single transferable vote system only when it became clear that they would not prevail.

Commissioner Herman Rosenstein was especially critical of the system, noting that Cambridge has problems with it.

"Cambridge is the seat of MIT," he said, referring to the Massachusetts Institute of Technology. "If MIT can't correct it, who can?"

EXHIBIT 66

'Hispanic' Schabarum Seeks Remap Case Role

■ Politics: Supervisor wants intervenor status in trial on redistricting that threatens his political position. He says Latinos would be hurt by change.

By CATHLEEN DECKER
TIMES STAFF WRITER

Seeking to bolster his tenuous political position, Los Angeles County Supervisor Pete Schabarum asked a federal judge Wednesday to protect his interests "as a Hispanic individual" during the upcoming redistricting trial between the county and Latino plaintiffs seeking greater political clout.

In a complaint filed in U.S. District Court in Los Angeles, Schabarum sought status as an intervenor in the case, in which the Mexican American Legal Defense and Educational Fund and the American Civil Liberties Union have charged that the board drew the boundaries of the supervisors' districts in 1981 in such a way that Latino voting strength was diluted.

In asking for intervenor status, Schabarum was clearly guarding against political assaults from either side—from the plaintiffs as well as from a renewed effort by the Board of Supervisors to settle the case by turning his district into a Latino base. That, theoretically, would lessen Schabarum's chances for future election.

The Schabarum effort, in effect, seeks to turn the case's major argument on its head.

Latino plaintiffs have argued that the board diluted Latino representation by spreading it among several districts and thus not giving Latinos a majority in any district.

Schabarum, on the other hand, argued in his complaint that splitting Latino voters into two or more districts would maximize the community's political influence. Further, Schabarum argued that the solution espoused by the plaintiffs could adversely affect him, de-

scribed in the court papers as "a Hispanic elected official." Schabarum's grandmother was Mexican.

"These four Hispanic [plaintiffs] do not speak for the county's hundreds of thousands of Hispanic voters," Schabarum's complaint said. "The court must allow other Hispanic voters the opportunity to help determine their participation in the political process."

The complaint will be heard by U.S. District Judge David V. Kenyon on Tuesday, the day the trial is to begin. It is not expected to delay the trial.

Schabarum was out of town Wednesday and could not be reached for comment.

The court filing seemed likely to renew a flurry of criticism aimed at Schabarum after he declared recently that running in a Latino district would pose no problem "being a Hispanic such as I am."

Latino groups, riled by the characterization, criticized the supervisor as unfeeling and said he had not identified with Latino causes during his 17 years on the board.

Schabarum, in making the complaint, asked the court to declare that he had a "protectable interest in any remedy" if the court finds that the board did dilute Latino voting strength.

Earlier this month, the board voted 3 to 2 to redraw district lines so Schabarum's now conservative district would have a majority of Latino residents. But the effort was dropped after Schabarum raised a firestorm of protest against the swing vote, fellow Republican Supervisor Deané Dana.

"Intervenor is at serious risk of injury because redistricting of the election districts may adversely affect Hispanic influence throughout the county by concentrating the Hispanic community into one supervisory district," the filing declared.

On Friday, Schabarum flatly ruled out any pretrial settlement, but left the door open for renewed negotiations after the trial begins Tuesday.

BILL BOYARSKY

The County's \$3-Million Mistake

If you want to cut through the legalese and learn why the Los Angeles County supervisors lost the Young Rights Act case—at a cost to taxpayers of at least \$3 million in legal bills—drive out to a neighborhood in Pico Rivera.

I did that Tuesday morning. I wanted to look to Pico Rivera about District and U.S. District Judge David Kennedy's ruling that the supervisors discriminated against Latinos in 1981 when they drew current district boundaries.

I chose a neighborhood around Pico Rivera Junior High School because it's the kind of place the case is all about. Over the last 30 years, the pleasant middle-class neighborhood of single-family homes has changed from predominantly Anglo to nearly Latino. That's happened in similar fashionable Los Angeles County communities and in San Gabriel Valley.

The demographic evolution in places like Pico Rivera brought a political revolution. Latinos won control of school boards and city councils. The Pico Rivera City Council, 8-0 Anglo in 1970, now has three Latinos.

Congressional and legislative district lines have redrawn to reflect the population changes. As a result, the district that encompasses Pico Rivera Junior High School is represented in Congress by Stakel Torres. Another Latino, Marty Martinez, is the congressman from the neighboring district. Charles Calderon is the state senator. All the Democratic candidates for the local Assembly seat, now open, are Latino, and the odds almost certain to win in the solidly Democratic district.

The 1971 reapportionment was done under the supervision of the courts because the Legislature and governor were stalemated. Justice, looking at the numbers, came up with Latino districts.

Ten years later, another redistricting was undertaken by Richard Alatorre, then an assemblyman, now a Los Angeles city councilman. He revised the court-drawn districts to take into account even greater Latino population growth, and created the district that elected Torres.

□

But the revolution missed the county. More precisely, the county ignored it. While Alatorre was creating Latino districts, the supervisors were saying it couldn't be done for them. Alone among government bodies, the Board of Supervisors declined to take note of the population changes in charting its district lines. U.S. District Judge David Kennedy found there were enough Latinos for a Latino district. Thus, he ruled, "the Hispanic community has sadly been denied an equal opportunity to participate in the political process and to elect candidates of their choice to the Board of Supervisors."

Some of the voters I talked to on Tuesday echoed this. Roger Chavez, hurrying to work after voting, said of his Latino neighbors, "I kind of think they weren't getting a fair shake."

And Conrado Alencar put it this way: "They've done us a big injustice. They've split us up like a pie."

What's surprising is that the supervisors and their legal advisers pressed the expensive legal fight in the face of demographic realities.

Even before the trial began, supervisors and their advisers had doubts about winning. Republican Supervisor Claude Dana wanted to join Charles McFadden and Kenny Kahn in a settlement, but backed out under pressure from his two conservative colleagues, Bill Rosendahl and Pete Schabarum.

As the testimony piled up, the loss began to seem inevitable. Experts testified to the population changes. In mid-trial, the county was hit by an especially stinging attack. Dr. J. Morgan showed how lines had been shifted since 1960 to prevent the election of a Latino. Kousner's testimony was cited by Kennedy in his opinion.

□

So now, there are the legal bills. The supervisors have been charged about \$3 million by the private law firm they hired to defend them. And since the supervisors aren't government or public, the matter, as the lawyers like to say, is still running.

In addition, Kennedy could require the county to pay \$2 million in legal expenses requested by the civil rights organizations that joined the U.S. Justice Department in the case. That would be \$5 million.

At the supervisors meeting Tuesday, Andonovich complained about the situation. He said the money could have gone to the sheriff, or to jobs of the health system.

He's right—and he is among those who can be blamed for spending it in court.

The money would have been available for all these good causes if the supervisors had read the political arithmetic of the county, as the new numbers added up in Pico Rivera and other growing Latino communities. It might be too late now, but there are still books for the county library in Pico Rivera.

EXHIBIT 67

The Outlook

W

FRIDAY

October 5, 1990 ★

Briefs

SANTAMONICA

Commission to study charter

A 16-member commission will be appointed to examine the Santa Monica City Charter under an ordinance requested by the City Council.

The commission, which is to report to the council by the end of 1991, will recommend whether council members should be elected by district and whether their monthly pay should be increased.

The commission also will consider whether the city attorney and city clerk should be elected instead of appointed and determine whether council members should be limited to two terms.

OAKWOOD

Las Boradas

YOU



Lawyer warns of redistricting fallout

By Gela Meland
CONLEY NEWS SERVICE

SAN FRANCISCO — The Hispanic victory in the historic Los Angeles County voting rights case last summer could throw governing bodies across the nation into chaos, a county attorney told an appeals panel Wednesday.

Attorney John McDermott told a U.S. 9th Circuit Court of

Appeals panel that a federal judge ordered the creation of a first-over Hispanic district because the county failed to anticipate a Latino population explosion that took place after political lines were drawn in 1980. If the court upholds the judges' decision, McDermott said, other jurisdictions would have to order reapportionment every time the demographic

Reed

FROM PAGE B1

"without having all the facts." Two candidates backed by the unions issued statements capitalizing on Reed's loss of the key endorsement.

Schwallye said she was "proud and delighted" to have the endorsement of the associations. "They understand better than anyone else Chris Reed's total failure to address the homeless problem and they are just as concerned over the threat that overdevelopment poses to our police and fire services," Schwallye said.

Olsen said the unions' decision is a "prime example of what I've been saying — that Chris Reed has done nothing about the homeless. The police must feel that she did not live up to the campaign promises

she made four years ago," he said.

Holbrook, who is running on a slate with Reed, said the endorsement was "gratifying."

"It's especially significant because I am running a campaign to deal with some of the crime problems in the city. My most serious concern is the gang violence that seems to be erupting on the Pico corridor and down by the beach."

Holbrook was the only candidate endorsed by the police and firefighters who backs Proposition V. Holbrook said he supports the measure for an elected city attorney "because it's the electorate's last chance to decide if they want a city attorney to answer to them."

winds shift or face federal discrimination claims.

"This case is one of the murkiest and most difficult in the annals of the Voting Rights Act," McDermott told the panel. "We can't tell if we're on a slippery slope to judicially unmanageable standards."

The three-member panel of judges Mary Schroeder, Dorothy Nelson and Alex Kozinski appeared to be disturbed by McDermott's argument, but a couple of them noted that the ruling judge also had found that the L.A. County Supervisors deliberately gerrymandered the Hispanic electorate in order to protect their own seats.

"The critical thing here is the intent was to prevent Hispanics from being so numerous they can elect who they want to elect," Department of Justice attorney Irving Gornstein argued.

The county is appealing U.S. District Judge David V. Kennedy's ruling on June 4 that the five-member, all-Anglo Board of Supervisors fashioned districts to prevent Hispanics from forming a majority voting bloc.

No Hispanic has sat on the board in 115 years, despite a Latino population of 2,000,000, the largest outside of Latin America. The ruling was in response to two companion lawsuits filed by the Justice Department and a coalition of

Hispanic and civil rights groups.

Kernan in August criticized elections in new districts, including a Hispanic stronghold straddling East Los Angeles and the western San Gabriel Valley. The new map also would have reconfigured the districts represented by coastal Supervisor Deane Dena and Westside Supervisor Ed Edelman, with Dena yielding the liberal Venice-Malibu strip to Edelman. Kernan also voided a June primary election in the old boundaries.

Another appeals panel, which also included Kozinski and Nelson, later canceled proposed November elections under both the old and new redistricting plans. The panel said the county's appeals raise "difficult and close legal questions" that must be decided before balloting occurs.

Although rulings in redistricting appeals have been known to stretch as long as a year, the panel Wednesday suggested it would try to speed its decision.

Richard Fajardo, a lawyer for the Mexican American Legal Defense And Education Fund, said he hoped for a November decision, which would enable elections to be set for February and March.

Latino remap ruling upheld

By Paul Pringle
and Gale Holland
COPLEY NEWS SERVICE

A federal appeals court Friday upheld a judge's landmark ruling that the all-white Los Angeles County Board of Supervisors intentionally discriminated against Latino voters for more than 30 years by preventing them from gaining a majority in any supervisorial district.

In affirming last June's ruling, a panel of the 9th U.S. Circuit Court of Appeals sent the case back to U.S. District Judge David Kenyon and ordered him to set an election in a new Latino-majority supervisorial district as soon as possible.

The district will be drawn from the San Gabriel Valley-East Los Angeles territory represented by retiring Supervisor

REMAP/A15

Remap

FROM PAGE A1

Pete Schabarum.

Other district lines will be shifted so that Supervisor Deane Dana loses the Malibu-to-Venice coastal strip to Ed Edelman, although this is incidental to the Latino voting-rights issue in the case.

The plaintiffs in the case — the U.S. Justice Department, the Mexican American Legal Defense and Educational Fund, and the American Civil Liberties Union — said they will push for a February primary election in Schabarum's 1st District and a runoff, if necessary, in March.

"It's a very historic day," declared Richard Fajardo, a MALDEF attorney. "What this means is that we can get on with the business of obtaining political representation for the first time in 120 years."

A 'lesson'

The appellate court said the Los Angeles case should serve as a "lesson" to elected officials nationwide who are preparing to redraw political boundaries based on the 1990 census.

"When the dust has settled and local passions have cooled, this case will be remembered for its lucid demonstration that elected officials engaged in the single-minded pursuit of incumbency can run roughshod over the rights of protected minori-

ties," wrote Judge Alex Kozinski, one of the three panelists.

Los Angeles County's estimated Latino population of 3 million — 35 percent of the total population — is the largest outside Latin America, but no Latino has sat on the Board of Supervisors in more than a century.

The case has been widely watched by voting-rights advocates and local political officials who believe it will serve as a national precedent. ACLU attorney Mark Rosenbaum said Friday's appellate opinion is "on par with the historic civil rights decisions ending desegregation."

Kanyon's ruling in June was appealed to the 9th Circuit by the board's three-member conservative Republican majority.

The creation of a Latino-majority district in Schabarum's territory could return control of the powerful board to the Democrats for the first time in a decade, because Latinos tend to vote for Democratic candidates.

The re-election prospects of Dana, Edelman, Democrat Kenneth Hahn and Republican

Mike Antonovich are not considered immediately jeopardized by the changes.

Antonovich said late Friday that the GOP board members will appeal the opinion to a larger panel of the San Francisco-based court. If necessary, he added, they will take their appeal to the U.S. Supreme Court.

"I'm satisfied with it," Hahn said of the opinion. Other board members and their attorneys were unavailable late Friday.

Kanyon ruled that the board carved up the Latino population among three districts when the supervisors last redrew their district boundaries in 1981. The result was that no district had a Latino majority and the incumbency of the five white supervisors was protected against any Latino challenger, Kanyon found.

The judge threw out the results of the June 5 primary in the 1st District and ordered a new election held in a Latino-majority territory. Ironically, the first-place finisher in the primary was Sarah Flores, a Latina Republican who was an aide to Schabarum.

Schools

FROM PAGE A10

program, this requires much more study," Leavitt said. "And we want to make sure we don't open a racially isolated program. I think the students from Malibu who come to Semohi appreciate the diversity of the study body. I think it's a very important part of their education."

All also said they were campaigning for Proposition ES, the school bond issue which would bring \$75 million to the district for refurbishing the area's dilapidated school sites.

"There's something wrong when our shopping malls look better and are more exciting than our schools," Hoffman said.

Hill said the bond will serve as a barometer of education in Santa Monica.

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EXHIBIT 68

The Outlook Opinion

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A5

Thursday, November 3, 1990

Editorials

The day after

A familiar chorus sang out in Tuesday's Santa Monica election.

We had expected a stronger performance from the "throw-the-bums-out" ensemble, but they were drowned out by a refrain of "don't mess with rent control" — or Bob Myers.

It was quite a show by Santa Monicans for Renters' Rights.

Despite a much talked-about rift within the organization, despite the public's frustration with the SMRR-majority council's handling of the homeless, SMRR pulled off:

■ A solid defeat of a landlord-backed measure that would have allowed market-rate rents on units voluntarily vacated by tenants.

■ An impressive defeat of conservative Leslie Dutton and her elected-city-attorney measure that was intended to boot the current city attorney, SMRR's own Bob Myers.

■ Total victory in electing a SMRR slate to the Rent Control Board.

■ A win for the successful and essential school-bond measure, though the most important SMRR role was in not being an obstacle to allowing landlords to pass assessment costs along to renters.

■ A close win for SMRR-member David Finkel for Municipal Court judge in a race against a well-liked Santa Monica College trustee.

■ Success in getting a Latino elected to the Santa Monica City Council, which, in a city that is 17 percent Latino, has been embarrassingly devoid of Latino representation.

■ A defeat, maybe, of Councilwoman Christine Reed, who was the top vote-getter in two previous city elections.

In 1986 she received 16,471 votes, compared to the 11,362 (plus uncounted absentees) of Tuesday.

With 15 years of service on the City Council, she is currently president of the Southern California Association of Governments and a member of the Los Angeles County Transportation Commission and the Metropolitan Water Department Board.

Her knowledge and experience will be a great loss to the city.

Truly, SMRR was only partially responsible for Reed's poor showing.

In ballots counted so far, she came in fourth — behind SMRR's Tony Vazquez, moderate Bob Holbrook and SMRR's Kelly Olsen.

With 2,000 to a possible high of 4,000 absentee ballots still un-

counted, she might squeak out a win.

But SMRR hurt Reed by doing the political basic of getting its supporters out to vote.

The threat of vacancy decontrol/recontrol and the elected-city-attorney measure were SMRR's real motivation, but the voters who voted against those also dinged Reed.

The other half of the double-whammy was the power of the slow-growth movement in Santa Monica — some of it within SMRR, but most of it among homeowners who have been traditional Reed backers.

This time-out, they judged her record on development more critically and voted instead for the acknowledged slow-growth candidates on the ballot. Only the SMRR-endorsed slow-growther, Olsen, won.

Reed also found herself on the losing side of the city-attorney and beach-hotel measures.

What now for Santa Monica?

SMRR holds the most cards.

Santa Monica must hold this organization, and the leaders it has bestowed upon the city, accountable for change.

The very hustle that brought SMRR such vivid success at the polls suggests that its own leadership understands the basic frustrations of life in this city.

They felt threatened because the issues raised by the opposition were real.

Too many homeless. Santa Monica must reduce the number of homeless people here, lessen the oppressiveness of their presence and reclaim city parks for recreation.

Too many apartment owners selling their buildings. With real financial incentives, Santa Monica must encourage landlords to stay in the rental business.

Development. Suddenly, all development is branded "bad."

The leadership and the community must divine a common standard of what is "good."

The beach. The powers-that-be must go back to the drawing boards for a solution to beach access, safety and the future of 4.8 prime acres of "sand and sea," capitalized no more, like the Sand and Sea Club the city is evicting.

Candidates heard it all during the campaign. For the winners, the opportunity they sought is theirs:

To make Santa Monica a better place.

More SM's

Editor:

The Outlook "Hopeful," it clear that their own f obvious on homeless to their prog "They're ju numbers."

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NOV 5 1998

The Outlook

Opinion

Barbara J. Wilson, Publisher
Thomas J. Walsh, Jr., General Manager

James G. Day, Editor
Public Relations/Advertising Editor
David S. Smith, Production Mgr.
Elizabeth S. Jones, Circulation Director
Business Office/Advertising Office
Steve Elkins, County Advertising Mgr.
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San Diego, November 5, 1998

Editorials

We recommend

State offices

Governor — Pete Wilson
Lieutenant Governor — Marian Bergeson
Secretary of State — Joan Milke Flores
Controller — Matt Fong
Treasurer — Thomas W. Hayes
Attorney General — Dan Lungren
Insurance Commissioner — Wes Bazalater
State Board of Equalization
2nd District — Brad Sherman
4th District — Joe H. Adams Jr.

State propositions

- 126 - Local hospital districts - YES
- 128 - Rail transit funding - YES
- 129 - Alcoholic tax - NO
- 127 - Property tax reduction - YES
- 128 - Environmental assessment - NO
- 129 - Drug enforcement bonds - NO
- 130 - Forest and wildlife protection - NO
- 131 - Term limits, ethics - NO
- 123 - Machine revenues - NO
- 122 - Anti-drug programs, taxes, prison terms - NO
- 134 - Alcoholic taxes - NO
- 133 - Pesticide regulation - NO
- 128 - State bond issuance - NO
- 127 - Initiative, referendum process - NO
- 126 - Wildlife protection, reformation - NO
- 129 - Private inmate labor - YES
- 140 - Terms of office - YES
- 141 - Toxic chemical discharge by public agencies - NO
- 142 - Veterans' bond - YES
- 143 - Higher education facilities bond - YES
- 144 - New prison construction bond - YES
- 145 - State housing bond - NO
- 146 - School facilities bond - YES
- 147 - County jail and juvenile facility bond - YES
- 148 - Water resources bond - YES
- 149 - State park, recreation and wildlife act - NO
- 150 - County courthouse expenditure bond - NO
- 181 - Child care financing - NO

Los Angeles County

Assessor — Kenneth P. Hahn

- A - Half-cent sales tax for jail facilities - NO
- B - Bonds for parks, trees, ponds, amens, beaches and wildlife - YES
- C - Half-cent sales tax for rail and bus services - NO

Los Angeles City

- J - Police communications 9-1-1 - YES
- K - Scaled intelligence for victim programs - YES
- L - Anti-sperical commuting policy - YES
- M - Council authority to change retirement benefits - YES
- N - Election report procedure - YES

Santa Monica

City Council — Christine Reed, Robert Helbrook and Donna Alvarez
Rent Control Board — Suzanne Abresca, Jay P. Johnson, Lisa Monk Berryne and James L. Jacobson

- R - Inclusionary housing - NO
- S - Save our beach - NO
- T - Private beach, alien bond - YES
- U - Vacancy control - YES
- V - TORCA revision - YES
- W - City vacancy relief - NO
- X - Rent control exemption - YES
- Y - Elect city attorney - NO
- Z - Repeal hotel agreement - NO

Community College District

Colla Petris, Carole Curry, Al Quinn and Ralph Villani
Municipal Court

Judge — Jim Bushrick
Unified School District

Pam Brady, Michael Hill, Joanne Leavitt and Patricia Hoffman
SB - Bonded indebtedness - YES

EXHIBIT 69

Council

FROM PAGE A1

lected to the council, Holbrook was a close second with 18.6 percent and Olsen had 18.1 percent.

Nearly 60 percent of Santa Monica voters turned out at the polls. As in the past, the turnout was higher in politically sensitive Santa Monica than in the county as a whole, which was tallied at about 53 percent.

It may take days

The final results won't be in for days. As many as 2,000 absentee ballots turned into the polls Tuesday must still be counted. City Clerk Charles Johnson said. Since absentee ballots are traditionally cast by more conservative voters, they are expected to favor the Reed-Holbrook-Dunn Alvarez slate. The first tally of about 1,000 absentee ballots overwhelmingly favored the slate.

Results early today showed Reed and Alvarez following closely on Olsen's heels, with 14 and 13.6 percent, respectively.

Independent candidates Kathleen Schmalls and Sharon Gilpin struck a chord with some voters with their alternative messages. Schmalls collected nearly 8 percent and Gilpin 11.8 percent of the vote. The other independent candidates, Jean Gobman and Larry Hobbs, received about 6 percent to each.

Reed refused to concede defeat early today, saying, "It's not over 'til it's over. If I do lose, it will reflect an anti-incumbent kind of feeling... and that ought to send a message to my colleagues on the council."

Reed, 46, fought an uphill battle partly because of criticism over what some saw as his pro-development voting record. His campaign suffered a blow when at the last the endorsement of the Santa Monica police and fire associations, who campaigned against her in favor of Holbrook, Schmalls and Olsen.

Bar Simpson underachiever in Texas

AUSTIN, Texas (AP) — Bart Simpson got the boot in Texas. That's Bart Simpson the candidate, not Bart Simpson, the pint-sized cartoon character.

Simpson, a 34-year-old Republican businessman, lost to Democrat Ladda Van de Putte in the race for state House District 115 for San Antonio. The incumbent, Orlando Garcia, a



Kelly Osem apparently has gained a seat.



Tony Vasquez appears headed for victory.

Reed and her slate mates attempted to capitulate on citizens' favor over the homeless problem, jumping on the anti-city attorney Proposition Y bandwagon. Reed said the homeless issue "is not going to go away."

Observers said Vasquez's election would mean that voters agree there should be better minority representation on the council.

Earlier this year, Vasquez sought a battle for district elections in Santa Monica, partly to put a Latino or other minority

on the council. When he lost, he opted to run himself to set an example for Latino children and give minorities in Santa Monica representation. Latino makes up 17 percent of the city's population.

Vasquez said his shorting message "voters are sending a message to the City Council that there's definitely been a voice missing on the council."

Holbrook, 49, a two-term school board member, ran on a platform advocating a return to a small-town quality of life.

'Name recognition'

He chalked up his apparent win Tuesday to "name recognition, plus I'm a home boy. Voters have voted for me twice before and they didn't abandon me in this election."

Olsen, 36, ran on a strong slow-growth platform. He said he would oppose any major development that would add to Santa Monica's traffic woes.

On Tuesday he along to a narrow lead over incumbent Reed, but key positions in his Ocean Park stronghold and her north of Montana Avenue area of support were still uncounted.

If the results hold up, Olsen said, "It clearly shows that Santa Monica residents are tired of business as usual as regards (to) development."

But he said, "I don't have that feeling we are over the hump yet. We might not know the final result for a week."

Once complete results are tallied, the newly elected council members will take up where outgoing council members William Jennings and David Phikal, will be leaving off Nov. 13. Jennings, a three-term council member, decided not to run for a fourth term, and Phikal opted to run for Santa Monica Municipal Court judge.

Democrat, opted to run for state appeals court.

Democrats secured the GOP of running Simpson because his name was the same as the brightly underachieving star of the hit TV show "The Simpsons."

But Simpson, whose full first name is Barton, said he always had goals by Bart, and that he always wanted to be a politician.

The Outlook
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EXHIBIT 70

TUESDAY
October 2, 1990 *

Briefs

SM

By Kathleen
STAFF WRITER

VENICE

Mini-mall plan is challenged

A Venice developer's beachfront mini-mall approved by default when city officials failed to process his application on time will be challenged in a public hearing today.

Opponents of the mall proposed by Stephen Blanchard for 601 Ocean Front Walk say the project should not have been approved simply because city officials failed to meet a state-imposed deadline under the Permit Streamlining Act.

Resident Steve Schlein plans to tell the Board of Zoning Appeals at 2 p.m. that the developer could have speeded up the process.

SANTA MONICA

Candidates get endorsements

Sharon Gilpin, Kelly Olsen and Tony Vasquez have been endorsed for City Council by the Santa Monica Democratic Club.

The club also endorsed Robert Niemann for a two-year term on the Santa Monica Rent Control Board and Susanne Abrescis, Lisa Monk Borrino and Jay Johnson for four-year terms. Brenda Gottfried, Michael Hills and Patricia Hoffman were endorsed for the Santa Monica-Malibu Unified school board and Alfred Quinn for the Santa Monica College board.

CULVER CITY

Council to act

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SM City Council candidates file contribution reports

By Anne Mergenthaler

STAFF WRITER

With backing from homeowners and the business community, City Councilwoman Christine Reed and her two running mates have raised more money than the two other slates in the Santa Monica City Council race, according to campaign statements filed this week with the City Clerk.

For the period ending Sept. 30, Reed reported \$41,560 in contributions. Bob Holbrook and Donna Alvarez, who are running on the same slate, each reported contributions of more than \$30,000.

Tony Vargas and Kelly Olsen, who are backed by the Santa Monica's for Renters Rights political group, received contributions of \$9,640 and \$3,472, respectively.

On the slow-growth slate, Sharon Gilpin, disclosed \$10,799 in campaign gifts, while

Kathleen Schwalls received \$9,064.

Jean Gebman, an independent candidate, reported \$3,074 in contributions. A statement from another independent, Larry Jon Hobbs, was unavailable.

Reed, who is seeking a fifth term, said individual candidates' statements failed to show the entire picture in campaign financing.

"SMRR has the most money," she said. "They started their campaign with \$80,000 and has since picked up more and they have their paid solicitors out there campaigning."

SMRR reported \$161,000 in receipts for a campaign on behalf of candidates for the City Council, Rent Control Board, and support and opposition to various propositions on the November ballot.

Councilman Ken Genser said he was not impressed with the scale of contributions since

03/04/82/A15

Council

FROM PAGE A16

he had the smallest campaign kitty of all the candidates when he was elected to office two years ago.

Reed and Alvarez received \$1,000 each from Concerned Homeowners, while Holbrook reported a \$500 contribution from the homeowner group. All three candidates reported \$500 gifts from the Apartment Association of Greater Los Angeles, Century West Development, and attorney Anthony Nitti. Vazquez reported \$500 donations from Robert Segal, a Realtor; Jeanne Segal, a psychologist; and attorney Paul DeSantis. Olsen received \$500 from William Weingarden, a law clerk; \$500 from Gordon Payne Jr., an executive; and \$200 from Genser.

Gilpin received \$500 donations from Douglas Badt, owner and operator of the now-defunct Sand and Sea Club at 415 Pacific Coast Highway, and Jonathon and Kevin Badt of the same address, and Jorge O'Leary, former manager of the Sand and Sea. She also reported a \$500 gift from attorney Rosario Perry and \$100 from city Rent Board member Dolores Press.

Schwalle disclosed \$500 donations from Laurel Roanneau, a transportation consultant; Russell D. Shaver, an analyst at RAND Corp., and J. Timothy Murphy, a physician.

Gebman reported \$200 contributions from Giles Smith, an engineer; Lois Batchelder, a research assistant, and Virginia Crain, a tutor.

Reed loses city unions' endorsement

Police, firefighters back other hopefuls

By Kathleen Land-Gracia
Star Staff

Incumbent Santa Monica City Commissioner Christine Reed has failed to win endorsement by the city's police and fire department unions, whose support she has enjoyed in past successful election campaigns.

Instead, the unions endorsed the endorsement of council candidates from three political slates — Kathleen Schwella, Edly Chen and Robert Hoffbrook. Schwella is running on a slow-growth platform, while Chen is endorsed by slow-growth forces and Santa Monica's For Renter's Rights. Hoffbrook is running on a slate with Reed, who is backed by the Communist Homeowners of Santa Monica neighborhood group.

Police and fire union spokesmen said the candidates they supported listed the housing problem and growth control as top priorities.

"Our candidates represent an opportunity to put new ideas on the City Council," said Hub Wirtz, president of the Santa Monica Fire Fighters Association, in a written statement. "Business-as-usual on the City Council will not solve these problems around."

The unions also came out against Proposition Y, which would make the office of city attorney elective rather than appointive. They said their opposition was necessary to save the city from "Chicago-style corruption."

Police Officers' Association Chairman Steve Talbot said an elected city attorney "would be able to do what he wants." It would become "the most powerful position in the city," he said.

Reed has run on an anti-crime, anti-homeless platform, backing Proposition Y. The initiative's opponents have criticized City Attorney Robert Myers for failing to prosecute homeless for minor crimes such as sleeping in the parks, and called for an elected city attorney who will.

Talbot said Reed failed to win the unions' approval because "she has done nothing positive" about the homeless.

"She should have said 'Enough is enough,'" Talbot said. "Instead she grabbed onto a hot political issue — Proposition Y — and we're going to have four more years of the same thing."

Police and firefighter representatives said Reed has done more than her fair share to promote growth by voting for new development without expanding police and fire services to accommodate the growth.

'Kangaroo court'

Reed said that when she was interviewed, the police and firefighter representatives didn't touch on growth, but did discuss the homeless. She called the endorsement process a "kangaroo court," and suggested the unions should have brought their concerns to the council.

"I'm just irritated that they would hold me accountable for things I cannot have any power over by myself," she said.

Reed said she had always supported police and fire requests for equipment, safety and manpower, but had clashed with the unions over the right to binding arbitration, which she opposes. The heart of their opposition has to do with "labor management issues," she said.

Police have been angry with her since she criticized them for allowing two purportedly homeless people — actually, European tourists with a dog — to sleep on the Franklin Elementary School grounds in August, she said.

Talbot said the police association has brought labor-management concerns to Reed, but she never reported back to them. He acknowledged officers' displeasure over Reed's decision to make an issue out of the campout at Franklin School.

"without having all the facts."

Two candidates backed by the unions issued statements capitalizing on Reed's loss of the key endorsement.

Schwallye said she was "proud and delighted" to have the endorsement of the associations.

"They understand better than anyone else Chris Reed's total failure to address the homeless problem and they are just as concerned over the threat that overdevelopment poses to our police and fire services," Schwallye said.

Olsen said the unions' decision is a "prime example of what I've been saying — that Chris Reed has done nothing about the homeless. The police must feel that she did not live up to the campaign promises

she made four years ago," he said.

Holbrook, who is running on a slate with Reed, said the endorsement was "gratifying."

"It's especially significant because I am running a campaign to deal with some of the crime problems in the city. My most serious concern is the gang violence that seems to be erupting on the Pico corridor and down by the beach."

Holbrook was the only candidate endorsed by the police and firefighters who backs Proposition Y. Holbrook said he supports the measure for an elected city attorney "because it's the electorate's last chance to decide if they want a city attorney to answer to them."

Opinion

Barbara E. Wilson/Publisher

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Thursday, November 1, 1988

Editorials

'No' on Prop. Y

Electing the city attorney is a bad idea. Getting rid of Bob Myers isn't.

Santa Monicans would be wise to keep these facts separate and, therefore, to vote "No" on Proposition Y, which would make the city attorney an elected instead of appointed position.

Here are the best of the arguments against electing the city attorney, whose job is to draft ordinances, review contracts, prosecute misdemeanor crimes, direct other legal work and to advise the city council on legal matters:

■ Electing the city attorney is "bad government." It's better to have the chief legal officer working for the City Council. Otherwise, he or she very well could work against the council, or entirely independent of the council. If the city attorney is appointed and not performing up to satisfaction, five votes on the council will fire him.

■ Electing the city attorney officially politicizes the office, which is the very problem Proposition Y is trying to undo.

■ Only 10 cities out of California's 498 have elected city attorneys.

■ The Los Angeles model — Ira Reiner then Jimmy Hahn — is one of press-conference showmanship and how to use the office as a political stepping stone.

■ Bob Myers might run, and win.

These are strong arguments, and even the people who favor Proposition Y concede, at least in private, the "bad government" theme. They just think that getting rid of Bob Myers would be worth the risk of some future problem.

Getting rid of Bob Myers is the big phrase.

Why is Bob Myers a target?

The renters' rights advocates would have us believe that landlords want revenge on the author of rent control. But rent control isn't going to change because Santa Monica elects its city attorney, and it is change that landlords really want. The anti-rent-control motivation is a very small subplot to Proposition Y.

It's clearly the public's exasperation and now anger with the city's failure to deal with the homeless that has fueled the boot-Bob

Myers crowd. He embodies the blind spot. The leadership of this city simply chose not to see that in giving to the homeless it took too much from the rest of us.

There is a limit to our charity, and the City Council and, to a smaller extent, Bob Myers, have forced us to exceed it. We want our parks back. We want our sense of personal safety back. We want our pride in Santa Monica back.

It is unfortunate that so much attention has focused on whether Bob Myers, as city attorney, chooses to prosecute people who sleep in the parks. The real pressure should be on the City Council, and the agencies serving the homeless, to coordinate a voucher program that defines eligibility for food and shelter, to sort the truly needy from the freeloaders, to get that feeding line off the City Hall lawn and to run the abusive and violent types out of our town.

This should be the agenda.

Bob Myers has influence with the City Council, but not as much as the voting public. Electing the tough-on-homeless state of Christine Rased, Bob Holbrook and Donna Alvarez will do a lot more toward forcing action by the council than will making the city attorney an elected position.

Even though Bob Myers is wrongly accused as a root cause of attracting the homeless to Santa Monica, we'd like to see him move on. We offer three reasons:

1. He has somehow worked his way into the middle of a relationship that should be between the City Council and its public. The city attorney should be a behind-the-scenes legal adviser — a paid employee, period.

2. He has incorporated his personal political agenda into the workings of the office of city attorney. This is inappropriate.

3. He is a lightning rod, and the last thing Santa Monica needs as we seek a new balance of compassion for the homeless and homeless-home for the rest of us.

For the good of Santa Monica, we hope that Bob Myers will think positively about a career change, and that Santa Monica will reject the bad-government idea of an elected city attorney.

Vote "No" on Proposition Y.

Dan Lungren for AG

SIGLIP



McCarthy breeds

Editor:

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Herbert Katz, City Council
Peggy Lyons, Santa Monica-Malibu School Board
Christine Reed, City Council
Morris Rosen, Commission on Older Americans
Paul Rosenstein, Planning Commission
Irene Zivi, Commission on the Status of Women

The Santa Monica-Malibu Council PTA
Members of the Santa Monica-Malibu School Board
The Commission on the Status of Women
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A6

Friday, November 2, 1986

Editorials

'No' on Prop. Z

What an extraordinary vision Michael McCarty has for Santa Monica Beach: A small, exquisite hotel and the community center of any city's dreams.

It gets better. He offers us these wonderful places and \$32 million over 10 years to keep the beach clean, and safe.

Why in the world is this city hesitating?

We should say "Thank you" a thousand times and mark our calendars for the day we can send our school children to the Environmental Learning Center or enjoy an ocean view from a hotel terrace.

All this debate about percentages of acreage and "accessibility" and whether the Sand and Sea Club members have renters' rights and McCarty's hairstyle ... We should be talking about the Santa Monica Beach Community Center.

A 2,000-square-foot community room will be available to Santa Monica's many civic and social groups for meetings and special events. The Westside Arts Center will have 4,700 square feet of space for exhibits, studios and live performances. A public sculpture garden, children's playground, the Environmental Learning Center and moderately priced cafe are also included in the plan.

Tuesday, voters can give all of this to Santa Monica.

The Outlook urges you to vote "No" on Proposition Z. A "No" vote says, no, you do not want to repeal the city's agreement with McCarty for the hotel, community

center and funding guarantee.

There are three other measures that affect hotel development on Santa Monica Beach.

The Outlook also advises a "No" on Proposition S, the measure known as the "Save Our Beach" initiative, which really should have been titled, "Save Our Private Beach Club."

The land on which McCarty's project would be built has been the private Sand and Sea Club. In self-interest, members and their hired help have fought the project that threatened their cozy lock on that stretch of beach.

Even though they have lost a big round — they were evicted by the city of Santa Monica — they're still fighting.

It's part vendetta and part wishful thinking that somehow they'll get a piece of their club back.

Some are even claiming that rent law protects them from eviction from their cabanas. You get to vote on that, too.

Vote "Yes" on Proposition X to exempt them from coverage under the city's rent-control law and speed their departure.

If you wish to protect the beach zone from future hotel development, except for the Santa Monica Beach Hotel and Community Center, vote "Yes" on Proposition T, called "SMILE" for Santa Monica for a Livable Environment.

It would not allow any more hotels to be built on the beach.

But the most important vote is "No" on Z. Give us Michael McCarty's vision for the beach.

'Yes' on Prop. U

Rent control in Santa Monica has succeeded in keeping rents low. But it has failed to ensure that the neediest people get the lowest rents, and it has failed to give property owners real incentives to maintain and improve their rentals, much less build more.

Finally, the wars on rent control are big enough for even the leftest of renters' righters to acknowledge.

If they don't throw landlords a bone now, we will see a slew of rentals "Ellised" and reincarnated as \$500,000 condos, and this is contrary to the social interests of the people who brought us rent control.

The Outlook endorses Proposition U on Tuesday's ballot as the signal to landlords that there is, indeed, some hope, though it's a skinny little ray.

Proposition U is the vacancy decontrol/recontrol measure. When a tenant moves out, voluntarily (not harassed), the landlord could set the rent for that unit at whatever amount he or she wishes.

The rent is briefly "decontrolled."

When a new tenant moves in,

the rate is "recontrolled." The city's Rent Control Board resumes authority over the apartment, and the new rent is the base for any future increases.

For tenants who do not move from one apartment to another, Proposition U will have no effect.

They will remain under the current, tough rent control. In fact, because there is so little turnover of rent-controlled apartments — something like 1 percent — Proposition U will not have much effect at all. Landlords say that, psychologically, they need this shot at a better return.

There is a competing measure on the ballot, Proposition W, put there by the City Council. It is similar to Proposition U, but with more restrictions. Landlords say W is too little too late. We agree, and recommend a "No" on W.

Renters' rights people worry that the potential of market-rate rent will encourage landlords to harass tenants, make life miserable until there is no choice but to leave. We have great faith in the rent board's ability to deal with any landlord who tries it.

We urge you to vote "Yes" on U.

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Will city solve housing

Editor:
Santa Monica housing, over-20 houses.

Of course, they are plugging the America these days. As the nation's our social institute these problems before they get to

All Americans Republican, jibe — want effective

We may disagree but we can all agree national and state been a complete these problems.

It seems that representatives fighting one side for schools and

We've just witnessed the president in with their inter

The same thing when Gov. Gene Lagalesure was instead of paid for California.

Why can't we get people, rather than

As bad as the Monica voters it is worse.

Proposition 1 attorney on his imagine, the longer have to Council in find to local problem

Rather, this her own politics Will this pen antagonistic and rather than we

Well, if the Legislature and with Congress it is that we're times.

So, Santa Monica October budget Proposition Y.

Or about, in statement, but anything towns over-developed problems.

Expect the

Editor:
The basic safety, health, security of the elderly and he

Briefs

IRS analyzes deputies' cash

An Internal Revenue Service auditor testified Friday that six Los Angeles County sheriff's deputies on trial for alleged cash skimming had unexplained, unreported income totaling more than \$800,000 over two years.

James Judd said he arrived at the figures by examining bank statements, receipts, tax returns and other financial documents.

The six deputies, as well as a seventh about whom Judd did not testify, are charged with conspiring to steal about \$1.4 million from cash seized from suspected drug dealers and money launderers in 1988 and 1989.

Finalists for Agency named

The list of candidates for director of the troubled county Children's Services Department has been narrowed to five, officials announced Friday.

Among the candidates are C. Patrick Bebock, director of the Michigan Department of Social Services; Gene E. Daniel, regional director of the Texas Department of Human Services; and Gerald Peter Digna, deputy secretary for operations of the Florida Department of Health and Rehabilitation Services.

Roundup out the listers

Area

By Kathleen Lund-Seedon
STAFF WRITER

To hear opposing sides tell it, voters face a choice Tuesday between putting landlords out of business or putting tenants on the street.

Hyperbole, it seems, is the name of the game in the debate concerning the two rent control initiatives on the ballot. Talk to landlords pushing Proposition U and they'll tell you that allowing market-rate rent increases on vacated apartments is the only way to keep landlords from selling their buildings to condominium developers and evicting their tenants.

Then talk to rent-control advocates who favor the alternative, Proposition W, and they'll tell you that vacancy decontrol under Proposition U will encourage ruthless landlords to harass innocent tenants into moving out so they can raise the rents by huge amounts.

Perhaps neither extreme is true. What is true is that Proposition U would allow property owners to increase rents on empty apartments to market rates. According to the measure, an apartment vacated voluntarily is any unit a tenant has left — including one emptied by eviction for non-payment of rent.

"Threshold" increases Proposition W, placed on the ballot by the City Council, would allow smaller "threshold" rent increases on voluntarily vacated low-rent units. It would allow additional increases tied to maintenance and a promise of a three-year tenancy.

Under Proposition U, to resolve a disagreement concerning whether an apartment was vacated voluntarily, the Santa Monica Rent Control Board would be required to file an injunction against a property owner.

Under Proposition W, the rent board would be required to certify that an apartment has been vacated of a renter's own volition before an increase is allowed.

Without that protection, rent control

Tenants, landlords duel in extremes

RENT CONTROL PROPOSITIONS

Proposition R: City Council-sponsored measure would require that at least 30 percent of all new multifamily housing be permanently affordable to low- and moderate-income households.

Proposition U: Initiative would allow landlords to raise the rent on voluntarily vacated apartments to market rates. The units would again be subject to rent control after the rent is adjusted.

Proposition V: Protects tenants buying their apartments from landlord coercion and landlords from tenants trying to extract money from them in exchange for agreeing to sell their unit.

Proposition W: Alternative measure backed by Santa Monica Renters' Rights. Would allow some rent increases on voluntarily vacated low-rent units and additional 10 percent increases tied to maintenance and a guarantee of at least three years of tenancy.

advocates predict a high turnover rate — higher than in Los Angeles, where vacancy decontrol has been on the books for years.

Santa Monica Renters' Rights leaders and several tenant attorneys who have worked on cases in both cities expect wholesale evictions and an equal number of lawsuits filed by tenants to fight them.

"If Proposition U passes, we are going to make a fortune," said tenant attorney Ron Rouds, tongue in cheek. "We don't want to have to work that hard."

In Los Angeles, landlords use any excuse to force someone out, tenant attorney Michael Verbet claimed. Sometimes they make plumbing or other repairs that make apartments uninhabitable. Other times they delay repairs with the same effect, he said.

Such practices have resulted in an average apartment turnover rate of 4.1 years in Los Angeles compared to 6.2 years in Santa Monica, they said.

"This is not a law to promote tenants' stability," Rouds said.

Santa Monica tenant Christopher Corrozo says the harassment already is happening. He claims his landlord refused to do basic repairs on his oven and dishwasher, then tried to evict him on spurious charges.

"They were deliberately creating

ELECTION '80

Rent control

somebody better listen to them," Rouds' guess said.

Proposition U won't stop landlords from raising rents or getting out of rent-ing through the Ellis Act, SMRR leader Mayor Dennis Zane said. Only Proposition W requires landlords not to go out of business in exchange for rent increases, he said.

Proposition W is the sensible alternative, SMRR leaders say. They admit they put the measure on the ballot to combat Proposition U, but say it stands on its own merits.

"Landlords want fairness" "Landlords want to see fairness in the system and Proposition W would make the system more fair for everyone," said Brad Jones, SMRR co-chairman.

According to Proposition W, landlords with low rents would be able to increase rents to \$511 per month on a one-bedroom apartment and to \$613 on a two-bedroom unit. With Proposition U, rents on two-bedrooms could soar as high as \$1,200, landlords said.

Two other ballot measures concern rent control — Proposition R and Proposition V.

Proposition V would present landlord coercion of tenants buying their own units and would stop tenants from offering to sell landlords their unit in exchange for extra money.

Proposition R would require builders of new multiunit buildings to include 30 percent that is affordable to low- and moderate-income households. Rent control advocates say it will be a deterrent to landlords wanting to sell to condominium developers, but Lambert disagrees.

"R will not stop Ellis," Lambert said. "Ellises are occurring because landlords aren't making enough income, not because they want to build condos."

The Outlook

HOME EDITION
November 5, 1966
Santa Monica, California
115th year/Number 270
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**SM school cuts down
on clanging of bells
Officials ring in a quieter era.**

**L.A. job market
has possibilities
New book offers advice for
unemployed: Don't panic**

**Raiders slip and fall in
Kansas City rainstorm
Rams bold off Ollers' rally**

Crowded ballots await SM voters

**9 running
for 3 seats
on council**

**By Katherine A. Seabast
STAFF WRITER**

Even the politicians have sympathy for voters in Santa Monica.

Besides a series of ballot propositions that other Californians will face at the polls Tuesday, Santa Monicaans will be looking at 10 propositions of their own, and choosing from among nine candidates for three City Council seats.

"The fact is, there are so many propositions, it makes the whole ballot confusing," said City Councilwoman Judy Akiba.

Half of the propositions focus on relatively recent concerns for Santa Monica: development of hotels and restaurants with a city attorney's office, a new tax for the hotel industry, and a proposition to change the factor in city politics, still claimed four of the propositions.

**Candidates,
supporters
hit streets**

**By Lari Seabast
STAFF WRITER**

Propositions 8, 7, X, and Z sprouted from a debate over whether restaurant Michael McCarty should be allowed to put a hotel on the site of the former Grand and San Club. The former beachfront site is owned by the state and managed by the city.

Opponents of the hotel argue it would take away public parking and increase traffic congestion, while supporters say revenues from the project would pay for the hotel.

Those who weren't fighting door-to-door were having conversations with voters on doorsteps or introducing themselves to residents with walking about. In the early fall of '66, it was a beautiful day to campaign.

"It's one of the few days I've been able to walk where it hasn't been humid, so it was a good day," said City Council candidate Bob Holtbrook, who spoke some of the day at the home precinct north of Marina Avenue.

"Every election I walk this precinct on the last day I can walk. It's always been good luck for me," said Holtbrook.

**SM residents
to perform
double duty**

**By Katherine Lund-Sooden
STAFF WRITER**

Santa Monica voters will get to vote twice Tuesday — and get away with it.

City workers already are doing themselves for the traveling campaign when voters discuss the propositions. Some voters discuss they have to stand in two lines and complete two ballots.

Because of the mind-boggling number of state and local issues this year, the Santa Monica election has been spun off from the rest of the ballot.

Voters will be asked to vote

once on a county ballot, which will contain county, state and local school board and college fees and measures, and again on a city ballot, which will be City Council and Rent Board candidates and the nine local propositions.

"People will actually sign in twice," said City Clerk Charles Johnson.

"They will come in and sign once, vote, then go back and sign in again and vote again. It's almost like voting in two elections."

Planning for the lengthy voting process, Johnson has hired extra poll workers.

Each polling place will have two kinds of voter books: blue for the county and yellow for the city.

Many of the 5,000 or so voters

DOMINIK/17

Ballot

FROM PAGE A1

old" increases when tenants voluntarily vacate low-rent units. It would also allow additional increases tied to maintenance and a promise of a three-year tenancy.

Rent control supporters stress that a key difference between the two propositions lies in their provisions for certifying that a tenant has left an apartment voluntarily.

Under Proposition U, the Santa Monica Rent Control Board would have to file an injunction against a property owner to resolve a dispute over whether the tenant left of his own will. Proposition W would require that the rent board certify that an apartment was voluntarily vacated before a rent increase was permitted.

Advocates for both tenants and landlords agree that the two propositions may prove difficult for many voters to distinguish from each other. But renters' rights supporters disagree with Rodriguez's opinion

on the public's interest in the issue.

"Tenants in the city are very concerned about what will happen to rent control," said Sharon Gilpin, an independent council candidate.

More on rent control

If U and W weren't enough, the ballot fills out the rent control issue with another two propositions, R and V.

Proposition R would require that at least 30 percent of all new multifamily housing be permanently affordable to all low- and moderate-income households. The last rent control measure would protect landlords and tenants from trying to take advantage of each other when tenants buy their apartments.

There appears to be little organized opposition to Proposition ES, the \$75 million bond issue aimed at sprucing up 14 school sites in the Santa Monica-Malibu Unified School Dis-

trict.

Still, the 28-year bonds require a two-thirds majority to carry, and any optimism over passage has been cautiously stated. Backers point out that Santa Monica is a city where only 10 percent of the households have school-age children.

The bond money would be used to carry out refurbishments that have been put off for more than a decade.

9 vie for City Council

The nine candidates vying for three positions on the City Council fall roughly into three groups.

Two candidates, Kelly Olson and Tony Vasquez, have received the powerful Santa Monica for Renters' Rights stamp of approval.

Another three, including Councilwoman Reed, Robert Holtz and Donna Alvarez, are running as a slate. Another

group has provided the backdrop to Santa Monica politics for more than 10 years.

Some members of the third group of candidates, slow-growth independents, hope to provide an alternative to the traditional split.

The independents are Gilpin, Kathleen Schwalle, Jean Gebman and Larry Hobbs.

"Frankly, a lot of the problems in the city have been stemmed by ideologues on both sides of issues," said Gilpin. "I think the city needs new people."

As if this year's ballot was not complex enough for Santa Monica, it will be divided in two. City candidates and issues will be on one ballot sheet, everything else on another. It will take two go-arounds to vote.

The polls will be open from 7 a.m. to 8 p.m. For polling information, contact the Registrar Recorder, 781-1100 or the Santa Monica City Clerk, 485-8311.

Briefs

Witness tells of Krishna motive

A Hare Krishna devotee thought he could be of service to his spiritual master if he killed an outspoken critic of some Krishna leaders, a witness testified Monday.

During the seventh day of testimony in the murder trial of Thomas Arthur Draecher, fellow Krishna follower David Fuller said Draecher sought help in 1988 from members of the West Los Angeles temple with plans to kill Steve Bryant, 30.

Bryant was found dead May 21, 1986. He had been shot twice in the head and his body was slumped over the steering wheel of his van on a West Los Angeles street.

Testimony was to continue this afternoon in Van Nuys Superior Court.

Calver project gets council OK

The Culver City Council agreed Monday night to a developer's last-minute plea that construction of a housing project on the site of the Studio Drive-in Theater proceed in phases.

Watt Homes Inc. will have up to two years to construct the 177-unit development at 6350 Sepulveda Blvd., under terms tentatively approved, 3-2, by the council, acting as the city Redevelopment Agency.

Councilman James Bourgardis and Steven Gouley dissented, expressing previous concerns that the project was too large.

The firm won out over two others for the \$30 million project, and had promised to build all the townhomes and condominiums, including 11 shelter-citizen units, at once.

But the current real estate slump and the savings and loan crisis led Watt executive Bob Stitts to say money was probably unavailable for that ambitious a schedule.

Homeless men booked in rape

Three homeless men were arrested on suspicion of beating, kicking and raping a homeless woman during the weekend in Palmdale Park, Santa Monica police said Monday.

The 34-year-old woman was grabbed between midnight Saturday and 1 a.m. Sunday and attacked in the bushes in the 1400 block of Ocean Avenue, said Sgt. Bill Brucher.

However, she did not report the attack until Sunday night, Brucher said.

Robert Richard Gomez, 30, Ricardo Antuan Rodriguez, 30, and a 17-year-old youth whose name was not released because of his age were booked on charges of kidnapping, assault with a deadly weapon and rape, Brucher said.

Death in park to be probed

Santa Monica police are investigating the death of a homeless man who was found unconscious in Palmdale Park, officials said Monday.

An autopsy is being done on Monday. A 30-year-old man, said Santa Monica police spokesman Rob Dembeck.

Police said the man was found Saturday night on the grass in the 1300 block of Ocean Avenue, said Detective Steve Brucher.

He later died at Santa Monica Hospital, Santa Monica, officials said.

4 hopefuls back SM rent subsidies

By Kathleen Lund-Sooden
staff writer

Four rent board candidates endorsed by Santa Monica Rent Renters' Rights have pledged, if elected, to subsidize rents for very low-income tenants.

Jay Johnson, Lisa Monk-Borrino, Robert Nelman and Susanne Abraccio issued a joint statement proposing subsidies for "rent-burdened tenants" from a fund established by the board, possibly with landlord fees.

But the Santa Monica Rent Control Board's attorney said rent subsidies funded by landlord registration fees would require a voter-approved City Charter amendment.

James Jacobson, a rent board candidate supported by small apartment owners, said Monday the proposal "sounds like a tactic to buy votes at the last minute. 'Vote for us and we'll lower the rent.'"

According to the plan, unveiled Thursday, subsidies would be granted very poor tenants when the board sets the annual general rent adjustment. Subsidies could also be used to help

We want to see what we can do to make sure landlords get a fair rate of return while making sure people can pay their rent.

— Lisa Monk-Borrino
SM Rent Control Board candidate and a tenant attorney.

underwrite rents when landlords sue against temporary rent increases for major maintenance work, such as replacing a roof, Monk-Borrino said.

"Even when the general adjustment is only 2 percent, some tenants find it a burden," Monk-Borrino said. "It takes

away money they use to pay for gas or food."

A rent subsidy program would allow the board to aid such renters as elderly or disabled people on fixed incomes, and still grant reasonable rent adjustments, she said. She did not specify any income levels.

"The rent board should not make the general adjustment exceedingly low because of a very small minority of the tenant population," she said. "We can make a general adjustment that's fair to all landlords and at the same time make sure that all tenants can afford to pay their rent."

This year the general adjustment was 6 percent, or an average of about \$45, Monk-Borrino said.

Johnson broached the subsidy proposal at a strategy meeting of the four SMRRR-backed candidates, Monk-Borrino said. He could not be reached for comment Monday.

The candidates' statement is not clear on precisely where the subsidy money would come from. Monk-Borrino said the four would ask the city attorney whether it would be legal to use surplus

funds collected from landlord registration fees.

The candidates would also look for other fund sources, including the city planning and economic development departments, developer fees or landlord contributions.

Jacobson said he didn't think the board has the authority to hand out rent subsidies. Only the federal Department of Housing and Urban Development would have that authority, he suggested.

"There's nothing better than proposing a great idea without saying who has to pay for it," he said.

Anthony Trudolunas, attorney to the rent board, said the board could not pass out rent subsidies using landlord registration fees without an amendment to the City Charter that would have to be approved by voters.

"We are not a taxing agency that collects money," Trudolunas said. "The rent control board cannot use its registration fees for anything other than administration of the agency."



Salesforce: Students at Westchester Neighborhood School package items to be shipped to American forces in Saudi Arabia. The project, sponsored by the Student Council, collected tapes, shaving cream and snacks.

McCarty pours in \$130,000

Developer funds No on Z in SM

By Kathleen Lund-Sooden
staff writer

Developer-restraintist Michael McCarty has pumped in an additional \$130,000 to his No on Z campaign in recent days, according to late campaign financial filings.

Last-minute contributions reported from McCarty came in a large chunk on successive days starting last Tuesday. One donation was \$40,000; another \$30,000.

That brings the total amount McCarty has contributed to the Club for Our Bay Parks and Beaches Committee to \$348,000. The committee has used his contributions to pay for newspaper advertisements and political literature.

Proposition Z is a measure on the Santa Monica city ballot which would cancel the city's agreement with McCarty to build a hotel on state beach land managed by the city.

Hotel opponents, mostly members of the new-defunct Sand and Sea Club and other supporters of Proposition Z, also have been sending in some hefty donations.

They included \$1,000 from singer Barbra Streisand, who lives on Pacific Coast Highway in Malibu.

Sharon Gilpin, sponsor of the Save Our Parks and Beaches Committee, said the committee has been soliciting beach residents "for a long time. Barbra Streisand lives on Pacific Coast Highway and everyone who lives there knows about the hotel," she said.

The ballot reported on McCARTY/BACK PAGE

INS won trust during amnesty, RAND says

By Rick Cabaret
staff writer

"To the surprise of almost everyone," a RAND Corp. study says, the Immigration and Naturalization Service did a professional job in helping more than 1 million illegal aliens gain temporary residency under the landmark Immigration Reform and Control Act.

"Despite a history of 'abysmal relations' with immigrants and employers... the INS in Los Angeles has shed its 'border patrol mentality' and won the trust of illegal immigrants filing for residency during the amnesty period," said the study,

'Border patrol mentality' shed for landmark effort

released Monday.

But the study also noted the INS has failed to aggressively pursue the other mission of cracking down on employers who knowingly hire illegal aliens. The INS may fear that severe enforcement could bring accusations of racial discrimination and political fallout in a market that is dependent on cheap foreign labor, RAND suggested.

The two-year study by researchers Elizabeth Rolph and Abby Nohria for the Santa Monica-based RAND Corp. evaluated the

INS's role in carrying out the law's two main provisions: amnesty for illegal immigrants who lived in the United States prior to 1982 and enforcing penalties for employers who hire undocumented workers.

The federal law provided for an amnesty period that ended May 8, 1988, by which time illegal aliens had to file forms proving continuous residency in the United States prior to 1982.

The report said that, "overcoming their long-standing distrust of the INS," 1.1 million of the estimated 1.3 million immigrants eligible in Los Angeles applied and 1

BILL BACK PAGE

GUIDE TO SANTA MONICA BALLOT MEASURES

PROPOSITION 2: Would require that at least 30 percent of all new apartments and condominiums built in the city every year would be permanently affordable to low- and moderate-income households.
Backed by: The City Council, dominated by members backed by Santa Monica Rent Renters' Rights.
Opposed by: Landlord representatives.

PROPOSITION 3: Would block future hotels and major restaurants along the Santa Monica coastline.
Backed by: The Save Our Beach Committee, backed by Doug Beck, former owner of the Sand and Sea Club, and now-growth activist and City Council candidate Sharon Gilpin and her supporters.
Opposed by: Developer Michael McCarty and other opponents of his proposed beach hotel.

PROPOSITION 4: Would create a five-year moratorium on hotel development, but would exempt the Mickey project. It also exempts part of the city bed tax for boy cleanup and park maintenance.

Backed by: Michael McCarty's Santa Monica Citizens for a Livable Environment to counter Proposition 3.
Opposed by: No opposing ballot argument was submitted.

PROPOSITION 5: Proposed charter amendment which would allow landlords to increase rents on voluntarily vacated apartments to market rates. The apartments would be subject to rent control following the increase.
Backed by: A Commitment to Issue Owners' Issues (ACTIO), a landlords' group, and the Apartment Association of Greater Los Angeles.
Opposed by: Santa Monica Rent Renters' Rights.

PROPOSITION 6: Amendment to city charter giving tenants intending to buy their apartments under TOCCA (Tenant Ownership Cooperative Act) approval from tenants of existing units on the state Ellis Act. It also would permit tenants from offering to give up their right to buy their apartment in exchange for money.

rights, the Santa Monica City Council. Opposed by: No formal opposition has surfaced.

PROPOSITION 8: Would allow landlords to increase rents on voluntarily vacated apartments to predetermined threshold rates. Additional increases tied to maintenance could be granted by the rent board.
Backed by: Santa Monica Citizens for Renters' Rights.
Opposed by: Landlords, including ACTIO.

PROPOSITION 9: Would amend the former Sand and Sea Club Act from rent control, ending a legal dispute over whether the club's casino and North House are rent-controlled.
Backed by: Santa Monica City Council, Councilmember Christine Reed.
Opposed by: No opposing ballot argument was submitted, but the attorney for casino owners has said he does not see if Proposition 9 is approved.

PROPOSITION 10: Proposes a elected and voter ballot initiative to address

The initiative, called the Santa Monica Citizens Protection Act, was proposed by opponents of City Attorney Robert Myers, who claim he has failed to prosecute the homeless for minor crimes.
Backed by: Leslie Dutton, Frances Finnan and other members of the Santa Monica Citizens Protection Act Committee, homeowners' groups.
Opposed by: Santa Monica Mayor Dennis Zane, Councilman Herb Katz, the Santa Monica Police Officers Association, Santa Monica Progressive Front Network.

PROPOSITION 11: Would cancel the city's agreement with restaurant developer Michael McCarty to build a hotel on the former Sand and Sea Club site.
Backed by: Doug Beck, former owner of the Sand and Sea Club; Assemblyman Tom Hayden, D-Santa Monica, Councilman Ken Garner and many environmental groups.
Opposed by: Michael McCarty, City Council members July 2000, William Jennings, Herb Katz and Christine Reed, Santa Monica-Malibu School board members Peggy Lyons and Conita Jen-

**Lakers 0-2 after OT
home loss to Blazers**
Terry Porter hits winning shot

**Marking a vintage
season in Malibu**
*Vineyard gives Cabernet,
Chardonnay an ocean view*

**LATEST
RESULTS**

Voters evict beach hotel plan

KEY RESULTS

State

Governor
UNDECIDED
11. Governor
LEO MCCARTHY
Secretary of State
MARION FONG EU
Treasurer
KATHLEEN BROWN
Attorney General
UNDECIDED
Controller
GRAY DAVIS
Insurance Commissioner
JOHN GARAMENDI

Prop. 128 (Big Trees)
FAILED
Prop. 131 (Terra Santa)
FAILED
Prop. 140 (Terra Santa)
PASSED

LA County
County Assessor
KENNETH P. HAHN

Santa Monica
City Council
TONY VAZQUEZ
ROBERT HOLBROOK
UNDECIDED

SM Municipal Court Judge
UNDECIDED
Prop. U (Vacancy decrease)
FAILED
Prop. W (Vacancy relief)
UNDECIDED
Prop. Y (City attorney)
FAILED
Prop. Z (Hotel repeal)
PASSED
Prop. 23 (School bonds)
PASSED

IN ADDITION

- Santa Monica Rent Board/A3
- Rent control measure/A3
- Santa Monica-Malibu School Board/A3
- Santa Monica College Board/A3
- School bond measures/A3
- Santa Monica Municipal Court judge/A4
- Westside Senate and Assembly races/A4
- County Assessor/A4
- L.A. city measures/A4
- L.A. County measures/A4
- State Treasurer/A5
- Insurance Commission/A5
- Lieutenant Governor/A5
- Supreme Court justices/A5
- Board of Equalization/A5
- Attorney General/A5
- Secretary of State/A5
- Term limits measure/B5

By Leslie Varval
STAFF WRITER

PROPOSITION Z

Michael McCarty asked for it. And on Tuesday, Santa Monica voters gave it to him. Bad.

They rejected the prominent restaurateur's proposal to build a luxury hotel and restaurant on the beach. With 74 of the city's 95 precincts reporting, Proposition Z, the measure to repeal the city's development agreement with McCarty, was winning 61.4 percent to 38.6 percent.

By 9:30 p.m., when the first

precinct results were trickling in, the McCarty camp had already begun disassembling their "No on Z" victory headquarters. By 11:15 p.m., McCarty had gone home. His spokesman, Jim Merlino, refused to comment on the loss.

The irony is that it was a confident McCarty, who had worked with community groups for months to assemble a politically viable project, that originally asked the City Council to place the measure on the ballot

last July.

"The vote comes as a blow to city leaders who had hoped to reap as much as a million dollars a year from it."

"I wouldn't support any other hotel on the beach. I thought that this was unique," said Planning Commissioner Paul Rosenstein. "The biggest disappointment to me is apparently the voters haven't distinguished between projects that are good for the city and the projects that we maybe don't need."

But it is a sweet victory for the coalition of slow-growthers.

HOTEL/A12

SM city attorney post remains status quo

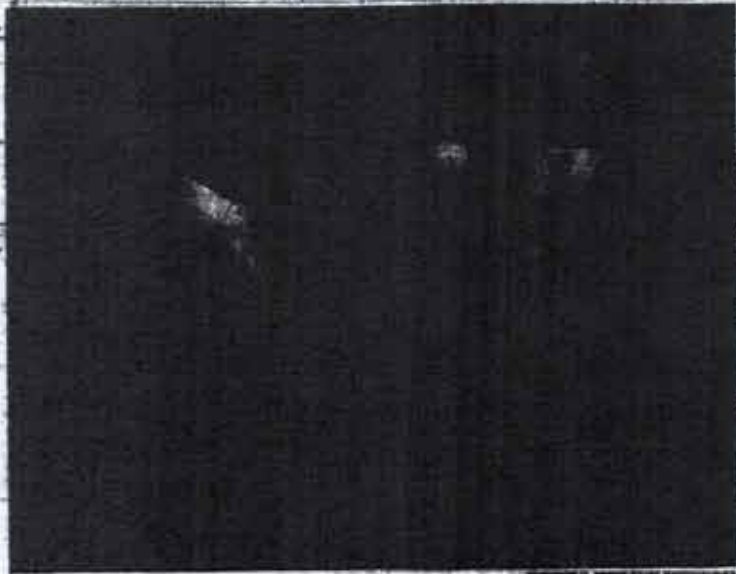
By Pat Aleson
STAFF WRITER

Voters on Tuesday overwhelmingly rejected a proposal by conservative forces to oust Santa Monica City Attorney Robert M. Myers by turning the position into an elected post.

With 74 of 95 precincts reporting, Proposition Y appeared headed for a second defeat, with 58 percent voting no and 42 percent yes.

Myers and his supporters celebrated the end to an vituperative campaign by announcing they would remain in the CITY ATTORNEY/A8

Is Reed's council career over?



Council candidates Christine Reed, left, Donna Alvarez and Robert Holbrook appear at City Hall Tuesday night. The candidates ran as a slate, but only Holbrook was winning.

Reed losing re-election bid

By Kathleen Land-Soeden
STAFF WRITER

Longtime Santa Monica City Councilwoman Christine Reed appeared early today to have lost a re-election bid, and two candidates backed by the powerful Santa Monica For Renters' Rights group, Tony Vazquez and Kelly Olson, apparently gained seats on the council.

SANTA MONICA CITY COUNCIL

Robert Holbrook, who ran on a slate with Reed, also was elected. A two-term school board member with strong name recognition, he was the second-highest vote getter.

"Too much development; that's

the long and the short of it," said Mayor Dennis Zane, a SMRR leader. "It's very clear that people are very disenchanted with too much development being approved and they are holding the incumbents accountable."

With 68 percent of the precincts reporting, Vazquez, 34, led the pack with 16.5 percent. If voting trends hold, he would be the first Latino COUNCIL/A9

Uncertainty reigns as gap closes

GOVERNOR'S RACE

By John Howard
THE ASSOCIATED PRESS

Republican Pete Wilson, hoping that a GOP drive for absentee voters would ensure a victory, clung to a narrowing lead Tuesday over Democrat Dianne Feinstein in their historic \$40 million battle for the governorship.

As today began, Wilson's double-digit lead disappeared, throwing the contest into uncertainty. With 83 percent of the state's 28,060 precincts reporting, Wilson held a narrow 48 percent to 47 percent lead over Feinstein, who showed a dramatic surge after midnight and put Wilson's margin in jeopardy.

Wilson's lead, which appeared to hold through much of the evening, virtually evaporated as Wednesday began, down from nearly 30 points from the earliest returns.

Earlier, Wilson appeared at gatherings of his supporters in Los Angeles and San Diego, leaving little doubt that he expected to win. And he made it clear that the Republicans' aggressive attempts to capture absentee votes was playing a pivotal role in the campaign.

"We have created a monster," Wilson told the cheering throng. "It is called the absentee vote. GAP/A5

'Big Green,' other measures suffer defeat

By James P. Succoway
COPLEY NEWS SERVICE

SACRAMENTO — Economic factors appeared to outweigh environmental concerns Tuesday, sending "Big Green" and at least two other environmental initiatives to crushing defeats.

A fourth measure, a forestry preservation initiative sponsored by environmentalists, also was trailing, but was closing the gap. Voters also approved a ban on the use of gill nets by commercial fishermen.

With 31 percent of the vote counted, Proposition 128, the environmental grab bag known as "Big Green," had only 34 percent of the vote with 65 percent opposed. Proposition 130, which would have overridden Big Green's pesticide provisions, had only 21 percent of the vote with 79 percent opposed. PRO/A15

Fire tears through Universal backlot

By The Los Angeles Daily News

Wind-whipped flames tore through the historic backlot at Universal Studios, a fire bounded yards from where top Republicans rallied on election night.

A series of explosions rocked the complex that includes Hollywood's

oldest surviving movie studio at about 7:18 p.m. Tuesday, and winds gusting up to 50 mph quickly fanned the flames. It took nearly three hours to put out the fire.

The blaze burned out of control in a network of wooden film sets used for some of Hollywood's most famous films and threatened homes in the

nearby Hollywood Hills. Damage was estimated to be several million dollars.

Los Angeles County Fire Chief Michael Freeman said that one firefighter suffered minor burns to his face and hands while combating the blaze.

FIRES/A5

Council

elect to the council. Holbrook won a close second with 18.6 percent and Olsen had 15.1 percent.

Nearly 60 percent of Santa Monica voters turned out at the polls. As in the past, the turnout was higher in politically sensitive Santa Monica than in the county as a whole, which was tallied at about 55 percent.

It may take days

The final results won't be in for days. As many as 2,000 absentee ballots turned into the polls Tuesday must still be counted. City Clerk Charles Johnson said. Since absentee ballots are traditionally cast by more conservative voters, they are expected to favor the Reed-Holbrook-Dennis Alvarez slate. The first tally of about 1,000 absentee ballots overwhelmingly favored the slate.

Results early today showed Reed and Alvarez following closely on Olsen's heels, with 14 and 13.6 percent, respectively. Independent candidates Kathleen Schwalls and Sharon Olin struck a chord with some voters with their above-the-ramp campaign. Schwalls collected nearly 8 percent and Glipin 13.6 percent of the vote. The other independent candidates, Jean Gahman and Larry Hobbs, received about 6 percent together.

Reed refused to concede defeat early today, saying, "It's not over 'til it's over. If I do lose, it will reflect an anti-incumbent kind of feeling... and that ought to send a message to my colleagues on the council." Reed, 45, fought an uphill battle partly because of criticism over what some saw as his pro-development voting record. Her campaign suffered a blow when she lost the endorsement of the Santa Monica Police and Fire associations who campaigned against her in favor of Holbrook, Schwalls and Olsen.



Kelly Olsen apparently has gained a seat.



Terry Vasquez appears headed for victory.

Reed and her slate mates attempted to capitulate on citizens' furor over the homeless problem, jumping on the anti-city attorney Proposition Y bandwagon. Reed said the homeless issue "is not going to go away." Observers said Vasquez's election would mean that voters agree there should be better minority representation on the council.

Earlier this year, Vasquez waged a battle for district elections in Santa Monica, partly to put a Latino or other minority

Bart Simpson underachiever in Texas

AUSTIN, Texas (AP) — Bart Simpson got the boot in Texas. That's Bart Simpson the candidate, not Bart Simpson the pint-sized cartoon character.

Simpson, a 24-year-old Republican businessman, lost to Democrat Leticia Van de Putte in the race for state House District 115 for San Antonio. The incumbent, Orlando Garcia, a

FROM PAGE A1

on the council. When he lost, he opted to run himself to set an example for Latino children and give minorities in Santa Monica representation. Leticia makes up 17 percent of the city's population.

Vasquez said his showing means voters are sending a message to the City Council that there's definitely been a voice missing on the council.

Holbrook, 49, a two-term school board member, ran on a platform advocating a return to a small-town quality of life.

Name recognition

He chalked up his apparent win Tuesday to "name recognition, plus I'm a home boy. Voters have voted for me twice before and they didn't abandon me in this election."

Olsen, 36, ran on a strong slow-growth platform. He said he would oppose any major development that would add to Santa Monica's traffic woes.

On Tuesday he along to narrow lead over incumbent Reed, but key precincts in his Ocean Park stronghold and her north of Montana Avenue area of support were still uncounted.

If the results hold up, Olsen said, "It clearly shows that Santa Monica residents are tired of business as usual as regards (to) development."

But he said, "I don't have that feeling we are over the hump yet. We might not know the final result for a week."

Once complete results are tallied, the newly elected council members will take up where outgoing council members, William Jennings and David Pinland, will be leaving off Nov. 13. Jennings, a three-term council member, decided not to run for a fourth term and Finkel opted to run for Santa Monica Municipal Court judge.

Staff writer Rick Coimant contributed to this article.



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SMRR slate sweeps rent board race

SM RENT CONTROL BOARD

By Leif Schweitzer
STAFF WRITER

The backing of Santa Monica for Renters' Rights once again proved to be the key to a Santa Monica Rent Control Board race, with the candidates endorsed by the powerful political group winning all four open seats.

Winners in the low-key race were rent-control activists Jay Johnson with 15,876 votes or 34.1 percent, Lisa Monk Borrino with 13,022 votes or 28.8 percent, and Suzanne Abrams with 14,261 votes or 31.3 percent in the race for four-year terms.

Fellow SMRR member Robert Niemann took 13,790 votes or 30.7 percent of the total cast in the race for the two-year term.

On the pro-landlord side, small-apartment owner Ed Simonian received 8,507 votes or 18.4 percent, law student Robert Madach, 7,755 votes or 17.1 percent, for the four-year seat.

Property management consultant James Jacobson had 10,898 votes, or 23.8 percent of the total cast for the two-year seat.

Tenant and independent candidate Barbara Miller received 3,483 votes, or 7.6 percent of the total votes cast in her bid for a four-year term.

Borrino, a tenant attorney, said the results show that voters want the rent board to remain firmly in the hands of rent-control activists willing to listen to landlords but protect tenant rights.



Suzanne Abrams

"I think voters are showing that they want to have strong rent control supporters at the helm."

"But at the same time people who are trying to reach out and



Lisa Monk Borrino

find some common ground," she said. "We did expect to win," said fellow state member Suzanne Abrams. "We feel that there is this support for rent control out there. The majority of the other



Jay Johnson

people running did not support rent control." Johnson, the only incumbent, added, "I feel validated that what I believe and say about rent control is believed



Robert Niemann

by the voters. I'm on the right track." SMRR has controlled the five-member board since voters adopted rent control in 1979. SMRR/AS

Voters raise the roof but not the rents

RENT CONTROL MEASURE

By Leif Schweitzer
STAFF WRITER

Santa Monica voters clearly were not in the mood for radical changes in the city rent control law.

Voters soundly rejected a landlord-backed proposition that would have lifted rent controls on apartments when a tenant voluntarily leaves. Unofficial final returns show Proposition U went down to defeat 38.7 percent to 41.3 percent.

A city council-sponsored alternative measure that would have allowed limited increases on voluntarily vacated apartments narrowly won, but 2,000 to 4,000 city absentee ballots remain to be counted.

The unofficial final vote count showed 14,587 voters or 30.1 percent of the total saying yes to Proposition W and 14,333 or 48.9 percent voting no.

Rent control activists who stood with the tenants, asserting that voters were reaffirming their belief in rent control.

Strong controls favored

"It shows that they really support a strong rent control law," said Richard Niemann, who won a seat to the rent control board and was backed by Santa Monica's Renters' Rights.

Incumbent rent board candidate Jay Johnson said the defeat of Proposition U is also a testimony "to the confidence that tenants have in the SMRR organization as representing the best interest of the community." The powerful political organization firmly opposed the landlord's measure but backed the measure proposed by the City Council.

Landlords agreed that the powerful SMRR is to blame for the defeat of Proposition U.

"It's because of the influence of SMRR in a town that is 70 percent renter and SMRR's ability to vote and control them," said landlord leader James Baker. "SMRR once again was successfully able to impose a greater fear that once again the tenants' monthly bonuses was threatened."

Proposition U, written and heavily financed by landlord groups, would have allowed landlords to raise rents to market rates on voluntarily vacated apartments, returning them to rent control after new tenants move in.

The rent control law in Los Angeles allows such so-called "vacancy decontrol."

Proposition W allows limited rent increases on voluntarily vacated low-rent units, with additional 10 percent increases if the building is fixed up and maintained, and if tenancy is guaranteed for three years.

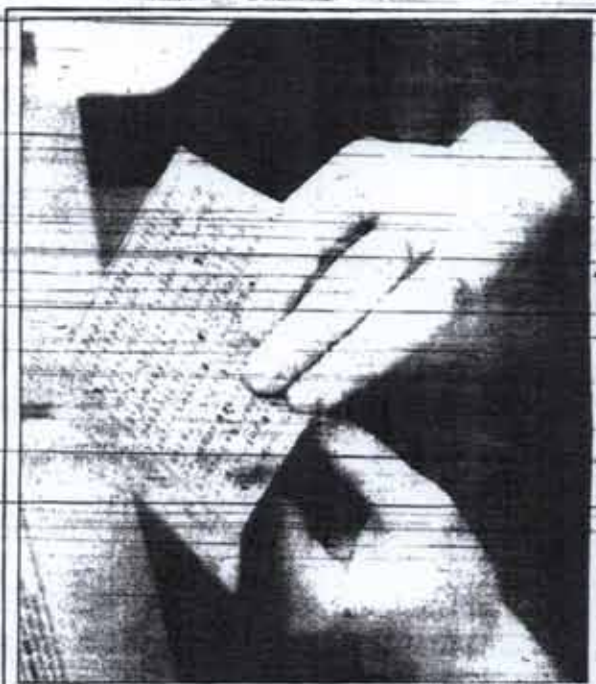
Landlord measure went too far

Proposition W's strong showing seems to indicate that voters feel there is a need for some changes in the city's strict rent control law, but they apparently felt the landlord's measure went too far, rent control activists said.

The campaign was a chorus of doom and gloom. Proposition U supporters contended that the measure was the only way to keep landlords from selling their buildings to condominium developers. The Proposition W faction was predicting that victory decontrol would encourage landlords to house tenants into moving out, so they could raise rents by huge amounts. Wholesale evictions will follow the passage of Proposition U, the opponent warn.

In other rent-related propositions, Proposition W's City Council committee to new multi-family units won with 53.3 percent in favor and 46.7 percent opposed.

Proposition V, which fine-tunes the condominium conversion law, won with 53 percent in favor and 47 percent opposed.



Struggle for freedom: Many Westside voters gapped with their ballots Tuesday as they tried to remove paper plugs stuck in the holes that represented their choices. Due to lighter weight, the ballot paper did not work as smoothly as in past elections.

Hill, Brady, Hoffman win seats

SM-MALIBU SCHOOL BOARD

By Tom Jennings
STAFF WRITER

One incumbent, two community activists and a former teacher were victorious in the race for the Santa Monica-Malibu school board in Tuesday's election.

Michael Hill, 47, a Los Angeles Unified School District teacher who is the originator of Santa Monica's PEN (Public Electronic Network), came out on top in the six-person race with 21.6 percent of the vote. There were four seats open on the seven-member school board.

School activist and former PTA Council president Penn Brady, 44, finished second with 30.7 percent, followed closely by incumbent Patricia Hoffman, 41, who finished with 20.8 percent of the vote.

The race for the last seat was very close, with only 230 votes separating former teacher Brenda Gentry, 40, who finished fourth and school activist Joann Karentz, 40, who captured fifth. Gentry had 11,719 votes or 14.5 percent of the vote, in contrast to Karentz's 11,489 votes or 14.2 percent. In Santa Monica, 2,000 to 4,000 absentee ballots remain to be counted, according to the city clerk's office.

Lighting consultant Tom Kaye, 46, finished with 8.4 percent.

Michael Hill said he was pleased with the composition of the new school board.

"I think it's going to be a great board," said Hill, who will be the only man on the seven-member board. "I think we've all been active, and a lot of getting to know each other we've already done."

Current school board members Dan Rose and Della Barrett decided not to run again. Robert Holbrook successfully ran for City Council. HOFFMAN/AT

Quinn, Currey pass voters' examination

By Tom Jennings
STAFF WRITER

COLLEGE BOARD

Two incumbents, a former college administrator and an assistant school superintendent, finished on top in the race for Santa Monica College Board of Trustees Tuesday.

Al Quinn, 68, who retired in 1988 as the college's affirmative action officer and dean of student services, finished first in the race for four open seats on the seven-member board with 25.3 percent of the vote.

Incumbent Carole Currey, 54, bank secretary, retained her seat with 22.8 percent. Coming in third

was incumbent Culin Petrie, 73, a retired teacher with 21 percent. Ralph Villani, 60, an assistant superintendent with the Culver City Unified School District, took the fourth seat with 17.8 percent.

They will serve four-year terms on the board, which sets policies and approves budgets for the 34,000-student community college.

Finishing fifth was George Hick, 55, a clinical engineer, with 13.2 percent.

Two current board members de-

clined to run for other offices. James Bambrick unsuccessfully ran for Municipal Court judge in Santa Monica, and Fred Byrte failed in his bid to unseat Tom Hayden in the 44th Assembly District.

With four candidates running for five seats, and all three in contention in agreement on what the issues are facing the school — growth and parking — the college board race was one of the quietest on the contentious Santa Monica ballot.

The only major disagreement among the five candidates was growth. Most said they wanted to see the school continue to expand.

The exception was Hickey, who favored a cap on enrollment until the college can solve its space problems. But the other candidates said that the college should continue to accept students and find ways of dealing with growth issues.

Currey said while Santa Monica may complain about lack of space and parking at their community college, it is a problem being faced all over the country.

"I just returned from a trip to the East for a conference at a community college there, and the issues were the same: parking and space," Currey said.

Rehabilitation measure wins by landslide

By Tom Jennings
STAFF WRITER

SCHOOL BONDS

A \$18 million bond measure to refurbish the Santa Monica-Malibu school district's dilapidated schools was overwhelmingly approved by voters on Tuesday.

Proposition 25, which needed a two-thirds vote — 66.7 percent — to pass, received 74 percent of the vote.

The landslide came late in the evening, following several hours which saw the measure barely clearing the margin needed for a win. Michael Hill, a newly started school board member, said early

this morning that voter approval of the proposition shows that people in Santa Monica and Malibu put a high priority on their schools.

"People are willing to place a high value on their schools," he said. "It's nice to see money generated for schools that we can make things better."

Winning school board candidate Penn Brady said, "I am so excited. I honestly believe there's not another city that supports education like Santa Monica. I am so proud to be

part of Santa Monica-Malibu."

The 28-year bonds will cost the average apartment dweller about \$2 per month at the most; the fee would fluctuate, rising to the most expensive in 1995 and declining thereafter.

District officials said the repairs to the schools will be made over the next five to six years.

Homeowners will be taxed on the assessed value of their homes. For example, the average homeowner with an assessed value of \$200,000 would pay \$27.90 the first year of the bond.

and would start to drop. By the 10th year, the figure would be \$75. In year 20, the cost would be \$22 a year.

Years of neglect have created nightmarish maintenance problems at all the schools: leaky roofs, plumbing and electrical problems, ripped carpets, peeling floor tiles, hanging ceiling tiles and cracked parking lots.

There was no organized opposition to Proposition 25. It had the support of nearly every local politician, and there was no opposition statement in the official voter's pamphlet.

Landlords

FROM PAGE A1

Rent Control Board a slate of candidates headed by Santa Monica's James Baker of ACTION, the landlord group that sponsored and funded Proposition U, said that may very well come true.

"I think there are a tremendous number of reasons for whom this is the last straw and in increasing numbers they are just going to get out of the apartment buildings as soon as they can," he said.

Landlords' alternatives

Some landlords will invoke the Ellis Act, the 1986 state law that allows them to evict their tenants if they take the building off the rental market permanently and get out of the rental business, said Baker. Others will opt to convert the apartments to condominiums and cash in.

For the moment, he said, the landlord community is in a state of shock.

"There's a lot of bitterness and despair," Baker said. Proposition U was the landlords' way of going to the public with a plan that the rent control law had created inequities and financial problems for landlords. It seems, Baker said, the public didn't care.

"The election was a chance to do something about it, and they just give you another kick," Board of Realtors, former frustrated landlords shifting their buildings down even if they can't find a buyer for the building or the land.

"There's going to be a tremendous amount of Ellis evictions. I think that you are going to see some angry landlords who are going to keep units vacant," DeLeon said.

"Things are going to get much worse. I think it's going to get really nasty."

But rent control activists and others said the widespread eviction predictions were campaign rhetoric and will not materialize.

"Ellis is a function of the development potential of the building," not the profit margins a landlord can or cannot make off rents, said Jay Johnson, one of the SMRR-backed Rent Control Board candidates elected Tuesday.

"There was a great deal of campaign rhetoric about Ellis that upon a cold, sober analysis will be seen in its true light. Those things just will not come to pass," he said.

"The threat was used as an election tactic and it is probably overblown," said Suzanne Abrams, who was also elected to the Rent Control Board.

"There is still going to be some 'Ellising' if the land is worth a lot."

That "if," said rent control supporters, is the key to stopping Ellis evictions, and the current economic situation could check new construction profits.

"There's always a limited market for \$400,000, one-bedroom condominiums, but I don't think there's a massive market out there, particularly heading into a recession into the next couple of months," said Robert Niemann, another of the SMRR-backed slates for the Rent Control Board.

Development slowing

Developer Harry Mow of Century West Development Inc. in Santa Monica agreed that the current economic climate will slow new development.

For the next six to 13 months at least, the financial market is so bad "that the idea of getting equity, of getting money to design something and get loans to build is almost zero to none," Mow said.

On top of that, he said, the Westside real estate market has "generally cooled down."

But Mow thinks the economic downturn will recover, and when it does the evictions will begin. The defeat of U, he said, "just gives more incentive for owners to use the Ellis Act to get out." If they can get more for the land than for the apartments, why not? he asked.

In that case, said new rent board commissioner Lisa Monk Borrino, it is up to the City Council, not the rent board, to make condominium development less attractive and apartment management more so.

Borrino also said the newly passed Proposition R, which would require that at least 30 percent of all new multifamily housing be permanently affordable to low and moderate-income households, will help cut the profitability of new condominiums.

Prop. Y

FROM PAGE A1

was not a good idea. But the 38-year-old attorney fought back, tapping his own experience as a grass-roots anti-war organizer to put together a door-to-door campaign that resulted Tuesday in an upset defeat of Proposition Y.

Friends and supporters from the renters' rights and peace movements — many of whom had been arrested with Myers in Nevada peace demonstrations — joined the fight to defeat the measure.

A hundred opponents of the proposition walked door to door in every Santa Monica precinct, targeting infrequent voters in an effort to get them to the polls and swaying opinion with talk and an eight-page handout.

Overcame instincts

"We overcame voters' instinctual feeling that electing is better than appointing," said Elena Popp, a leader in the Santa Monica Progressive Precinct Network, a group formed to fight the proposition. "On first blush it sounds democratic and good, but we would explain it was an attack on the city attorney by landlords."

The drive for Proposition Y was sponsored by Santa Monicaans who said they were frustrated with the city attorney's refusal to prosecute homeless people for minor offenses, such as sleeping in the park.

Landlords also supported the drive against Myers, who wrote the city's tough rent control law.

"Santa Monica voters were intelligent enough not to scapegoat the homeless and a humanitarian city attorney and put in a policy that is bad for government," Popp said.

"What really grabbed people is when they learned that Bob Myers had been a strong advocate of renters' rights and written legislation to

control growth. They learned that Bob Myers is a good guy," said Popp, who canvassed the West District.

Myers said voters "rejected an ill-considered, extremist measure offered by a fanatic."

"(Leslie Dutton) has a right-wing agenda, joined in campaign by landlords who simply wanted to get rid of me for my defiance of the rent control law," Myers said. "This is basically a hook."

"Voters wanted nothing to do with Leslie Dutton and her mean-spirited approach toward homeless people," he said.

Dutton, the sponsor of the proposition, said on election night that proposition proponents were "outspiced by a political machine." The Yes on Y group had spent \$19,231 as of Oct. 25, while Myers' group spent more than \$30,000, records show.

Dutton declined to speak with an Outlook reporter Wednesday, saying the newspaper had been unfair to her.

Proposition advocate Carl Lambert, a member of the landlord group, A Commitment to Insecure Owners Needs, said the defeat was not a mandate for Myers, but a rejection of another politician in a powerful position.

"A lot of people were not in favor of having an elected official, and would like to get rid of him another way," Lambert said. "Until we get rid of Bob Myers, our parks will continue to be unsafe."

Homeless advocates said the attempt to drive Myers out of office only distracted policy makers and voters from seeking real solutions to the homeless problem.

"I think it was a very complicated ballot measure that had less to do with the homeless than it had to do with other political agendas, and the voters of Santa Monica didn't fall for it," said Vivian Rothstein, director of the Ocean Park Community Center.



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LUNCH -

THURSDAY
November 8, 1990

Briefs

SANTA MONICA

Church moving into building

The city Planning Commission has cleared the way for a church to operate in a commercial building.

The Agape Church of Religious Science will be allowed to locate in a building at 3211 Olympic Blvd. The 10,200 square-foot building will provide assembly space, classrooms and administrative offices. Parking for 276 cars is available.

The commission also approved a six-story, mixed-use building at 1343 Third Street Promenade to be developed by Luis DeCastro. The ground floor is to be for retail use, the second to fourth floors for offices, and the two upper floors for 14 residential units. Underground parking for 80 cars is to be provided.

CULVER CITY

Building limits extended

Tough temporary restrictions on construction of houses, condominiums and apartments have been extended by the City Council.

The building limits were enacted several months ago to curb intensive development in residential zones, such as "manzanizing"—erecting large houses onto small lots—and the practice of merging house lots for condominium sites.

Permanent regulations to lower heights and increase setbacks and parking requirements will be considered by the Planning Commission on Nov. 14.

MALIBU

Bus shelter ads proposed

Twenty bus shelters carrying advertising have been proposed for Malibu, Mayor-elect Walt Kellier said.

Interim City Manager Bruce Spragg read a letter from the county Department of Public Works on the shelters to the City Council-elect Tuesday, Kellier said.

The letter indicates the county is seeking comments from the community before proceeding, Kellier said.

MARINA DEL REY

Wolper to tell parade plans

Extravaganza producer David Wolper, the rumored choice for the grand marshal of the 25th Marina del Rey Christmas Boat Parade, will make an announcement about parade plans on Dec. 8.

SM council's changing faces

Reed's loss stuns, saddens even political opponents

By Anne Margenthaler
STAFF WRITER

Even some of Christine Reed's longtime political foes are expressing sadness at her apparent defeat in Tuesday's City Council election.

Mayor Dennis Zane, who sent out mailers attacking Reed for voting in favor of development, said the councilwoman has been an "extraordinary asset to the community."

A four-term council member, Reed has been a key member on the boards of regional agencies which make critical decisions on long-range planning, public transportation and cleaning up Santa Monica Bay. "Probably her greatest triumph was the noise she has played on these regional agencies," Zane said.

Reed represented Santa Monica on a number of regional boards and commissions little known to the public, including the influential Southern California Association of Governments (SCAG) and the Los Angeles County Transportation Commission.

These are positions she will be forced to surrender with the loss of her City Council seat. "Nobody else wants those board jobs because nobody's had the time," said James Conn, former mayor and a longtime political enemy. "By being on these boards, she has given the city more clout. Chris has served the city admirably. She knows where all the City Hall skeletons are buried."

Not conceding yet

Reed said Wednesday she holds little hope of picking up the more than 800 votes in the absentee ballot count needed to capture the third seat on the council. Kelly Olsen, the third-highest vote-getter, has apparently won the seat. But Reed is not yet ready to make a statement conceding defeat, she said.

Of the 6,500 absentee ballots mailed, only 2,000 were counted Tuesday night.

The City Clerk's Office expects to complete the count next week.

Politicians from throughout the region expressed dismay at Reed's apparent loss.

"She's a fantastic and dynamic leader and nobody can replace her knowledge and expertise," said Jackie Bacharach, a Rancho Palms Verde city councilwoman who has been serving with Reed on SCAG and the transportation commission. "Nobody took her lightly," Bacharach said. "She always knew what she was talking about. She has a real commitment to the environment. I'm just sick about her defeat."

Reed is currently president of SCAG, a long-range planning agency, and was former chairwoman of the transportation panel, which funnels money into public transportation pro-



CHRISTINE REED/STAFF PHOTOGRAPHER

Christine Reed says she has little hope of picking up the more than 800 votes needed in the absentee ballot count.

jects. With the loss of her council seat she will also be giving up her post on the management committee of the Santa Monica Bay Restoration Project, a state and federal program for cleaning up the bay.

Reed also serves on the Metropolitan Water District board, a position which does not require a seat on the council. She will be able to retain that position.

'Positive image'

"Chris has presented a marvelous positive image of Santa Monica," said Councilman Herb Katz, a political ally. "She was instrumental in the proposed purchase of the light rail route from Santa Monica to Los Angeles and has helped funnel money to our bus system. She's devoted her whole time during the days for the city. It's going to be a real loss."

Reed blamed her defeat on "hit" mailers sent out by the police and firefighters union, Santa Monica's for Renters Rights, Zane and other groups and various individuals who attacked her for being pro-development.

"The cops want to be the highest paid police department in the county and I don't think the city can afford it," she said. "I have also opposed their bid for binding arbitration."

Despite her apparent defeat, Reed was looking forward to what may be her final reward for public service. She was to leave today for a 12-day junket to Europe. As president of SCAG, she was invited to see high-speed rail services in Stockholm, several cities in Germany and France.

Teoy Vasquez on Wednesday savors his victory as he was elected the first Latino to serve on the SM City Council.

First barrier cleared, Latino ready for next

By Louise Varant
STAFF WRITER

Teoy Vasquez has a lot of congratulations to fill.

He's the first Latino to be elected to Santa Monica City Council, and he finished first among a field of nine candidates.

"I think we turned a lot of heads with that," Vasquez said.

Now Vasquez must get down to business, and that business isn't limited to representing the Santa Monica for Renters Rights. He has said all along that his primary loyalty is to the minority constituents, particularly the 17 percent of Santa Monica who are Latino.

He wants to give them a voice. He wants to be a role model. He wants to start solving their problems and launch them into future power. And he believes the voters will support his efforts. They chose him largely because he was a minority, he says.

"It's obvious. There's no getting around it. It impressed people," Vasquez said.

Selected precinct results from the Pico neighborhood, the section of town with the highest concentration of blacks and Latinos, showed Vasquez consistently on top.

Now the people who stood for him are expecting great things.

"He is going to be the focal point on the City Council for Latino issues," said Arturo Olivas, executive director of Latino Resource Organization, the community organization. Vasquez formerly managed. "We have appreciated support from the Anglo leaders, but there's nothing

like having your own."

Lupe Castro, who was born and raised in Santa Monica, says the election of Vasquez is a key turning point for the Pico neighborhood.

"It is a big breakthrough for us," Castro said. "For many, many years, we felt neglected. I'm elated."

The voice of the Pico neighborhood is one that has been outshouted in the past, but with Vasquez on the council, Santa Monica can expect to hear more about education, gangs and affordable housing, Castro said.

Vasquez said the council also will hear about his desire to institute district elections. He fought unsuccessfully to replace at-large elections for the past two years, one of his top priorities on the council, he said.

District elections are perceived as an important foundation for creating broader minority representation, Olivas said.

"This is a step in the right direction not just for Santa Monica but for politics in Southern California," Olivas said. "He has a big charge on his shoulders. This will send out the message that district elections are necessary for representation on issues."

Without district elections, Olivas doubts that Latinos can win seats to the school board, for example.

But perhaps the most daunting of all the expectations Vasquez faces, Latinos expect him to be the kind of leader rarely seen in American politics: someone who is at once easy to approach and charismatic enough to "unite the Latino community," Castro and Olivas said.

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The State

Invoices of Senator's Son Draw Scrutiny

Tom Soto's firm was paid \$38,000 for jobs usually done by state staff. He defends work.

September 21, 2003 | Nancy Vogel | Times Staff Writer

SACRAMENTO — The son of a state senator billed water agencies and cities thousands of dollars last year for work that included writing speeches, organizing Senate hearings and arranging "photo opportunities" for his lawmaker mother.

Tom Soto, president of the Santa Monica public relations firm PS Enterprises and son of state Sen. Nell Soto (D-Pomona), was hired by two San Bernardino County cities and two water districts in June 2002 after Sen. Soto established a task force to deal with groundwater contamination by the industrial solvent perchlorate. Since 1997, such contamination has forced the closure of 20 drinking water wells in the area.

For The Record

Los Angeles Times Wednesday September 24, 2003 Home Edition Main News Part A Page 2 National Desk 2 inches; 72 words Type of Material: Correction P.R. billing controversy -- An article in Sunday's California section, about the son of a state senator billing San Bernardino County cities and water districts for work that his public relations firm performed on behalf of his lawmaker mother, incorrectly called perchlorate a solvent. Perchlorate, which has polluted groundwater in San Bernardino County, is an inorganic salt. The error was also made in articles about perchlorate on Aug. 23 and Sept. 6.

PS Enterprises was to help the agencies recoup cleanup costs from the companies that spilled perchlorate.

In the course of doing that, according to invoices paid by the city of Rialto, PS Enterprises also "developed Sen. Soto's speech for opening of task force meeting," "prepared talking points for Senator Soto for the soil and groundwater remediation seminar on 10/2/02," "edited and added to speech for Sen. Soto to groundwater conference in Downey" and "organized photo op at Senator Soto's office regarding SWRCB [State Water Resources Control Board] funding."

The work, which would normally have been done by the senator's staff, was charged to residents of Rialto and Colton and customers of Fontana Water Co. and the West Valley Water District.

The cities fired Tom Soto's company in February for reasons that included ethical concerns over the work for his mother. Pleased with the work of PS Enterprises, the two water purveyors continue to do business with the company.

In all, PS Enterprises billed the four agencies nearly \$38,000 between June 2002 and January 2003 for work typically done by a lawmaker's state-paid staff, including arranging a Senate committee hearing chaired by Sen. Soto. The billings also included lunch and dinner meetings attended by Tom Soto, his mother and other officials.

Bob Stern, president of the Center for Governmental Studies in Los Angeles, called it "inappropriate" for the cities to be paying for work that the senator's staff is already paid to perform.

"That's what her staff is for," said Stern. "It's like one government subsidizing another government."

"Why isn't the staff writing the press releases? Why isn't the staff prepping her?" asked Stern. He said the cities should be congratulated for terminating the contract with PS Enterprises.

"Probably the cities should be asking for their money back or asking for the Legislature to pay it back," Stern said.

However, Stern said there does not appear to be a conflict of interest. His opinion matches that of Legislative Counsel Diane F. Boyer-Vine, who was asked last January by Sen. Soto whether it was a conflict for her to hold investigatory hearings on a matter that was also the subject of a public affairs campaign mounted by her son.

The legislative counsel's office concluded that no conflict exists because Tom Soto does not depend financially on his mother and because his mother would not gain financially from holding hearings.

"Although the Member's child could be viewed as receiving a publicity benefit from the hearings if the committee's findings were consistent with the child's positions in his or her public affairs campaign, the provisions of the Code of Ethics ... do not address possibilities of this nature," wrote Boyer-Vine.

Rialto City Atty. Bob Owen said he was "not comforted" by the legislative counsel opinion because it appeared that Boyer-Vine had not been given all the relevant facts. The legislative counsel did not know, he said, the extent of PS Enterprises' involvement with Sen. Soto's staff.

Sen. Soto, who has filed papers declaring her intention to run next March for a San Bernardino County supervisor's seat, said in a recent interview that she saw no problem with her son working for agencies in a perchlorate task force that she created. Tom Soto is a longtime environmental activist who is a past president of the Coalition for Clean Air and an appointee of Gov. Gray Davis to the California Coastal Commission and the Board of Corrections.

The senator also said she knows little about what work her son has done on her behalf.

"I don't ask who wrote the speeches when I see them," she said. "Usually it's staff."

Tom Soto defended his work on behalf of his mother, saying it's "in support of the clients' efforts while also providing some coordination and support for the Senate offices."

Public relations firms commonly write speeches for lawmakers and help organize legislative hearings, he said.

Five longtime legislative employees asked by The Times agreed that special interest groups, lobbyists and public relations firms often help identify witnesses for hearings, draft legislation and will occasionally write a press release to be approved by staff. But rarely, they said, will an outside group write a speech for a lawmaker.

Tom Soto said that Rialto, Colton and the two water sellers got their money's worth from PS Enterprises. The two hearings held by Sen. Soto's select committee on urban economic development in October 2002 and January 2003 helped to push polluters to begin discussing cleanup costs, said Soto.

An oxidizer used in the manufacture of rocket fuel, munitions and fireworks, perchlorate has been shown to disrupt thyroid function in people and can potentially harm unborn children. It was first detected in drinking water wells near Rialto and Colton in 1997. A several-mile-long plume has forced the closure of 20 wells, and Rialto has asked residents to voluntarily conserve water. The cities and water purveyors are each in various stages of constructing treatment systems. Experts say the pollution may date to the 1940s, and dozens of companies and the federal government are being investigated for possible liability.

In January, Goodrich Corp. paid \$4 million to be split among the cities and water sellers as an interim settlement. Last November, the State Water Resources Control Board approved giving the agencies \$3 million to pay for groundwater cleanup.

Tom Soto suggested that Rialto and Colton ended the contracts in January because PS Enterprises and attorney Barry C. Groveman, who had been directing the perchlorate task force, targeted a landfill owned by San Bernardino County as a potential source of pollution. Property near the Mid-Valley Landfill in Rialto now owned by the county was used for many years by companies that stored explosives and perchlorate salts.

Rialto and Fontana earn at least \$2 a ton in "host fees" from the Mid-Valley Landfill. Colton also earns \$1 a ton from a different county-owned landfill.

Soto said the cities are protective of the county and have resisted an investigation of Mid-Valley as a source of groundwater pollution.

City officials with Colton and the Fontana Water Co. did not respond to repeated requests for interviews.

Owen, the Rialto city attorney, denied any connection between the dismissal of Soto's company and an investigation of the county.

The termination of Soto's contract, said Owen, relates to Sen. Soto's introduction of a bill that would have created a new regional water authority to deal with perchlorate pollution.

Owen also said that PS Enterprises, whose bills were split four ways among the cities and water sellers, also failed to stick to a budget approved in advance. According to Owen, the four agencies hired PS Enterprises based upon the recommendation of Groveman, who was named by Sen. Soto to head the perchlorate task force, and after considering several other public relations firms.

Butch Araiza, general manager of the West Valley Water District, said that he values the expertise of Groveman and PS Enterprises. The Fontana Water Co. and his district, which serves 50,000 people, continue to pay the firms.

"I think they've been doing a great job for us," said Araiza. Araiza said he has reviewed the invoices from PS Enterprises, which averaged a total of \$29,120 per month between June 2002 and January 2003. He said that he was not troubled by the portion of the work done on behalf of Sen. Soto.

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Study Finds Fault in Election Method : Government: The city's at-large system of voting for council members could be vulnerable to a lawsuit on the grounds that it thwarts the influence of minorities.

March 22, 1992 | JEFF KRAMER | SPECIAL TO THE TIMES

SANTA MONICA — The year is 1946, and Santa Monica is in transition.

Its days as a quiet, turn-of-the-century beach village are long gone. Its emergence as a national beacon of progressive liberalism is far in the future.

What exists is a growing town whose minority population has risen by 69% during World War II, a trend much on the minds of the community's white—and increasingly wary—leadership.

That November, Santa Monicans reject a plan to elect City Council members from districts, a decision that essentially leaves the city's largest minority neighborhood without political representation. Instead, they adopt a system of at-large elections by which seven council members are chosen from throughout the city.

Now, almost a half century later, that vote is coming back to haunt Santa Monica, exposing one of America's most tolerant cities to the possibility of a costly discrimination suit and pitting the interests of the powerful citywide rent control lobby against those who argue for greater neighborhood representation.

A study by J. Morgan Kousser, a voting-rights expert retained by the city's Charter Review Commission, shows that Santa Monica's method of electing council members could be vulnerable to a legal challenge on the grounds that it was established to thwart the influence of minorities.

Kousser, a Caltech history professor, also warns that municipalities forced to defend themselves against complex specialized claims based on the federal Voting Rights Act are often required to pay hundreds of thousands of dollars for outside legal help.

"Even if you win, it costs," he said.

Adding a sense of urgency to Kousser's historical diggings is the fact that while the council currently has one Latino member, Tony Vazquez, no one has ever been elected from the city's most racially diverse area, the Pico neighborhood.

"It's still a system arguably disadvantageous to minorities," Kousser said.

His findings are detailed in a 27-page report submitted to the 15-member Charter Review Commission, which is reviewing various aspects of the City Charter, including the electoral system, and is expected to present its finding to the City Council next month.

Kousser and city officials emphasize that the study, which relies heavily on back issues of the Santa Monica Evening Outlook (now known simply as The Outlook), is not meant as conclusive evidence that Santa Monica is violating the law.

The Outlook, said Assistant City Attorney Joseph Lawrence, "is not the official government of the city of Santa Monica."

Nevertheless, Lawrence acknowledged that Kousser's findings raise questions. "It's not an insignificant thing he has told the charter commission," Lawrence said.

Federal courts have consistently overturned at-large systems that deprived minority candidates of a fair chance to win elections. In California, the U.S. 9th Circuit Court of Appeals struck down such a system in Watsonville in 1988, and in 1990 a federal judge ordered the Los Angeles County Board of Supervisors to redraw its districts on the grounds that the old boundaries illegally discriminated against Latinos.

In Santa Monica, the charter commission is in broad agreement that the current electoral system should be scrapped, but after a year of monthly and sometimes twice-monthly meetings, it has been unable to agree on an alternative.

In a recent straw vote, the commission backed the concept of proportional representation, a general description for any number of complex, at-large schemes that call for voters to rank candidates by order of preference.

For example, voters might be given a number of votes based on the number of open seats, then be free to distribute those votes to one or several candidates in any manner they wish. A system of election by council districts, though endorsed by the National Assn. for the Advancement of Colored People as the most equitable means of giving minority neighborhoods a voice, has received the support of only five of 15 commission members, some of whom criticized their fellow panelists for failing to grasp the issue as one of basic fairness.

"I don't think any progress has been made to convince . . . people that district elections are the way to go," said Commissioner Stephen Alpert, a proponent of districts. "I feel very disenchanting."

Herman Rosenstein, another commissioner who advocates district elections, said such a system would reduce the impact of citywide slates, force candidates to respond to a broad range of neighborhood concerns and reduce the cost of running for office.

But City Council members—five of whom are backed by Santa Monicans for Renters Rights, the city's powerful rent control organization—seem generally reluctant to embrace districts, Mayor Ken Genser and Councilman Vazquez being the exceptions.

"I would stand the most to lose from all this," Vazquez said, "but the issue is to set up an institution for neighborhoods to be able to elect local representation."

Councilman Dennis Zane, an influential member of SMRR-backed council majority, argued that the Pico neighborhood already is represented on the council "to the extent that the dominant issue in their lives is the ability to keep their homes."

Zane added, however, that he is interested in a hybrid system of representation in which some members would be elected by district and others at large.

Councilwoman Judy Abdo, also a member of the rent-control majority, was noncommittal. "I am interested in understanding the other (non-district) options," she said.

Councilman Herb Katz, who is not affiliated with SMRR, dismissed district elections as inappropriate in a geographically small city whose neighborhoods have more similarities than differences.

He said he is leaning toward the idea of requiring council members to live in specified districts but campaign for votes citywide.

Councilman Kelly Olsen, a SMRR member, predicted "hanky-panky" if a district system were adopted. In particular, he expressed concern that members could band together to place undesirable projects into the districts of other members—a practice that, Vazquez claims, occurs already.

"Everything's getting dumped in the Pico neighborhood," he said.

The city manager's office says it has no income data for the district, described in the 1990 U.S. Census as the area extending east of Lincoln Boulevard between Pico and Santa Monica boulevards.

Of the district's 17,185 people, 56.5% are Latino, black or Asian, according to the census. The largest minority group is Latinos, representing 36% of the population or 6,187 people.

A UCLA demographer has told the commission that the area would form a logical district in a seven-district city, but skeptics suggest that such a plan would be obsolete in a city driven less by the politics of race than by a desire to protect geographically dispersed minorities and subgroups such as homosexuals, the disabled, the elderly and, of course, renters.

Other observers say that rent control—and the dominance of SMRR—are likely to remain the central facts of political life and City Council elections in Santa Monica, regardless of the political system adopted.

Referring to Vazquez's Latino heritage, Commissioner Peggy Lyons, who is black, said of Vazquez's 1990 election: "He could have been green, purple, chartreuse or anything because he had the backing of SMRR."

The concept of charter reform surfaced in Santa Monica twice in the 1970s, but been a dormant issue during the '80s. Two years ago, the council considered, then rejected, a proposal to place a charter reform measure on the ballot.

Whatever the outcome of the current discussions, the debate is occurring in a climate markedly different from 1946, when gross racial stereotypes and overt discrimination were the accepted norm.

Kousser's study notes that The Outlook was routinely running an editorial cartoon titled "The Little Savage," which depicted a big-lipped, bare-chested native with a stick through his nose.

In patronizing fashion, the newspaper opposed a district system on the grounds that minorities would be best served by coalescing behind "liberal-minded persons who are not compelled to play peanut politics."

That no minorities were elected to either the City Council or the school board that year is only one of many examples of discrimination documented in a study that at times reads like a mid-century profile of rural Alabama or Mississippi.

"Now," said Kousser, "we've realized California is not all that different from the South."

EXHIBIT 73

7 COPLEY
LOS ANGELES

REDESIGN OF LINCOLN PARK
PEAK EMISSIONS EXPANDED USES

TRUCKS
SALVAGE YARDS HAVE
BEAUTIFUL BARGAINS

NEW RIVALS
BASEBALL COMMISSIONER CALLS FOR
REALIGNMENT OF NATIONAL LEAGUE

Home Edition 1964
APR 7, 1964
Second Edition, California
W 11

SEA weighs complex voting system to spread power

By John Swales
our writer

In a process that could dramatically reshape Santa Monica politics, the City Council tonight will begin working a complex new voting system designed to spread power more broadly among the people.

The system is called "Single Transferable Vote." It is designed to put voters on a ballot who have already received a vote in previous elections from the non-transferable system of voting.

A form of proportional representation, it has the advantage of spreading power more widely across the electorate. But it is still largely untried.

Under the present system, voters would vote

for council candidates "1," "2," and so forth in order of choice. Candidates a candidate could win with only a small percentage of the total vote, yet nonetheless a losing vote could be as important as a winning one.

The plan is the initiative of the city's Citizens Advisory Commission, appointed by the City Council last year to look at ways to improve the city's basic law.

"We were guided in large part by a desire to distribute representation more broadly in Santa Monica, particularly to ethnic groups not by neighborhoods and some groups to which the distribution should be more equitable," the commission stated.

In recommendations are contained in an 87-page report that addresses questions as

profound as "What is democracy?" and as tedious as "Should the city manager sign all the checks?"

Among other suggestions the commission recommends that the city provide health insurance and pay relief for council members and limit them to three terms of office.

But the most of the report is a sweeping proposal to change the way voters are counted. That could change who wins an election, what the council talks about and in the end, the ultimate political outcome of who gets what.

Before anything is changed, the City Council would have to agree to put a vote

IN force

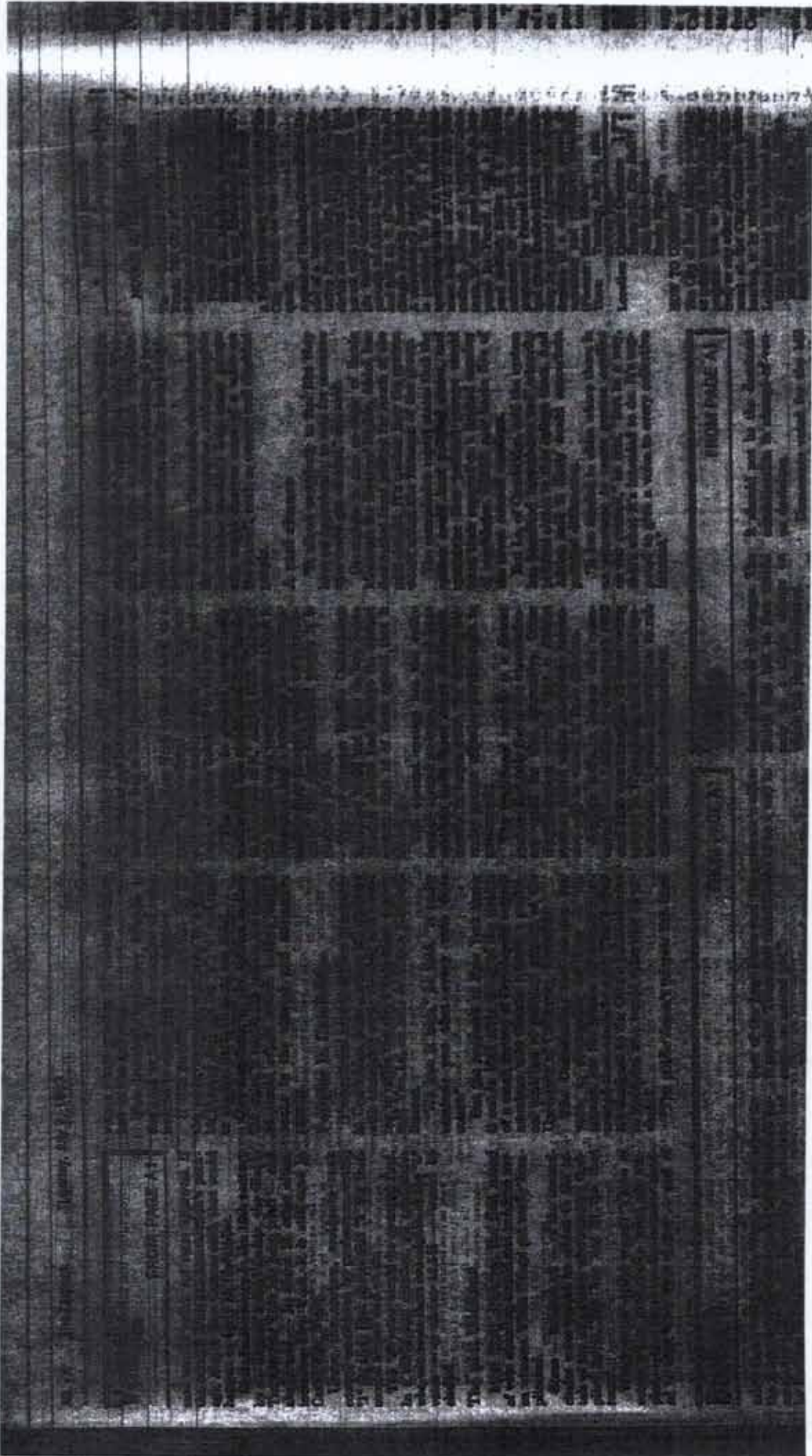


EXHIBIT 74

ITEM 9-A

Santa Monica, California
City Council Mtg. July 7, 1992

TO: Mayor and City Council
FROM: City Staff
SUBJECT: Charter Review Commission Recommendations

Introduction

This report presents the final report and recommendations of the Charter Review Commission for Council review and consideration.

Background

The 15-member Charter Review Commission was appointed by the City Council to review several specific issues relating to the current City Charter. The accompanying report presents a summary of the Commission discussions and recommendations on these matters. An Executive Summary is provided at the front of the document for ease of reference.

Commission and Staff members will be present at the July 7 meeting to make a brief presentation and to answer any questions the Council may have.

It should further be noted that a letter from the Rent Control Board is provided with these documents requesting Council consideration of a change relating to election of Rent Control Commissioners to fill vacant, unexpired terms. The Charter Review Commission received the letter at their July 1, 1992 meeting and asked that it be forwarded to Council for consideration at this time.

Recommendation

It is recommended that the Council receive the report of the Charter Review Commission for discussion and provide direction to Staff as desired.

Prepared by: Lynne C.Barrette, Assistant City Manager

June 29, 1992

Mayor and City Council:

On July 11, 1990 the City Council directed the City Attorney to prepare an ordinance creating a Charter Review Commission. This ordinance was introduced and passed by the City Council at its meeting of October 2, 1990.

Nancy Greenstein was appointed as Chair of the Commission and Stephen Alpert, Abby Arnold, Russell Barnard, Timi Hallem, Christopher Harding, George Hickey, Patricia Hoffman, Ilona Katz,

Tom Larmore, Peggy Lyons, Herman Rosenstein, Tom Soto, William Spurgin, Peter Tigler were appointed as members by the City Council at its meeting of February 19, 1991.

We were sworn in at our first meeting on April 3rd, the first of twelve sessions that year. In the course of our discussions, we drew on the resources of community members, City Council members from other local municipalities, academic experts, City staff, and extensive reading and research in governmental affairs and relevant political science books and journals.

In 1992, with Commissioner M. Douglas Willis (after attending several meetings) replacing Commissioner Soto, the Commission held seven further meetings and one public forum, extensively publicized through leaflets, PEN, and the media.

As the enabling ordinance for this Commission expired on March 31, we submit herewith the results of our research and deliberations. We feel that the majority of the tasks set before us have been brought to a satisfactory closure. At the same time, there remain questions on the subjects referred to us by Council on which we would have preferred to deliberate at further length.

In addition, there were some additional issues, outside of our charge which we wish to put forward for Council consideration. They are as follows:

Charter-related

- 1) We recommend that the language in the Charter be revised to be gender neutral.
- 2) We recommend that the method of appointment to vacancies on the City Council and Rent Control Board be reviewed for possible modification.
- 3) Depending on the outcome of the Council electoral system discussion, we recommend that the method of selection of Rent Control Board members be reviewed.
- 4) We propose addition of an Environmental Commission to the Charter.
- 5) We recommend that provisions be added to the Charter requiring periodic review of the various Charter provisions and amendments as deemed necessary.

City Council Policy Issues

- 1) Depending on the outcome of the Council electoral system issue, the Commission suggests that the Santa Monica Malibu Unified School District Board and Santa Monica College Trustees be encouraged to review their electoral systems.
- 2) If the Council should decide to proceed with a recommendation to change the City's electoral system, the Commission recommends that the Council also examine campaign finance reform, ethics and the establishment of a Fair Political Practices Commission with greater authority than the previous City Fair Political Practices Commission.
- 3) The Commission further recommends that the Council consider hiring support staff.

We are happy to discuss, with members of the Council, our work and our conclusions, and remain ready to assist in whatever next steps the Council may feel are appropriate in concluding the process of Charter review.

Respectfully submitted,

Nancy Greenstein, Chairperson
 Stephen Alpert, Member
 Abby Arnold, Member
 Russell Barnard, Member
 Timi Hallem, Member
 Christopher Harding, Member
 George Hickey, Member
 Patricia Hoffman, Member
 Ilona Jo Katz, Member
 Tom Larmore, Member
 Peggy Lyons, Member
 Herman Rosenstein, Member
 William Spurgin, Member
 Peter Tigler, Member
 Doug Willis, Member

Assisted by:

Lynne C. Barrette, Assistant City Manager
 Joe Lawrence, Assistant City Attorney
 Clarice Dykhouse, City Clerk
 John Seeley, Sr. Management Analyst

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EXECUTIVE SUMMARY

The following is provided as a brief summary of the Commission's recommendations on the issues requested by City Council:

1. Question: The method of selection of members of the City Council and Mayor?

Recommendation: That the method of selection be changed with first preference for a form of proportional representation and second preference for a form of district elections.

2. Question: Whether or not City Charter Section 602 should be amended to provide compensation and benefits for members of the City Council and if so, what compensation and benefits should be provided?

Recommendation: That the Charter set compensation ceilings in accordance with the population - based formula used for general law cities and that voters be asked as a separate question to extend the same insurance benefits (with the exception of participation in the retirement system) to Councilmembers as are available to the top administrative bargaining unit of Santa Monica City employees.

3. Question: Whether or not any limitation should be placed on the terms of office of members of the City Council?

Recommendation: That there be a limit of three consecutive 4-year terms for Councilmembers.

4. Question: The method of selection of the City Attorney and City Clerk?

Recommendation: That the current method of selection remain unchanged.

5. Question: Review Article X of the City Charter to determine whether or not the Boards and Commissions established thereby should continue to be mandated by the City Charter and review the method of selection of the Planning Commission?

Recommendation: That the Boards and Commissions currently listed in the Charter remain with a modification in title of the Recreation Commission to Recreation and Parks Commission. That the method of selection of the Planning Commission remain unchanged but that there be some modifications in certain other Charter provisions related to the Planning Commission.

- 6&7 Question: Whether City Charter Section 612 relating to special meetings should be amended to conform to the Brown Act and whether Section 613 should be amended to provide more flexibility to holding Council meetings within the City?

Recommendation: That Section 612 and 613 of the Charter be amended to specify that the Council can hold special or emergency meetings in accordance with procedures established by law; that meetings shall be held in the Council Chambers or other locations; meetings shall be open and accessible to the public; and that the Council shall adopt by ordinance, rules insuring adequate public notice of and input at its meetings.

8. Question: Whether City Charter Section 717 relating to a City Health Officer should be deleted?

Recommendation: The Commission has recommended deletion of this section.

9. Question: Whether City Charter Section 1515 relating to claims against the City should be revised to conform to State law?

Recommendation: That the City Charter refer to the California Government Code as being the procedural standard for City action and that Section 1515 be amended to conform to State law.

10. Question: Whether City Charter Section 608 should be amended to increase the dollar amount requiring competitive bidding on public works projects?

Recommendation: That specific dollar limits for competitive bidding of public works projects be removed from the Charter and adopted instead by ordinance. Revised Charter wording has been suggested which states the intent to preserve the integrity of the bidding process; encourages participation by disadvantaged or minority persons or businesses in the bidding process; and includes requirements that consultant contracts over \$50,000 be subject to competitive requirements.

11. Question: Whether City Charter Section 1300 relating to official bonds should be amended or deleted?

Recommendation: That provisions relating to official performance bonds be retained in the Charter but be updated to remove unnecessary gender specific language and identification of specific City positions.

12. Question: Whether City Charter Section 1501 relating to Cash Basis Fund and City Charter Section 1511 relating to Capital Outlays Fund should be amended or deleted?

Recommendation: That a modification be made to these sections which preserves the existing powers of the City Council while simplifying and modernizing charter language in light of the passage of Proposition 13 and the reduced reliance of the City on property tax revenues.

13. Question: Whether City Charter Section 1513 relating to the presentation of demands should be amended or deleted?

Recommendation: Deletion of this section as it is duplicative of other provisions in the Charter which address financial management controls and responsibilities.

VOTING RIGHTS QUESTIONS

As an initial step in considering various electoral options, the Commission wished to inquire into whether the federal Voting Rights Act compelled any particular choices, or ruled out others. Accordingly, two consultants were engaged to investigate aspects of this question. Historian J. Morgan Kousser of the California Institute of Technology was asked to look at the historical record to determine whether there was persuasive evidence, under the Voting Rights Act or on other grounds, that Santa Monica had a discrimination problem. Urban Planning Professor Leo Estrada,

of UCLA, was asked to study whether (assuming that there might well be a voting discrimination problem) there was a legal remedy for it through a change in electoral arrangements.

The answers to both questions are less than conclusive. Dr. Kousser's research, based largely on newspaper coverage of circumstances surrounding the adoption of the 1946 Charter (and its maintenance in 1975 over a proposed district-oriented revision), and on statistical analysis showing high correlational association between supporters of Charter adoption and opponents of fair employment legislation, offers substantial evidence that the current Charter was, from a voting discrimination point of view, suspect.

The material Dr. Kousser examined, though it contains no direct evidence of discriminatory intent by the Charter's framers themselves, is in Dr. Kousser's view, sufficient basis for a prima facie case, and one which he maintains "would have to be defended vigorously."

Dr. Kousser added, that the evidence of discriminatory intent in the adoption of the 1946 Charter was at least as strong as in the successful redistricting case against the Los Angeles County Board of Supervisors, in which he served as principal expert witness on the intent issue.

However, the scope of Dr. Kousser's research was limited to approximately 70 hours, he was not asked to explore contrary evidence, and he characterized his conclusions as "quite tentative."

In the view of the City Attorney's Office, the evidence presented is no "smoking gun", and does not provide the extensive factual record that would be required to prove intent in a case of this kind. Even if the Commission were to make the worst case assumption on the intent issue, the City Attorney's Office explained, several other pre-conditions would need to be met in order for a voting discrimination suit to be seriously considered. The other elements of a successful suit are: a) that such discriminatory intent was actually translated into a discriminatory effects; and b) that there is a viable remedy for the problem. Specifically, plaintiffs would also need to establish: 1) the existence of a minority group sufficiently large and geographically compact to constitute a majority in a single-member district; 2) that the minority group is politically cohesive, and 3) that its preferred candidate(s) are usually defeated by votes of the white majority.

On these points, all of which need to be answered affirmatively for an adverse voting discrimination judgment to be found, we have at this point no clear affirmative answers (though it has been established by Professor Estrada's work that combined ethnic minorities constitute a majority of a compact district). The Commission did not pursue answers to the second and third points. For the Commission's decision-making process, it was unnecessary to determine these answers because the Commission was already committed to recommending a system that would increase ethnic empowerment.

Since the Commission was nearing consensus on proposing abandonment of the at-large system for that and other policy reasons, the legal consequences of remaining at-large were becoming moot points, for our deliberative process.

In the further choice between districts and the single transferable vote, both of which are large steps toward greater ethnic group electoral influence, the relevance of the answers is marginal. The degree of group cohesiveness will bear on a minority group's success rate under both systems, and, short of virtual unanimity, provides no iron-clad guarantee of success under either one. A mathematically sophisticated examination comparing the probable success rates under districts or STV of ethnic-backed candidates is a project that can be done, and perhaps should be done before a final decision is made. It was not a project, however, that could be done within the time frame and budget of this report, or with the staff available to the Commission.

Similarly, counter-voting by the white majority, if it exists, (and no evidence of its current existence has been put before us) would impinge on ethnic choices succeeding under either system. If there is any significant degree of such counter-voting it might be more effective in districts than under STV. This is also a matter that could well be pursued further, but not one we were able to pursue within our time, skill and budget constraints.

What is clear, in contrast to all these unanswered questions, is that STV, like districts, brings Hispanics much closer to placing their choice on city council. Unlike districts, it avoids a forced choice between a Hispanic and African-American candidate, and enables all members of each group, regardless of place of residence, to unify behind a candidate of its preference - or for that matter, to join together. As such, it is hard to foresee a basis under which it could be attacked as minority vote dilution. Likewise, should the Council choose to follow our second preference and institute districts, the City should, provided it drew a district that nearly maximized minority voter strength, be immune to voting rights litigation.

As the Commission on policy grounds recommends discontinuance of the at-large plurality system, we hesitate to step into the shoes of the City Attorney to advise Council on its voting rights risk exposure should it not abolish at-large elections.

There is of course no pending voting discrimination litigation, nor threat of litigation, nor even rumor of a threat.

However, we have heard enough discussion and read enough material related to the question that we can say as a matter of prudent management, that it would be unfortunate and unwise to maintain in place a system the City might need to defend at great expense, notwithstanding the likelihood that the City might ultimately prevail.

By contrast, in the City Attorney's view a move to a system that

offered increased opportunity for minority representation would be a defense to any such suit. This, in our view, is yet one more reason - not the most important one, but a significant one - for choosing one of the electoral options we have recommended in the body of this report.

- 1) Question: Whether or not the City Charter should be amended regarding the method of selection of members of the City Council and Mayor?

FOREWORD

Winston Churchill, irritated at some error of his constituents' ways, once proclaimed that "democracy is the worst imaginable form of government - except for any other system that has been thought of".

As his statement implies, no form of government is without its drawbacks. Even within an agreed-upon goal of democracy, a variety of values -- not always compatible -- are bundled. Democratic values embrace exercise of the will of the majority, while at the same time protecting the rights of the minority. Responsiveness to changes in public opinion is a goal, but so is policy continuity and stability.

In the issue of applied democracy the Commission deals with here - the question of electoral systems - we are likewise faced with the task of clarifying our values and objectives; and weighing carefully each system in terms of its ability to express those values.

We have tried, through our deliberations, and in this report, to assess the assets and liabilities of various electoral options and draw a balanced judgment, realizing throughout that there is no perfect machinery for the translation of the popular will, no ultimately "right answer" to this problem. We hope, however, that the following is helpful in indicating why some systems are more imperfect than others, and why we decided finally, to recommend the option that we chose.

PROCESS

The Commission began its deliberative process on the electoral system question in July with a panel including Rick Cole, Councilmember elected from a district in Pasadena; Santa Monica's Councilmember Herb Katz, an opponent of districting; Peter Morrison, RAND demographer; and Paul de Santis, a local attorney and district advocate. A further evening of discussion featured Richard Fajardo, a staff attorney for the Mexican-American Legal Defense and Education Fund (MALDEF) who has been active in many voting rights cases, (including the Garza case, which brought about adoption of a Latino seat on the Los Angeles County Board of Supervisors). Also appearing were members of CURE, Santa Monica's election reform advocacy group, including Irene Zivi; Commission members Steve Alpert and Herman Rosenstein; Pico resident Doug Willis (who later joined the Commission), and Norm Curry of the Santa Monica NAACP.

During this same period, the Commission spent several sessions identifying the virtues and liabilities of the current at-large system as well as key objectives to be met by any eventual recommended electoral system. We delved into numerous articles and book chapters from public affairs magazines and political science research that offered a variety of perspectives on the procedures involved in, and the impact of all types of electoral systems. A substantial part of this material focussed on ethnic representation questions.

Dr. Bernard Grofman of U. C. Irvine, noted expert and editor of several books on electoral systems joined us in October. While introducing us to the fundamentals of more uncommon proportional representation options, he advised us to avoid an abstract search for the theoretically perfect system. Instead, he suggested we focus on determining what changes are desirable in Santa Monica's political culture, and then select a system to facilitate these goals.

A visit from long-time Long Beach City Councilmember Tom Clark, who served in both at-large and district systems, added another look at the pros and cons of these alternatives.

In a public hearing at the beginning of February we briefly outlined the mechanics of and rationale for the various electoral options, and received a number of useful opinions from community members.

A presentation by UCLA Urban Planning Professor Leo Estrada on his demographic research gave us a concrete model of districting for minority representation. The March report of Cal Tech historian Morgan Kousser contended that the current at-large system had been no ally of minority empowerment.

We decided on a two-stage process for making our final decision, the first matter at issue being whether to recommend a change from the status quo. The Commission almost unanimously (14 to 1) recommended doing so. The Commission then undertook an exercise to determine preferences among various electoral system options.

CONCLUSIONS

In our near-consensus for recommending a shift from the at-large plurality system currently in use, we were guided in large part by a desire to distribute empowerment more broadly in Santa Monica, particularly to ethnic groups but to neighborhoods and issue groups as well. A move away from the current system, we believe, should enhance the responsiveness of representatives and make the electoral process more open to new ideas and new participants.

In selecting a substitute for the present process, the Commission was drawn to aspects of both the proportional method and to district elections. After several sessions devoted primarily to a thorough discussion of their relative merits, eight Commissioners selected the proportional approach as their first preference. Five Commissioners selected districts as first preference. Districts were selected as second preference by four

Commissioners as was a mixed district/at-large system. Proportional was selected as a second choice by two Commissioners. Retaining the current at-large system was the first preference of one Commissioner and the second choice of one other Commissioner.

At the end of its deliberations, the Commission voted to recommend that if City Council decides not to propose a proportional method to the voters, then both the district system and a hybrid district/at-large system should be seriously considered. It was further recommended by a majority of Commissioners that if a district form were adopted, there should only be one election, rather than a primary followed by a run-off.

The districting approach has many attractive aspects: the restoration of face-to-face campaigning involved promises to dispel some of the alienation of contemporary political discourse, and diminish the corrupting influence of special interest campaign funding. Districting undoubtedly has empowering aspects as well.

What weighed heavily against its several virtues, in many of the Commissioners' minds, was its single disempowering side: that every voter would lose much influence over six of seven council members. The majority of the Commission believed this was an unacceptable trade-off for whatever enhanced influence and accountability would be produced over one member. Also reducing the voters' power, some Commissioners thought, was that in this system, one could vote only every four years.

Districts certainly help geographically concentrated communities of interest; but for many Santa Monicans, the group with which we identify is not geographically defined. We noted, for example, the gender imbalance on City Council, and suggest that if women wanted to aggregate their support for a candidate, it would be difficult for them to do so through a district format.

Most members of the Commission see, in a proportional voting system (particularly the single transferable vote method), a solution that offers the empowerment opportunities of the district method without its major liability. While it may not go as far in reducing the impact of campaign contributions, it offers many of the other dividends of districting.

In our view, proportional representation's primary virtue is its flexibility, an aid to accurately reflecting popular priorities. If neighborhood issues are at the top of the public mind, district-based candidacies will be strong; if feminist or development issues rise to prominence, feminist or development-oriented candidacies can flourish; when ethnic groups have an urgent agenda, ethnic candidacies will no doubt do well. By lowering the threshold of votes needed for electoral success, adoption of a proportional method will open the system to more pluralistic representation; by its flexibility, it will allow the public to determine from time to time, as priorities change, the specific content of that pluralism.

The downside of a proportional system is its complexity, which would necessitate a thorough public education campaign prior to being put forward as an option for voter consideration.

VOTES NEEDED TO ELECT UNDER VARIOUS SYSTEMS

	THEORETICAL MINIMUM SHARE TO ELECT UNDER BEST CASE ASSUMPTIONS	MINIMUM VOTE SHARE REQUIRED TO ELECT BASED ON EMPIRICAL EXPERIENCE
AT-LARGE Plurality (current system)	no theoretical minimum (depends on # of candidates)	34% - 41%
DISTRICTS with Plurality	none (depends on # of candidates)	5% - 6% of city voters
STV with staggered terms	25% when 3 seats up 20% when 4 seats up	same
STV with all elected at once	12 1/2% (7 seats to fill)	same
CUMULATIVE VOTE staggered terms	13 - 14% when 3 seats up 10% when 4 seats up (assuming each voter has 3 and 4 votes, respectively)	about 33% if 3 seats up 25-27% if 4 seats up
CUMULATIVE VOTE all elected at once	6% if each voter has 7 votes	no data on which to base estimate

- NOTES: 1) based on Santa Monica City Council elections 1986, '88, '90
 2) assuming 7 districts, and similar vote distribution as in at-large system; i.e. 34 - 41% of electorate within district
 3) highly theoretical assumption that only one candidate get multiple votes while none of opponents get any
 4) assumes (on data from Alamogordo, N. M.) that a minority-backed candidate gets approximately 2 votes from average supporter, while other candidates get approximately 1 1/2 votes per supporter

RECOMMENDATIONS FOR FURTHER RESEARCH

Most members of the Commission felt that we were making our decision with less information than we would have liked to have had before us, and several Commissioners would have preferred to investigate several questions before making our recommendation, but the time frame in which we were charged with completing our report made that impossible.

We strongly suggest that City Council take steps to determine several unsettled issues before making its final decision, utilizing experts in this area as needed. These matters include:

- o While our limited investigation of proportional vote counting systems led us to believe that a fair and reliable procedure can be designed (which prevents election outcomes from being skewed by the order of ballot counting) further development of its application and exploration of possible pitfalls is still needed. The so-called "Boulder system" of transferring surplus ballots avoids the theoretical possibility of close elections being determined by the order of ballot count, but we know of no jurisdictions where this system is in actual use. The costs of proportional election tabulation, both computer conversion and ongoing expense, require more thorough investigation, although our cursory research suggested neither cost would be prohibitive. A computer program for the counting of transferred votes according to the Boulder system could no doubt be devised fairly easily. Whether another unbiased method could be developed is a question that could be explored further.
- o Latino voting strength in Santa Monica: what proportion of voters in the proposed minority-influence district are actually members of minorities? And what proportion of the unregistered population can we estimate to be non-citizens? Resolving this question is important to assessing whether we have been correct in our tentative conclusion that a proportional system will work as well for Latino influence on City Council as a district would.
- o Political culture under a proportional system: is it empirically the case that independent candidacies have a greater rate of success than they do in districts; are slates an important presence in proportional elections?
- o Further research on the role of campaign spending under proportional and district systems: are top spenders, in fact, less likely to win under those systems than under at-large systems?

OBJECTIVES AND VALUES

In considering various options for Santa Monica's City Council electoral system, the objectives considered by the Commission to be primary were:

- o to guarantee accountability, so that over the long term Council members faithfully reflect popular preferences in their policy-making.
- o to preserve accessibility, so that over the short run Council members are responsive to day-to-day needs of their constituents.
- o to ensure that governing bodies reflect the ethnic diversity of Santa Monica so that no group is deprived of an opportunity to make its voice heard and its choices known.

- o to facilitate the representation of the diverse currents of opinion in Santa Monica, and assure a place on the public agenda for the varied priorities of many organizations and all neighborhoods.
- o to maintain, while broadening the issue agenda to an array of individual and group concerns, the centrality of common concerns, and assure that Council members approach problems with the interest of the whole City foremost in their minds.
- o to encourage the widest possible voter participation.
- o to equalize, as far as possible, the influence of all residents, as articulated in the principle 'one person, one vote' by minimizing the distorting influence of campaign money on the democratic process.
- o and to provide every resident not only equal representation, but an equal right to be a representative by maximizing the opportunity for independent candidates to compete realistically for election.

Accountability and Accessibility

In democratic theory, accountability is the key issue and the main purpose of having elections of any kind. It is the quid pro quo of delegation of power to an elected body and the insurance against that power's misuse.

In practice, accountability is not present/absent but is a matter of degree. How accountable representatives feel varies according to individual philosophy and conscience but depends ultimately on their sense of how easy it would be for discontented constituents to replace them. The Commission therefore wished to avoid a system which would tend toward undue entrenchment of office-holders.

It is also a matter of direction; accountability to whom? The accountability to all contemplated by political theorists necessitates approximately equal influence on outcomes by all citizens. To the Commission, this is linked to the issue of campaign finance reform, and also to the issue of maximal voter participation. Voter participation in turn is discouraged by a narrow agenda of public issues and by a Council membership that excludes ethnic groups or leaves neighborhoods without representation. A final dimension of accountability the Commission considered was how often performance was reviewed. Many Commissioners felt that biennial elections were desirable because they allow the voters to signal for change in policy courses before those courses become irreversible.

In many cities, but not necessarily Santa Monica, much of a resident's concern with municipal government is service-oriented rather than issue oriented. Potholes, streetlights, traffic, crime-- matters on which a resident wants prompt action and a simple way to get it. Many City Councilmembers may not see themselves primarily in the role of ombudspersons or service representatives, but it is a facet of the role and in some residents' eyes, the central one. The issue of accessibility can be viewed several ways. Does the voter with their own local Councilmember get more attention and better service? Will he/she have a better sense of a local problem and be more concerned

about it? Or is it preferable to have a number of representatives, and multiply the points of access for influence? On balance the Commission leaned toward the latter point of view, in part because the geographical proximity of a Councilmember was not a guarantee of either shared concerns or personal compatibility.

Ethnic Diversity

Demographic trends, rising cultural sensitivity to multiculturalism, maturing minority political consciousness and federal voting rights legislation are all impelling more serious consideration of the need for multi-ethnic representation on America's governing bodies. In Santa Monica's particular case, the size and distribution of ethnic groups in the City does not make the best route to this goal obvious.

While it would be possible to form one district with a voting age majority of (multiple) minorities, it is not clear whether they would be a majority of actual voters. Nor is it clearly the most empowering option to insure minority influence in Santa Monica's political life. Since multiple minorities are involved, would one group's gain be another's loss? Or would common interests facilitate coalition? Would minorities residing outside such a district be empowered or disempowered (gain or lose influence) by its creation? We were not able to come to a conclusion on these questions.

Neighborhood Empowerment And Voter Participation

For many city dwellers, conditions in their immediate area are perhaps the foremost concern in thinking about politics, and the quality of neighborhood life is the yardstick by which they evaluate local government. Neighborhood activism is alive and well in Santa Monica and we wish to encourage it to thrive, for the solutions to many problems, even those affecting the whole City, may first be developed in the incubator of intense neighborhood interactions.

But not all of Santa Monica neighborhoods seem to feel equally treated, or equally empowered. There are considerable differences between various districts in their voter turnouts. It is no coincidence that the area of lowest turnout (Pico neighborhood) is also the area feeling most disenfranchised and least listened to in City affairs. One cannot point to cause and effect here, but a cycle: those who participate less may get less consideration when decisions are made; those who feel they and their neighbors have no influence will in turn be disinclined to bother participating.

In the Commission's opinion, neighborhood activism is a vital element in civic life, and we believe the City's electoral system should be one that reinforces it where it is healthy and stimulates it where it is frail.

A system that gives all neighborhoods reason to feel their concerns will get attention should encourage voter participation in all areas, particularly those low turnout areas that have seen

themselves as neglected neighborhoods.

Reducing Slate Dominance

For some Commission members, one important objective in election reform would be to reduce the central role of slate politics in Santa Monica's civic life.

The influence of slates was not seen as lacking positive aspects. The slating process itself provides a sifting procedure in which scrutiny by a group of politically interested citizens puts forward what are presumably the more capable of possible advocates of that group's point of view. For a variety of people - supporters and opponents of the endorsing group - such endorsements can be an economic way of making choices without investing time in extensive research of candidate records and positions, a real service to many busy people. Slates were also given credit for drawing into the political process groups and individuals who had previously been excluded. Finally, it must be said that slating organizations with continuing post-election life can, and perhaps do, by their ongoing interaction with candidates they sponsored, provide a form of public accountability between elections.

However, these benefits, in many Commissioners' opinion, are outweighed by serious liabilities. The pre-eminent place of slates in Santa Monica's political process reduces the prospects for independent candidates to get the public's attention, regardless of their individual merits.

It is in the nature of slate campaigns, many Commissioners believe, to revolve around a very few issues. This is, to some extent, an affliction of all contemporary media-oriented electoral campaigns, but is exacerbated in the case of slates because of the need to play down issues on which endorsed candidates do not agree. The narrowing of the issue agenda in the campaign, we believe, has a carry-over effect into week-to-week city government; with attention focussed so brightly on the "main issues" over which the vote polarized, other equally important issues tend to be eclipsed.

For many residents, the principal campaign themes may be matters of relative indifference, compared to other issues they feel strongly about. The Commission feels that slate campaigns are in part responsible for the difficulty of developing ongoing civic dialogue on a broader range of topics.

No system we considered would eliminate slate influence, nor would we consider that a desirable goal. We would, however, hope to see the adoption of a system in which slate endorsement was merely one factor, and not the key consideration, in a candidate's prospects for success.

AT-LARGE ELECTIONS

Mechanics and Usage: The at-large system of City Council election has been in force in Santa Monica since the present Charter was adopted, and the three City Commissioners (for public

works, public safety and finance) were elected at-large before that. As members of the present City Council were elected under this system, we need not expound here on its mechanics, but only note that within the genre, there are variations such as majority vote requirements (with primary and run-off if needed), and the numbered seat system.

In California cities, use of the at-large option is the norm, and has been for most cities since their inception. Of 220 California cities surveyed by the League of California Cities in 1989, 205 employed it in contrast to 15 choosing members by district.

Districts tend to be predominant in the State's largest cities - Los Angeles, San Francisco, San Diego, Long Beach -- although districts can be found in a number of cities of Santa Monica's approximate size -- Redondo Beach, Downey and Pasadena.

Across the nation, too, at-large elections prevail, except in metropolitan centers. Yet, this was not always true.

At the end of the 19th century, district (or ward) election was the rule in United States cities, only to be swept away as part of the municipal reform movement package of changes, which also entailed non-partisan elections and the city manager form of government.

The upheaval in municipal governance brought about by the reform movement was prompted in part, by, and aimed in part at, wide-spread graft and corruption in city politics. However, the reforms introduced (especially the abolition of district election), whatever they accomplished in expunging political rackets, had the consequence of disempowering ethnic minorities and the residents of poorer neighborhoods. To what extent this was a goal of some reformers, or merely a by-product, remains a lively debate among historians, one we need not explore here.

The disempowering effect, nonetheless, has been a recurring issue since the institution of at-large systems, here and elsewhere. As late as 1941, the National Municipal League advocated at-large elections in its Model City Charter, explaining: "It is difficult to find capable leaders distributed throughout the city by wards."

As our consulting historian, Professor J. Morgan Kousser, reported to us, the adoption of Santa Monica's current Charter involved a spirited controversy between district proponents (including African American leaders and residents of Ocean Park) and advocates of at-large, led by the almost all North-of-Montana "freeholders" who designed the Charter.

Complaints from the Pico and Ocean Park areas were rebuffed by the Board of Freeholders, who first agreed and then declined to put a district option on the ballot, and dismissed by the Santa Monica Outlook, which editorialized that the "interest of minorities is always best protected by a system which favors the election of liberal-minded persons who are not compelled to play peanut politics."

Dissenters raised the prospect of a North-of-Montana "dictatorship" with little concern for "the resident of Ocean Park, Douglas district, or Lincoln-Pico" and asked "Where will the Jewish, colored or Mexican go for aid in his special problems?"

But the Charterites prevailed at the polls (though more narrowly in the above-mentioned areas), and the controversy did not resurface until 1974, when Ocean Park residents spearheaded an initiative for a 7-district plan, collecting 10,000 signatures. Again opposed by the Outlook, incumbent office-holders and the Chamber of Commerce, the pro-district forces - backed by the League of Women Voters and Democratic Clubs (according to Outlook records) - lost the April 1975 vote carrying Ocean Park precincts but little else in a two-to-one defeat.

The issue of minority empowerment (generally in the context of ethnicity rather than class or neighborhoods as such) has been raised repeatedly throughout our state and nation in the 1970's and 1980's and opposition to the at-large method on those grounds has weakened its sway. Under Voting Rights Act litigation, or the threat thereof, many southern cities were pressed to abandon the at-large system, usually in favor of district elections or a hybrid arrangement combining districts with some members at-large. Some California cities, usually without legal pressure, made the same changes in response to both ethnic and neighborhood pressures to choose their own spokespersons.

Appraisal: One major advantage of an at-large Council, the Commission felt, was accessibility. With responsibility to all voters comes an openness to the needs of all Santa Monicans and some incentive to be informed on issues and developments all over the City. We feel that Santa Monica's size makes this a realistic expectation.

Some members of the Commission feared that without at-large constituencies, Council members would have little motivation to meet the needs and concerns of people outside their immediate geographic areas.

The Commission evaluated the at-large system as least desirable on the criterion of accountability. Two facets of the system diminish a council member's vulnerability to removal. The only way to bring about the defeat of one member who has been unresponsive is by ensuring that three (or four) other candidates get more votes. This was felt to be an indirect, difficult and inefficient route to removing the unaccountable.

Exacerbating the problem is the expense of at-large elections necessarily associated with reaching the numbers of voters needed to win in this system. That sizable amounts of funds generally flow to incumbents just by virtue of their incumbency is one problem. That the dependence on large contributions tends to make a Councilmember accountable to their donors, rather than the electorate as a whole, is another and more serious flaw. (It should be noted that subsequent to the Commission's deliberations, revisions were made to the Municipal Code relating

to campaign contributions, which may impact this issue in the future.)

For reasons touched on in the above historical review, and to which we will return in discussion of districts, the at-large system is generally considered an obstacle to ethnic empowerment. Santa Monica's City Council gained its first minority member when an African-American police officer, Nathaniel Trives, was elected in 1971, and a second African-American, Hilliard Lawson, was named by the Council two years later to fill a vacancy opened by a death in office. Between 1979 and the 1990 election of the first Latino Councilmember, Antonio Vazquez, minorities had no presence on the Council.

Santa Monica is fortunate in being relatively free in recent years of ethnically polarized voting -- as the approval of minority members by an electorate over 85% white tends to show. However, the Commission is concerned with a more subtle question - whether it should be the role of a white electorate to make the ultimate choice between minority candidates, or for that matter, between a minority representative and a white competitor. A minority, elected to office primarily by a white electorate does not, by that process, become a representative of the minority community or necessarily a proponent of its agenda.

The central issue, in the Commission's view, is not one of having Council members who are ethnic, but of empowering ethnic communities to choose Council members, and on this criterion, the at-large system is felt to be inadequate. It should be noted that there was concurrent Commission discussion which addressed the role and responsibility of slates in promoting (or not promoting) ethnic minority candidates under the current system. In this approach to weighing ethnic representation, the Commission is in accord with the Voting Rights Act and judicial elaboration thereon, which emphasizes the ability of protected groups to elect "representatives of their choice", as the paramount test, above and beyond the ethnic background as such of the representative.

A second facet of the question of diversity or representativeness is the ideological dimension. By its nature, the at-large election tends toward homogeneity of views, rather than diversity. With a single electorate weighing competing sets of aligned candidates at the same time, those sharing the same base and viewpoint would likely all win, or all lose. Only in a close overall contest would slight variation in individual appeal produce a mixed result.

A variety of viewpoints on the Council, the Commission believes, serves not only the popular sense of being represented, but a decision-making process that avoids error by incorporating critical perspectives beforehand.

The disempowerment of some neighborhoods is a third dimension of the diversity issue that concerned the Commission. As noted in the previous section, there was over-representation from the North of Montana area -- perceived as "domination" by some -- in the years following adoption of the present Charter. While

contemporary Councils have been more geographically diverse, some areas - notably the Pico neighborhood - have never been represented on City Council. Some residents of that community expressed to the Commission feelings of neglect and a sense of disenfranchisement.

The at-large system is not particularly helpful to the placement of neighborhood issues on the civic agenda since a candidate oriented mainly to such an issue would have limited appeal running city-wide. However, should an issue arouse intense concern in one neighborhood or considerable concern in two or more, under the at-large system all Council members would have to listen.

The at-large Council focuses its attention predominantly on city-wide issues and (if its composition is not skewed by class, geography, race or some other factor) is designed to make decisions from the viewpoint of the city's interests as a whole. That the membership is often skewed, however, can bias the definition of what the city's interests are.

The simplicity and familiarity of the system makes participation easy. Only insofar as it may neglect to address the concerns of some groups for reasons cited above, might it lead to lower voter interest and hence participation.

DISTRICTS

Mechanics And Usage: Under this system, the City would be divided into a number of districts of equal population with a single representative from each district. If the Council were to remain the same size, Santa Monica would have seven districts, and one Council member would be elected as Mayor by the Council. Alternatively, if the mayor were to be elected by the people city-wide (an option not of particular interest to the Commission), we might wish to change the number of districts to six or eight, in order to maintain an odd number (7 or 9) of votes on Council. A reduction to six districts, however, would dilute minority influence, perhaps to the point where there was no "multi-minority majority" district.

Unless the City were to adopt a two-stage election (with a primary and run-off between top finishers) the district candidates would be elected by plurality vote.

District boundaries would require revision after each decennial census. The reapportionment process usually generates friction among the potential victims or beneficiaries and can be abused to entrench incumbents through gerrymandering. This task could be delegated to another body without personal stake in the outcome, if the Council wishes to reduce controversy and the possibility of abuse.

It is customary that Councilmembers are required to reside in the districts they represent, and in practice it would be unusual for a district to elect a non-resident. Some argue, however, that the purpose of district elections is to increase neighborhood empowerment, and that restricting voters' choices to immediate neighbors is not a necessary part of that process.

We discussed in the previous section the decline and recent revival of the district method of election and the reasons for those changes. Districts were in fact briefly used in the first few years of Santa Monica's civic existence, before the three Commissioner arrangement was adopted. District advocacy in Santa Monica has most recently been taken up by CURE (Citizens United to Reform Elections) which proposed seven districts, most of them congruent with planning areas or otherwise historically accepted neighborhoods. The CURE proposal would mandate that representatives reside in their districts. This particular proposal was also supported by members of local chapters of MALDEF (Mexican-American Legal Defense and Education Fund) and the NAACP (National Association for the Advancement of Colored People).

Appraisal: Accountability, the Commission concluded, was optimized in a districted city -- in a certain sense. Each Council member has a smaller electorate which will be fairly aware of his/her performance in office - at least as it pertains to issues of interest to that neighborhood.

Both logic and anecdotal reports lead to the conclusion that it would be easier to replace a district representative than to oust one elected at-large. The limited range of a district campaign enables new candidates to get adequate exposure more quickly; similarly, the fewer households one would need to reach could make campaign funds a lesser factor; human resources - neighborhood activists - can be substituted. Since in this milieu the incumbent's funding advantage is less meaningful, office-holders have more incentive to be attentive to constituent preferences.

In another sense, accountability is distinctly limited by the district system; six of seven Councilmembers are beyond the reach of every individual's vote. While nothing stops anyone from working for or contributing to an alternative candidate in another district, the limited number of people likely to do so makes accountability in this system a parochial one.

A similar trade-off is apparent in accessibility under the district system. One's local member is likely burdened by fewer inquiries and requests for services and so has more time for a constituent's needs but if he/she is inefficient or inattentive, one has to turn to representatives from other districts who may be inclined to help, but have no particular incentive to do so.

The information put before the Commission by our consulting demographer, Professor Leo Estrada of UCLA, suggests a strong probability, but not clear evidence, that Latinos could determine the selection of one Council member under a seven-district plan. Latino influence would be even stronger under a nine-district format; the Latino voting age population in one district therein being 44.6% as compared with 39.6% when there are 7 districts.

It was noted that the potential impact of non-citizen Latinos on voting patterns in Santa Monica is a question that needs to be determined. If they do, districts may not be the optimum method of Latino empowerment in this city, because voting Latinos in the

district might be too few to prevail, and Latinos outside the district would have less influence on the outcome than they do now.

A further concern to some Commission members was that in the proposed districts the preponderance of Santa Monica's African-American population is included to build a multi-minority majority. But the district sends only one representative to City Hall, potentially setting the two ethnic groups in head-to-head competition. Moreover, were competing candidacies to develop, a third non-minority candidate could well emerge the winner, given the distribution of ethnic groups.

The district system, for obvious reasons, should guarantee a place on the public agenda for neighborhood concerns and problems. Some neighborhoods, we were told by local spokespersons, feel particularly disenfranchised. One Pico resident, for example, complained that their area is host to over three-quarters of homeless and drug-treatment facilities, and is a "dumping ground" for "all activities incompatible with residential life." No resident of this district has ever been elected to City Council.

As interest in, and viewpoints on, such current topics of controversy as development or rent control vary between neighborhoods, we believe that a district-based Council would be more ideologically diverse. The priorities of organizations might be advanced in such a system if their bases are localized, but for many groups organized city-wide its adoption would make no particular difference.

The Commission discussed a point that in maintaining the goal of a central role for city-wide concerns, the district system could be counter-productive. Though we want to see neighborhood needs brought forward, we do not wish to pay a high price in weakening attention to city-wide perspectives. Some Commissioners feared a parochialism generating cycle in which representatives would find it electorally useful to focus on purely local issues, giving short-shrift to long range city planning, the city's business climate, or other community-wide considerations.

A district system, in our view, would be among the best choices in stimulating high voter participation. It maximizes the likelihood that a candidate - perhaps a friend or neighbor - will personally be known to the voter; the campaign methods encouraged by the system facilitate face-to-face contact in any case. Each voter, in the smaller pond of a district, is more entitled to feel that his/her croak will make a difference.

The relative ease of reaching the voter base door-to-door has another positive consequence -- reducing the reliance of candidates on expensive means of campaign communication, and thus weaning the political process from donor dependency. (As mentioned earlier, recently approved changes in local campaign financing laws may lessen the relative influence of large campaign contributions in Santa Monica.) Of all the systems we examined, districts are clearly the optimal approach to this goal.

The same changes in campaigning styles led us to conclude that district election would go far toward opening opportunity for independent candidates. While the reduced budgets needed makes it easier to mount a campaign, one must still garner a large proportion of the local vote. Given the substantial influence of slates, the Commission was not confident that independent candidacies would succeed more often under districts than under a proportional representation format, but it is assuredly a more open system than at-large.

We do not suggest, and have no reason to believe, that slate politics could not adapt comfortably to the district format; centralized fund-raising and other co-ordination might well continue, and slate-endorsed candidates might emerge victorious in all districts. We do believe, however, that independent challenges would be more serious than under the present system.

MIXED SYSTEMS

A number of cities have responded to pressures for district representation by devising a variety of hybrid or mixed district/at-large combinations. To some observers, such compromises offer the benefits of both at-large and district methods, while avoiding the drawbacks of either pure system, i.e., neither areas deprived of representation nor parochialism. Furthermore, all citizens under a mixed system have several representatives, including one who is particularly accessible and accountable to them.

Hybrid systems are in use in over 1,000 cities nation-wide, including a majority of those over 250,000 population and a third of those in Santa Monica's range of 50 to 100 thousand residents. However, these mixed systems do not enjoy much acceptance in the Pacific Coast region, where at-large elections are most prevalent. Several California cities, including Oakland, Stockton and Downey utilize some at-large and district combination.

The Commission did not pursue at length an evaluation of the merits of this approach, in part because it had no strong advocates in the community. However, the Commission believes that if Council rejects proportional representation systems, this option should be given serious consideration as an alternative.

PROPORTIONAL REPRESENTATION

Philosophy: Surprising as it may seem to Americans, our method of electing representatives, by a simple plurality of votes in a geographical area, is no longer the standard brand of democratic practice. Indeed, the English-speaking world is among the minority of the world's democracies in its employment of the plurality, or "first-past-the-post" system.

For over a century, critics have suggested that this method is flawed as a way of selecting a governing body. It allows the largest faction of the population to exclude smaller factions

from any role in governance, creating a deliberative body that may greatly misrepresent the distribution of views and opinions among the electorate. In the worst case, 49% of the voters may emerge from the process with no elected representatives.

The alternatives proposed by these critics are generically termed "proportional representation", and rest on the philosophical principle that the composition of governing bodies should closely mirror the composition (i.e., communities of interest) of the electing population. The standard against which electoral schemes are to be judged is one of correspondence between the proportion of voting support and the proportion of legislators elected by those supporters.

Underlying this principle and this standard are not only intuitive notions of "fairness", but pragmatic considerations -- first, that broad popular respect for a governmental process (its "legitimacy") is enhanced by the widest possible feeling that one has an advocate for one's views in that process; secondly, that the opportunity to incorporate some minority perspectives in the legislative process minimizes the chance of making decisions that will be ultimately rebuffed by electorate (along with the decision-makers) come next voting day.

Critics of proportional representation look with alarm at the system's capacity to spawn numerous small parties or factions, arguing that this undercuts government's capacity to govern. That the decision-making process might be slowed by involving more players can hardly be disputed; whether speedy decision-making is to be equated with wise decisions is another matter. A nation at war might be hamstrung by painstaking coalition-building; it is hard to envision comparable damage to a city government. Concerns have also been expressed over the relatively small percentage of votes needed for election to a seat.

Although there are no examples of proportional representation electoral systems among California municipalities, there are models of this approach elsewhere in the United States.

SINGLE TRANSFERABLE VOTE

Mechanics and Usage: Among the many methodologies proposed to allow a gradation of voter preferences among candidates, the single transferable vote (STV) is one of mostly widely known, and one suited to municipal non-partisan elections. (Many other methods presume the existence of political parties, or a legislative body of flexible size.)

In STV, the voter marks his/her ballot ranking all (or some) candidates by preference (first choice "1", second choice "2", etc.), and a candidate is elected upon attaining a threshold (called "quota") of $n + 1 + 1$ votes, where n is the number of seats to be filled -- if four seats are open, one-fifth of the votes plus one suffices; with seven council members to be elected, one-eighth plus one.

A first count looks only at each ballot's first preferences, and

this round usually produces some winners, sometimes all of them. Where seats remain to be filled after the first count, transfers -- of second preferences -- come into play. These are taken from two classes of ballots that would otherwise be "wasted" votes -- those with a first preference for the candidate with the least votes, and the extra or "surplus" votes of a candidate (if any) already elected in the first round.

Under the normal rules of plurality election both kinds of ballots would be "dead" or ineffectual. In STV, the voters who cast them are re-enfranchised by bringing their second preferences to bear on the choice between the remaining contenders.

STV systems enjoyed some popularity in municipal voting early in this century, in numerous Eastern cities including Cleveland and Cincinnati. Most jurisdictions have since abandoned them, but commentators have attributed this to the pressure of partisan politicians, rather than to grass-roots dissatisfaction. Used briefly for selecting New York City's Council, its abandonment in 1947 gave Democrats 24 of 25 council seats in the following election, though that party's vote was just 52.5 percent. Cambridge, Massachusetts continues to use STV to select its City Council and School Committee. New York City employs it for selecting its numerous community school boards, though a State Senate committee recently proposed reverting to a plurality system.

Appraisal: While we believe that the STV system, when utilized by an informed electorate, can be the most effective method of approaching the goals we identified as desirable in an electoral system, many Commissioners nonetheless harbor serious doubts about its practicality.

The complexity of the counting procedure as well as possible (under some methodologies) influence of the order of counting makes it difficult for most voters to understand the effects of their second and later ballot preferences. While it is fairly straightforward to choose one's three or more favored candidates, strategic decisions about how to rank them if some are considered more likely to win than others would be difficult to calculate. The rationale for the counting system, like its mechanics, is not easily explained.

Many Commissioners believe that with a thorough informational campaign, Santa Monica voters will readily see the system's benefits and embrace it, despite its unfamiliar character. The Commission's exposure to public response (at our February forum) suggested, however, that public education and acceptance might be more of a challenge than we had imagined.

The objectives of ethnic group empowerment and ideological diversity should be greatly advanced by a change to the single transferable vote method of Council election, provided that all Council members were elected at the same time. The joint effect of these adjustments would be to reduce the proportion of voter support needed to win to about one-third of its present level. In the 1990 election, 37% support (about three-eighths) produced

a victory; under STV with 7 seats open, one-eighth support would be "quota", a sufficient number to win.

One can imagine a number of issues around which an eighth of Santa Monica's electorate might be rallied. One could also foresee campaigns arising around neighborhood bases, especially in any area that has hitherto felt a lack of representation. Santa Monica's Latino population, estimated to comprise about one-seventh of the city's voting age population, probably makes up a large enough base for a successful candidacy -- even allowing for a substantial number of non-citizens -- when the winner needs only 12 1/2 percent of the vote.

Were staggered terms to be maintained, on the other hand, the expected benefit to ethnic or issue-oriented groups dwindles significantly. The threshold of representation becomes 25% when three seats are open, 20% when four seats are up. The hurdle would unquestionably be lowered from its current 37% level, but it may yet remain impractically high for many groups.

Whether STV is more group-empowering than the cumulative vote (discussed in the next section), or more so than a district system, revolves in large part then around the question of how many Councilmembers are chosen at the same time.

As the STV system, would, we assume, be used in the context of a city-wide electorate, no absolute reduction in campaign spending can be expected. However, to the degree that the size of the voter base needed becomes smaller, the amount of money needed to mount a serious campaign may shrink accordingly, as long as the base of candidate support can be identified effectively.

An increase in independent candidacies of all kinds would be a logical consequence of STV, as would-be Councilmembers contemplate the lower hurdle to elective office. The first proportional representation vote in Worcester, Mass. in 1949 brought out 152 candidates for 9 seats.

Whether independents meet with success, thereby weakening the central role of slate politics, is not so predictable, although we may safely say the probability is greater than under the current voting structure. A host of independent candidates, without agreements to support one another with second preferences, might do as much to undermine each other as to weaken slates.

Slating groups could survive in this electoral regime, but would need to lower their objectives in terms of the number of seats controlled. Attempts to spread the group's support between many candidates could produce defeat for all of them.

New electoral coalitions would be likely to develop on an ad hoc basis as public interest rose around emerging issues.

A City Councilmember elected under STV could look at any voter in the city as a potential source of support - or opposition. In this sense, STV can make for a responsive and accountable Council. At the same time, a broad base of support is not essential to success under this system; consequently, there is somewhat less incentive to respond to all constituents, especially if Councilmembers see their election as resting on a

specific geographic, ethnic or issue base.

While we have emphasized the benefits of STV in facilitating representation for minorities of all types, we recognize that the Council may need to weigh against it the philosophical counter-arguments ('majority rule') central to democratic tradition, and also the policy consideration of stimulating and rewarding single-issue candidacies.

STV, like the cumulative vote, affords the possibility of informal district representation for any large area where residents' common concerns are high on their political agendas. Of all systems we considered, STV, despite its complexity, may do the most to stimulate voter participation. The relative ease, compared to the current system, of gaining a spokesperson on City Council, under this method, brings rewards within reach of grass-roots groups of many persuasions who may presently feel political participation to be a fruitless effort.

CUMULATIVE VOTING

Mechanics and Usage: An option sometimes described as a semi-proportional voting method is the cumulative vote. While not truly proportional in its outcome, it tends to produce more proportional results than do plurality systems.

The cumulative system may be used in any contest where more than one representative is to be elected. It gives the voter as many votes as there are winners but allows them to be cast in a number of ways, depending on whether the voter wishes to focus, or to distribute, his/her support.

Where, for example, three Councilmembers are to be elected, a voter may cast one vote for each of three candidates, or all three votes for a single choice.

The latter course would be taken when there is an intense interest in getting one particular person elected; or perhaps just indifference or indecision about the relative merits of the other candidates.

Between that strategy and the traditional one vote each for three candidates, lies still another option; two votes for a first choice and one vote for a second. Sometimes, half-votes are employed to permit an equal weighting (1 1/2 votes) for two preferred choices.

The method allows voters to express the strength of their desire for the election of one candidate (or two-less intensely), rather than restricting them to simple choice of "for" or "against". Voters who see no reason to prefer candidates B or C over D or E can put votes to use under this system that would otherwise be "wasted".

The purpose of such a system is to ensure some representation to a substantial minority bloc who might otherwise be "shut out". It is in common use in American corporate life for electing boards of directors, enabling minority stockholders to have a

voice on the board.

In American politics, it has played a marginal role. The State of Illinois, sectionally polarized by conflicting Civil War loyalties, instituted cumulative voting for members of its House of Representatives in 1870, with three-member districts. In practice, this process usually allowed the minority party in the area to gain one-third representation, since it would take 75% or more support to sweep all three seats. Despite the technically complicated ballot, the system remained in place for a full century, being abolished in 1980 by referendum in conjunction with greatly reducing the size of the Illinois House. Opinions are divided as to whether the vote was primarily against the voting system, or against a pay raise the Legislature had just voted for itself.

The cumulative system was revived for use in 1987 through a court-approved settlement of a voting rights lawsuit in Alamogordo, New Mexico. This city of about 25,000 subsequently elected a Latino to its City Council. It had been 19 years since Latinos, who constitute just under 25% of the population, had been able to elect one of their number to the City Council.

Field research by political scientists Richard Cole, Delbert Taebel and Richard Engstrom, employing exit polls on Election Day, established that the multiple votes of Latinos did indeed provide the margin of victory for the Latino winner. Although fourth in the number of voters who supported her, she was third in number of votes.

The exit poll also indicated that 95% of the voters understood the system, and that over two-thirds had cast multiple votes for a candidate. The City spent about \$4,000 on programs to publicize the system, through meetings and explanatory literature. No voting strategy aimed at blocking a minority candidate was apparent in the voting results.

Appraisal: With regard to the goals of empowering ethnic minorities and contributing to ideological diversity, the Commission believes this method would be a substantial step forward. The ability to aggregate several votes for a candidate permits a smaller group to reach the threshold of representation. Based on Santa Monica's most recent election, that threshold, the proportion of voters needed to elect the lowest-tallying winner, is approximately three-eighths (37%).

Had cumulative voting been utilized to its maximum potential by an ethnic or an issue-oriented group comprising one-eighth of the voters, that group could theoretically have elected one candidate of its choice. This model assumes that no multiple votes are cast for the other candidates and so, like the assumption that all supporters cast all their votes one way, indicates only its theoretical potential. But in practice, cumulative voting should give a committed base of under 20% a fair chance to elect a spokesperson in a 3-opening race, and a very good chance in a four-person race.

Since no ethnic minority approaches 20% of Santa Monica's

electorate, this method, while an improvement over the at-large system, presents less opportunity for a minority to elect its choice of candidate than would a district system.

The minority-empowering impact of this method would be greatly enhanced if it were combined with an end to staggered terms. In a seven-way race, allowing each voter seven votes, a united committed base of as little as 6% of the electorate would be theoretically sufficient to elect, assuming (as above) no multiple votes for other candidates - an unrealistic assumption. But, in practice, a base of about twice that size should be enough to place one candidate in office.

Insofar as the voter base of a candidacy could be geographical, rather than ethnic or issue-oriented, cumulative voting might enhance neighborhood empowerment as well.

Because the number of voters required for a successful race is considerably reduced, the campaign spending per candidate may be proportionately diminished, even though the unit of election continues to be the city as a whole. A campaign focussed on a geographic area or an ethnic group can be mounted at a much lower cost than an appeal to the whole electorate. In the case of issue-oriented groups the cost reduction is more questionable; if the issue in question is linked to an organization, or the cause has other ways of identifying its supporters amongst the ranks of the electorate, the same economies apply. For a new issue, or one without organizational linkage, savings might be more marginal. Under this system, with a smaller base of supporters needed to gain election, the independent candidate's prospects improve, and to that degree the power of slating groups is eroded. However, slates aiming at filling fewer posts than were open could under this system coordinate their supporters to cast multiple votes for two or more candidates.

Since all voters continue to be eligible to vote for all candidates, a Councilmember hoping for re-election would be wise to be accessible to all Santa Monicans, but to the degree that a narrower electoral base is sufficient under this system, it provides somewhat less incentive to accessibility than the at-large system.

For the same reason, it is possible that neighborhood issues might be emphasized over city-wide problems, since one electoral strategy might be mobilization against city neglect of a neighborhood. In this sense, cumulative voting could (as could the single transferable vote) result in district representation without district elections.

The impact on voter participation, we conjecture, should be positive, as groups of various kinds unable to contend for control of City Council can, with this device of multiple votes, realistically contemplate representation. There is no indication that the novel aspects of the ballot pose complexities that confuse the voters or reduce participation.

As an initial step in considering various electoral options, the Commission wished to inquire into whether a legitimate claim of violation of the federal Voting Rights Act could be made against the City. Ultimately, two consultants were engaged to investigate aspects of this question. Professor J. Morgan Kousser of the California Institute of Technology, Pasadena examined portions of Santa Monica's history to determine whether there is evidence that the current City Charter was adopted or maintained so as to disenfranchise minority residents. UCLA Professor Leo Estrada studied the City's minority population distribution to determine whether it was possible to create a district that could elect a minority City Councilmember.

As a result of time constraints, Dr. Kousser's research was limited and was largely based on newspaper coverage of circumstances surrounding the adoption of the 1946 Charter and a 1975 proposal to create districts. In addition, he conducted a statistical analysis to determine whether 1946 voting records revealed racially polarized voting between supporters and opponents of the Charter.

In Dr. Kousser's view, the initial evidence of discrimination is sufficiently strong so that the City would have to defend itself vigorously in order to overcome a claimed violation of the Voting Rights Act.

Dr. Kousser added that the evidence of discriminatory intent in the adoption of the 1946 Charter was at least as strong as in successful voting rights cases in which he has served as the principal expert witness.

However, the scope of Dr. Kousser's research was limited to approximately 70 hours, he was not asked to explore contrary evidence, and he characterized his conclusions as "quite tentative."

For his part, Professor Estrada determined that it was possible to create a minority district within the framework of a seven-district City Council. Such a district would largely encompass what is generally regarded as the Pico Neighborhood with a near majority of voters being Latino. Combined Latino and African Americans would constitute a majority of voters in this district. Professor Estrada concluded that this district was sufficiently compact to satisfy Voting Rights Act criteria.

The City Attorney's office noted that the evidence presented must be viewed in context, must be considered as tentative, and does not compel a particular result. Even if the Commission were to make the worst case assumption on the intent issue, the City Attorney's office explained, several other preconditions would need to be met in order for a voting discrimination suit to be seriously considered. Specifically, any plaintiff would also need to establish: (1) the existence of a minority group sufficiently large and geographically compact to constitute a majority in a single member district; (2) that the minority group is politically cohesive, and (3) that its preferred candidates are usually defeated by votes of the white majority.

On these points, all of which need to be answered affirmatively for an adverse voting discrimination judgment to occur, we have at this point no clear affirmative answers (though it has been established by Professor Estrada's work that combined ethnic minorities constitute a majority of a compact district). The Commission did not pursue answers to the second and third points. For the Commission's decision-making process, it was unnecessary to determine these answers because the Commission was already committed to recommending a system that would increase ethnic empowerment. Since the Commission was nearing consensus on proposing abandonment of the at-large system for that and other policy reasons, the legal consequences of remaining at-large were becoming moot points, for our deliberative process.

In the further choice between districts and a proportional representation plan (such as STV), both of which are large steps toward greater ethnic group electoral influence, the relevance of the answers is marginal. The degree of group cohesiveness will bear on a minority group's success rate under both systems, and, short of virtual unanimity, provides no iron-clad guarantee of success under either one. A mathematically sophisticated examination comparing the probable success rates under districts or STV of ethnic-backed candidates is a project that could be done, and perhaps should be done before a final decision is made. It was not a project, however, that could be done within the time frame and budget of this report.

Similarly, racially polarized voting by the white majority could impinge on ethnic choices succeeding under either system. If there is any significant degree of such voting it might be more effective in districts than under STV. This is also a matter that could well be pursued further, but not one we were able to pursue within our time, skill and budget constraints.

What is clear, in contrast to all these unanswered questions, is that proportional methods, like districts, bring Latinos much closer to placing their choice on City Council. Unlike districts, they avoid a possible forced choice between a Latino and African-American candidate, and enable all members of each group, regardless of place of residence, to unify behind a candidate of its preference - or for that matter, to join together. As such, it is hard to foresee a basis under which such systems could be attacked as minority vote dilution.

Likewise, should the Council choose to follow our second preference and institute districts, the City would likely, provided it drew a district that nearly maximized minority voter strength, be immune to voting rights litigation.

As the Commission on policy grounds recommends discontinuance of the at-large plurality system, we hesitate to step into the shoes of the City Attorney to advise Council on its voting rights law risk exposure should it not abolish at-large elections.

There is no pending voting discrimination litigation, nor threat of litigation, nor even rumor of a threat at this time.

However, we have heard enough discussion and read enough material

related to the question that we can say as a matter of prudent management, that it would be unfortunate and unwise to maintain in place a system the City might need to defend at great expense, notwithstanding the likelihood that the City might ultimately prevail.

By contrast, a move to a system that offered increased opportunity for minority representation would be a defense to any such suit. This, in our view, is yet one more reason - not the most important one, but a significant one - for choosing one of the electoral options we have recommended in the body of this report.

FOOTNOTES

- 1) pg. 17 Welch & Bledsoe, "Urban Reform and Its Consequences", P. 8.
- 2) pg. 18 Kousser Report, P. 14.
- 3) pg. 28 Baseline Data Report (International City Management Ass'n.) Vol. 19, #6, P. 3.
- 4) pg. 32 Petrie and Tuchfarber, "Proportional Representation", P. 37.
- 5) pg. 39 We assume here that there is no concerted counter-strategy by the remaining four-fifths aimed at exclusion of this group's candidate. The Commission has not analyzed the likely outcomes of such a hypothetical situation.
- 2) Question: Whether or not City Charter Section 602 should be amended to provide compensation and benefits for members of the City Council and if so, what compensation and benefits should be provided?

Existing City Charter:

SECTION 602. Compensation. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement for necessary travel and other expenses when on official duty out of the City on order of the City Council and, in addition, the Mayor shall receive the sum of One Hundred and Fifty (\$150.00) Dollars per month, which amount shall be deemed reimbursement out-of-pocket expenditures and costs imposed upon him in serving as Mayor, and all other members of the City Council shall receive the sum of Fifty (\$50.00) Dollars per month, which amount shall be deemed to be reimbursement for out-of-pocket expenditures and costs imposed upon them in serving as City Councilmen.

Discussion and Recommendation: The current Charter section, while providing no compensation as such to Council members, offers them \$50 monthly "deemed to be reimbursement," in part, for "costs imposed upon them in serving."

Since Santa Monica's Charter, with its "reimbursement" limit of \$50 per month, was adopted in 1946, the purchasing power of the dollar has shrunk to less than one-sixth its magnitude of that year, and median family income has multiplied more than

EXHIBIT 75

New York policemen chase demonstrators through
Koreatown on Tuesday after a night of widespread
riots sparked by the police killing of a local man.

Term limits, pay hikes gain early approval

By John Humber
STAFF WRITER

The Santa Monica City Council gave preliminary approval to council term limits, pay raises and minor revisions to the city's charter Tuesday night.

The council also indicated support for an election system designed to strengthen the voice of neighborhoods while preserving citywide leadership.

The city's Charter Review Commission had proposed that the city elect a council for four-year terms, with staggered elections by neighborhood.

Called for continuing

But some council members expressed concern that the proposal would weaken the city's ability to act quickly in the future.

Pelicans believed starving

Scientists
El Nino

By Lori Schwartz
STAFF WRITER

Dead pelicans washed up on California beaches last few weeks, according to scientist.

"What we find in these birds is very little body fat, which is consistent with starvation," Hughes, chief investigator at the local Office of the coroner.

Hughes said, "I have seen many dead birds on the beach, but this is the first time I have seen so many." Hughes said he has seen many dead birds on the beach, but this is the first time I have seen so many.

a hybrid system that would combine districts and at-large voting.

"Nobody will know what's going on, who they're voting for" under the proportional system, said Councilman Dennis Zane.

The council defeated 4-3 a suggestion by Councilman Tony Vasquez and Mayor Ken Gomez to adopt a district plan to ensure neighborhood representation. Under that proposal, the city would be divided into districts and candidates would not run citywide.

Preliminary approval

Earlier in the evening, the council preliminarily approved a limit of three four-year terms, a pay and benefit increase and 10 less significant commission recommendations that would tinker with charter language and bring minor sections into compliance with state law.

The City Attorney's Office will draft proposals based on the recommendations, which the council will consider again before the proposals appear on the November ballot.

The most significant issue before the council was the way members are elected, which could change the direction of city politics.

Zane said affordable housing and other issues unpopular with neighbors were politically difficult to pass in cities with diverse members of the increased influence of neighborhood groups.

"The council members are freaked out at every neighborhood uprising on every issue," he said.

Several community members spoke in favor of districts.

Richard Fajardo, a lawyer with the Mexican-American Legal Defense and Education Fund, warned the council that Santa Monica's current at-large electoral system might be vulnerable to a legal challenge, if it was founded with intent to quell the influence of the Pico Neighborhood, which has never been home to a council member.

"You don't need racial hostility to have intentional discrimination," he said.

District system backed

Irene Zivi, a Sunset Park resident and former City Council candidate, said a district system is the best way to reduce the costs of campaigning, ensure better neighborhood representation and reduce the influence of political slates.

Now, she said, "a slate of people get together and tell the Pico Neighborhood who's going to represent them."

Five of the charter commission's 15 members also supported a district system, and several of those spoke to the council.

Commissioner Herman Rosenfeld said that a hybrid system, with some members elected from districts and others elected from the city at-large, would reduce the influence of districts dominated by ethnic minorities and would still require some candidates to spend a lot of money campaigning city-wide.

But other residents worried that districts would limit their influence on council members outside their districts and that it might divide the city.

"With districting, we may fracture our community," resident Jean Gelman said.

Gelman told the council that his experience in the city's Little League, where teams

divisions once fell along racial lines, suggested that districts drawn along racial lines would result in racial hostility.

"It took us eight years to heal the wounds by bringing the leagues together," he said.

Council pay

Less controversial was the issue of council pay. Paul DeSantis, a lawyer who unsuccessfully argued a housing issue to the council last week, said he supported a pay raise regardless of whether he agreed with the council members' philosophy.

"Our decision should be based on respect for the institution," he said.

Council members now receive \$50 a month. The commission proposed basing salaries on a formula that would pay up to \$800 a month. That's slightly higher than an average of \$643 a month in 11 similar-sized California cities.

In a related issue, the council asked city staff to draw up an ordinance prohibiting council members from taking a job on an organization that they had overseen. The ban would apply for a year after members leave the council.

Zane said he thought the proposal, made by Katz, was directed at him because he had been solicited to apply for the vacant job of executive director of the Rapidly District Corp., which oversees development of the Third Street Promenade.

He said he did not oppose the ordinance. He said also he would not apply for the director's job.

EXHIBIT 76

The Outlook

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IN SATELLITE TELEVISION GAME

BUSINESS C4

Serious crime nose-dives in SM

Pilot program also cuts car break-ins 74%

By Marilyn Martinez
STAFF WRITER

The number of serious crimes and car break-ins plummeted in Santa Monica during the first three months of a six-month pilot program that assigns officers working overtime to patrol Palisades Park, the Santa Monica Pier and the Third Street Promenade.

Statistics released by the Santa Monica Police Department show a 34 percent

reduction in crimes ranging from theft to robbery compared with the same July-September period in 1983. Break-ins to cars — a major problem in downtown parking structures — dropped 74 percent.

Under the \$651,000 program approved by the City Council earlier this year, two to six officers have patrolled daily for drug dealing in Palisades Park, gang activity on the Pier and theft on the Third Street Promenade since July.

Police said the program has been so successful that Palisades Park, where repeated police sweeps of drug dealers have worked only temporarily, is now clear of crack cocaine dealers and the sleazy atmosphere that came with them.

"We had lots of sting operations but, as soon as the officers leave, the drug dealers come back in the park," police spokesman Sgt. Gary Gallinot said. "When you have a constant presence there, then they know this isn't the place to sell drugs."

Another proposal approved by the

council also is being called a success. A police kiosk on the Third Street Promenade has served as a public information center since July. The kiosk, which costs \$125,000 per year to run, is staffed by a police officer or a civilian community service officer and is open from 10 a.m. to 10 p.m.

Police, council members and merchants already are calling the program a permanent solution to the downtown area's crime problems.

The plan targets the area bounded by

CRIME/A4

THE STATS

Crime Statistics for July, August and September:

- 1983 Serious Crimes 294
- 1984 Serious Crimes 162
- 1983 Auto Break-ins 140
- 1984 Auto Break-ins 39

*Serious crimes include murder, rape, robbery, assault, burglary, auto theft.

Answers

From L.A. Times

Crime

FROM PAGE A1

4th Street, Wilshire Boulevard, Pico Boulevard, Palisades Park and the Santa Monica Pier.

"There is no question that the policing district combined with the kiosk program has had a tremendous and very noticeable impact on the reduction of incidents and increased the public perception that things are safe here," said Ronald E. Cano, executive director of the Bayside District Corp., which manages the promenade.

Cano said the steady presence of uniformed police officers and the staffed kiosk has meant fewer panhandlers, car break-ins and a boosted reputation for safety with visitors.

There are an average of 2,000 inquiries a day at the kiosk, Cano said.

"Anything from 'Can you tell me where the bus stop is?' to wanting to report aggressive panhandling," Cano said.

"These people are walking away with a feeling of satisfaction."

Police statistics for July, August and September show there were 162 serious crimes reported in the area patrolled in the pilot program, compared with 294 during the same period last year.

More dramatically, auto burglaries plunged from 140 in the three-month period in 1993 to 39 this year.

Councilman Paul Rosenstein, who voted for the pilot program, said the extra police, who patrol on foot, bike and by car, are worth the cost.

"I think it's just such a gift to the community to be able to return Palisades Park to its former glory and to make all of the downtown streets safer," Rosenstein said.

If the council were to continue the program, it would cost \$1.17 million per year, according to a report prepared by city staff. The department would have to hire 11 new officers and a sergeant to continue it.

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EXHIBIT 77

The Outlook

HOME EDITION
November 10, 1994
Santa Monica, California
119th year/Number 272
© 1994 The Copley Press Inc.

A COPLEY
LOS ANGELES
NEWSPAPER

THURSDAY

A FRESH START

WOMEN WITH AIDS, HIV DRAW
SUPPORT FROM CULVER CITY CENTER
WESTSIDE A12

END OF ERA

LAKERS' WORTHY TO
ANNOUNCE RETIREMENT
SPORTS B1



CHEROKEE CHIEF

FIRST WOMAN HEAD OF MAJOR
AMERICAN INDIAN TRIBE RETIRING
LIFE/ARTS D1

Winners hold off rivals with tough talk, small voter turnout

By Jorge Casassa
STAFF WRITER

Low voter turnout and fear of crime may have helped propel the two top vote-getters Tuesday night to the Santa Monica City Council.

Incumbent Councilman Robert Holbrook and Los Angeles Deputy City Attorney Ruth Eborer ran a successful campaign by hammering home a single message: It's the crime, stupid.

The crime issue also boosted Santa Monica Planning Commissioner Pam O'Connor, the daughter of a Chicago police officer and the only Santa Mon-

SM CITY COUNCIL

icans for Renters' Rights candidates to win a seat.

All three winners were endorsed by the Santa Monica Police Officers' Association, which pumped \$50,000 into the campaign. The money helped bankroll a series of hit pieces against incumbent Tony Vasquez, who fell short in the final unofficial tally by about 800 votes.

"People in Santa Monica, like everywhere across the country, are concerned about crime," said Holbrook, who

headed the Coalition for a Safe Santa Monica slate. "It's a serious, serious concern."

"Tuesday's vote sends a message that people are ready for change," Holbrook said. "It sends a clear message to police and the city attorney that the (anti-crime) ordinances we passed be implemented forthwith, that what we say is what we mean."

Even after he had lost his bid for re-election, Vasquez stuck by his campaign assertion that rent control and not crime is the major issue facing Santa Monicans, and he feared Tuesday's results will give law enforcement

a free hand. "SMRR really needs to sit down and analyze the situation," said Vasquez, who opposed many of the law enforcement measures passed by the SMRR-controlled council. "They need to re-think what they did to the Police Officers' Association. They've created the atmosphere to go beyond their limits."

But if crime was the major issue, it was a low voter turnout that may have rung the death knell for the SMRR slate, rounded out by Santa Monica Arts Commissioner Bruria Finkel, who finished a close fifth.

"If the numbers are right, you

couldn't say this is a mandate on crime now could you?" said Michael Tarbet, campaign organizer for SMRR. "It looks like everybody has a lot of work to do because they haven't convinced everybody."

Absentee ballots still are being counted, and it could be weeks before the official results are in. But early tallies show the number of votes cast in Tuesday's council races could be the lowest in years.

About 23,000 voters cast ballots for City Council candidates Tuesday. Although the unofficial tally does not

COUNCIL/A5

U.S. SENATE

PROP. 187 FALLOUT

Council

FROM PAGE A1

include uncounted absentee ballots — which experts predict could add as many as 2,000 more voters — it still falls far short of the 1992 race, in which roughly 33,500 voters cast ballots in the council races, or 1990, when the council races drew about 29,000 voters.

There are 56,394 registered voters in Santa Monica, according to the county Registrar's Office.

"Something is going on here," said Steve Alpert, a SMRR member who is considered the leading expert in analyzing local election results.

Quake partly at fault

One of the major factors contributing to the low turnout may have been the Jan. 17 earthquake, which knocked out 1,400 rental units, the heart of SMRR's constituency. It is impossible to tell how many displaced tenants who intend to return to their quake-damaged units cast absentee ballots, but vote tallies were lower than usual in precincts with large, uninhabitable buildings such as the Sea Castle Apartments.

If it is still too early to gauge voter trends, it is easier to see how the crime issue played a major role in unseating incumbent Vazquez, the target of a relentless ad campaign portraying him as soft on crime.

The police association sent out six direct mailers to 40,000 voters and placed four ads in local newspapers. Most of the ads — which painted Vazquez as friendly to criminals, illegal immigrants and the homeless — ran in the final days before the election.

"We like not to run a campaign where we hit people," said Sgt. Steven Brackett, chairman of the police association. "But his (Vazquez's) campaign was so non-supportive of the law enforcement issues, it's hard not to."

"We sense that we played an important role in bringing issues in front of the public," Brackett said. "People don't feel safe, and they want to elect those who will make them feel more safe."

Caught off guard

Vazquez, who raised only half of the \$70,000 that helped elect him to the council four years ago, seemed to be caught off guard. A final campaign blitz by his workers on Election Day was too little, too late.

Early Wednesday, an exhausted Vazquez left SMRR headquarters without commenting publicly on the loss. After a night's sleep, he was more philosophical.

"The bottom line is being able to get up in the morning," said Vazquez, who intends to remain active in politics. "I feel good about my votes. I still feel good about my votes. That's not going to change."

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EXHIBIT 78

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ELECTIONS / SANTA MONICA CITY COUNCIL : Competing Slates View Safety as Key Issue

November 03, 1994 | NANCY HILL-HOLTZMAN | TIMES STAFF WRITER

For the past four years, Bob Holbrook and Tony Vazquez have stood out as the gentlemen of the Santa Monica City Council.

While others clawed and back-stabbed, Vazquez and Holbrook built a reputation as go-along, get-along guys. Civility was their method, and they could agree to disagree with no hard feelings.

There are similarities in private life too. Both are family men, and both hold degrees from USC, where Holbrook is a professor of pharmacy. Vazquez is a community planner for United Way.

But when it comes to the issues, especially how to go about ensuring public safety, the two part company dramatically. Holbrook favors strict enforcement of city ordinances; Vazquez stresses addressing the underlying social problems that could lead to crime.

This fall, the philosophical gulf is being scrutinized as Holbrook and Vazquez seek reelection to second four-year-terms on the City Council.

It's not only their own futures at stake. The two are heading up competing slates of candidates for the three available seats on the seven-member council.

Vazquez is at the top of a slate endorsed and financed by the city's powerful rent-control organization, Santa Monicans for Renters Rights (SMRR). His running mates are urban planner Pam O'Connor and artist Bruria Finkel.

Holbrook and his running mates, Los Angeles Deputy City Atty. Ruth Ebner and labor lawyer Matthew P. Kanny, are backed by a group called Coalition for a Safe Santa Monica.

Five other candidates are running independent campaigns.

In his first term on the council, Holbrook has heavily stressed enforcement measures, including closing parks overnight, prohibiting homeless encampments in public places, beefing up police patrols in the downtown area and enacting a teen curfew that would require teen-agers under 18 to be off the streets after 10 p.m. on weeknights and 11 p.m. on Fridays and Saturdays unless they are traveling to or from an event.

Holbrook, Ebner and Kanny have all stressed the need to make parks and streets safe for citizens, something they claim current council members backed by SMRR have not done.

"They've demonstrated time and time again, they do not believe in enforcing laws on the books," Ebner said at a recent debate. "I can't use the parks. My son can't."

Vazquez is the embodiment of the social service model of dealing with public safety and homeless issues. He voted against banning encampments in the park, saying such measures criminalize poverty. The teen curfew was in his view discriminatory, so he opposed it.

In July, Vazquez asked the council to let homeless people sleep overnight in the parks. A month earlier, he voted against beefing up the police presence downtown because he feared it would draw officers away from residential neighborhoods.

Vazquez has also been a strong voice for increasing citizen input in police matters. If elected again, Vazquez said, he will press for civilian review of the police force.

These positions have not endeared Vazquez to the Santa Monica Police Officers Assn., which is mounting a campaign against him. The union has endorsed Holbrook, Ebner and O'Connor. Historically, the police union has split its endorsements across slates.

As for Vazquez, police association President Stephen Brackett said, "he's voted against every public safety measure that has come before the council."

"What this campaign has been about is SMRR's policies, and Tony exemplifies them," Holbrook said. "They allow people to live on the street and hold them to no responsibility."

SMRR co-chair Nancy Greenstein said she was shocked at the police union's "gall" in criticizing Vazquez.

"I'm shocked police personnel would be so vindictive," Greenstein said. "How can I trust them to be neutral in situations in the community?"

Vazquez insists it is wrong to construe him as soft on crime. He said he favors early intervention programs to prevent crime and believes that homelessness should be dealt with by seeking federal funding to provide housing.

Vazquez also notes that he voted to add 20 police officers to the force in 1991, but Holbrook did not.

Holbrook said he voted against the entire budget that year because the council decided, without sufficient study, to pay for the officers by enacting a 1% tax on the sale of all property in the city.

Of his slate-mates, Finkel seems to be most closely attuned to Vazquez. A longtime champion of the homeless, Finkel opposes closing the parks at night and the teen curfew.

"Come with me to the parks," Finkel said recently. "I go to the city parks all the time with my grandson. I can tell you it's safe."

O'Connor says she supports most of the controversial public safety measures passed by the current council over the past few years.

If elected, that would put her in the public safety majority on the council, which should not be confused with the SMRR majority itself. Though SMRR-backed council members hold five of seven council seats, they are split on public safety matters.

SMRR-backed councilmen Paul Rosenstein, Ken Genser and Kelly Olsen routinely join Holbrook and Councilwoman Asha Greenberg in supporting these measures. Vazquez and Mayor Judy Abdo routinely oppose them. Olsen, who initiated many public safety measures, was dropped from the SMRR slate, leaving it without a strong public-safety voice.

SMRR itself is not conceding the public safety territory to the Holbrook crowd. In a campaign mailer to the city's Republicans, the SMRR-backed slate is portrayed as Santa Monica's "crime-fighting team."

The Holbrook slate has an advantage compared to the 1992 election because this year there is no competing conservative slate running to its political right. Indeed, candidate Bob Kronovet, as he repeatedly says, is the only registered Republican in the race.

But money is tight, and the Holbrook slate has precious little of it, about \$45,000, to get the word out. SMRR, on the other hand, raised \$150,000 this year and had \$68,000 as of Sept. 30. All of its candidates have separate campaign accounts as well.

Slates and Independents

Santa Monicans for Renters Rights slate:

- * Tony Vazquez (I), community planner
- * Pam O'Connor, urban planner
- * Bruria Finkel, artist, teacher

Coalition for a Safe Santa Monica slate:

- * Bob Holbrook (I), pharmacist
- * Ruth Ebner, Los Angeles deputy city attorney
- * Matthew P. Kanny, labor/employment attorney

Five candidates for Santa Monica City Council are running independent campaigns:

- * Bob Kronovet, film distributor, businessman
- * Wallace Peoples, pharmacist
- * Joe Sole, publisher
- * Jon Stevens, teacher
- * Ron Taylor, homeless-rights activist

(I) Incumbent

EXHIBIT 79

night, when the doctor was called to the hospital Thursday at a hospital, Smith said.

hold insurance rates down," Nader said. was predictable and would have little effect on the tight race. In stark contrast, he said Quacken-

SANTA MONICA POLICE OFFICERS' URGE A 'NO VOTE' ON TONY VAZQUEZ

A POLITICAL CHAMELEON



He Won't Help Us Protect You.
VOTE NO!!
ON
TONY VAZQUEZ

TONY VAZQUEZ CAMPAIGN MATERIAL CLAIMS HE IS A CRIME FIGHTER. YET HIS VOTES SAY OTHERWISE... "VOTES ARE STRONGER THAN CAMPAIGN WORDS" LOOK AT TONY VAZQUEZ'S *OFFICIAL VOTING RECORD...*
*(Official S.M. City Council Minutes)

ILLEGAL ALIENS TO VOTE

May 14, 1991 TONY VAZQUEZ TRIED TO LET ILLEGAL ALIENS VOTE FOR SANTA MONICA CITY COUNCIL OR SANTA MONICA/MALIBU SCHOOL BOARD RACES! FORTUNATELY QUALITY COUNCIL MEMBERS STOPPED HIS EFFORT

DRUG DEALING

July 13, 1993 SHOULD THE POLICE ENERGETICALLY STOP THE SPREAD OF DRUG DEALING INTO OTHER PARKS/AREAS OF OUR CITY? VAZQUEZ VOTED NO!

THEFT FROM CARS

Oct. 11, 1994 AUTO BURGLARIES AND CAR THEFTS REPRESENT 1/3 OF SANTA MONICA'S SERIOUS CRIME PROBLEM! SHOULD THERE BE A LAW PROHIBITING LOITERING IN PARKING STRUCTURES? VAZQUEZ VOTED NO!

HOMELESS AND CITY PARKS

June 30, 1992 SHOULD THE ENCAMPMENT ORDINANCE BE ENFORCED IN PALISADES PARK?
July 13, 1993 SHOULD HOMELESS BE STOPPED FROM SLEEPING IN THE PARKS?
Aug. 9, 1994 SHOULD THE PUBLIC BE ABLE TO VOTE ON THE HOMELESS SERVICE ACT OF 1994? (OVER 10,000 VOTERS SIGNED TO PUT IT ON THE BALLOT). VAZQUEZ VOTED NO ON ALL THREE!

PARK CLOSURE

June 7, 1993 SHOULD CRIME PROBLEMS IN OUR PARKS BE ADDRESSED? TONY VAZQUEZ VOTED NO! (AND WANTED IT REFERRED TO THE RECREATION COMMISSION) THE STAFF REPORT SAID IT WAS AN EMERGENCY PROBLEM, AND WANTED PALISADES PARK CLOSED MIDNIGHT TO 5:00 a.m. VAZQUEZ VOTED NO!
July 13, 1993 SHOULD THE PARKS BE CLOSED MIDNIGHT TO 5:00 a.m.? VAZQUEZ VOTED NO! THREE TIMES

CURFEW

June 29, 1993 SHOULD THERE BE A "ONE YEAR TRIAL CURFEW ORDINANCE" FOR THOSE UNDER 18?
Aug. 3, 1993 WHEN HE COULDN'T DELAY VOTING ON THE CURFEW ORDINANCE, IT CAME TO A VOTE TO MAKE IT LAW... VAZQUEZ VOTED NO!

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[← Back to Original Article](#)

Westside Digest

Santa Monica : No Citizenship, No Vote

May 16, 1991

The City Council turned down a request by Councilman Tony Vazquez to direct the city attorney to explore the legality of allowing residents who are not citizens to vote in local elections.

Vazquez said his primary interest was in getting parents who may not be citizens involved in decisions on issues that affect their children's education.

There is a large Latino student population in the school system, and many of the students' parents are not citizens.

Although some sentiment was expressed for opening the voting process for school board elections, there was little support for eliminating the citizen requirement for City Council or Rent Control Board elections.

City Attorney Robert M. Myers said that if the process were opened in one local election it would probably have to be opened for all local elections.

"I'm not going to ask the city attorney to spend time researching an issue that I don't intend to support as a matter of policy," Councilman Dennis Zane said.

Councilman Ken Genser was the only council member supporting Vazquez's proposal. "I guess I misread them," Vazquez said.

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DECISION '94 : 3 Police-Backed Candidates Win Seats on Council

November 10, 1994 | NANCY HILL-HOLTZMAN | TIMES STAFF WRITER

Three police union-backed candidates were elected to the Santa Monica City Council on Tuesday in the wake of a campaign that centered on public safety and homeless-related problems.

Incumbent Robert T. Holbrook, with 16.3% of the vote, ran first among a field of 11 candidates competing for three seats. His slate-mate, Los Angeles Deputy City Atty. Ruth Ebner, came in second with 15.8%.

The results made for a bad night for Santa Monicans for Renters Rights, whose candidates have long controlled the City Council. Only one of its candidates—urban planner Pam O'Connor—was elected, shaving the group's control of the council to one seat, 4 to 3.

Holbrook and Ebner were supported by Citizens for a Safe Santa Monica, which was outspent about 3 to 1 by the renters rights group.

"The election results point out we were in step with what Santa Monicans needed and wanted," Holbrook said. "We had the right issue."

O'Connor won the third council seat with 15.6% of the vote. Along with backing by the renters group, O'Connor was endorsed by the Santa Monica Police Officers Assn., as were Holbrook and Ebner.

The defeat of incumbent Tony Vazquez, the first Latino elected to the Santa Monica City Council four years ago, was especially painful for the renters group. Vazquez was considered a rising political star and his backers predicted last summer that he would become the first Latino mayor of the city.

Vazquez blamed his loss on "the racism that still exists in our city. . . . The racism that came out in this campaign was just unbelievable," he said.

Vazquez was targeted for defeat by the police officers association, which attacked his public safety record with repeated campaign mailers.

The association also took out ads reminding voters that in 1991, Vazquez proposed allowing non-citizens to vote in local elections. Although the ads said Vazquez proposed letting illegal immigrants vote, he said that he had sought voting rights for legal immigrants who were not U.S. citizens.

Still, the cornerstone of the police attack revolved around public safety. Bucking the recent tide in Santa Monica on crime and homeless issues, Vazquez voted against nearly all enforcement measures brought to the council, such as closing the parks at night. As alternatives, he favored crime prevention programs.

That placed him in the minority even among the council members elected with the backing of the renters group.

On Tuesday, Vazquez came in fourth place with 14.4% of the vote, despite a hard-fought campaign during which he took a month off work to walk precincts.

Artist Bruria Finkel, another candidate backed by the renters group, finished fifth with 14.2% of the vote. The third member of the Holbrook slate, Matthew Kanny, was sixth with 11% of the vote.

In other Santa Monica results, voters passed a school bond issue and a cost-cutting measure that will allow a summary of proposed ordinances to be published instead of the entire text.

Holbrook predicted that the reconfigured council will ensure that the recently enacted public safety measures will be enforced and will demonstrate more concern for the needs of the business community.

The election represents the first time in almost a decade that the renters group couldn't pull a last-minute victory out of the fire.

Holbrook and Ebner's one-two finish also reversed another trend. Council candidates that have not had the renters group's support haven't been the top two vote-getters since the mid-1980s.

Leaders of the renters group blamed their setback on rental units lost in the Jan. 17 earthquake and on further loss of units from a program allowing apartment buildings to be converted to condominiums. Nancy Greenstein, co-chairwoman of the group, said Vazquez was engulfed by a wave of statewide anti-crime sentiment and suffered by being "villainized" by the police union. "I just didn't see him as anti-public safety," Greenstein said.

Although he usually votes against Vazquez on public safety and homeless issues, Councilman Paul Rosenstein expressed regret about his colleague's defeat, saying: "It's unfortunate there's little tolerance for a councilman who voted his conscience."

EXHIBIT 80

1 A. Yes.

2 Q. Okay. So what is your understanding --

3 A. So you want my -- yeah. In my opinion, I took
4 it, I guess, more from being attacked by the police in
5 varying racist cartoon literature.

6 Q. Uh-huh. So there was a cartoon that the
7 police union sent in a mailer?

8 A. I think it was in the newspaper.

9 Q. Oh, they published it in "The Outlook," was
10 it, at the time?

11 A. I -- I believe "The Outlook" was still around.

12 Q. Yeah. So the police union published a -- a
13 racist --

14 A. Took an ad.

15 Q. -- a racist cartoon in "The Outlook."

16 A. Yes.

17 Q. And can you describe the substance of that
18 cartoon?

19 A. I can't tell you exactly what the caricature
20 was based -- but it was basically -- the theme was
21 that -- that I was kind of lumped into the gang element
22 and was not the kind of person you want running your
23 city.

24 Q. Uh-huh. And when you say "lumped into the
25 gang element," are we talking about Latino gangs?

1 A. Yes.

2 Q. Do you recall if the cartoon had a particular
3 look or description that would lead readers to believe
4 that this was referring to a Latino gang?

5 (Whereupon, Mr. Rubin re-enters the deposition
6 proceeding.)

7 THE WITNESS: Not per se. Like -- and I -- I
8 mean it didn't have me tatted up, for example, yeah.
9 But just the image, yeah.

10 MR. SHENKMAN: Yeah.

11 Q. But you -- you understood it --

12 A. I understood it.

13 Q. -- to be racist, right?

14 A. Yes.

15 Q. Okay. Do you have any copies of that cartoon
16 today?

17 A. You know, I thought I did. And I -- because
18 it's -- in the -- you know, we did a major renovation
19 in the home, and I haven't been able to locate that
20 file. But it may be somewhere in my garage somewhere.

21 Q. Okay. And do you think that cartoon had a --
22 an effect on voters?

23 A. I believe so.

24 Q. How much -- how much money did you spend in
25 the 1994 campaign?

EXHIBIT 81

— Back to Original Article

Politics: Homelessness and the Defeat of Tony Vazquez for Santa Monica Council

November 24, 1994

Regarding "3 Police-Backed Candidates Win Seats on Council" (Nov. 10), ousted Santa Monica City Council member Tony Vazquez, in playing the race card to explain his loss in the Nov. 8 elections, revealed not only a lack of contact with reality, but a lack of class.

Vazquez was rejected for the simple reason that he spent all his political capital on the "rights" of homeless people instead of those of the bona fide tenants (i.e., voters) of Santa Monica which his party, Santa Monicans for Renters' Rights, purports to represent. That Vazquez is a Hispanic was completely irrelevant to his defeat. The people that elected him in the first place are the very same people that, this time around, voted him out. In the interim, we'd been able to remove the mask of rent control he'd been hiding behind, and saw him for what he really is.

With his passion for advocating the needs of the disenfranchised in our society, he'd be a great candidate for the mayor of Skid Row, but he proved himself utterly incapable of representing the people of Santa Monica. I don't even think he knows who we are. But at least he's now finally heard our voice.

DAVID STOUGHTON, *Santa Monica*

EXHIBIT 82

Computer users — the original Apple Corps for Apple II and Mac users meets the second Sunday of every month in West Los Angeles.

Desk, The Outlook, 1920 Colorado Ave., Santa Monica, 90404. Fax: 453-3085.



Mexican American Political Association

Westside Chapter

We endorse the following candidates for the following reasons:

- **Leadership** • Outstanding Experience • Ability to work well with all SM/Malibu residents

City Council: Bruria Finkel • Antonio Tony Vazquez

School Board: Pam Brady • Julia Bromley • Brenda Gottfried

College Board: Nancy Cattell • Dorothy Ehrhart Morrison

"Beware of last minute smear campaigns against proven leaders."

SANTA MONICA POLICE OFFICERS... URGE YOUR VOTE FOR SAFETY, VOTE FOR...



RUTH EBNER



ROBERT HOLBROOK
(incumbent)



PAMELA O'CONNOR

Dear Voter...

This November's City Council elections are most crucial to your safety and the rebuilding of our devastated City! Every voter is needed to support making Santa Monica SAFE. **YOUR VOTE COUNTS!!!**

While some may claim to be a crime fighter because they are running for reelection, **OUR ENDORSED CANDIDATES HAVE A BROAD SPECTRUM OF TALENTS, EXPERIENCE AND SKILLS TO WORK TOGETHER TO MAKE THE CITY SAFE!**

Ruth Ebner is a seasoned prosecutor (in the City of Los Angeles), and has devoted her career to convicting gang members, drug dealers and abusers, and violent offenders. With the view of a parent and the fortitude of a tough prosecutor, she will provide stability and direction on the City Council.

Bob Holbrook actively supported reestablishing the curfew, hiring more officers, and cleaning up Palisades Park. His Leadership helped bring about new laws to better deal with the Homeless in our Parks. His time on the Santa Monica/Malibu Unified School Board was dynamic, and helped craft resolution to many issues. As head of the Pharmacy program at USC, Bob's energies have been similarly devoted to helping others.

Pamela O'Connor knows law enforcement from the streets of Chicago where her father was a former detective. She knows what police see and do daily, and will provide the support and leadership to make our City safer. With experience on our City's Planning and Landmarks Commissions, she has the skills, and knows the importance of preserving the history and charm of Santa Monica.

PLEASE FORTH WITH AN OUTLOOKS & EDUCATION VOLUNTEERS

EXHIBIT 83

more mail on this issue than it had received on any other issue during her tenure. The Council members indicated that they, too, had received a great deal of mail.

Engineering, Inc. for Phase 2 of the Pedestrian and Crosswalks Improvements Project.

Over 100 Economists Endorse Santa Monica's Living Wage

Scholars From Across Country Back Measure

In a letter released Monday, 118 economists from the United States, Europe, Canada and Mexico endorsed Santa Monica's living wage ordinance. The letter comes one month before residents vote on the living wage ballot measure JJ.

The text of the letter is as follows: "We understand that this November, voters in Santa Monica, California, will consider a living wage law that sets a minimum wage of \$10.50 with benefits for workers concentrated in the city's tourism industry.

"More than 80 cities and counties throughout the country have now passed living wage legislation. These laws are a response to the widespread reality of stagnant or declining wages, which have left millions of working Americans — many of them holding one or more full-time jobs — unable to afford basic necessities for themselves and their families.

"As economists, we believe that living wage legislation is an important tool for improving the living standards of working Americans. Research has shown that these laws can reduce poverty by providing higher pay to the working poor. With respect to the Santa Monica ordinance specifically, we note that the study by Professor Robert Pollin and colleagues at the University of Massachusetts-Amherst, commissioned by the city, offers strong evidence of the law's overall merits.

"The study concluded that the ordinance will benefit workers without significant job loss, and that affected businesses can afford to pay higher wages. These overall findings were affirmed in a peer review by Professor Richard Freeman of Harvard University. In addition, we note that the law strives to minimize any negative economic impact, limiting its application to large businesses only and including a hardship exemption process.

"We support Santa Monica's diligent attempt to address the problem of working poverty, and offer our endorsement of

the Santa Monica living wage ordinance."

Among the economists signing the letter are such well-known scholars as University of Texas at Austin Professor James K. Galbraith; Cornell University Professor Lourdes Beneria; Notre Dame Professor Teresa Ghilarducci; Boston College Professor Juliet Schor; UC Berkeley Professor Michael Reich; UC Riverside Professor Keith Griffin; Washington University at St. Louis Professor Steven Fazzari; University of Michigan Professor Thomas Weisskopf; University of California Santa Cruz Professor Manuel Pastor, and Economic Policy Institute President Lawrence Mishel.

Eighteen European, Canadian and Mexican economists have also endorsed the proposed ordinance, which has attracted international attention. Among them are Oxford University Professor Andrew Glyn; University of Cambridge Professor Ajit Sing, and Professor Stephen Machin of London's University College.

If approved by voters, Measure JJ would set a minimum wage of \$10.50 an hour — the wage at which a worker supporting a family of four no longer qualifies for food stamps — for an estimated 2,000 workers in Santa Monica's "coastal zone" and "downtown core," in which most of the town's tourist-oriented businesses are located. The ordinance applies only to businesses that gross more than \$5 million a year, and it includes a hardship exemption.

In offering their endorsement, the economists cite the City-commissioned study conducted by University of Massachusetts Amherst Professor Robert Pollin. The study found that the living wage ordinance would help lift low-wage workers out of poverty, and that affected businesses — primarily luxury beach hotels — could afford to pay the higher wage.

Pollin's study was reviewed by Harvard University Professor Richard Freeman, generally acknowledged to be a leading

Continued on page 7, column 1.

conference, a convention of property owners and landlords.

But the Beverly Hilton, built in a horseshoe configuration, is not the best spot for a demonstration. The group,

Living Wage

Continued from page 1.

labor economist, who affirmed all of Pollin's major findings.

Many of the endorsers underscored the far-reaching significance of the ordinance. "I believe that the Santa Monica ordinance is a pace-setting piece of local economic development policy that will provide substantial benefits to low-wage workers in the covered hotels without harming the Santa Monica economy," said University of Illinois-Chicago Professor Ron Baiman. "I wholeheartedly endorse the ordinance."

Others praised Pollin's analysis, which helped shape the final form of the proposed ordinance. "Professor Pollin's study is important and path-breaking work, and the living wage is likewise important and path-breaking economic policy," said Wheaton College Professor John Miller.

problems, and sold half his stake in the property to AIMCO last year. AIMCO critics allege, buys up low-income housing built by local governments only to

From the moment Santa Monica's Allied for Responsible Tourism (SMART) proposed the ordinance to the Santa Monica City Council, it has been actively opposed by the city's largest hotels, none of which is locally owned. To date, they and local opponents have spent an estimated \$1.5 million to defeat the proposed ordinance.

Two years ago, living wage opponents placed a measure on the ballot that would have stripped the Council of its authority to pass such an ordinance and required a popular vote on the question. It was defeated by a 71-29 percent margin.

But, following the Council's approval of a living wage ordinance in July, 2001, the hotels and local business operators mounted a second campaign to put the question to voters again.

In response, living wage proponents created the initiative that would become JJ.

Measure JJ has been endorsed by a large number of community, religious,

major organizations on various apartment buildings. Since residents in four of Lincoln Place's courtyard buildings were evicted last year during major upgrades to apartments, Bernard consid-

labor, education and political leaders, including Congressman Henry Waxman, State Senator Sheila Kuehl, Assemblywoman Fran Pavley, and California Democratic Party Chairman Art Torres, as well as AFL-CIO President John Sweeney and best-selling author Barbara Ehrenreich ("Nickel and Dimed").

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ested in talking w may end up own a non-profit sale, complex in tenar ensure that the h able permanently. rhetorically, "If hi to us."

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Hotels Are Big Spenders in Living Wage Battle

Here Main St Big

Reeve T. Schley
Mirror staff writer

Opponents of the proposed Living Wage ordinance have raised more than \$250,000 this year to defeat the controversial ballot measure on November 5, while rival non-profit groups that support the measure scraped together a paltry \$38,000.

Large luxury hotels in Santa Monica have opened their pocketbooks to beat the measure, saying they would be unable to pay the increased wages called for in the Living Wage measure, as the industry is still reeling from the events of September 11.

Santa Monicans Fighting Against Irresponsible Regulation (FAIR), a coalition made up of local businesses, luxury hotels and residents, has spent nearly \$1.67 million over the last three years to halt the measure.

"I absolutely think [the Living Wage ordinance] will fail. I think we will defeat it," said FAIR spokesman Seth Jacobsen. "We are an aggressive grassroots door-to-door campaign. We have workers from the affected businesses going door-to-door each day and telling residents what a bad deal the measure is for Santa Monicans and the workers of the businesses impacted by the Living Wage."

Supporters of the Living Wage argue that FAIR is anything but a plebeian movement. Rather, they allege, it is an organization backed by big business, which exploits workers who lack basic benefits like health care.

"I think [FAIR] is spending tens of thousands of dollars to influence the voters. I think they are using scare tactics. They are implying that businesses are going to go out of business and have to leave Santa Monica and it is just not true. They don't represent the residents of Santa Monica, 80 percent of their funding comes from luxury hotels," said Vivian Rothstein, the director of Santa Monicans Allied for Responsible Tourism, a non-profit group fighting for the Living Wage measure.

Campaign finance statements released last week show that five Santa Monica hotels contributed \$235,500 between July and September to the anti-Living Wage campaign. Edward Thomas Company, which own Casa del Mar and Shutters by the Beach, led the way with \$75,000, followed by the Doubletree Guest Suites, Radisson Huntley and Loews Santa Monica Beach Hotel, each of which contributed \$50,000. Hotel Oceana donated \$10,000.

Two years ago, opponents of the Living Wage spent nearly \$1 million trying to pass a measure that would

have blocked a living wage from being enacted in Santa Monica. The measure failed 79 percent to 21 percent.

Last year, FAIR spent over \$420,000 gathering the signatures to put the measure on the November ballot, after the City Council approved a living wage ordinance in June of 2001.

With pressure to sway Santa Monica voters mounting, both sides are claiming that they are ahead in the polls.

"We conducted a poll just to see how the public felt about the living wage and the various arguments," Rothstein said. "It showed overwhelming support for the concept of a living wage that would allow hotel workers to earn enough money so that they could support their families without allowing for government assistance."

Spokesmen for FAIR claim that Santa Monicans support them.

"We have done a lot of polling, but I can't share that information. The polling that was done in the last two weeks shows that the momentum is shifting in our direction," Jacobsen said.

Along with mailings, he said that campaign money would be spent on lawn signs, bumper stickers and tent signs for restaurants.

Rothstein said SMART plans on spending its money on polls, salaries, *Continued on page 10, column 4.*

The Main St Association has scoured the area around Fourth Street, southern border Volunteers Victorian, Oct Saturday, Oct a.m. and work All volunteers certificate from

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Point of View

Big Money, Big Lies Defeat the Living Wage

Paul Rosenstein
and James Conn
Special to the Mirror

Why did Measure JJ, the referendum on Santa Monica's Living Wage law, fail last week? The answer is both simple and disturbing: big money and even bigger lies.

In Santa Monica, the anti-living wage wagers used several well-worn arguments. First, they claimed that the living wage hurts the people it is intended to help. This is a classic example of the big lie. The statistical contortions of opponents notwithstanding, higher salaries are good for workers. Another fiction used by opponents was that the living wage hurts business. In fact, living wage ordinances have been adopted in more than 90 locations nationally, with no evidence of business decline.

Opponents also claimed that living wages hurt local services. This is also not true. The costs associated with Measure JJ were a tiny fraction of the City budget and thus largely irrelevant to services and programs.

This did not stop the No on JJ campaign's cynical PR. machine from producing a slew of mailers claiming that the living wage would devastate everything from senior centers to schools to libraries. Opponents were so desperate to fool voters that they even sent a mailer with a picture of a closed library — without disclosing that the facility was closed for remodeling.

Even more shameless lies were disseminated in a series of phony voter guides mass-mailed the weekend before the election. The slates were issued by three phantom groups — the "Democratic Voter Ballot Guide," the "Pro-Choice Voters Committee," and the "Quality Schools Coalition" — and were aimed at Santa Monica voters strongly inclined to back the living wage.

These slates all associated an anti-living wage vote with popular candidates or ballot measures.

The "Pro-Choice" slate included endorsements for Congressman Henry Waxman and Assemblywoman Fran Pavley, among others, and stated falsely, "Santa Monica's pro-choice leaders agree: No on Measure JJ." Similarly, the "Democratic Voters Ballot Guide" prominently featured endorsements for Waxman and Pavley over a recommendation to vote no on Measure JJ. And the "Quality Schools" slate urged a yes vote on various school funding propositions and a no vote on Measure JJ.

It isn't merely ironic that Waxman, Pavley, state Democratic Party Chairman Art Torres, Santa Monica's top women's and educational leaders,

the Los Angeles County Democratic Party and the Santa Monica Democratic Club endorsed the Living Wage. These mailers were actually designed to neutralize the most influential endorsers of Measure JJ by confusing voters.

Indeed, many Santa Monica voters may be surprised to learn that the Democratic Party had nothing to do with the "Democratic Voters Ballot Guide." Like the other two slates, it was distributed by a committee created less than two weeks before the election. An attempt to trace these committees led to Orange County lawyer James Lacy — a prominent Republican who worked in the Reagan and Bush administrations and sits on the board of the Ronald Reagan library. Lacy is best known for defending slate mailers on First Amendment grounds.

Not surprisingly, the consultants who ran the No on JJ campaign move in the same elite GOP circles as Lacy. P.R. consultants The Dolphin Group helped elect both Reagan and Bush, while Charles Bell, a partner in a legal firm that helped run the No on JJ campaign, is the general counsel to the California Republican Party.

A spokesperson for the No on JJ campaign claimed no knowledge of the fake slates, but the facts indicate otherwise. A disclaimer on the mailers states that measures or candidates marked with an asterisk approved and paid for their appearance. All three mailers carry an asterisk next to Measure JJ.

What this means, quite simply, is that Living Wage opponents intentionally deceived voters in the final days before the election in order to defeat Measure JJ.

This would not have been possible, however, without a huge infusion of money. Nearly a million dollars was raised this year alone to fight the living wage. More than 90 percent came from hotels, and nearly half of that was reported only within a week of the election, leaving no time for voters to have a clear picture of who was behind the blizzard of alarmist literature flooding their mailboxes.

In the last week of the campaign, after the last official filing period was completed, three contributions of \$80,000 each — nearly a quarter million dollars — were received within a 48-hour period, all from the Edward Thomas Management Company, which operates Shutters at the Beach and Casa del Mar hotels. Late contributions, all filed within a week of election day, totaled nearly \$400,000. This year's hotel contributions to kill the Living Wage exceed \$800,000.

Since January 2000, Living Wage foes have raised nearly \$2.5 million.

That's \$192 per vote, all to keep low-wage workers from earning enough to support their families in dignity.

In some high-rise ocean view suite, last week's victors are no doubt celebrating the defeat of Measure JJ. But when big money and big lies win, everybody loses.

Paul Rosenstein and James Conn both served as Mayor of Santa Monica.

EXHIBIT 84



THE CONTESTANTS

Four
Are
Living
Battles



photo by Michael Rosenhal

THE PRIZE



photo by Chris Zilix

Top: Council candidates Kevin McKeown, Pam O'Connor, Bob Holbrook, Chuck Allord (back row); Matteo DiNoia, Josefina Aranda, Jerry Rubin, Abby Arnold and Pro Se (front row).

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Challengers Are Optimistic About Their Chances

**Most Agree,
 Playing Field Is Level**

Reeve T. Schley
 Mirror staff writer

The challengers in the race for Santa Monica City Council may lack the high profiles and financial resources of incumbents, but most of them are generally confident and optimistic about their chances of winning one of three open seats November 5.

"They have hit the pavement, going door-to-door in search of votes, and appeared in various candidate forums, including those broadcast on City TV - two of the reasons some of them cite in describing the Santa Monica political playing field as level.

"I have been walking door-to-door

and talking to people. In other words, I have been precinct walking since early September, so we have covered a lot of ground," Josefina Aranda said. "I think that it is important for any incumbent or challenger to do because you learn about the community, and people remember that you came to their home and wanted to talk to them."

The surest route to winning votes, the challengers agreed, is through personal contact, such as knocking on doors and making phone calls.

"The debate forums take time away when we could be knocking on doors and meeting people personally," said challenger Abby Arnold. "Most voters are not going to go out and listen to candidates on a Wednesday night. Voters that are there have already made up their minds on a particular candidate. I am more interested in meeting voters who

haven't made up their minds."

Matteo DiNoia, former chief of staff at the Santa Monica UCLA Medical Center, has pulled out all the stops in his first bid for elected office.

He said, "We have raised a fair amount of money and are running an aggressive campaign. We have been walking districts, done several mailings and phone banking and utilized other strategies."

Arnold said, "I think the City has done a lot to make the playing field more level. In particular all the work that CityTV has done this year... Many people have told me that they have seen me on TV. That has been a good way for people to get to know me and I actually see it as an advantage to be running against people who have been on the City Council for a long time."

Continued on page 2, column 3.

SMC Faculty, Employees Back New Board Candidates

€1,000 to their campaigns

resident, added, "The college is under-

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James A
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Challengers Optimistic

Continued from page 1.

Pro Se disagreed. "You only have a chance if you have \$200,000 of state money and 500 workers manning telephone banks. Money does matter in this form of government. If you don't have state money, you won't win."

Pro Se is disabled and has found it difficult to get in and out of political venues in his wheelchair. "It is challenging, some of the events are not wheelchair accessible. For instance, I can't use the bathroom at City Hall. My life has been very challenging, and you would think that they could make things accessible at City Hall. If I get elected they will have no choice but to obey the law," Pro Se said.

Another challenger, Jerry Rubin, who is making his second bid for the City Council, has been fasting on behalf of peace since the beginning of October. An outspoken advocate of campaign reform both in Santa Monica and the nation in general, he routinely rejects campaign contributions.

"I am in favor of campaign finance reform throughout America. I don't even want to exclude the possibility of city-funded campaigns, because the more you take money out of campaigning, the more likely they are to be fair and even. This is one of the reasons that I decided not to solicit or accept any money [during] my campaign," Rubin said.

He believes that incumbents have a natural advantage over challengers because they are listed as such on the election ballot, and was critical of the media for not giving sufficient space to

the challengers.

Still, with a little less than a week to go before Election Day, most challengers praised CityTV for giving them an opportunity to air their discuss their candidacies.

"The fact that we have has so much coverage on television makes it even. I think that if anyone has glanced at the TV screen they would know that there are nine candidates and not just three, and that are more than just the incumbents running," Aranda said.

As of October 19, the challengers reported \$82,623 in campaign contributions, compared to \$109,585 reported by the three incumbents Bob Holbrook, Kevin McKeown, and Pam O'Connor. Dinolfo and Arnold have raised \$40,880 and \$30,411 respectively, while the other four independent candidates have raised a total of \$11,332.

EXHIBIT 85

Chamber Hosts VERITAS Debate

Mayor, two Council members to take part

The Santa Monica Chamber of Commerce's Government Affairs Committee will sponsor a debate on VERITAS, ballot Measure HH, in the east wing of the Santa Monica Civic Auditorium on Wednesday, October 16, at 7:30 p.m.

Bill Rosendahl, Adelphia Cable Vice President and host of its public affairs programs, will moderate the debate. Speaking in favor of the measure will be its co-author, Paul DeSantis, and Santa Monica City councilmember Robert Holbrook. Opposing VERITAS will be Santa Monica Mayor Michael Feinstein and Councilmember Herb Katz. The

forum is free and open to the public.

According to a Chamber press release, "The Santa Monica Chamber of Commerce neither supports nor opposes the VERITAS Initiative."

VERITAS (Voter Election Reform Initiative for a True Accountability System) would restructure Santa Monica city government by adding term limits, electing City Council members by district rather than at large, electing the mayor by popular vote rather than by the Council, and giving veto powers to him or her.

VERITAS defines seven Council districts. Residents in each district would vote only for candidates from that district. If no candidate received a majority of votes, a run-off election would be held. The first election would be held in

concert with the state primary in March. If a run-off were required, it would be held in November.

The Council districts specified by the measure are City Center-North of Wilshire, North of Montana, Wilshire Corridor, Mid-City Area, Ocean Park, Pico Neighborhood, and Sunset Park. The measure includes the means for redrawing boundaries following each census.

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EXHIBIT 86

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Paul Scott
Santa Monica

Flaws in VERITAS

To the Editor:

Proposition HH, misnamed VERITAS, is a Christmas Tree hung with so many decorations it should topple under its own weight. Or maybe its sponsors hope we will not see the tree under all the pretty decorations.

This proposition has so many parts, all important, that it is hard to discuss them all and still keep the readers' attention and understanding. Therefore, I will discuss one: Term Limits.

The League of Women Voters at all levels from our national board to local boards opposes term limits. This is not a new position, it was adopted in 1991 and affirmed at our National Convention in 1992. We strongly believe that the best term limits are imposed by the ballot box. Anything else deprives the voters from free choice as to who will represent them.

The need for term limits in Santa Monica has not been demonstrated. Very few council members in the past 30 years that I have been watching have served more than three terms. Most have served for one or two. It is interesting to note that the only council member supporting this initiative is also the only one running for a fourth term!

We have only to look to Sacramento to see how term limits can wreck havoc. With at least one third of the Assembly totally new every two years, the lack of experience is very visible. The lucky ones are able to hire experienced staff from those who have been "termed out."

But all are considered "fair game" to experienced lobbyists who have been around for 20-30 years. No matter how honest and dedicated they may be, they still have a learning curve.

A legislative crisis can occur early in the session as readily as it can late. When these happen, it is reassuring to both the both the newly elected officials and the voting public to have experienced leadership in place.

There are serious issues to be considered in this measure. It would radically change the way the city government works. This makes changes both in the City Charter and the Municipality Code. The League of Women Voters of Santa Monica thinks each of these measures is important enough to be considered and voted on as an individual measure. We urge the voting public to vote NO unless they fully understand all of the different parts and fully agree with all of them.

Vote NO on HH!

Joanne Leavitt, Action Director
League of Women Voters of Santa
Monica

YES on JJ,

Sally Breiter
Santa Monica

Concerns about Greens' role

To the editor:

The Santa Monica significant concerns played by Green or elective races across concerns are exempt where the most pro the U.S. Senate, Pau challenged by a Gr (not in Senator We ballpark) in addi Republican.

This race raises the Greens are doing, an

On a local level we to have Green candid sincere a commitr causes as we do. But that they are not next of the larger Green-0 that effort appears Greens at any cost, of the progressive is

Americans for D national group, not ADA) has also sou Greens undermining Tom Harkin, Jean Holt in addition to

We progressive always to remembe name and interests fought to protect p the assistance of th minorities who cou work or in court, class taxpayers v favoritism toward need abortions, an the wealth which t pocket. We fight fi for the environmen live at all.

We have not see here and one there, watching as the b been actively, a involved in the batt broader progressive the conservatives. conservatives in d times fight for the do otherwise mean sive and liberal down by the Reag Helms and the Hy out we have been ter contest.

It isn't glamorou Democrats are c lack of ideological our ideological pri that to implement be practical. Ideol Republicans - Ge others) and a buck of coffee at Starbu Acting as spoils

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EXHIBIT 87

Point of View
Vote No on Prop HH

Barbara Inastugo, past president
League of Women Voters of Santa
Monica
Special to the Mirror

For years the League of Women Voters has worked to inform voters. For years League members have registered citizens to vote and have worked even harder to inspire them to vote on election day.

On November 5, Santa Monica Voters will be voting on issues of fundamental importance to our community — of fundamental importance to good government in Santa Monica.

One of these ballot measures, HH, is, in reality, multiple measures rolled into one. As a voter, you should read it carefully — if you don't agree with all its provisions, VOTE NO on HH.

If you agree with only one of its many provisions, you should VOTE NO on HH. As Herb Katz noted during the Chamber of Commerce debate on October 16, there are a number of charter amendments in the measure, each one of which qualifies to be a separate ballot measure. The good government thing to do is to VOTE NO on HH.

In recent weeks there have been several letters to the editor dealing with various parts of Measure HH (Veritas). I will focus the rest of my comments on the issue of establishing a primary election in March of each election year.

Supporters of HH say that the Veritas system of elections will cost less — will reduce the amount of money in political races. But they propose a system that will cost the city more and will result in holding two elections, rather than one, every two years — a primary and a general. That means it will cost Santa Monica residents more.

Supporters propose a system of elections that would require many, if not most, candidates to compete in two elections (primary and general). That would mean planning materials for print and distribution over two elections, rather than one.

Supporters of HH also propose a system that would lengthen the time period of campaigns. Rather than pulling papers in July, three to four months before an election, candidates would be pulling papers nine to ten months before the election. Accordingly, timelines for fundraising and campaigning would begin significantly earlier to accommodate the spring primary and really not stop until election day in early November.

What was it they said about needing less money and resources?!

The League believes that winning candidates should optimally receive at least 50 percent of the votes cast. Rather than establish a costly primary, however, perhaps it would make more sense to look at other approaches to conducting elections that accomplish the same thing in one election. Perhaps a Community Voices type of

Continued on page 7, column 4.

Point of View
The

Herb Katz
Santa Monica
Special to the Mirror

As a City Council member, I have asked what it would be like to have those difficult decisions affect so many of our citizens. Our desire to have a caring community is a staggering task that has been forced to be done by departments that are not their budget.

Community programs, social services, need to be re-examined further budget cuts that I am sure we as a city are looking at. We are looking at \$3 million to \$4 million in cuts to the police and fire departments. Do not get me wrong, I am not against individual wages for our community workers.

Some of the things that have been done before the election are that the evaluation of the living wage has been an even more being proposed of these contracts.

In contrast to Long Island questions of validity, as has been a very people.

An edit even suggest course, is placed with precisely!

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Coast to Coast Mortgage Inc. is a cutting-edge licensed mortgage broker whose mission is to provide quick, competitive... no eq!

EXHIBIT 88

excellent solar access. There has never been a better place and time to install solar photovoltaic systems for a generation of power from the sun. My system will be installed in two weeks and it will generate all the power we currently use and then some. Through "net metering," Edison will pay me, at retail rates, for the power my system generates. At night, I'll be paying them, but at a lower rate. The state government will pay about half the cost of the system, and with federal and state tax incentives, another eight to 10 percent will be covered.

My next purchase will be an electric Road from Toyota. I'd prefer to buy an American electric car, but sadly, the American manufacturers have decided not to continue building them. The Road EV will rapidly accelerate to 80 mph and easily go 100 miles on a single charge. Since we have two cars in our family, and most of our trips are for less than 100 miles, this makes perfect sense. Plus, there are hefty tax incentives for buying the car, both Los Angeles and Santa Monica allow electric vehicles to park for free, and they may be driven in the carpool lane with only one passenger on board. I'll charge our new car at night while demand is low, and, depending on how much we use, I might add another panel or two to the solar system to cover the additional load.

Since the energy crisis will continue to plague us for some time to come, and given our statement was over 10, it is my hope that many of you will see the importance of making a personal effort toward a society that will not and cannot be held hostage by either rogue nations or rogue corporations.

Paul Levitt
Santa Monica

Flaws in VERITAS

To the Editor:
Proposition III, so-called VERITAS, is a Chairman Tree limb with so many decorations it should appear under its own weight. It is unclear to me how it will not see the tree under all the pretty decorations.

This proposition has so many parts, all important, that it is hard to discuss them all and still keep the readers' attention and understanding. Therefore, I will discuss one: Term Limits.

The League of Women Voters at all levels promotes national, state and local term limits. This is not a new position; it was adopted in 1911 and affirmed at our National Convention in 1962. We strongly believe that the best term limits are imposed by the ballot box. Anything else deprives the voters from free choice as to who will represent them.

The need for term limits in Santa Monica has not been demonstrated. Very few council members in the past 30 years that I have been watching have served more than three terms. Most have served for one or two. It is interesting to note that the only council member supporting this initiative is also the only one running for a fourth term.

We have only to look to Sacramento to see how term limits can work better. With at least one third of the Assembly elected anew every two years, the lack of experience is very visible. The lucky ones are able to hire experienced staff from those who have been "termed out."

But all are considered "fair game" to experienced lobbyists who have been around for 20-30 years. No matter how honest and dedicated they may be, they still have a learning curve.

A legislative crisis can occur early in the session as readily as it can late. When these happen, it is humiliating to both the newly elected officials and the voting public to have experienced leadership in place.

There are serious issues to be considered in this session. It would radically change the way the city government works. This makes changes both in the City Charter and the Municipal Code. The League of Women Voters of Santa Monica thinks each of these measures is important enough to be considered and voted on as an individual measure. We urge the voting public to vote NO unless they fully understand all of the different parts and fully agree with all of them.

Vote NO on JF!
Joanne Levitt, Action Director
League of Women Voters of Santa Monica

YES on JJ, NO on HH

To the editor:
The big, ocean-front hotel owners were asked to pay their help a living wage of \$10.50 an hour by City Council who listened to the people of this city. But hotel

owners funded a signature drive to stop implementation of the Living Wage. Now we must vote YES for Opposition II in order for the Living Wage ordinance to go into effect.

This same Council is said to be dominated by renters' rights advocates. What a terrible situation. Who needs living wages? Who needs tenant protection laws? The majority of the people in Santa Monica do, that's what!

Actually, the main backers of another proposition, Proposition III, are those same big ocean front hotels. What we do NOT need and what Proposition III proposes is a Mayor with the power to veto what the Council passes. This, the really big money interests would only have to elect one person to rule the city.

Proposition III is an outrageous attempt to deprive residents of their influence in our city government funded by corporations who have no real interest in the lives of Santa Monica residents. Instead of deciding by our votes who sit on our City Council, we would lose our present right to vote for all council members. Instead we would only be allowed to vote for ONE council member every FOUR years.

I like our present democratic city government. We don't need competing districts, we don't need a super mayor to rule over the city. We do need to be able to vote for all of our council members.

Vote NO on Proposition III to keep democracy in Santa Monica!
Vote YES on Proposition II to bring justice to our Santa Monica workers.
Sally Thrasher
Santa Monica

Concerns about Greens' role

To the editor:
The Santa Monica Democratic Club has significant concerns about the role being played by Green candidates in various elective races across the nation. These concerns are exemplified in Minnesota, where the most progressive member of the U.S. Senate, Paul Wellstone, is being challenged by a Green Party candidate in Senator Wellstone's progressive ballpark in addition to facing a Republican.

This race raises the question of what the Greens are doing, and why.

On a local level we have been fortunate to have Green candidates who have just as sincere a commitment to progressive causes as we do. But it has become clear that they are not necessarily representative of the larger Green-able. Above and beyond that effort appears to seek the advancement of the progressive issues of our day.

Americans for Democratic Action (the national group, not Southern California ADA) has also sounded the alarm about Greens undermining liberal incumbents - Tom Harkin, Jean Carver, and Russ Fein in addition to Wellstone.

We progressive Democrats strive always to remember the people in whose name we struggle. We have fought to protect poor people who need the assistance of their fellow Americans, minorities who couldn't get a fair deal at work or in court, middle and working class taxpayers who struggle against favoritism toward the rich, women who need abortions, and workers who create the wealth which CEOs bring home and pocket. We fight for all these people and for the environment which enables us to live at all.

We have not been fit to pick one candidate and one issue, taking long runs, and watching as the battle rages. We have been actively, and not selectively, involved in the public. We have seen the broader progressive agenda be seized by the conservatives. We have engaged the conservatives in debate. Yes, we sometimes fight for the middle of the road. To do otherwise means even more progressive and liberal banners being hurled down by the Ranganans, the Bushes, the Helms and the Hydes. Year in and year out we have been locked in this vast, bitter contest.

It isn't glamorous. Democrats are attracted by Greens for lack of ideological purity. In fact, we hold our ideological principles dear, but know that to implement our issues we must also be practical. Ideological purity (see the Republicans - Galthouse, Gingrich, and others) and a buck fifty will get you a cup of coffee at Starbucks.

Acting as spoilers and preventing any progressive issues from moving forward while giving majority status to Republican serves no progressive cause and demonstrates all of the opportunities we have gained.

The Executive Board,
Santa Monica Democratic Club

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EXHIBIT 89

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Santa Monica Police Officers & Firefighters ask you to say **NO** to political thieves, **VOTE NO** on HH.

NO on HH it is backed by out-of-town corporate millionaires who want to take over Santa Monica by robbing you of your right to vote for all members of the City Council.

NO on HH it is a deceptive measure that will allow the corporate millionaires to concentrate their money in a small area of the City and install their political puppet District by District.

NO on HH it gives all the power to one person, the Mayor, who can veto any measure voted on by the rest of the council.

NO on HH it will cause political corruption, fraud, and insider deal making to flourish in Santa Monica.

NO on HH it limits your voice in your government, never be silent.

Make sure your voice is heard, say **NO** to the political thieves, **VOTE NO on HH**

SM Police Officers & Firefighters also support the public safety team for City Council
VOTE YES ON

Kevin McKeown, Matt Dinolfo and Pam O'Connor

Paid for by Santa Monica Police Officer's Association for a Better Community, Shane Talbot, Treasurer. PAC ID#1225785

EXHIBIT 90

Reflections & OBSERVATIONS

And the Winners SHOULD Be...

City Council

If voting about Santa Monica were the only measure, all nine candidates for the Santa Monica City Council would deserve election. But, ultimately, how they see the city, and what they want for it, and for us, must be the primary measure.

On that basis, there are several candidates we like, but, as it turns out, only one we can wholeheartedly endorse.

We were immediately impressed by Josephine Aranda. She grew up in Santa Monica's Pico Neighborhood, went off to Columbia University and came home to work on behalf of her community. Clearly a smart, capable young woman who sees the promise as well as the problems, she would bring a fresh perspective to City government and shake things up to good effect.

A former chief of staff at Santa Monica-UCLA Medical Center, Dr. Metro Diocletis has dealt with bureaucracies, committees, boards, large egos and big budgets. Through a newcomer to the political arena, he has taken firm, clear positions on the current issues as well as developing his own priorities, such as investing more City money in the education of our children and bringing more light and less heat to city debates. Given his background and expertise, he could be expected to demand concision, clarity and efficiency from both his colleagues on the Council and City staff.

Councilman Bob Holbrook said some months ago that he would not seek a fourth term. Luckily, he changed his mind, because effective government requires diverse voices, and he often expresses views that might otherwise go unexpressed in City Hall. He is obviously devoted to the city, having lived here all of his life and served on the school board prior to his three terms on the Council. Though he is frequently in the minority on the Council, he remains good-humored, reasonable and optimistic.

In his first term on the Council, Mayor pro tem Kerwin McKeeven seemed to be everywhere at once. Whatever the event or occasion — from a ribbon-cutting to a demonstration — he was there. That omnipresence and his inability to resist commenting every wordplay have led some people to accuse him of grandstanding, but his dedication to the well-being of all Santa Monica residents is utterly genuine, and his knowledge of City programs, projects and policies is formidable.

As in past years, indeed until last week, we expected to endorse several Council candidates, but, as it turns out, we can only endorse one candidate this year. Late in the campaign, Aranda, Holbrook and Diocletis, along with all of the other candidates but Jerry Rubin, astonished us by expressing support for the anti-historic preservation measure that will be put to voters next year. To favor that measure is to profoundly misapprehend Santa Monica. These basic elements in any city are its history, its character and its appearance. These are certain elements, houses and commercial buildings in Santa Monica, which distinguish all these vividly and crucially. They are the soul, the heritage, a link of our past and chart to our future. Without them, Santa Monica would inevitably lose its way and devolve, as so many places have, into Anonymous, U.S.A.

Millions of Americans that end support the initiative. We believe that knowledge is vital to a Santa Monica Council member, so while Aranda, Diocletis and Holbrook are highly qualified candidates, we can only endorse McKeeven.

Board of Education

After several years of financial crises and academic drift, the Santa Monica-Malibu Unified School District (SMMUSD) has managed to emerge intact and focused — financially and academically. For significant, it has faced up to such ugly internal problems as racial profiling and abuse of students' rights. With four open seats on the board and six eminently well-qualified candidates, voters have an chance to elect a board that represents the entire community and is committed to and capable of carrying through on all the promises the current board has made.

To that end, we support the re-election of Julia Rosenbury who, as Board President this year has participated in the development of the District's "Strategic Plan," and the election of Ann O'Brien, a longtime volunteer in the schools whose devotion to the students is palpable, Shane McDonald, a teacher in an L.A. public school, and Oscar de la Torre, himself a product of Santa Monica Schools and a youth leader. Their diverse strengths and experiences, their unique perspectives and their belief in and affection for the students should combine to make a board that will demand much from itself and from the administration.

State Assembly

Fran Fawley has been a remarkably effective two-term State Assembly member. She has a thorough knowledge of the issues that are of principal concern to this region, has initiated or co-sponsored some significant legislation and served on important Assembly committees. She has earned our support for a second term.

The Ballot Measures

The Living Wage is the flimsy one. The School District Parcel Tax is the vital one. And VERITAS is the dangerous one. In the last year, we have run countless pieces on all three, but when it comes down to it this:

I: The Living Wage ordinance has attracted national attention. Big goals have weighed in on both sides. What we do here will reverberate across the country. But that is not our concern. Our concern is that there are people in this community who work hard and long, but are not paid enough to lift themselves out of poverty. If, as we often heard, we are a humane and compassionate community, then we must approve the Living Wage. Again. We approved it once — by a 79 to 21 percent margin, but its opponents refused to accept our decision. It is by no means a perfect ordinance, but it is just, and, for that reason, we must approve it.

II: The School District Parcel Tax is necessary if we want to keep the promise we have made to our children that each of them will be given the opportunity to go as far as he or she can go academically, socially and ethically. The federal government and the state have let our children down. We don't have that luxury. The pinch some taxpayers may feel at paying the additional tax is nothing compared to the pain our children will feel if we fail to give them a first-rate education.

III: VERITAS. Dangerous? Absolutely. It purports to make local government more democratic, but, in fact, it would make it less democratic. One example: each of us will vote for only one City Council representative and the mayor.

In fact, the sole purpose of VERITAS is to damage or destroy Santa Monica for Renters' Rights, i.e. the people Santa Monicans have voted for again and again. That's not democracy, that's a sneak attack.

Measure FF will extend rent control provisions to protect family members, spouses or otherwise harassed by building owners. We support it.

The Mirror believes \$150 per meeting is thoroughly appropriate compensation for members of the Rent Control Board, and so supports Measure GG.

Measure II, a well in sharp's clothing, purports to be another TORCA, but instead is a sneak move by a landlord's PAC to make it easier for them to evict current renters in order to make "improvements." We oppose it.

Measure KK allows 100 percent of unclaimed TORCA (Tenant Ownership Right Charter Amendment) tax revenues to be utilized to develop low-income housing. We support the more efficient use of these long-languishing funds.

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EXHIBIT 91

SANTA MONICA Mirror

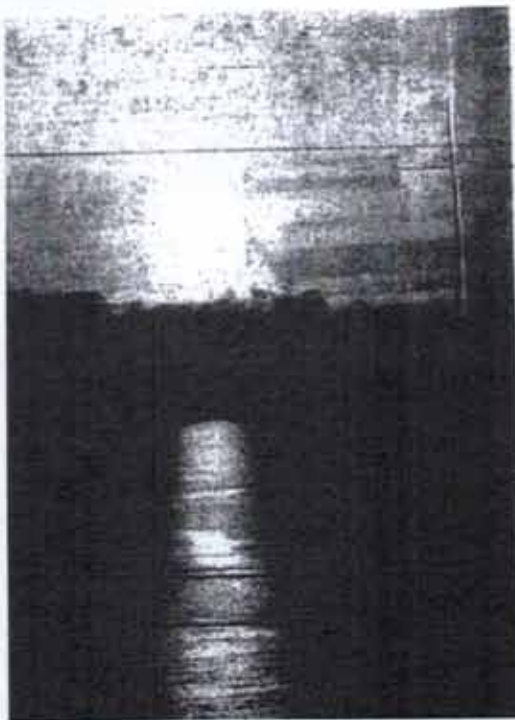
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NOVEMBER 6-12, 2002

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WINTER SEASON



Only 2 of 7 Local Ballot Measures Win Voter Approval on Tuesday

Living Wage, School Parcel Tax, VERITAS Lose

Only two of the seven initiatives on the Santa Monica ballot in Tuesday's election were approved by voters.

The two winners were Measure FF that extends rent control provisions to protect family members, spouses or domestic partners of renters who die or become incapacitated, and Measure KK that will allow 100 percent of underused TORCA (Tenant Ownership Rights Charter Amendment) tax revenues to be invested in low-income housing.

The Santa Monica-Malibu Unified School's District Measure EE, which called for a \$300 parcel tax, won 61.18% of the votes cast, but as it needed a two-thirds majority to be approved, it failed.

The proposed Living Wage, measure JJ, lost by only 745 votes, while VERITAS, which would have radically restructured city government, was trounced, taking only 35.46% of the vote.

Measure GG, which would have paid members of the Rent Control Board \$150 per meeting, and Measure II, which purported to be another TORCA, were both soundly defeated.

Local Measures			Measure III - VERITAS	
100% Precincts Reporting			Total Votes	Percent
Measure EE - SMMUSD Parcel Tax			Yes	8,717 35.46
Total Votes			No	15,865 64.54
Yes	17,963	61.18	Measure II - SMMRFH	
No	11,228	38.82	Total Votes	Percent
Needed 23 vote			Yes	8,836 35.47
Measure FF - Rent Control Protections			No	16,075 64.53
Total Votes	Percent		Measure JJ - Living Wage	
Yes	15,516	62.83	Total Votes	Percent
No	9,180	37.17	Yes	12,608 48.57
Measure GG - Rent Control Board			No	13,363 51.43
Total Votes	Percent		Measure KK - TORCA Tax Revenue	
Yes	9,854	39.83	Total Votes	Percent
No	14,888	60.17	Yes	11,790 50.56
			No	11,529 49.44