No. S279622

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

HECTOR CASTELLANOS, ET AL.,

Plaintiffs and Respondents,

v.

STATE OF CALIFORNIA, ET AL.,

Defendants and Appellants,

PROTECT APP-BASED DRIVERS AND SERVICES, ET AL.,

Intervenors and Appellants.

First Appellate District, No. A163655
Alameda County Superior Court, No. RG21088725
Hon. Frank Roesch, Judge

NOTICE OF MOTION; MOTION FOR JUDICIAL NOTICE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF DAVID A. CARRILLO

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NOTICE OF MOTION AND MOTION FOR JUDICIAL NOTICE

In connection with its concurrently-submitted *amicus curiae* brief, under Rule of Court 8.252 and Evidence Code sections 452 and 459 *amicus curiae* California Constitution Scholars hereby requests and moves that the Court take judicial notice of the accompanying Exhibits 1–35.

The matter on appeal concerns the electorate's intent in enacting three constitutional amendments in the 1910s. The accompanying exhibits are part of the history of those enactments and so are relevant to the electorate's intent. Judicial notice of these exhibits is appropriate because they are relevant to explain the historical context of and voter intent regarding the three constitutional amendments at issue in this case, and because they provide information that is not reasonably subject to dispute and is capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

These electorate intent materials are contained in the accompanying Exhibits 1–35 to the concurrently-submitted Declaration of David A. Carrillo. The materials were obtained from the California Digital Newspaper Collection, a public online database maintained by the Center for Bibliographic Studies and Research at the University of California, Riverside, in partnership with the California State Library, and other publicly available sources.

This motion is based on Evidence Code sections 452 and 459; California Rule of Court 8.252; the accompanying Memorandum of Points and Authorities;

the Declaration of David A. Carrillo and its accompanying exhibits; and all other materials filed in this appeal.

Accordingly, these exhibits meet all the requirements for judicial notice, and *amicus curiae* California Constitution Scholars respectfully requests that this motion be granted.

Respectfully submitted,

Dated: April 2, 2024

California Constitution Center*
By: /s/ David A. Carrillo
David A. Carrillo

Benbrook Law Group, PC
By: /s/ Stephen M. Duvernay
Stephen M. Duvernay

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Memorandum of Points and Authorities

Amicus curiae California Constitution Scholars requests judicial notice of the accompanying Exhibits 1–35, which are true and correct copies of news articles published on the indicated date in the described publication. The matter to be noticed is relevant to the appeal because it illustrates the electorate's intent in enacting three constitutional amendments in the 1910s that are pivotal in this appeal. The matter does not relate to proceedings occurring after the order or judgment that is the subject of this appeal.

That these materials were not presented in the trial court is irrelevant. "A reviewing court may take judicial notice of matters that were not before the trial court." *Doers v. Golden Gate Bridge etc. Dist*. (1979) 23 Cal .3d 180, 184 n.1; *Peart v. Ferro* (2004) 119 Cal. App. 4th 60, 81 (taking judicial notice of legislative history that was not before the trial court). The matter remains subject to judicial notice on appeal under Evidence Code section 452. Under Evidence Code section 459(a), the "reviewing court may take judicial notice of any matter specified in Section 452." Evidence Code section 452(h) permits courts to take judicial notice of "[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy." That allows courts to take judicial notice of newspaper articles, not for the truth of their content, but for the undisputed fact that they published certain information. *See Seelig v. Infinity Broadcasting Corp*. (2002) 97 Cal. App. 4th 798, 807 n.5.

These exhibits are news articles, editorials, and commentary contemporary with the electorate's votes on the three constitutional amendments at issue on this appeal, and the exhibits are properly subject to judicial notice because they provide information regarding what the voters were aware of around the election. This Court has long recognized that such materials are appropriate to consider the voters' understanding and intent in adopting an initiative because they place ballot measures in the proper historical context. "One of the aids used to determine the probable meaning of uncertain language in a constitutional amendment is the historical context in which the provision was enacted." *Davis v. City of Berkeley* (1990) 51 Cal.3d 227, 235 (citing *Cal. Hous. Fin. Agency v. Patitucci* (1978) 22 Cal.3d 171, 177, which held that "evidence of [a constitutional amendment's] purpose may be drawn from many sources, including the historical context of the amendment"); *accord Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization* (1978) 22 Cal. 3d 208, 231 ("We may take judicial notice of the fact that the advance publicity and public discussion of [a ballot measure] and its predicated effects were massive.").

In *Davis*, this Court reviewed the historical background of an initiative stretching back over thirty years, including court decisions and regulatory measures that spurred voter action. 51 Cal.3d at 236–39. Five years later, in *Amwest Sur. Ins. Co. v. Wilson*, this Court again quoted *Patitucci* and considered the historical context preceding an initiative, including relevant Supreme Court cases and regulatory action spanning nearly five decades. (1995) 11 Cal.4th 1243, 1256–58.

And in *Patitucci* itself, this Court considered "[n]ewspaper and campaign literature concerning" the measure and its intended scope and impact. 22 Cal.3d at 178.

Matters such as these exhibits that are outside the record on appeal may still be considered on appeal by judicial notice. *Fitz v. NCR Corp*. (2004) 118 Cal.App.4th 702, 719 n.4; *Ragland v. U.S. Bank Nat'l Ass'n* (2012) 209 Cal.App.4th 182, 193. Such matters may be presented by motion, and on such motions appellate courts have the same power as trial courts to take judicial notice of a matter properly subject to judicial notice. Evidence Code section 459; *Lockley v. Law Office of Cantrell, Green, Pekich, Cruz & McCort* (2001) 91 Cal.App.4th 875, 881; *Smith v. Selma Community Hosp*. (2010) 188 Cal.App.4th 1, 45. Newspaper articles such as these exhibits can be subject to judicial notice, even if the truth of the matters contained therein is not noticed. *Ragland v. U.S. Bank Nat'l Ass'n* (2012) 209 Cal.App.4th 182, 194; *Linda Vista Village San Diego Homeowners Ass'n, Inc. v. Tecolote Investors, LLC* (2015) 234 Cal.App.4th 166, 186; *Seelig v. Infinity Broadcasting Corp*. (2002) 97 Cal.App.4th 798, 807, 119 n.6.

The exhibits provide information that is not reasonably subject to dispute and is capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. No one disputes that the statements were made, and they come from public sources. Under Evidence Code section 452(h) this Court may take judicial notice of facts and propositions "not reasonably subject to dispute," including news articles that "indicate what [is] in the public realm." *Von Saher v. Norton Simon Museum of Art at Pasadena* (9th Cir. 2010) 592 F.3d 954,

960. "Without assuming the truth of the assertions contained in the news articles, the fact that news articles discussing topics [relevant to this dispute] were published is not reasonably subject to dispute." *Seelig v. Infinity Broad. Corp*. (2002) 97 Cal.App.4th 798, 808 n.5. California courts routinely grant judicial notice of news articles as support for a proposition not reasonably subject to dispute. *Kashian v. Harrman* (2002) 98 Cal.App.4th 892, 901 n.3 (taking judicial notice of "news articles that had appeared in the Fresno Bee . . . insofar as they help to put [Defendant's] letter into context").

These exhibits are offered not for their truth, but to demonstrate what was said to the public about the purpose of the relevant ballot measures before their elections. Such public commentary forms part of a ballot measure's legislative history. *People v. Raybon* (2021) 11 Cal.5th 1056, 1065 (courts may refer to indicia of voter intent "particularly the analyses and arguments contained in the official ballot pamphlet"). And Evidence Code section 452(h) allows courts to judicially notice legislative history and other publications for the fact that they published specific content, rather than for their truth. See *Robert L. v. Superior Court* (2003) 30 Cal.4th 894, 905; *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc*. (2005) 133 Cal.App.4th 26, 31–33, 36 (ballot pamphlets, summaries, arguments, and voter guides, as well as statements by sponsors, proponents, and opponents are judicially cognizable); *Jahr v. Casebeer* (1999) 70 Cal.App.4th 1250, 1253 (taking judicial notice of documents constituting the legislative history of Proposition 12). At bottom, this Court is "obliged to interrogate

the electorate's purpose, as indicated in the ballot arguments and elsewhere." *Hodges v. Super. Ct.* (1999) 21 Cal.4th 109, 114. These materials are critical to the Court's consideration of the historical context animating the Progressive-era workers compensation reforms at the foundation of this dispute.

Exhibits 1–35 meet these standards and each is relevant to the issues on appeal. Accordingly, *amicus curiae* California Constitution Scholars respectfully requests that this motion be granted.

Respectfully submitted,

Dated: April 2, 2024

California Constitution Center*
By: /s/ David A. Carrillo
David A. Carrillo

Benbrook Law Group, PC
By: /s/ Stephen M. Duvernay
Stephen M. Duvernay

Attorneys for *Amicus Curiae*
California Constitution Scholars

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DECLARATION OF DAVID A. CARRILLO

I, David A. Carrillo, declare:

1. I am an attorney duly licensed to practice law in the State of California. I am the Executive Director of the California Constitution Center and a Lecturer in Residence at the University of California, Berkeley School of Law. I have personal knowledge of the matters set forth in this declaration, and would be able to testify competently to these facts if called as a witness.
2. The documents attached hereto as Exhibits 1–35 are true and correct copies of documents as obtained by me, described as follows and with the process described below. Any highlighting is my own, for the Court's convenience.
3. Attached as Exhibit 1 is a true and correct copy of an excerpt of an article titled *Liability Law Void* published in the Press Democrat on March 24, 1911.
4. Attached as Exhibit 2 is a true and correct copy of an excerpt of an article titled *Nolan Submits Report* published in Organized Labor on April 8, 1911.
5. Attached as Exhibit 3 is a true and correct copy of an excerpt of an article titled *Report On Labor Measures* published in Organized Labor on April 29, 1911.
6. Attached as Exhibit 4 is a true and correct copy of an excerpt of an article published in the San Francisco Call on May 15, 1911.
7. Attached as Exhibit 5 is a true and correct copy of an excerpt of an article titled *Liability And Compensation Law* published in Organized Labor on June 24, 1911.
8. Attached as Exhibit 6 is a true and correct copy of an excerpt of an article titled *Roseberry's Bill Approved* published in the Santa Barbara Morning Press on September 19, 1911.
9. Attached as Exhibit 7 is a true and correct copy of an article titled *Socialists and the Amendments* published in the San Bernardino Sun on September 24, 1911.
10. Attached as Exhibit 8 is a true and correct copy of an excerpt of an article published in the Chico Record on October 5, 1911.

11. Attached as Exhibit 9 is a true and correct copy of an article titled *The 23 Amendments To Be Voted On October 10* published in the San Jose Mercury News on October 5, 1911.
12. Attached as Exhibit 10 is a true and correct copy of an excerpt of an article titled *Each Voter Should Perform His Duty* published in the Feather River Bulletin on October 5, 1911.
13. Attached as Exhibit 11 is a true and correct copy of an excerpt of an article published in the Santa Barbara Morning Press on October 5, 1911.
14. Attached as Exhibit 12 is a true and correct copy of an expert of an article titled *How M'Kisick Would Mark The Ballot* published in the Sacramento Daily Union on October 7, 1911.
15. Attached as Exhibit 13 is a true and correct copy of an excerpt of an article published in the Press Democrat on October 8, 1911.
16. Attached as Exhibit 14 is a true and correct copy of an excerpt of an article titled *Here's the Way We're Going to Vote* published in the Santa Cruz Evening News on October 9, 1911.
17. Attached as Exhibit 15 is a true and correct copy of an excerpt of an article published in the Santa Barbara Morning Press on October 11, 1911.
18. Attached as Exhibit 16 is a true and correct copy of an article titled *The Roseberry Liability Law At Extra Session of Legislature* published in the Hanford Sentinel on December 14, 1911.
19. Attached as Exhibit 17 is a true and correct copy of a letter titled *Urge Vote for Amendment 30, Industrial Accident Commission Would Have Workmen's Compensation Act Departments Given Constitutional Authority* from H.L. White published in the Hanford Sentinel on October 24, 1918.

20. Attached as Exhibit 18 is a true and correct copy of an article titled *Senate Constitutional Amendment No. 30 (No. 23 on the Ballot)* by H.L. White published in the Hanford Sentinel on October 24, 1918.
21. Attached as Exhibit 19 is a true and correct copy of an excerpt of an article titled *Senate Constitutional Amendment No. 30 (No. 23 on the Ballot)* by H.L. White published in the Los Angeles Herald on October 30, 1918.
22. Attached as Exhibit 20 is a true and correct copy of a letter titled *Sounds Warning Note on Proposed Measure, Unlimited Power Would Be Given Legislature of State If Health Insurance Amendment Is Ratified by Voters at Coming Election, Writer Declares* by Allen E. Rogers published in the San Diego Union and Daily Bee on October 27, 1918.
23. Attached as Exhibit 21 is a true and correct copy of a letter published in the San Diego Union and Daily Bee on October 28, 1918.
24. Attached as Exhibit 22 is a true and correct of a letter by Dewey J. Bischoff published in the San Diego Union and Daily Bee on October 30, 1918.
25. Attached as Exhibit 23 is a true and correct copy of an excerpt of an article published in the Hanford Sentinel on October 31, 1918.
26. Attached as Exhibit 24 is a true and correct copy of an article published in the Mariposa Gazette on October 12, 1918.
27. Attached as Exhibit 25 is a true and correct copy of an article published in the Mariposa Gazette on October 19, 1918.
28. Attached as Exhibit 26 is a true and correct copy of an article published in the Mariposa Gazette on October 26, 1918.
29. Attached as Exhibit 27 is a true and correct copy of an article published in the Mariposa Gazette on November 2, 1918.
30. Attached as Exhibit 28 is a true and correct copy of an excerpt of an article published in the San Bernardino Sun on October 18, 1918.

31. Attached as Exhibit 29 is a true and correct copy of an excerpt of an article titled *More Laws for Voters of California to Consider* published in the Merced Sun-Star on October 31, 1918.
32. Attached as Exhibit 30 is a true and correct copy of an excerpt of an article titled *What You Are to Vote On, Digest of Constitutional Amendments and Initiative Propositions on the Ballot at the Coming Election* published in the Los Angeles Herald on November 1, 1918.
33. Attached as Exhibit 31 is a true and correct copy of an excerpt of an article titled *Industrial Board Urges Adoption of New Law* published in the San Francisco Call on November 2, 1918.
34. Attached as Exhibit 32 is a true and correct copy of an excerpt of an article titled *Suggestions as to How to Vote on State and Charter Amendments on Ballot at Tuesday's Election* published in the San Bernardino Sun on November 3, 1918.
35. Attached as Exhibit 33 is a true and correct copy of an excerpt of an article titled *Amending Workmen's Compensation Act* published in the Stockton Independent on November 5, 1911.
36. Attached as Exhibit 34 is a true and correct copy of an excerpt of an article titled *Senatorial Fight in Thirty-Sixth Dist.* published in the Highland Park News on August 17, 1918.
37. Attached as Exhibit 35 is a true and correct copy of the Saturday March 16, 1912 edition of The California Outlook, which contains an editorial by Hiram W. Johnson titled *Shall The People Really Rule? Governor Johnson, Declaring for Rights of the People, Sounds Keynote of Presidential Primary Campaign*. I obtained this article by downloading from Google Books a scanned copy of *California Outlook, a Progressive Weekly, Volume 12*; the relevant article appears on page 241 of the PDF. Google Books is a familiar and reliable source for

scanned versions of rare library books and old sources, and I frequently use it to find rare materials in my scholarly research.

38. I obtained the documents in these Exhibits 1 through 34 from the California Digital Newspaper Collection, a public online database maintained by the Center for Bibliographic Studies and Research at the University of California, Riverside, in partnership with the California State Library. The Collection's URL is https://cdnc.ucr.edu/. The Collection describes itself as: "The California Digital Newspaper Collection contains over 1,500,000 pages of significant historical California newspapers published from 1846-present, including the first California newspaper, the Californian, and the first daily California newspaper, the Daily Alta California." According to the Collection, it "contains 758,725 issues comprising 8,607,797 pages and 44,956,427 articles."

39. The Collection is familiar to me as a reliable source for historical news research, and I rely on its materials in my scholarly work.

40. The Collection provides basic and advanced Boolean search features with date and other limitation options. I performed various keyword searches, for example by searching for variations on the subject matter terms "worker," "workmen," and "compensation," and also searched for the proposition numbers and bill numbers. The search keywords are highlighted in yellow in some of the exhibits.

41. I limited the searches to the relevant time period before the elections in 1911, 1914, and 1918. These searches produced various results: editorials, campaign statements, commentary, letters, and slate recommendations. I performed these searches with variations on the search parameters, keeping relevant material and excluding junk results, until I reached a point of diminishing returns with primarily null or repeat results.

42. The relevant material I preserved with either screenshots or by downloading jpeg images or Adobe PDFs from the Collection, in some instances with additional text

beyond the keyword result for necessary context. That material from the Collection was arranged for convenient reading before being presented in Exhibits 1–34 attached hereto. Note that many of these are excerpts rather than full copies of whole articles.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed April 2, 2024 at San Francisco, California.

s/ David A. Carrillo
DAVID A. CARRILLO

Exhibit 1
Press Democrat
1911 03 24

LIABILITY LAW VOID

New York Courts Invalidate Action of Legislature on Subject

Albany, March 24.—The workmen's compulsory compensation law, passed by the Legislature last year, which provides compensation to workmen injured in certain specified dangerous employment, regardless of the employers' negligence, was declared unconstitutional by the Court of Appeals today.

The court holds that the act deprives the employer of his property without due process of law.

The law was modeled on the English workmen's compensation act of 1897, which has since been extended to cover every kind of occupational injury.

Judge Werner wrote the opinion, in which all the members of the court concurred.

The main feature of the act was that to require employers of labor in certain occupations to compensate their employes for any injury occurring during the course of the work, although such injury occurred solely through the negligence of the workman.

Exhibit 2
Organized Labor
1911 04 08

Nolan Submits Report

SAN FRANCISCO, March 31, 1911.

To the Officers of and Delegates to the San Francisco Labor Council.

Greeting: The following is a brief summary of the result of the labor of the various representatives of the several different labor organizations interested in "Labor Legislation" at the thirty-ninth session of the California State Legislature:

Your legislative agent, in conjunction with the representatives of the California State Federation of Labor, California State Building Trades Council, and the Railroad Brotherhood's Joint Legislative Board, established headquarters at 929 K street, Sacramento, California, for the purpose of expediting our legislative work.

Our experience with these headquarters has demonstrated to the various organizations interested that it has been a paying proposition, and that the continuance of this system at future sessions is absolutely essential to the success of legislative work.

The following Bills and Constitutional Amendments in which labor was interested have passed both Houses, have been signed by the Governor, and are now laws upon our statute books, or else, in the case of the Constitutional Amendments, they will be submitted to the vote of the people of this State for ratification next October.

The Initiative, Referendum and Recall.

Probably the most important legislation passed at this session were two Constitutional Amendments, one providing for the initiative and referendum, and the other providing for the recall of all elective officers, including the judiciary.

Senate Constitutional Amendment No. 22, relative to the initiative and referendum, is probably the most complete piece of direct legislation enacted by any State in this Union. It behooves organized labor to do its utmost, when this amendment is submitted to the people, to see that it is adopted.

Recall of the Judiciary.

Senate Constitutional Amendment No. 23, relative to the recall of all elective officers, including the judiciary, is also a great step in advance of the interest of direct legislation, and it is probably as far-reaching, inasmuch as it includes the judiciary, as any similar amendment ever adopted by any of the States of the Union.

This amendment should be given the particular attention of organized labor, inasmuch as serious opposition developed on account of its provisions including the recall of judges.

Many men who have in the past taken an active interest in measures that were in the interest of the people have opposed this measure at Sacramento, and will, no doubt, oppose the recall on account of its inclusion of the judiciary. It seems impossible for them to realize that a judge, elected as all other officers are elected, by the people, should be put on the same plane, consequently it behooves the working people of the State of California to fall in line behind this amendment when submitted to the people next October, and work with might and main for its adoption, because the opposition to this Constitutional Amendment will be terrific.

All interests of this State, large and small, which in times gone by have seemed to be in a position to influence the selection, either through the old convention system of nominating judges or through concentrating their efforts under our present primary system, either for the election or defeat of certain judges, will oppose this measure, and will attempt to blindfold the plain people of the State on this great question.

In commenting upon this phase of direct legislation I want to call the attention of the Council to the fact that, at the present time, such very important measures have become popular, and although it took some work to put through the recall amendment, including the judiciary, there was practically no opposition to the amendment calling for the initiative and referendum.

Session after session of the California State Legislature, your

Senate Constitutional Amendment No. 32, by Senator Welch, provides, if passed, that the California Legislature can pass a Compulsory Workmen's Compensation Act. Under our present Constitution, it is impossible to make any workmen's compensation act compulsory.

This amendment will be submitted to the people at the election to be held in October.

Exhibit 3
Organized Labor
1911 04 29

REPORT ON LABOR MEASURES

San Francisco, Cal., April 12, 1911.

To the Trade-Unionists of California:

We take pleasure in submitting herewith a brief report of such work of our late Legislature, in which Labor is particularly interested, (not quite complete because a number of bills which passed both Houses are still in the hands of the Governor.)

Numerous important measures directly affecting Labor were dealt with by our law-makers in a far more liberal and progressive spirit than was ever shown at any previous session of the Legislature since California became a State. Propositions advocated by the State Federation of Labor for a decade but always considered too radical were almost unanimously concurred in by our progressive legislators. For example, the Initiative, Referendum and Recall met with little opposition except for the fact that certain honest and well-meaning people still give credence to the ancient idea that Judges are too sacred to be subject to the Recall.

Never before has Organized Labor of our State and its representatives at the Capitol worked as harmoniously, and never was as much interest manifested and assistance rendered by our organizations and the Reform Movement generally. Right here it may be well to state that the so-called Progressives and Reformers who came from the southern portion of the State, with just one or possibly two exceptions, were "political reformers" only. They voted solidly against the most meritorious economic reform measures, so long as the same originated from Labor.

Again it is but fair to state that if we did not have Governor Johnson, who in striking contrast to his predecessor, was always in sympathy with the aspirations of the men and women who toil, several of our greatest victories would have been turned into old-time defeats. In addition to the sympathetic and moving spirit of our Governor which was in evidence on many occasions when a friend in need was a friend indeed, Labor had many other loyal and unselfish supporters. And while it would be impossible to give due credit to all our friends in and out of the Legislature we can not refrain from giving a word of recognition for the splendid services rendered by the Senators and Assemblymen from San Francisco. A number of Senators and Assemblymen from interior districts, where organized labor is weak and of little consequence as a factor in elections, also rendered invaluable aid; among those the following are deserving of particular mention: Senators Black, Caminetti, Campbell, Cartwright, Cutten, Hans, Lewis, Martinelli, Sanford and Shanahan, also Assemblymen Callaghan, Fitzgerald, Griffin, Hayes, Telfer and Williams.

Among our most valued friends outside of the Legislature were the newspapers. The Labor Press of California, particularly the following journals rendered yeomen service and contributed in a large measure to our success: The Citizen of Los Angeles, The Labor Leader of San Diego, Labor News of Eureka, Labor News of Fresno, News Advocate of Stockton, The Tribune of Sacramento, Tri-City Labor Review of Oakland, The Union of San Jose, Union Labor Journal of Bakersfield, the Labor Clarion, Organized Labor and the Coast Seamen's Journal of San Francisco.

The San Francisco Bulletin, and its editor, Mr. Fremont Older, gave us unstintingly the full and free service (editorial, news and personal) at the command of a metropolitan daily.

The Scripps newspapers also championed our cause during the entire session. "The Star" of San Francisco, published by Mr. James H. Barry, week by week ably advocated our best propositions. Altogether we had every reason to be proud of our friends.

The Joint Legislative Headquarters maintained at Sacramento during the entire session by this Federation in conjunction with the State Building Trades Council, the Railroad Brotherhoods' Joint Legislative Board and the San Francisco Labor Council proved to be of very great advantage to all concerned and contributed materially to the success of our work. It was the unanimous expression of the labor representatives present at this session that Joint Legislative Headquarters should be regularly established hereafter.

The various measures hereafter mentioned have been classified as follows:

TO ESTABLISH A COMPULSORY WORKMEN'S COMPENSATION ACT.

(Senate Constitutional Amendment, No. 32, by Senator Welch.)

This amendment if adopted will authorize the Legislature to enact a Compulsory Compensation Act. It is impossible to make a Workmen's Compensation Act compulsory under our present Constitution.

Exhibit 4
San Francisco Call
1911 05 15

Constitutional Amendments

APPEALS IN CRIMINAL CASES

Chap. 36, is senate constitutional amendment No. 26, to provide that no judgment shall be set aside or new trial granted in any criminal case on the ground of misdirection of the jury, or the improper admission or rejection of evidence, or for error as to pleading or procedure, unless, in the opinion of the court, the error has resulted in a miscarriage of justice.

COUNTY CHARTERS

Chap. 64, is committee substitute for senate constitutional amendment No. 5 and provides for county charters to be framed by a board of 15 freeholders and to be approved by a majority of the electors of a county, these charters to provide for home rule and permit the regulation of all matters not in conflict with the constitution.

DIRECT LEGISLATION

Chap. 22, is senate constitutional amendment No. 22, to provide for the initiative and the referendum in state legislation.

Chap. 47, is senate constitutional amendment No. 23, to provide for the recall by the electors of the elective public officers of the state.

ELECTIONS

Chap. 51, is assembly constitutional amendment No. 25 and proposes an amendment to section 13, article XX of the constitution to provide that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of the constitution to provide the manner of electing officers.

Chap. 61, is senate constitutional amendment No. 48 and proposes an amendment to section 8½ of article XI of the constitution to provide for the recall and the civil service tenure in consolidated cities and counties and to validate any such provisions now incorporated in the charter of any such city and county.

EMINENT DOMAIN

Chap. 9, is senate constitutional amendment No. 17 to amend section 14 of article 1 of the constitution to provide that the taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon become a common carrier.

EMPLOYERS' LIABILITY

Chap. 66, is senate constitutional amendment No. 32 and proposes to add section 21 to article XX of the constitution to provide that the legislature may create and enforce a liability on the part of all employers to compensate their employes for injury and provide for the settlement of any disputes arising under such contemplated legislation by arbitration, by an industrial accident board or by the courts.

IMPEACHMENT

Chap. 70, is assembly constitutional amendment No. 46 and proposes an amendment to section 18 of article IV of the constitution to include the judges of the district courts of appeal among those state officials who may be impeached.

JUDICIARY

Chap. 56, is assembly constitutional amendment No. 26 and proposes an amendment to sections 1, 5, 11 and 15 of article VI of the constitution to provide for the abolition of justice courts.

Chap. 57, is assembly constitutional amendment No. 33 and proposes to amend sections 14 and 21 of article VI of the constitution to strike out the provision for the election of a clerk of the supreme court and to provide for the appointing of one by that court.

LEGISLATURE—SESSIONS OF

Chap. 62, is senate constitutional amendment No. 6 and proposes an amendment to section 2 of article IV of the constitution to provide for a divided session of the legislature, a recess to be taken not more than 30 days after the opening of the legislature, the recess to be for not less than 30 days. On the reassembling of the legislature no bill shall be introduced in either house without the consent of three-fourths of the members, nor shall more than two bills be introduced by any one member after such reassembling.

MERCHANDISE AND COMMODITIES

Chap. 37, is senate constitutional amendment No. 2, to provide that the legislature may by general and uniform laws provide for the inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for such necessary officers.

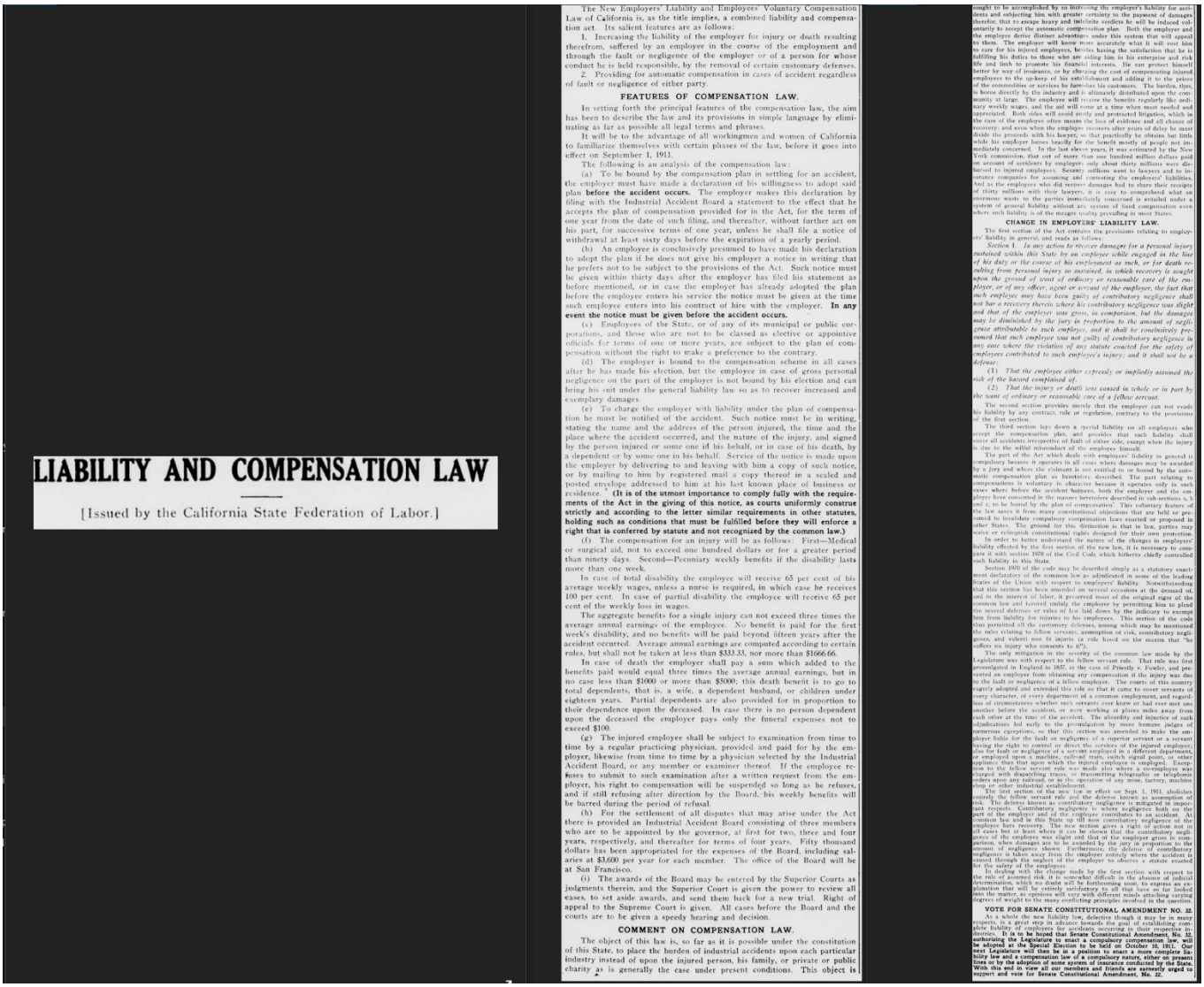
MUNICIPAL CHARTERS

Chap. 65, is senate constitutional amendment No. 20 and proposes an amendment to section 8 of article XI of the constitution to provide for the borough system of government for chartered cities and to amplify the section as to the procedure in adopting and amending municipal charters.

PUBLIC UTILITIES

Chap. 67, is senate constitutional amendment No. 49 and proposes an amendment to section 19 of article XI of the constitution to provide that any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, trans-

Exhibit 5
Organized Labor
1911 06 24



LIABILITY AND COMPENSATION LAW

[Issued by the California State Federation of Labor.]

The New Employers' Liability and Employees' Voluntary Compensation Law of California is, as the title implies, a combined liability and compensation act. Its salient features are as follows:

1. Increasing the liability of the employer for injury or death resulting therefrom, suffered by an employee in the course of the employment and through the fault or negligence of the employer or of a person for whose conduct he is held responsible, by the removal of certain customary defenses.

2. Providing for automatic compensation in cases of accident regardless of fault or negligence of either party.

FEATURES OF COMPENSATION LAW.

In setting forth the principal features of the compensation law, the aim has been to describe the law and its provisions in simple language by eliminating as far as possible all legal terms and phrases.

It will be to the advantage of all workingmen and women of California to familiarize themselves with certain phases of the law, before it goes into effect on September 1, 1911.

The following is an analysis of the compensation law:

(a) To be bound by the compensation plan in settling for an accident, the employer must have made a declaration of his willingness to adopt said plan **before the accident occurs.** The employer makes this declaration by filing with the Industrial Accident Board a statement to the effect that he accepts the plan of compensation provided for in the Act, for the term of one year from the date of such filing, and thereafter, without further act on his part, for successive terms of one year, unless he shall file a notice of withdrawal at least sixty days before the expiration of a yearly period.

(b) An employee is conclusively presumed to have made his declaration to adopt the plan if he does not give his employer a notice in writing that he prefers not to be subject to the provisions of the Act. Such notice must be given within thirty days after the employer has filed his statement as before mentioned, or in case the employer has already adopted the plan before the employee enters his service the notice must be given at the time such employee enters into his contract of hire with the employer. **In any event the notice must be given before the accident occurs.**

(c) Employees of the State, or of any of its municipal or public corporations, and those who are not to be classed as elective or appointive officials for terms of one or more years, are subject to the plan of compensation without the right to make a preference to the contrary.

(d) The employer is bound to the compensation scheme in all cases after he has made his election, but the employee in case of gross personal negligence on the part of the employer is not bound by his election and can bring his suit under the general liability law so as to recover increased and exemplary damages.

(e) To charge the employer with liability under the plan of compensation he must be notified of the accident. Such notice must be in writing, stating the name and the address of the person injured, the time and the place where the accident occurred, and the nature of the injury, and signed by the person injured or some one id his behalf, or in case of his death, by a dependent or by some one in his behalf. Service of the notice is made upon the employer by delivering to and leaving with him a copy of such notice, or by mailing to him by registered mail a copy thereof in a sealed and posted envelope addressed to him at his last known place of business or residence.* **(It is of the utmost importance to comply fully with the requirements of the Act in the giving of this notice, as courts uniformly construe strictly and according to the letter similar requirements in other statutes, holding such as conditions that must be fulfilled before they will enforce a right that is conferred by statute and not recognized by the common law.)**

(f) The compensation for an injury will be as follows: First—Medical or surgical aid, not to exceed one hundred dollars or for a greater period than ninety days. Second—Pecuniary weekly benefits if the disability lasts more than one week.

In case of total disability the employee will receive 65 per cent of his average weekly wages, unless a nurse is required, in which case he receives 100 per cent. In case of partial disability the employee will receive 65 per cent of the weekly loss in wages.

The aggregate benefits for a single injury can not exceed three times the average annual earnings of the employee. No benefit is paid for the first week's disability, and no benefits will be paid beyond fifteen years after the accident occurred. Average annual earnings are computed according to certain rules, but shall not be taken at less than $333.33, nor more than $1666.66.

In case of death the employer shall pay a sum which added to the benefits paid would equal three times the average annual earnings, but in no case less than $1000 or more than $5000; this death benefit is to go to total dependents, that is, a wife, a dependent husband, or children under eighteen years. Partial dependents are also provided for in proportion to their dependence upon the deceased. In case there is no person dependent upon the deceased the employer pays only the funeral expenses not to exceed $100.

(g) The injured employee shall be subject to examination from time to time by a regular practicing physician, provided and paid for by the employer, likewise from time to time by a physician selected by the Industrial Accident Board, or any member or examiner thereof. If the employee refuses to submit to such examination after a written request from the employer, his right to compensation will be suspended so long as he refuses, and if still refusing after direction by the Board, his weekly benefits will be barred during the period of refusal.

(h) For the settlement of all disputes that may arise under the Act there is provided an Industrial Accident Board consisting of three members who are to be appointed by the governor, at first for two, three and four years, respectively, and thereafter for terms of four years. Fifty thousand dollars has been appropriated for the expenses of the Board, including salaries at $3,600 per year for each member. The office of the Board will be at San Francisco.

(i) The awards of the Board may be entered by the Superior Courts as judgments therein, and the Superior Court is given the power to review all cases, to set aside awards, and send them back for a new trial. Right of appeal to the Supreme Court is given. All cases before the Board and the courts are to be given a speedy hearing and decision.

COMMENT ON COMPENSATION LAW.

The object of this law is, so far as it is possible under the constitution of this State, to place the burden of industrial accidents upon each particular industry instead of upon the injured person, his family, or private or public charity as is generally the case under present conditions. This object is sought to be accomplished by so increasing the employer's liability for accidents and subjecting him with greater certainty to the payment of damages therefor, that to escape heavy and indefinite verdicts he will be induced voluntarily to accept the automatic compensation plan. Both the employer and the employee derive distinct advantages under this system that will appeal to them. The employer will know more accurately what it will cost him to care for his injured employees, besides having the satisfaction that he is fulfilling his duties to those who are aiding him in his enterprise and risk life and limb to promote his financial interests. He can protect himself better by way of insurance, or by sharing the cost of compensating injured employees to the up-keep of his establishment and adding it to the prices of the commodities or services he furnishes his customers. The burden, thus, is borne directly by the industry and is ultimately distributed upon the community at large. The employee will receive the benefits regularly like ordinary weekly wages, and the aid will come at a time when most needed and appreciated. Both sides will avoid costly and protracted litigation, which in the case of the employee often means the loss of evidence and all chance of recovery, and even when the employee recovers after years of delay he must divide the proceeds with his lawyer, so that practically he obtains but little while his employer looses largely for the benefit mostly of people not immediately concerned. In the last eleven years, it was estimated by the New York commission, that out of more than one hundred million dollars paid on account of accidents by employers only about thirty millions were disbursed to injured employees. Seventy millions went to lawyers and to insurance companies for assuming and contesting the employers' liabilities. And as the employees who did receive damages had to share their receipts of thirty millions with their lawyers, it is easy to comprehend what an enormous waste to the parties immediately concerned is entailed under a system of general liability without any system of fixed compensation even where such liability is of the meagre quality prevailing in most States.

CHANGE IN EMPLOYERS' LIABILITY LAW.

The first section of the Act contains the provisions relating to employers' liability in general, and reads as follows:

Section 1. In any action to recover damages for a personal injury sustained within this State by an employee while engaged in the line of his duty or the course of his employment as such, or for death resulting from personal injury so sustained, in which recovery is sought upon the ground of want of ordinary or reasonable care of the employer, or of any officer, agent or servant of the employer, the fact that such employee may have been guilty of contributory negligence shall not bar a recovery therein where his contributory negligence was slight and that of the employer was gross, in comparison, but the damages may be diminished by the jury in proportion to the amount of negligence attributable to such employee, and it shall be conclusively presumed that such employee was not guilty of contributory negligence in any case where the violation of any statute enacted for the safety of employees contributed to such employee's injury; and it shall not be a defense:

(1) That the employee either expressly or impliedly assumed the risk of the hazard complained of.

(2) That the injury or death was caused in whole or in part by the want of ordinary or reasonable care of a fellow servant.

The second section provides merely that the employer can not evade his liability by any contract, rule or regulation, contrary to the provisions of the first section.

The third section lays down a special liability on all employers who accept the compensation plan, and provides that such liability shall cover all accidents irrespective of fault of either side, except when the injury is due to the wilful misconduct of the employee himself.

The part of the Act which deals with employers' liability in general is compulsory because it operates in all cases where damages may be awarded by a jury and where the claimant is not entitled to or bound by the automatic compensation plan as heretofore described. The part relating to compensations is voluntary in character because it operates only in such cases where before the accident happens, both the employer and the employee have consented in the manner heretofore described in sub-sections a, b and c, to be bound by the plan of compensation. This voluntary feature of the law saves it from many constitutional objections that are held or presumed to invalidate compulsory compensation laws enacted or proposed in other States. The ground for this distinction is that in law, parties may waive or relinquish constitutional rights designed for their own protection.

In order to better understand the nature of the changes in employers' liability effected by the first section of the new law, it is necessary to compare it with section 1970 of the Civil Code which hitherto chiefly controlled such liability in this State.

Section 1970 of the code may be described simply as a statutory enactment declaratory of the common law as adjudicated in some of the leading States of the Union with respect to employers' liability. Notwithstanding that this section has been amended on several occasions at the demand of, and in the interest of labor, it preserved most of the original rigor of the common law and favored unduly the employer by permitting him to plead the several defenses or rules of law laid down by the judiciary to exempt him from liability for injuries to his employees. This section of the code thus permitted all the customary defenses, among which may be mentioned the rules relating to fellow servants, assumption of risk, contributory negligence, and volenti non fit injuria (a rule based on the maxim that "he suffers no injury who consents to it").

The only mitigation in the severity of the common law made by the Legislature was with respect to the fellow servant rule. That rule was first promulgated in England in 1837, in the case of Priestly v. Fowler, and prevented an employee from obtaining any compensation if the injury was due to the fault or negligence of a fellow employee. The courts of this country eagerly adopted and extended this rule so that it came to cover servants of every character, of every department of a common employment, and regardless of circumstances whether such servants ever knew or had ever met one another before the accident, or were working at places miles away from each other at the time of the accident. The absurdity and injustice of such adjudications led early to the promulgation by more humane judges of numerous exceptions, so that this section was amended to make the employer liable for the fault or negligence of a superior servant or a servant having the right to control or direct the services of the injured employee, also for fault or negligence of a servant employed in a different department, or employed upon a machine, railroad train, switch signal point, or other appliance than that upon which the injured employee is employed. Exception to the fellow servant rule was made also where a co-employee was charged with dispatching trains, or transmitting telegraphic or telephonic orders upon any railroad, or in the operation of any mine, factory, machine shop, or other industrial establishment.

The new section 3 of the Act in effect on Sept. 1, 1911, abolishes entirely the fellow servant rule, and the defense known as assumption of risk. The defense known as contributory negligence is mitigated in important respects. Contributory negligence is where negligence both on the part of the employer and of the employee contributes to an accident. At common law and in this State up till now contributory negligence of the employee bars recovery. The new section gives a right of action not in all cases but at least where it can be shown that the contributory negligence of the employee was slight and that of the employer gross in comparison, when damages are to be awarded by the jury in proportion to the amount of negligence shown. Furthermore, the defense of contributory negligence is taken away from the employer entirely where the accident is caused through the neglect of the employer to observe a statute enacted for the safety of the employee.

As to the changes in the law made by the first section with respect to the rule of assumed risk, it is somewhat difficult in the absence of judicial determination, which no doubt will be forthcoming soon, to express an explanation that will be entirely satisfactory to all that have so far looked into the matter, as opinions will vary with different minds attaching varying degrees of weight to the many conflicting principles involved in the question.

VOTE FOR SENATE CONSTITUTIONAL AMENDMENT NO. 32.

As a whole the new liability law, defective though it may be in many respects, is a great step in advance towards the goal of establishing complete liability of employers for accidents occurring in their respective industries. **Senate Constitutional Amendment, No. 32, authorizing the Legislature to create a compulsory compensation law, will be adopted at the Special Election to be held October 10th, 1911. The next Legislature will then be in a position to enact a more complete liability law and a compensation law of a compulsory nature, either on present lines or by the adoption of some system of insurance conducted by the State. With this end in view all our members and friends are earnestly urged to support and vote for Senate Constitutional Amendment, No. 32.**

Exhibit 6
Morning Press
1911 09 19

ROSEBERRY'S BILL APPROVED.

The employers' liability act, drafted and fathered in the legislature by State Senator L. H. Roseberry of Santa Barbara, is related to one of the amendments that will be offered for the consideration of the voters October 10th. In spite of early opposition in certain business circles to the operation of this law, it is being found that it possesses merit, and is worthy of popular support. The Los Angeles Herald is a warm advocate of Amendment No. 10, which is the proposal to constitutionalize this act. The Herald says, editorally:

> That constitutional amendment which upon the ballot is distinguished as "No. 10" confers authority upon the legislature to regulate compensation of employes for injuries received in their employment, and is intended to constitutionalize the new employers' liability law and such other legislation amendatory of or germane thereto as may hereafter be enacted.
>
> The new law is in effect. It is permissive, not mandatory. Employers may take advantage of it and so may employes. Its effect is to substitute the decision of a state industrial accident board for trial by jury under the old common law. The new law provides a maximum liability and scale of compensation so that the cost of injuries incurred in any industry may be figured as a percentage of the expense of operation and may be provided for by insurance in a casualty company, just as liability to fire is provided for by insurance. On the other hand, the employer gains under the new law a determinate amount in prompt payment, instead of having to employ a lawyer with whom to split the proceeds of a case for damages and to await the slow process of the courts.
>
> The new law is one of the best that any state has and it is proving a success, although it was predicted that it would be a failure because employers would refuse to come under it. The industrial accident board reports that many have already signified their preference to abide by the provisions of the new act and submit their cases to the board for settlement.

Exhibit 7
San Bernardino Sun
1911 09 24

Socialists and the Amendments

BY N. A. RICHARDSON.

To the Editor of THE SUN:

You have kindly asked for a word of explanation regarding the position taken by the Socialist party on the various proposed amendments to our state constitution on which we are to vote at the coming election on November 10.

Our state executive committee appointed a special committee to look into this matter and recommend the line of action that our partisans should pursue and more especially with regard to the amendments that affected the interests of the laboring masses. Several of the propositions that the November election must determine are of little concern to labor and we are indifferent as to the outcome on them. Some of them we are vitally interested in having enacted and others we are equally concerned in defeating.

Let us first call the voter's attention to one condition that will lead him into the entire defeat of his intention in voting if it is not observed and that carefully. When he comes to vote, he will find these amendments numbered on his ballot and these numbers in no wise correspond with the numbers attached by the legislative body with which it originated. For instance, Senate Constitutional Amendment No. 32 is No. 10 on the ballot. And it is this ballot number to which the voter's attention must be directed or his vote cannot be cast intelligently. In fact, the number on the ballot is the only one in which he has any concern.

upon the people known as the initiative and the referendum in legislation. It is the most democratic measure ever introduced into our system of government. It does not mean that all laws are to be referred to the people, but that we have the power to demand that any particular law shall be referred if we see fit to exercise that power. Vote for No. 7.

If the amendment designated on your ballot as No. 8 receives a majority of the votes on November 10, the people of this state will have the right to recall from office any person holding a position to which he was elected. That is, the people can by petition demand a special election for the filling of the office held by any person whom they had previously elected to that office. If he fails of re-election, he is succeeded by his successful competitor and must give up the office. This is the right to recall unfaithful servants—a right so in accord with sane business methods that it at once commends itself to all liberty-loving people. Vote for No. 8.

No. 10 on the ballot will allow the passage of laws creating and enforcing liability of employers for compensation of workers for injuries incurred in their employment, irrespective of fault of either party, and also for arbitration. This will enable the people to enact a real employers liability law—to get the genuine article instead of a gold brick. Vote for No. 10.

No. 13 confers upon such cities as

Exhibit 8
Chico Record
1911 10 05

Amendment No. 10 (Workingman's Compensation Law)—This amendment allows the State to provide for compulsory arbitration, or other remedy, for accidents to workers. The injured, it is asserted, will get quick and ascertained relief; the employer will save 70 per cent of present expensive law suits; depreciation of man will be provided for like depreciation of machinery. It is designed on the theory that society as a whole should bear the burden of accident rather than the poor workman or his wife and children.

Exhibit 9
San Jose Mercury News
1911 10 05

THE 23 AMENDMENTS TO BE VOTED ON OCTOBER 10.

"Boiled-Down" Version Will Make Clear to Voter in a Few Words What Each Amendment Proposes to Do—Read Them Carefully; It Is Your Duty to Do So.

The tremendous sheet of amendments sent broadcast to voters is so massive and difficult of decipherment that the Mercury assumes the average voter will give it but little attention. Hence the following "boiled down" version will at least enable the voter to know what it is all about:

No. 10 (Senate Amendment 32)—This amendment empowers the Legislature to create and enforce a liability against all employers to compensate employees for injury received in the course of their employment, regardless of the fault of either party. It also permits the Legislature to provide for the settlement of such cases by arbitration or an industrial board.

Exhibit 10
Feather River Bulletin
1911 10 05

EACH VOTER SHOULD PERFORM HIS DUTY

Next Tuesday, each voter in this State should go to the polls and cast his ballot for or against the several constitutional amendments proposed by the last Legislature. The election is a very, very important one, for it will deal with the fundamental law of a great State. Generally speaking, these amendments are good and should be adopted, possibly with a few exceptions. They are designed to place control back in the hands of the people and to safeguard their retention of that control. The fact that they had the endorsement of Governor Johnson and one of the most independent and patriotic Legislatures the State ever had, should be a strong recommendation for their adoption by the people next Tuesday.

A synopsis of the amendments to be voted upon follows:

No. 9.—Senate Amendment No. 26. No verdict in a criminal case can be overturned on a technicality by the higher courts if this amendment is passed. No misdirection of jury, improper admission of evidence or error of procedure shall be sufficient for reversal of the verdict unless the higher court after an examination of the whole case, including the evidence, shall be convinced that there has been a miscarriage of justice. This amendment is a long step toward ending the rule of technicality in the courts.

Employers' Liability.

No. 10.—Senate Amendment No. 32. Compensation to workmen for injuries received in their employment, regardless of the fault of either party, may be provided by an act of the Legislature under this amendment. The method of determining this compensation may be fixed by the Legislature through the establishment of an industrial board or commission.

Extends Civil Service.

No. 11.—Senate Amendment No. 45. Civil service employes under the State or municipalities are exempted from the constitutional provision limiting tenure of office to four years.

Railroad Rate Fixing.

No. 12.—Senate Amendment No. 47. This is the first of important amendments to regulate public utility corpora-

Exhibit 11
Morning Press
1911 10 05

AMENDMENT NO. 10.

The Press has already devoted considerable space to Amendment No. 10 as listed on the official ballot, being the proposed constitutionalizing of the Rosebarry liability law. Its purpose as stated by Senator Roseberry is to afford a simple and fair way for the settlement of accident cases, out of court.

The present law prohibits any compulsory scheme for compensation for accidents out of court by arbitration, industrial accident boards, etc., as it is construed by courts to be a taking of property "without due process of law." The recent employers' liability act was made elective to avoid this constitutional objection. The proposed amendment is intended to remove this constitutional prohibition and will empower the legislature to enact a compensation law that may be compulsory on all employers. This is the sole object of the proposed amendment. By reducing the range of compensation to certain amounts by abolishing the risky jury verdict, by a settlement without the long delays and great expense of court litigation, by providing for immediate pecuniary relief to the injured, a compulsory workingmen's compensation law which may be enacted by the legislature—if this amendment is adopted—would be a great economic and moral gain to both the employers and the employes reform which is being urgently demanded by all classes and rapidly adopted by the federal government and numerous states, after thorough and scientific investigation, hearings and reports, and will be one of the most practical reform measures ever adopted in this state. It will pave the way for ultimate state insurances against industrial accidents—a thing to be greatly desired.

Exhibit 12
Sacramento Daily Union
1911 10 07

HOW M'KISICK WOULD MARK THE BALLOT

Yes—1, 2, 5, 6, 11, 12, 13, 14, 16, 17, 19, 20, 21, 23.
No—3, 8, 9, 10.

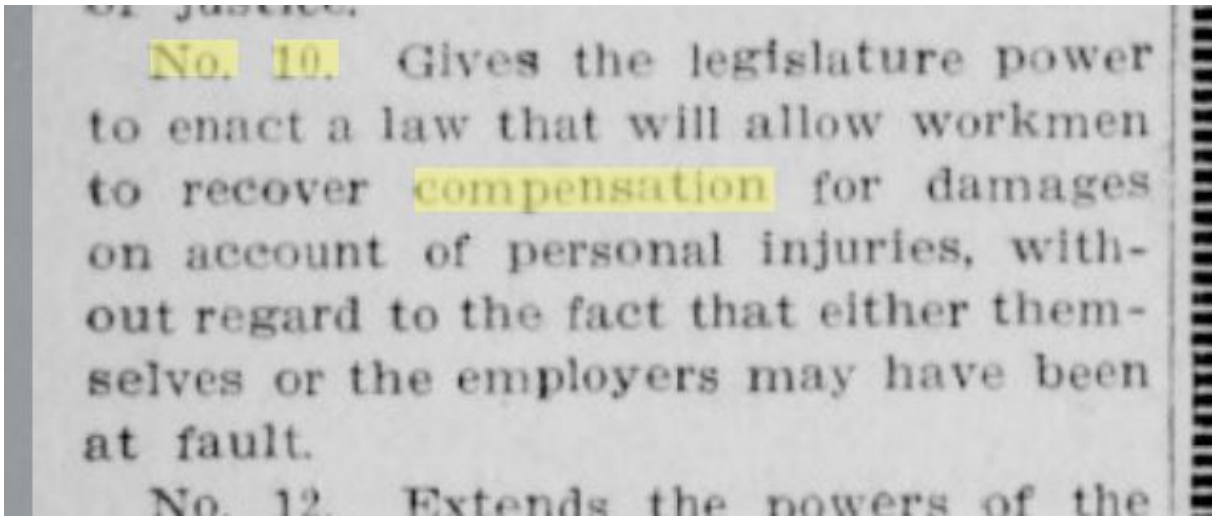
deprives the accused of substantial rights and takes away from the court the power to restore those rights goes too far. For this reason, I am unable to support the amendment.

NO. 10 ON THE BALLOT.

Senate Constitutional Amendment No. 32. A resolution to propose to the people of the state of California an amendment to the constitution of the state of California by adding to article XX a new section to be numbered section 21, relating to compensation for industrial accidents.

This amendment also is self explanatory and is open to precisely similar objections to those which may be used against No. 9. It goes too far. While its purpose is highly laudable, so far as providing for the compensation of employes who are injured during the course of employment, it will not remedy matters to confiscate the property of the employer and bestow it upon the employe, regardless of the question of fault. I have very grave doubt whether the amendment itself, if adopted, would stand the test of constitutionality. The proper remedy for existing evils seems to me to lie in the direction of a general industrial insurance, whereby the burden is distributed throughout the entire community, as in a number of the continental European countries.

Exhibit 13
Press Democrat
1911 10 08



No. 10. Gives the legislature power to enact a law that will allow workmen to recover compensation for damages on account of personal injuries, without regard to the fact that either themselves or the employers may have been at fault.

No. 12. Extends the powers of the

Exhibit 14
Santa Cruz Evening News
1911 10 09

Here's the Way We're Going to Vote

The News has been asked by many readers to present in brief form a guide as to the amendments tomorrow. We do not want to tell anybody how to vote; that is matter for individual judgment. But we will tell you how we are going to vote, and we don't think you will go very far wrong if you mark up your ballot sheet after this fashion. The amendments are here numbered as they are numbered on the ballot:

failed to say he was mayor of San Francisco. .....VOTE YES

10. Senate Constitutional Amendment No. 32. Authorizing a compulsory workmen's compensation law. This allows the state to provide compulsory arbitration; seems to be good for the men who work and we are going to take a chance and .....VOTE YES

Exhibit 15
Santa Barbara Morning Press
1911 10 11

ESTABLISHED 1863. SANTA BARBARA, CALIFORNIA, WEDNESDAY, OCTOBER 11, 1911 PRICE FIVE CENTS

WOMAN'S SUFFRAGE IS DEFEATED

RECALL, INITIATIVE AND REFERENDUM WIN OUT

GOVERNOR JOHNSON AND RECENT LEGISLATURE GIVEN APPROVAL

RAILROAD COMMISSION GIVEN GOOD MAJORITY

SAN FRANCISCO AND NORTH CONSIDERED BALLOT DANGEROUS IN HANDS OF FEMALES.

Santa Barbara County Favors Women Voters By a Majority of 197

PRECINCT VOTE ON WOMAN'S SUFFRAGE

	YES	NO
Carpinteria	42	59
Summerland	26	13
Montecito	31	69
Santa Barbara 1	62	28

LIGHT VOTE POLLED BUT IMPORTANT AMENDMENTS EASILY CARRIED IN CITY

GOVERNOR HIRAM W. JOHNSON, WHO WAS GIVEN PEOPLE'S APPROVAL AT POLLS.

MEN FOLKS EVIDENTLY CONSIDERED THE BALLOT A DANGEROUS THING TO BE PLACED IN THE HANDS OF WOMEN, AND SOME COUNTIES, NOTABLY SAN FRANCISCO, HAD A MAJORITY POLLED AGAINST IT.

MAJORITY FAVOR REFORM MEASURES.

TODAY'S ELECTION CARRIED TO CONCLUSION THE CAMPAIGN FOR REFORM MEASURES ADVOCATED BY GOVERNOR HIRAM JOHNSON AND THE LAST LEGISLATURE WHICH IS OVERWHELMINGLY PROGRESSIVE REPUBLICAN. THE GOVERNOR STUMPED THE STATE IN FAVOR OF THE AMENDMENTS.

A UNIQUE FEATURE OF THE CAMPAIGN WAS THE PROMINENCE THE SUFFRAGE QUESTION TOOK. IT WAS THOUGHT WHEN THE CAMPAIGN STARTED THAT THE RECALL, INITIATIVE AND REFERENDUM WOULD ENGROSS PUBLIC ATTENTION. BUT THE ENTHUSIAM WITH WHICH THE WOMEN OF THE STATE ENTERED INTO A FIGHT FOR ENFRANCHISEMENT WAS PRACTICALLY MADE A QUESTION THAT OVERSHADOWED EVERYTHING ELSE DURING THE CLOSING DAYS OF THE CAMPAIGN.

County Turned These Down

The amendments which were not supported by a majority of the county voters are the following:

Amendment No. 10, relating to compensation for industrial accidents, being intended to constitutionalize the Roseberry liability act. There was a majority of 102 votes against this measure.

Exhibit 16
Hanford Sentinel
1911 12 14

The Roseberry Liability Law At Extra Session of Legislature

(Contributed by the Industrial Accident Board.)

Constitutional amendment No. 10 (on the ballot) adopted by the people of California on October 10th last does not now in any way affect the Roseberry liability law as it stands on the statute books. It merely gave the legislature power to make such a law compulsory at some future time, but inasmuch as Governor Johnson did not include the amendment of that law in his call for an extra session, the legislature now in session will have no power to alter or amend that law in any particular.

But there are things that this legislature has been asked to do that may have an important collateral bearing upon the compensation law. Employers generally are up in arms against the liability insurance companies on account of the rates charged by them for indemnity coverage under the Roseberry law, but neither employers, nor this board, nor the state insurance commissioner, nor the bureau of labor statistics, has any real information upon which to found an opinion in regard to what such rates should be in order properly to carry the burden and afford for the service performed a reasonable recompense to these who carry it. Many are clamorous for state insurance without an idea as to what it would probably cost the state to insure against industrial accidents.

To meet this need for exact knowledge the Industrial Accident Board has asked the legislature, through Senator Roseberry and others, to require this board to collect complete data regarding all accidents that happen in California during the calendar year 1912, and, that the board may perform this service, it has asked the legislature to require every employer of labor in the state who has an employee hurt by accident severely enough to cause a week's loss of industrial time to report the accident in full to this board. To make sure of getting full particulars the statute, if enacted as submitted, will require every physician treating such a case to report the particulars thereof to this board. In order to clinch the matter still further the bill in question provides that every liability or casualty company doing business in this state report every such accident reported to such companies, together with full particulars as to the nature and settlement of all claims against such companies for indemnity for such injuries.

When all this information is gathered together, put into intelligible form or tabulated, the next legislature will have a basis of fact to go upon in relation to the insurance issue, and also in relation to such modifications or amendments to the Roseberry law as may be needed. One year's history will not be as good as ten years', but will be a great deal better than no information at all, whereas, now, the only information that exists, is in the hands of the casualty companies themselves, and that is confessedly inadequate.

One other piece of legislation is being asked for by this board, viz. power and authority to give publicity to all the information it can get together bearing upon compensation to injured employees, accident prevention and related subjects, to the end that the people of California may come thoroughly to understand the Roseberry law and the problem the law has undertaken to deal with. This is the sum total of legislation in regard to employers' liability to be anticipated from the legislature now in session.

Exhibit 17
Hanford Sentinel
1918 10 24 (letter)

URGE VOTE FOR AMENDMENT 30

INDUSTRIAL ACCIDENT COMMISSION WOULD HAVE WORKMEN'S COMPENSATION ACT DEPARTMENTS GIVEN CONSTITUTIONAL AUTHORITY.

H. L. White, secretary of the Industrial Accident Commission, sends the following letter and article on Senate Constitutional Amendment No. 30, with the request that they be given publicity:

Herewith is an article dealing with Senate Constitutional Amendment No. 30, No. 23 on the ballot. The purpose the Industrial Accident Commission has in mind is to make sure that the important departments of compensation, insurance and safety shall have full constitutional authority. Absolutely no additional power will be given to the commission by the adoption of the amendment, beyond that already given by the state legislature. The supreme court decided the Workmen's Compensation, Insurance and Safety Act constitutional on an appeal from a compensation award, but no opinion has been given on the safety and insurance parts of the act

Exhibit 18
Hanford Sentinel
1918 10 24 (article)

SENATE CONSTITUTIONAL AMENDMENT NO. 30

(No. 23 on the Ballot)

The voters of California will soon be called upon to vote upon the adoption of this amendment, which should not be confused with any other amendment submitted to the people at this election.

In 1911 a constitutional amendment was adopted which it was then thought was broad enough to give the legislature all the power necessary for the enactment of a Workmen's Compensation, Insurance and Safety Act and the Legislature, acting under the authority of this amendment, did incorporate in one enactment a full plan of compensation, insurance and safety, with adequate provision for administration. This act has, with some modifications and amendments, been in operation for nearly five years and has given satisfaction to both employers and their employees and to the public generally. The Safety Department's activities commend themselves to citizens because they represent a real saving in man power. In the State Compensation Insurance Fund the state has built up a financial institution of magnitude, which is performing important service for the people of the state.

But there are still some doubts entertained in certain quarters as to the constitutionality of some of the things that have been incorporated in this act, and it was for the purpose of validating what the legislature has done, and making the constitution broad enough to sanction the compensation law and the State Compensation Insurance Fund as they now exist, and so put their powers and obligations beyond the realm of controversy, that this proposed amendment was submitted.

When a law has proven itself, as this law has done, it is entitled to the approval of the people of the state and to be permanently established on a firm foundation. No new grants of power beyond those already exercised and given by the Act have been included in this amendment, but it is important that the law shall not be subject to further attack upon technical grounds, and especially is this important to the State Compensation Insurance Fund, which now has two and a half millions in assets and is doing an insurance business amounting to around two and a half millions annually. The people of California are respectfully asked to dispel all uncertainty as to the future by the adoption of Senate Constitutional Amendment No. 30 (23 on the ballot).

Exhibit 19
Los Angeles Herald
1918 10 30

• • •

The following statement has been issued regarding senate constitutional amendment No. 30, which appears as No. 23 on the ballot:

The voters of California will soon be called upon to vote upon the adoption of this amendment, which should not be confusde with any other amendment submitted to the people at this election.

In 1911 a constitutional amendment was adopted which it was then thought was broad enough to give the legislature all the power necessary for the enactment of a workmen's compensation, insurance and safety act and the legislature, acting under the authority of this amendment, did incorporate in one enactment a full plan of compensation, insurance and safety, with adequate provision for administration.

This act has, with some modifications and amendments, been in operation for nearly five years and has given satisfaction to both employers and employes and to the public generally. The safety department's activities commend themselves to citizens because they represent a real saving in man power. In the state compensation insurance fund the state has built up a financial institution of magnitude, which is performing important service for the people of the state.

But there are still some doubts entertained in certain quarters as to the constitutionality of some of the things that have been incorporated in this act, and it was for the purpose of validating what the legislature has done and making the constitution broad enough to sanction the compensation law and the state compensation insurance fund as they now exist and so put their powers and obligations beyond the realm of controversy, that this proposed amendment was submitted.

When a law has proved itself, as this law has done, it is entitled to the approval of the people of the state and to be permanently established on a firm foundation. No new grants of power beyond those already exercised and given by the act have been included in this amendment, but it is important that the law shall not be subject to further attack upon technical grounds, and especially is this important to the state compensation insurance fund, which now has two and a half millions in assets and is doing an insurance business amounting to around two and a half millions annually.

The people of California are respectfully asked to dispel all uncertainty as to the future by the adoption of Senate Constitutional Amendment No. 30 (23 on the ballot).

• • •

Exhibit 20
San Diego Union and Daily Bee
1918 10 27

San Diego Union and Daily Bee, 27 October 1918 — SOUNDS WARNING NOTE ON PROPOSED MEASURE > . , y|v " • Unlimited Power Would Be Given Legislature of State If Health Insurance Amendment Is Ratified by Voters at Coming Election, Writer Declares. [ARTICLE]

Back

SOUNDS WARNING NOTE ON PROPOSED MEASURE

Unlimited Power Would Be Given Legislature of State If Health Insurance Amendment Is Ratified by Voters at Coming Election, Writer Declares.

ALLEN E. ROGERS.

Editor San Diego Union: It is generally a thankless task to take the role of Cassandra before the American people, for they are above everything else optimistic, and especially so in matters that pertain to their political welfare. Patriotic to the highest degree and always ready to give up their life and all that they hold dear to defend their free institutions against open and avowed foes, they are, nevertheless, far too apt to regard with tolerence and good-natured indifference forces and conditions that tend insidiously, but

none the less surely, to subvert [illegible] principles on which these institutions rest, and in which they have their existence.

One great contribution of the United States to the welfare and the freedom of the world is that of the written constitution—the reduction of the fundamental principles of government to the form of a written instrument established by the people themselves as the organic law of their state or nation and, as such, limiting the power and beyond the control of those to whom the people have entrusted governmental authority.

Undoubtedly, a written constitution in certain of its features must be modified as civilization changes and as new conditions in our social, political or economic life as a people make such changes necessary; but the fundamental principles of free government that are set forth in the Magna Charta, the Bill of Rights of 1689, the Declaration of Independence, in the constitution of the United States and in the "Declarations of Rights" that are embodied in essentially the same form in the constitutions of all the states of our Union, are the fundamental principles of free government, yesterday and forever, and an attempted subversion of these principles is a menace to the existence of free government itself.

Recently there was printed in The Union a letter in which the writer discussed certain provisions made a part of the proposed "single tax" amendment, and the effect that the ratification of this proposed amendment would have in subverting certain of the most important safeguards in our constitution for the protection of the fundamental rights and liberties of the individual. In the present communication, similar provisions of the proposed "Health Insurance" amendment to the constitution and of the proposed "Workmen's Compensation" amendment will be considered from a like standpoint, the matter of social health insurance in itself and of the workmen's compensation act in itself being entirely foreign to the discussion.

The last two paragraphs of the proposed "Health Insurance" amendment are as follows:

"The legislature may confer upon any commission or court, now or hereafter to be created, such power and authority as the legislature may deem requisite to carry out the provisions of this section.

"The provisions of this section shall not be controlled or limited by any other provisions of this constitution, except the provisions thereof relating to the passage and approval of acts by the legislature and to the referendum thereof."

See page 50 of the referendum pamphlet.

Perhaps there is no better way of discussing the paragraphs above cited than by considering such part of Senator Kehoe's argument in support of the proposed amendment as refers to them; this as found on page 50 of the pamphlet is as follows:

"This amendment is necessary to empower the legislature constitutionally to enact health insurance laws. It is required, not to establish classifications for benefits (they are legal now), nor to permit discriminations, ,they would still remain unconsitutional) but to remove technical obstacles of our complex state constitution. Such amendments were passed for workmen's compensation and many other laws. It will not affect the initiative nor the guarantee of personal liberty—this is a bugaboo, invented to confuse the issue by persons whose real opposition is based in other grounds—but it will enable the legislature to extend the principle of workmen's compensation so as to include disability caused by sickness."

The senator opens his argument by saying that this proposed amendment to the constitution "is necessary to empower our legislature constitutionally to enact health insurance laws." Why "necessary?" He in the same breath tells us that "it will not affect the initiative or the guarantee of personal liberty" (in our Declaration of Rights). What part of our constitution will it affect? For some part of the constitution must be affected by this proposed amendment or there is absolutely no reason for presenting it to the people of the

state.

Our legislature can, constitutionally, enact all laws except those that it is either expressly or impliedly denied the power to enact, either by the constitution of the United States or by the constitution of the state of California. The proposed amendment, if ratified, would not, of course, affect any provision of the constitution of the United States or any law or treaty made in pursuance thereof, for they are "the supreme law of the land."

Now, is it not the part of "safety first" that the people of this state should know clearly and specifically what are the provisions of their constitution that are to give way to such power as the legislature may see fit to exercise under the proposed amendment, if ratified? What part or parts of this instrument, camouflaged as "technical obstacles in our complex state constitution" stand in the way of the enactment of proper health insurance laws by this body?" In legal phraseology, should not the people of this state demand a "bill of particulars" before proceeding further?

It is also said in the part of the senator's argument above quoted, that this proposed amendment to our constitution would not "permit discriminations" (they would still remain unconstitutional). The senator seems to have lost sight of the fact that when a valid amendment is made to our organic law, this is the last word until it is repealed or modified by a subsequent amendment—that as to it all previously existing provisions of the constitution must yield.

Section 11 of the "Declaration of Rights" in our state constitution, providing that "All laws of a general nature shall have a uniform application," and section 21 of the same, providing that "no citizen or class of citizens" shall be "granted privileges or immunities which, upon the same terms, may not be granted to all citizens," and every other safeguard that our liberty-loving ancestors built up and which has been made a part of this "Declaration," such as that

against the suspension of "the privilege of the writ of habeas corpus," that of the freedom of speech and of the press, that against discrimination against persons and classes of persons on account of religious beliefs, that of the right of our people to be "secure in their persons, houses, papers and effects against unreasonable searches and seizures," and every other provision of our constitution that looks to the safeguarding the individual against arbitrary and oppressive action on the part of our government, must give way whenever the legislature shall "deem it requisite" to grant to any court or commission a power in the matter of "Health Insurance" to the exercise of which this time-hallowed and fundamental principle of free government might be an "obstacle."

Furthermore, Senator Kehoe to the contrary notwithstanding, the proposed amendment does not admit of the people themselves taking the initiative for its repeal or for the repeal or modification of any law conferring upon any commission or court, now or hereafter to be created, such power or authority as the legislature may deem requisite to carry out the provisions of this section. If this proposed amendment is ratified, the only opportunity that the people of this state can have to make their will known and effective in these matters will be solely through the means supplied in the amendment itself—that is, the referendum. In other words, the legislature of California has coolly proposed to the people of this state that they confer upon this branch of their government absolute and unlimited power in the matter of legislation on "health insurance," and have made as a part of this proposition that what this body may see fit to do in these matters cannot be in any way modified or interfered with by the people unless it shall on its own initiative graciously grant the people an opportunity to do so.

If objection to endowing a branch of our government with absolute and unlimited power is a "bugaboo," as the senator has seen fit to designate it, it is a bugaboo that was ever present in the minds of the fathers of the

republic when they laid the foundations of the institutions that have been such a blessing to us and to the world.

What is above said in regard to the paragraphs of the proposed "health insurance" amendment cited applies, mutatis mutandis, equally well to similar provisions in the proposed "workmen's compensation" amendment. See page 55 of the referendum pamphlet. The opening words of this proposed amendment are as follows:

"Sec. 21. The legislature is hereby expressly vested with plenary power, unlimited by any provision of this constitution, to create and enforce a complete system of workmens compensation, by appropriate legislation; and in that behalf to create and enforce a liability on the part of any and all persons for injury and disability."

A government that possesses in any respect "plenary" power or power unrestrained by any constitutional limitation is pro tanto an autocratic government, and this in the full and complete significance of the term "autocratic."

We shall shortly be called to vote upon 19 proposed amendments to our state constitution which already is generally recognized to be complex and confusing and cumbersome beyond all reason. Three of the proposed amendments directly propose, in regard to certain matters, to free the legislative branch from all constitutional limitations and restrictions whatever. Another, numbered six in the referendum pamphlet, would, if ratified, go far toward subordinating the judicial branch of our government to the legislative, and thus destroying the equal and co-ordinate positions which the three departments of a free government should occupy in their relation to one another, and which has hitherto in this country been universally recognized as the strongest safeguard against the usurpation of power on the part of either.

Quaere—Is not the time ripe for steps to be taken for a new state constitution—one that will be clear, definite, consistent, easily under-

stood and of such a nature that it will stand so high in the respect and the pride of our people that no legislature will venture to regard it as furnishing only obstacles to needed legislation?

ALLEN E. ROGERS.

Exhibit 21
San Diego Union and Daily Bee
1918 10 28

EVERY thinking citizen of San Diego will profit by a careful perusal and consideration of Allen E. Rogers' analytical review of some essentially vicious constitutional amendments proposed on the November ballot. Mr. Rogers' article was published in the Sunday edition of The San Diego Union.

The main objection urged by Mr. Rogers to these amendments (which includes the so-called "Health Insurance" amendment, the Single Tax, the Workmen's Compensation, and Number 6, relating to the judiciary), is that they deliberately and with set purpose seek to subvert the fundamental principles of free government by removing or nullifying the most important safeguards of our constitution, and vesting plenary powers in the legislature which would convert a democratic government into an autocracy.

He says that the fundamental principles set forth in the Magna Charta, the Bill of Rights of 1689, the Declaration of Independence, the Constitution of the United States, and in the "Declaration of Rights" embodied in essentially the same form in the constitutions of all the states of our Union, are the fundamental principles of free government yesterday and forever, and that an attempted subversion of these principles is a menace to the existence of free government itself.

In other words, these amendments, by conferring absolute and plenary power upon the legislature, revokes the constitution itself, and with the avowed purpose of avoiding all question of the constitutionality of the proposed laws.

President Wilson has told us that we are "fighting to make the world safe for democracy." The authors of these amendments inform us that they are endeavoring to make California safe for autocracy. The legislature is to be the supreme sanhedrim of our government, from which there shall be no appeal. If these amendments carry, the California state legislature will exercise all the power of a Prussia-controlled bundesrath. Even the courts will be barred from the right to traverse these legislative enactments, and the constitution will be only "a scrap of paper."

Already that precious document, supposed to embody the organic law of the commonwealth, is but a thing of shreds and patches; a mass of incoherences which no human mind can accurately interpret. It has been "amended" out of all semblance to a fundamental exposition of basic principles of government.

Chief Justice Marshall, in the supreme court of the United States, 1819, delivering his opinion in the famous case of McCulloch vs. The State of Maryland, expounded the form and use of a constitution in these words:

> A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves. That this idea was entertained by the framers of the American Constitution is not only to be inferred from the nature of the instrument, but from the language. Why else were some of the limitations, found in the ninth section of the first article, introduced? It is also, in some degree, warranted by their having omitted to use any restrictive term which might prevent its receiving a fair and just interpretation. In conisdering this question, then, we must never forget that it is a constitution we are expounding.

Our California amendment makers, however, are neither mighty jurists like Chief Justice Marshall, nor wise constitution builders like Thomas Jefferson, John Adams, Benjamin Franklin and Alexander Hamilton. Consequently they know little of the matter, purpose and functions of a constitution. On the contrary, as Senator Kehoe, in his explanatory support of his "Health Insurance" amendment, declares, their main objective is to remove constitutional "obstacles." As the constitution of this state now stands and operates, it would be an excellent thing to remove it eltogether, and to frame another upon the formulae prescribed by Chief Justice Marshall. We only destroy our fundamental liberties by injecting the constitution with the virus of "plenary" legislation. Our existing constitution is certainly bad enough, but these amendments make it infinitely worse.

Exhibit 22
San Diego Union and Daily Bee
1918 10 30

Editor San Diego Union: One of the proposed amendments to the constitution to be voted on next November is senate constitution amendment No. 30 (23 on the ballot). I have observed some adverse criticism of this amendment in one of the San Diego papers, and am convinced that the contributor misunderstands both the purpose and the effect of the amendment.

The workmen's compensation, or employers' liability law, was enacted by the legislature under a provision of section 21, article 20, of the state constitution. The workmen's compensation law, so-called, not only provides compensation to injured employes, but provides for a state insurance department and a safety department. The chief object of the state insurance is to insure to employers that they may obtain insurance at a reasonable cost. The object of the safety department of the state is to promote safety devices so as to prevent a large percentage of accidents that have happened in the past.

It will thus be seen that the industrial accident commission not only administers and enforces the payment of compensation to injured employes, but maintains an insurance department for the benefit of employers, and maintains a safety department for the benefit of employers and employes alike, in order to reduce the number of accidents. The supreme court of this state has determined that the industrial accident commission has jurisdiction in the matter of making awards for compensation, but has never passed on the authority of the industrial accident commission under the provisions of section 21, article 20, of the constitution to administer the state insurance fund or the safety department.

Both the state insurance fund and the safety department are necessary and proper under any system of workmen's compensation insurance. They have proved very beneficial to the state of California and have received the almost universal indorsement of employers and employes alike. Under these circumstances it would be a great misfortune to this state if it should be found that the legislature exceeded its authority in investing the industrial accident commission with these functions. The purpose of the proposed amendment to the constitution (23 on the ballot) is to give the legislature ample power in this regard and remove any doubt as to the constitutionality of the present workmen's compensation law.

DEWEY J. BISCHOFF.
Referee Industrial Accident Commission.

Exhibit 23
Hanford Sentinel
1918 10 31

23 — WORKMEN'S COMPENSATION

Senate Constitutional Amendment 30. Amends Section 21 Article XX of Constitution. Specifies matters included within complete system of workmen's compensation. Empowers legislature to establish such system and require any or all persons to compensate their workmen for injury or disability, and dependents thereof for death of said workmen incurred in employment, irrespective of any party's fault, provide for settling disputes by arbitration, industrial accident commission, court or any combination thereof, procedure therefor, making decisions of such tribunals reviewable by appellate courts. Declares Industrial Accident Commission and State Compensation Insurance Fund unaffected hereby, confirming functions vested therein.

Exhibit 24
Mariposa Gazette
1918 10 12

NUMBER 23

WORKMEN'S COMPENSATION.

Senate Constitutional Amendment 30. Amends Section 21 Article XX of Constitution. Specifies matters included within complete system of workmen's compensation. Empowers legislature to establish such system and require any or all persons to compensate their workmen for injury or disability, and dependents thereof for death of said workmen incurred in employment, irrespective of any party's fault, provide for settling disputes by arbitration, industrial accident commission, courts or any combination thereof, procedure therefor, making decisions of such tribunals reviewable by appellate courts. Declares Industrial Accident Commission and State Compensation Insurance Fund unaffected hereby, confirming functions vested therein.

Exhibit 25
Mariposa Gazette
1918 10 19

NUMBER 23

WORKMEN'S COMPENSATION.

Senate Constitutional Amendment 30. Amends Section 21 Article XX of Constitution. Specifies matters included within complete system of workmen's compensation. Empowers legislature to establish such system and require any or all persons to compensate their workmen for injury or disability, and dependents thereof for death of said workmen incurred in employment, irrespective of any party's fault, provide for settling disputes by arbitration, industrial accident commission, courts or any combination thereof, procedure therefor, making decisions of such tribunals reviewable by appellate courts. Declares Industrial Accident Commission and State Compensation Insurance Fund unaffected hereby, confirming functions vested therein.

Exhibit 26
Mariposa Gazette
1918 10 26

NUMBER 23

WORKMEN'S COMPENSATION.

Senate Constitutional Amendment 30. Amends Section 21 Article XX of Constitution. Specifies matters included within complete system of workmen's compensation. Empowers legislature to establish such system and require any or all persons to compensate their workmen for injury or disability, and dependents thereof for death of said workmen incurred in employment, irrespective of any party's fault, provide for settling disputes by arbitration, industrial accident commission, courts or any combination thereof, procedure therefor, making decisions of such tribunals reviewable by appellate courts. Declares Industrial Accident Commission and State Compensation Insurance Fund unaffected hereby, confirming functions vested therein.

NUMBER 24

Exhibit 27
Mariposa Gazette
1918 11 02

ability; provide support for such system by contributions, voluntary or compulsory, from such persons, from employers and by state appropriation; and confer upon any commission or court, now or hereafter created, power and authority necessary to effectuate provisions of this section. Declares this section not controlled or limited by other than the referendum provisions of constitution.

NUMBER 21

DENTISTRY. Initiative Act amending dental law. Requires dentist, hereafter appointed member of Board of Dental Examiners, have degree of Doctor of Dental Surgery or Dental Medicine, and some other degree from recognized institution; limits member to one four-year term in six years; as exception to present requirements, declares any applicant of good moral character, with five years' practice, and examined and licensed by any state dental board, shall receive license without examination upon paying twenty-five dollars; forbids administering anesthetic in practicing dentistry, except when adult third person present; declares advertising or charging low fees not unprofessional conduct.

NUMBER 22

PROHIBITION. Initiative Act. Declares that every person, firm or corporation, which manufactures, imports or sells intoxicating liquors after December 31, 1918, except denatured alcohol, shall be guilty of misdemeanor punishable by twenty-five dollars fine and twenty-five days imprisonment for first offense, and by fifty dollars fine and fifty days imprisonment for second offense, and by one hundred dollars fine and one hundred days' imprisonment for each subsequent offense.

NUMBER 23

WORKMEN'S COMPENSATION. Senate Constitutional Amendment 30. Amends Section 21 Article XX of Constitution. Specifies matters included within complete system of workmen's compensation. Empowers legislature to establish such system and require any or all persons to compensate their workmen for injury or disability, and dependents thereof for death of said workmen incurred in employment, irrespective of any party's fault, provide for settling disputes by arbitration, industrial accident commission, courts or any combination thereof, procedure therefor, making decisions of such tribunals reviewable by appellate courts. Declares Industrial Accident Commission and State Compensation Insurance Fund unaffected hereby, confirming functions vested therein.

NUMBER 24

STOCKHOLDER'S LIABILITY. Assembly Constitutional Amendment 37. Amends Section 3, Article XII of Constitution. Eliminates therefrom provisions relative to exposition companies and liabilities of stockholders thereof. Adds paragraph to section declaring that provisions thereof imposing upon stockholders proportionate liability for debts and upon directors liability for moneys misappropriated shall not apply to any corporation, hereafter organized under laws of this state, which adopts and uses as last word of its corporate name the word "Limited" or "Ltd.", but that stockholders thereof shall be subject to such liabilities as legislature may provide.

NUMBER 25

EMINENT DOMAIN. Senate Constitutional Amendment 16. Adds Section 20 to Article XI of Constitution. Declares that the state, or any county, city and county or municipality may acquire, by eminent domain, title in fee simple to property, in excess of that actually needed for use in an improvement, such property to be deemed acquired for a public use, and that the procedure for such acquisition and the use and sale, lease or other disposition thereof shall be prescribed by general law.

It is hereby ordered that the following named persons be, and they are hereby appointed, members of the Boards of Election at the respective precincts, as indicated, and that the following places mentioned be, and the same are hereby designated as the houses or places within each of the said precincts where the election must be held, to-wit:

Bear Valley Precinct.

Polling place, Bon Ton Building. Inspector, John B. Trabucco; judge, Jesse N. Turner; clerks, Fred Margrave, Edward M. True.

Bull Creek Precinct.

Polling place, school house. Inspector, John J. McCauley; judge, Levi Keys; clerks, Estelle I. Fraser, Lula M. Patterson.

Catheys Valley Precinct.

Polling place, school house. Inspector, L. L. Rowland; judges, Will Gordo, O. E. Ingersoll; clerks, J. H. Redman, H. N. Dunnaway, Arthur B. Day.

Chowchilla Precinct.

Polling place, school house. Inspector, Charles H. Beery; judge, George H. Browne; clerks, Russell D. Worman, George H. Harris.

Clearinghouse Precinct.

Polling place, Hall; inspector, Clyde W. Mitchell; judge, Charles Olson; clerks, Mrs. Winnie Eganhoff, Mrs. Lois Rowland.

Colorado Precinct.

Polling place, school house. Inspector, Charles Lebrun; judge, Allen B. Serrels; clerks, John M. Ingledow, George R. Dalton.

Coulterville Precinct.

Polling place, Riverside Building. Inspector, John P. Haigh; judges, Herbert L. Wollesen, Frank J. Bruschi; clerks, Homer L. Shilling, Frank L. Garbarino, James A. Goss.

Darrah Precinct.

Polling place, school house. Inspector, John H. Smither; judge, Hiram W. Bramon; clerks, James C. Hamlin, Flint D. Finch.

El Portal Precinct.

Polling place, El Portal Inn. Inspector, A. C. Rescoe; judge, F. W. McCauley; clerks, Fred W. Gladden, Frank McFadden.

Hornitos Precinct.

Polling place, Campodonico Building. Inspector, W. G. McGregor; judges, A. A. Camin, John W. Guest; clerks, John P. Morrison, A. D. Cademartori, Alfonso Martinez.

Hunter's Valley Precinct.

Polling place, old school house. Inspector, George T. Henderson; judge,

Exhibit 28
San Bernardino Sun
1918 10 18

No. 23. Workmen's Compensation.

Senate Constitutional Amendment 30. Amends Section 21 Article XX of Constitution. Specifies matters included within complete system of workmen's compensation. Empowers legislature to establish such system and require any or all persons to compensate their workmen for injury or disability, and dependents thereof for death of said workmen incurred in employment, irrespective of any party's fault, provide for settling disputes by arbitration, industrial accident commission, courts or any combination thereof, procedure therefor, making decisions of such tribunals reviewable by appellate courts. Declares Industrial Accident Commission and State Compensation Insurance Fund unaffected hereby, confirming functions vested therein.

No. 24. Stockholder's Liability

Exhibit 29
Merced Sun-Star
1918 10 31

say it is to modernize the present law of this state. The opponents are naturally old line dentists. The proposed new section 18 compels any one desiring to practice dentistry to be examined by a board, and makes an exception in favor of dental graduates from other states who have the highest qualifications and experience. The men in favor of it say that this law gives to dentists the right now accorded by law to physicians, surgeons and lawyers, and that no good dentist will come here now to wait six months for examinations, so that the people are deprived of superior service, and they charge that the present dental board possesses powers to compel dentists to maintain high prices in accord with their rules of treating their patients. If they do not do that, as ordered by the dental board, then the board has the privilege of taking away a dentist's license on the ground of unprofessional conduct. There is no question but that the present law is over-stringent and arbitrary.

No. 22 on Ballot.—This is a bone dry prohibition law proposed by initiative petition. It would penalize any one who after December 31 of the present year would manufacture, sell or import any intoxicating liquor. The wine makers who have bought the grape crop of this year could do nothing with their product.

No. 23 on Ballot.—So-Called Workmen's Compensation. This is a law which would make it dangerous for any person to employ another for any purpose whatever. "Compensation" is held to include anything which can be construed to affect the "welfare" of the employe, such as the kind of bed furnished for domestic servants and the brand of coffee supplied to farm employes. Nobody is exempt from its drastic provisions. The very language is full of the spirit of intolerance and meddling, and altogether is calculated to cause immediate flight from the state of all who are unable themselves to do everything which they wish done. Vote no and defeat this outrage.

MORE LAWS FOR VOTERS OF CALIFORNIA TO CONSIDER

Proposed Amendments to the Constitution and Referendum and Initiative Propositions to be Voted Upon on November 5.

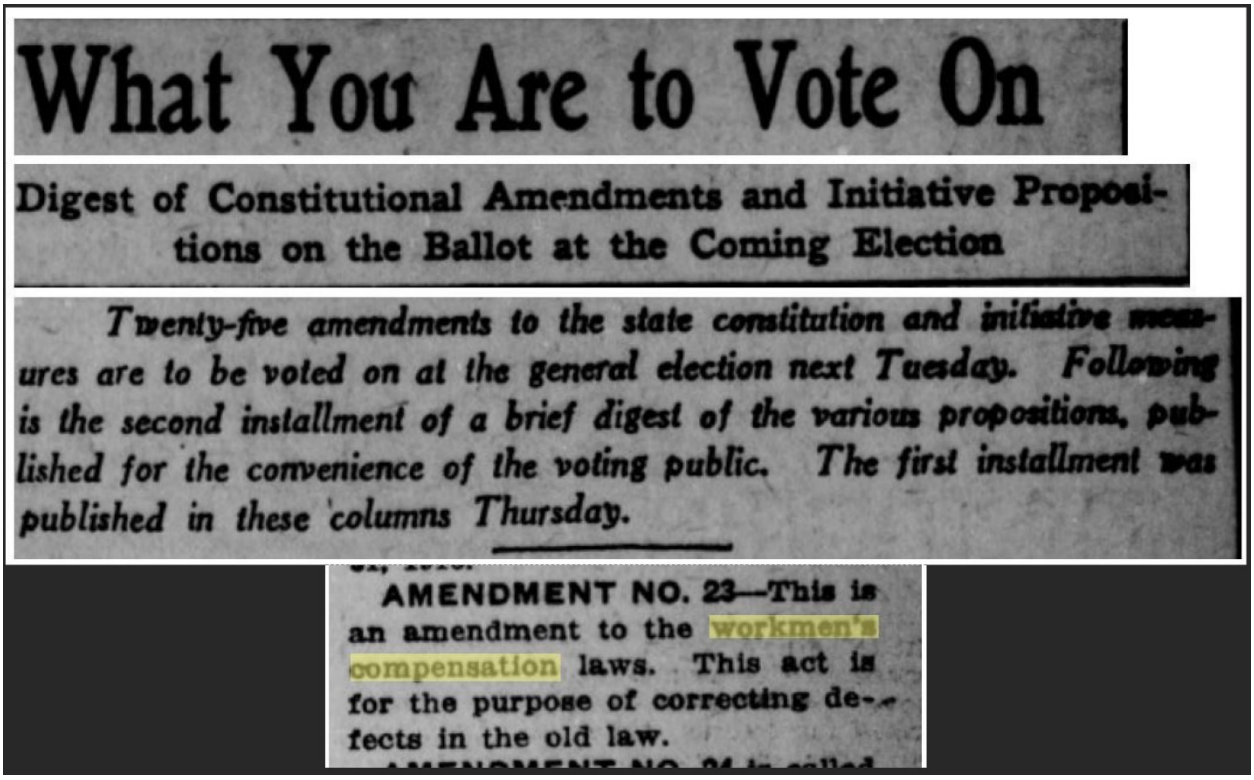
The legislature has proposed to the people eighteen constitutional amendments, one law passed by the legislature is submitted on referendum, six measures are submitted by initiative petition—in all, here are twenty-five state laws and constitutional amendments before the people, says the San Francisco Chronicle. They occupy fifty-eight pages of fine type, and will never be even once read through by a single elector. No living man can foretell in what ways the laws of the state will be found to have changed should this tremendous batch of new laws be adopted.

It is time to call a halt. Already we have a constitution so full of detail that the people are impoverished by the resulting litigation. We are making a farce of democracy. And the evil is increasing. Each succeeding legislature seeks to add to the complexity of our constitution and statutes, and when the legislature stops the cranks take up the work.

To ask our people to adopt these measures is to ask them to vote on what, for the most part, they know nothing about, which they have never considered, and have no means, for the most part, of learning the fact upon which to base an intelligent opinion.

In the following paragraphs the main features of the various propositions are epitomized:

Exhibit 30
Los Angeles Herald
1918 11 01



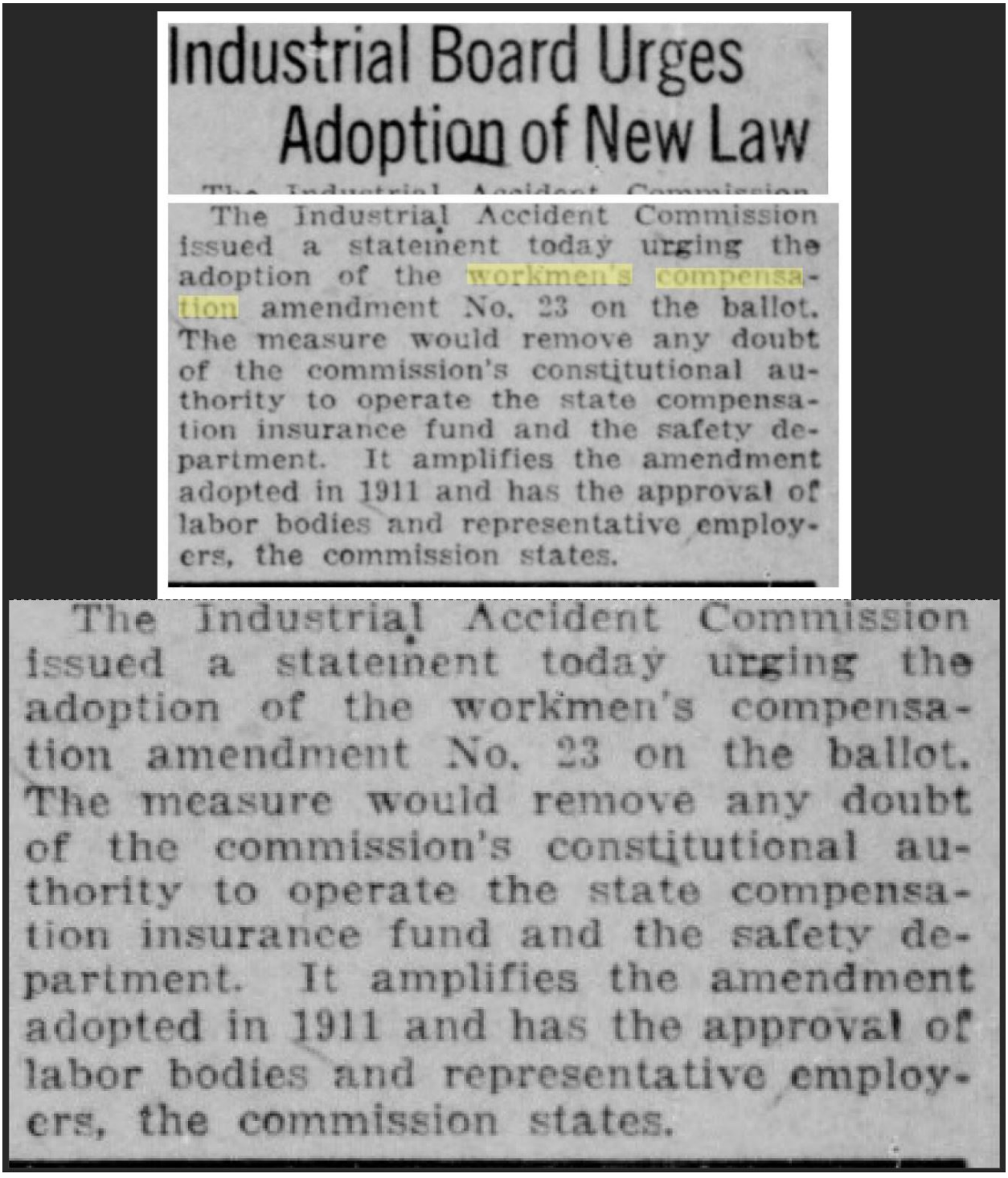
What You Are to Vote On

Digest of Constitutional Amendments and Initiative Propositions on the Ballot at the Coming Election

Twenty-five amendments to the state constitution and initiative measures are to be voted on at the general election next Tuesday. Following is the second installment of a brief digest of the various propositions, published for the convenience of the voting public. The first installment was published in these columns Thursday.

AMENDMENT NO. 23—This is an amendment to the workmen's compensation laws. This act is for the purpose of correcting defects in the old law.

Exhibit 31
San Francisco Call
1918 11 02



Industrial Board Urges Adoption of New Law

The Industrial Accident Commission issued a statement today urging the adoption of the workmen's compensation amendment No. 23 on the ballot. The measure would remove any doubt of the commission's constitutional authority to operate the state compensation insurance fund and the safety department. It amplifies the amendment adopted in 1911 and has the approval of labor bodies and representative employers, the commission states.

The Industrial Accident Commission issued a statement today urging the adoption of the workmen's compensation amendment No. 23 on the ballot. The measure would remove any doubt of the commission's constitutional authority to operate the state compensation insurance fund and the safety department. It amplifies the amendment adopted in 1911 and has the approval of labor bodies and representative employers, the commission states.

Exhibit 32
San Bernardino Sun
1918 11 03

Suggestions as to How to Vote on State and Charter Amendments on Ballot at Tuesday's Election

No. 1 on the ballot.....No.
No. 2 on the ballot.....Yes
No. 3 on the ballot.....No
No. 4 on the ballot.....Yes
No. 5 on the ballot .....No
No. 6 on the ballot.....No
No. 7 on the ballot.....No
No. 8 on the ballot.....Yes
No. 9 on the ballot.....Yes
No. 10 on the ballot.....No
No. 11 on the ballot.....Yes
No. 12 on the ballot.....No
No. 13 on the ballot.....Yes
No. 14 on the ballot.....Yes
No. 15 on the ballot.....No
No. 16 on the ballot.....No
No. 17 on the ballot.....No
No. 18 on the ballot.....Yes
No. 19 on the ballot.....No
No. 20 on the ballot.....No
No. 21 on the ballot.....Yes
No. 22 on the ballot.....Yes
No. 23 on the ballot.....Yes
No. 24 on the ballot.....No
No. 25 on the ballot.....No
County charter amendment...Yes
City charter amendm't No. 1..Yes
City charter amendm't No. 2..Yes
City charter amendm't No. 3..Yes
City charter amendm't No. 4..Yes
City charter amendm't No. 5..Yes
City charter amendm't No. 6..No

No. 9 on the ballot—Appellate court divisions—This amendment provides for more appellate courts. We would much prefer to see judicial procedure simplified as a means of getting rid of the glut of litigation, but the immediate question is how to get justice for litigants which is now denied them because the appellate court is years behind in its work. It therefore seems necessary to support this amendment. Vote YES.

No. 10 on the ballot—Borough government permanency. Another of those one-county affairs, except that in this case, San Francisco and San Mateo counties are interested. It has no business in the constitution, which ought to be simplified instead of made more complex. Vote **NO.**

No. 11 on the ballot—Exempting cemeteries from taxation. This exemption applies only to cemeteries not operated for profit. As a general principle all institutions of such character might well be exempted from taxation, and it is certainly proper to relieve the last resting place of the dead from the activities of the tax gatherer. Vote **YES.**

No .12 on the ballot—Reimbursing cities for revenue, losses, etc. Which sounds general enough, but in reality

gating certain offices now consolidated, distinguishing clearly between appointive and elective offices, and making it certain county officers will not have to be elected again two years hence. The amendment improves the county service. Vote **YES.**

CITY CHARTER AMENDMENTS

No. 1—Providing a salary increase for the mayor from $800 to $1500 per annum. Vote **YES.**

No. 2—Increasing the salaries of councilmen from $200 to $300 per annum. Vote **YES.**

No. 3—Increasing the salaries of the city clerk from $1,000 to $1500 per annum. Vote **YES.**

No. 4—Increasing the salary of the city attorney from $600 to $1500 per annum. Vote **YES.**

No. 5—Increasing the salary of the city treasurer and police judge from $1,000 to $1500 per annum. Vote **YES.**

(Note—None of these increases would apply to present incumbents).

No. 6—Providing that $3,000 a year be taken out of the water fund and put into a municipal band fund. THE SUN has always favored a municipal band, supported at least in part by the city, but this is not the way to get the money. It ought to be rais-

No. 23 on the ballot—Workmen's compensation. This amendment improves and clarifies some uncertain features of the present or the original provision. Naturally, that ought to commend it. Vote **YES.**

Exhibit 33
Stockton Independent
1918 11 05

AMENDING WORKMEN'S COMPENSATION ACT

The workmen's compensation Amendment No. 23 on the ballot, was drafted by the Industrial Accident commission. The purpose the commission had in mind is to make sure of constitutional authorization to operate the state compensation insurance fund and the safety department, essential parts of a compensation system. The amendment is predicated on "any injury or death incurred or sustained by workmen in the course of their employment."

While the proposed amendment amplifies the workmen's compensation constitutional amendment adopted by a majority of 82,312 voters on October 10, 1911, it specifically provides for compensation, medical treatment, insurance, safety and methods of adjusting disputes. No ulterior motive can be fairly read into its provisions. The fact is that the present workmen's compensation, insurance and safety act gives the commission exactly the same powers proposed in No. 23. The approximately one million employees in California have a vital interest in the safety sections of the act, as have their employers, and the later have shown their strong approval of the state compensation insurance fund.

Among the many indorsements given constitutional amendment No. 23, may be mentioned the practically unanimous vote of the 1917 legislature, the unanimous vote of San Francisco's Civil League of Improvement clubs, and the support of such representative employers as John A. Britton, vice-president and general manager of the Pacific Gas and Electric company, and Jesse W. Lilienthal, president of the United Railroads of San Francisco. The California State Federation of Labor and all the central labor organizations of the state have given No. 23 their hearty approval. The Los Angeles "Times," in its issue of October 27, urged adoption of No. 23, stating that "the Industrial Accident commission is serving a good purpose and should be encouraged," and that the amendment "may be taken to be acceptable alike to employer and employee."

Exhibit 34
Highland Park News
1918 08 17

SENATORIAL FIGHT IN THIRTY-SIXTH DIST.

WILLIAM J. CARR, INCUMBENT, CANDIDATE FOR REPUBLICAN NOMINATION; W. F. KNIGHT, PASADENA, AFTER BOTH REPUBLICAN AND DEMOCRATIC NOMINATIONS.

Senator Carr has been city attorney of Pasadena, where he made a fine record. He has served the district for six years in the senate, and is one of the most influential members of that body. His opponent is new and untried.

Senator Carr has made a fine dry record in the legislature. In the 1917 session he itroduced and handled in the senate the County Unit Bill of the Anti-Saloon League. Had this passed, it would be possible to close up Vernon and similar places. He is endorsed by the Dry Ratification committee. His opponent has bit recently publicly espoused the dry cause.

Senator Carr stands squarely against the assault, certain to be made, against the great constructive accomplishments of the last eight years. His opponent has been opposed to the things done under Governor Johnson's administration.

Everyone agrees that the state should economize in every way possible without crippling the vital governmental agencies. To effect economy in the administrative machinery of the state, Senator Carr will accomplish much more than could his opponent whose inexperience would render him ineffective, and whose well known unfriendly attitude toward the vital things which must not be crippled, would tend to arouse suspicion as to his motives in anything he might attempt.

Senator Carr will represent solely the public interest. His opponent has disqualified himself from representing the public interest on an important line of legislation, by standing as the candidate of the Association for the Betterment of Public Service, one of the astounding principles of which is opposition to any measure affecting the relation between capital and labor unless approved by the accredited representatives of each. It frequently happens that the public interest demands the adoption of legislation opposed by capital or by labor or sometimes by both. It will be remembered that the Workmen's Compensation law was opposed by capital, and the Minimum Wage law for women by capital and labor, yet both of these measures were right and in the public interest.

Senator Carr is powerfully endorsed by such men as Dr. J. A. B. Scherer, Lieutenant Governor A. J. Wallace, Judge J. P. Wood, C. W. Koiner, manager of the Pasadena Municpal Light department, and W. B. Mathews, formerly Los Angeles city attorney, and now counsel for the Bureau of Public Service.

The next legislature will be a war legislature and the most important in the state's history. Now is a poor time for experiments. **Vote for Senator Carr at the Primaries.**

CARR CAMPAIGN COMMITTEE.
Chamber of Commerce Bldg., Pasadena, Cal., Tel. No. Fair Oaks 384.

—BUY—W. S. S.—

The Majestic Dye Works of Monte Vista street is under new management and ownership. Mr. Serimes having sold to Mr. Kurkjian, who will do cleaning and pressing, remodling, relining and repairing.

The Faulkners of West Avenue 56 are enjoying themselves at Redondo Beach.

Mr. and Mrs. Frank Phelps are spending this month in their cottage at Glennandale Place.

In the notice last week of the marriage of Rev. John Thomas Bickford, the bride's name should have been Miss Margaret V. Millard, not Miller. The church to which Rev. Bickford is called as pastor is the Presbyterian church of Pilot Rock, Oregon, where he is to take up a most promising work.

Samuel Williams writes from Camp Lewis that he has passed examinations, taken the oath and is now a full fledged soldier in 45 Co. 12 Bn. 166 Depot, Brigade.

J. H. Hodges is spending his vacation with his brother at San Diego.

V. J. Van Vleck and family have gone to the mountains for a week's visit.

Mrs. Margaret B. Fletcher and son R. M., of 4427 Homer street are spending the months of August and September at Hermosa Beach.

Mr. and Mrs. Donald Rankin of 122 West Avenue 45 are spending two weeks at Hermosa Beach.

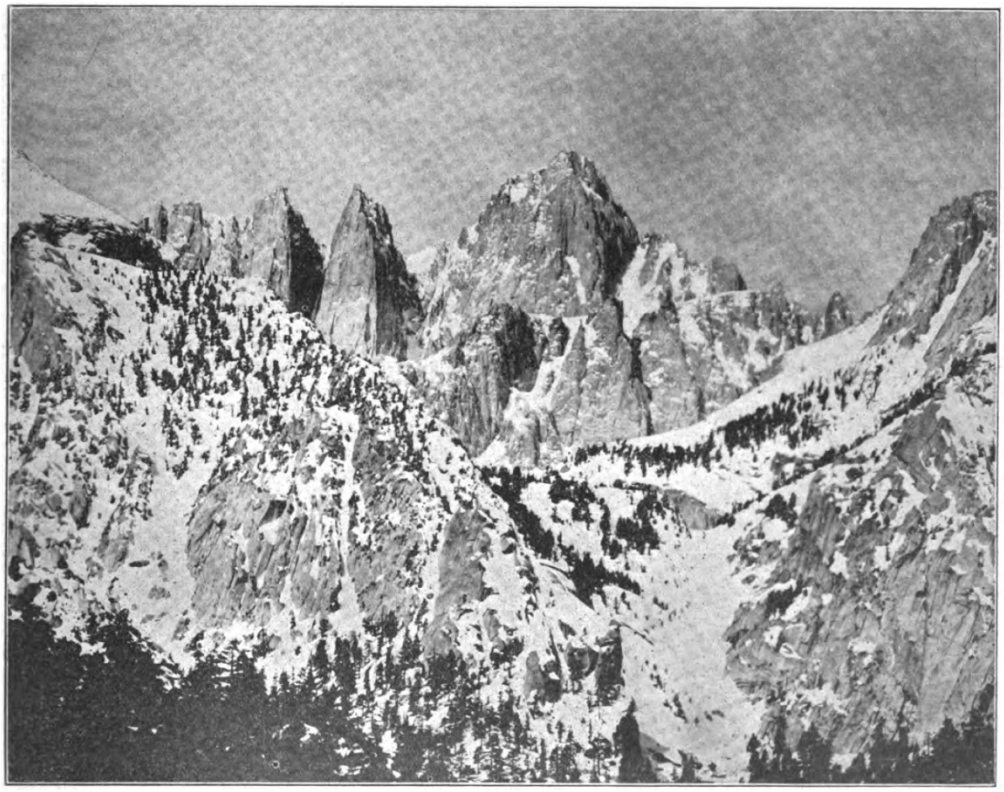
Mrs. Harold E. Wing returned last week from Washington, D. C., where she remained six months, prior to her husband's leaving for France. Mrs. Wing also spent two weeks in the big city of New York.

Exhibit 35
Hiram W. Johnson, *Shall The People Really Rule? Governor Johnson, Declaring for Rights of the People, Sounds Keynote of Presidential Primary Campaign*, The California Outlook
1912 03 16

THE CALIFORNIA OUTLOOK
A PROGRESSIVE WEEKLY

Vol. XII. No. 12 Los Angeles and San Francisco, March 16, 1912 5 Cents—$2.00 a Year

Mt. WHITNEY



This is the Source of the Owens River Water Supply to be Conveyed by Aqueduct to Los Angeles

Shall The People Really Rule?

Governor Johnson, Declaring for Rights of the People, Sounds Keynote of Presidential Primary Campaign.*

By HIRAM W. JOHNSON

TODAY THE EAST is catching up with California. California has pioneered the way. All along the line there is a knowledge of what has transpired within this state and there is a knowledge of those things that have been done, and there is a striving in all the states to do just exactly those things.

I came immediately to the state from the Ohio constitutional convention that is meeting at Columbus. I came from a body of men elected there in non-partisan fashion, representing all that is best in the political life of that great state, the fourth state in population in this Union. I listened to those men and I had the privilege to preach the doctrine that is ours to them, and I had the proud privilege, too, to see in that gathering that the doctrine that is ours, from the vindication of which we have just emerged so successfully, will be theirs when their constitution is completed.

All over the east it was thus. No longer was the question asked, as has been asked for so many years, "How does the Southern Pacific stand in California, on the presidential situation?" The question now asked is, "How do the people of California stand upon the presidential question?" And that was, of course, the most gratifying of the pleasant things that occurred in my recent pilgrimage throughout the eastern states.

On the one hand is the belief that the electorate has the ability and discrimination to decide for itself; on the other hand distrust of the people, and the belief that they are only fit to be governed.

There is today a different political atmosphere all over this continent. There is a different political thought in every state in the Union. There is a different political conscience in every hamlet and village and town in this land. There is a different feeling regarding the problems which confront us. Today a new sort of doctrine is being preached and being taught.

We of California have learned it well. And the doctrine that we have learned through our years of shame and political humiliation is the doctrine that is gripping every eastern state, and every middle western state as well. Today for the first time, indeed, in our national struggles of late years, we have, within the Republican party, at least, a clean cut and plain, unequivocal issue—the same old issue that confronted us last year in the campaign for the amendments; the same issue that confronted us in our campaign in 1910. All through this nation the issue is just what you have fought for, just what you have learned—that it is your right to govern as you see fit, rather than to allow the large "interests" and the politicians to govern as they see fit.

On one hand is the belief in our electorate and the belief that it has the ability, the determination, the knowledge and the discrimination to decide for itself in the matters which may be entrusted to it. On the other hand is distrust of the ability of the people to govern themselves as they see fit—the old idea that the people are fit only to be governed.

The Basic Issue

This is the basic and the fundamental issue upon which the struggle will be waged. We know, all of us know, all thinking men of this nation know, that there are certain economic and industrial reforms that are necessary to be wrought. All of us know today that this nation must control its big business. We know that we must conserve that which belongs to the nation. All of us today understand that there must be a fairer division of the wealth which is the product of labor; that wealth in this nation must be made the servant rather than the master of our people. We know that these things must ultimately be accomplished if our republic is to be preserved; that if our people are not to perish from the earth, laws must be enacted to protect little children and to nurture them and conserve them. There must be real accomplishment.

The Governor at Work

We know that these things must be done and that the progress we stand for is the accomplishment of each and every one of these things. The reactionaries are silent respecting most of them.

We realize that the dominant American issue of today is whether this is in fact to be a government controlled by the people for their interests, or by the "interests" for their people.

We have learned in California that there is one way in which that sort of reform may be accomplished, and that is by way of the people themselves; and it is because we believe industrial and economic reform must be wrought through political reform first, that we have created in this state a direct primary presidential preference law, the initiative, the referendum and the recall. But after all these are means. They are weapons placed in the hands of the people. The real work must be done ultimately by the strict enforcement of these laws and by a number of other means I might mention.

The first step in doing anything to secure economic reforms, from the standpoint of the Progressive, is to have political reform that will enable the people, if their representatives misrepresent them, to do what those representatives ought to do. We went on in California to provide those reforms to the end that the real economic reforms might be worked out and might be accomplished by your servants or by you yourselves, if your servants did not do that work. That was the purpose of our campaign upon the constitutional amendments and the reason that we provided those great popular weapons by which the people can rule themselves in just such a manner as they see fit.

No longer do the easterners ask: "How does the Southern Pacific stand upon the presidential situation?" They now ask: "How do the people of California stand upon the presidential question?"

The Cause of Progress

The cause of progress asserts the right of the people to rule; the cause of reaction asserts a right to rule the people. To vindicate the progressive cause and to carry it forward is the work in which we of California are engaged, and all through the land the people are feeling the same quickening movement that means more than any candidate, any particular man or any particular individual, and means more than any number of individuals. It is the movement for which we are fighting—in this state and throughout the nation. It is for the accomplishment of our cause, the fruition of our hopes, that we are struggling all through this broad land. That we may progress and that we may hope for success we find that there is just one leader possible for us, and that man is Theodore Roosevelt of New York.

I repeat that, as for myself, I am not engaged in this campaign for any man or for any candidate, or for the realization of any man's ambition, I don't care who he is. I am here in a great, vital, moving cause which has to do with the welfare and the advancement of our people. Two years ago we enlisted in that cause in California and victory descended upon us with the solem-

*An address delivered under the auspices of the Roosevelt Progressive Republican League of Los Angeles, at the Auditorium, Saturday, March 9th.

nity of a consecration. That cause means more to me than any regard I ever had for Senator LaFollette or any regard I now have for Theodore Roosevelt or any other man. But the cause, at present, has only one hope, and Roosevelt is that hope. The people are for Roosevelt; the politicians are for Taft. And I believe the time has gone by when any man can be nominated for the presidency against the wishes of the people.

Now, a short time since the Colonel delivered an address at Columbus, Ohio, in which he set forth somewhat in detail, the issues for which he stands. I wish, in brief, to call your attention to some of the things for which he stands, and those things he announced that are of most concern to us. I want to do this so that you may know we are following him, not only because it is he, but because of what he stands for, and because he represents today the essentials of the great movement in which we are all engaged.

Roosevelt's Policies

First, he declared, if you will recall, for pure democracy. He said: "This country, with its interests, belongs to the people who inhabit it." This is our doctrine. Again, he said: "Human rights are supreme over all other rights. Wealth should be the servant and not the master of the people," and after all, in the last analysis, "that this struggle is simply a struggle for humanity and for human rights."

He declares for conservation, for equal opportunity; that every dollar received shall represent a dollar of service rendered. He stands for the rights of property, but even more for the rights of man. Wealth, he declares, is subject to the general right of the community to regulate its business use, as public welfare demands. He stands for the right of the nation and the state to regulate hours and conditions of labor. He announces himself for the short ballot. He says he favors direct nominations and direct primaries; that he favors election of United States senators by the people directly; that he is for the initiative and the referendum and his own peculiar qualified recall. He stands for the ability and the right of the people to govern themselves, saying—what was treason and radicalism only two years ago, but today is conservatism—that even judges are servants of the people.

This, in brief, is what he stated as his fundamental principles in that Columbus speech; and as I read it, it sounds like the state platform of the Progressive Republican party in the State of California in 1910.

Our friends in the East have progressed, do you not think so, when doctrine of this sort is received as the doctrine of the standard bearer of a great party and a great part of the membership of that party?

Demand for Primaries

Today Roosevelt is demanding of his opponent, what? That the people be permitted to determine who shall be nominated for President of the United States. Today Mr. Dixon, who is in charge of the Roosevelt headquarters in Washington, demands of Mr. McKinley, in charge of the headquarters of his opponent, that they submit to the arbitrament of you, just as we are submitting it to you in the State of California, who shall be the nominee of the Republican party. His opponent's answer is, "No, we decline to submit to the people of this country who their party nominees shall be."

The line is close drawn. It is drawn in every utterance of each candidate upon the subject. The line is drawn between popular rule on one side and absolute hatred and denial of popular rule upon the other; and it is up to you in a State like this, where you have been accorded these various primaries, to say whether or not you believe in popular rule in the nation, just as you have expressed yourselves in regard to that belief in your own State.

Nothing better illustrates the political situation throughout the land today than the demand for Presidenial preference primaries. In California, you remember, the Progressives were in command. We could have sent back, in June next, a delegation of twenty-six from California, pledged exactly as we desired to have those men pledged, and for such candidate as we thought best. We could have sent back, by accepting the law that had been given us by our predecessors, the old machine, delegates, who could thus have disfranchised one-half of our citizenship, brought into the fold by the October election of last year; and we could have sent these men back with every show of law and with practically all the show of justice that is made in any State in this Union where denial of the primary principle is made.

But we have started in California with the fundamental principle that the people have the right to determine for themselves exactly what they want in the matter of nominations and otherwise; and so it was that in December last, at a special session under special call, there was enacted by the legislature of our State the Presidential preference primary that enables all our people to vote upon the nomination for President on the 14th day of May next. Our theory is that if our opponent has a majority, or a plurality of the people of the State, he is entitled to the delegation from California, and we gladly yield it to him. But our people, at any rate, are entitled to determine the question and to determine it just exactly as they see fit.

Roosevelt in 1908

It is no new doctrine that Theodore Roosevelt has been preaching of late. It is no new movement, if you please, that he is giving to the American people. It was he who first quickened the conscience of our electorate, and it was he who first cried out against the wrongs of big business in our country. It was he who first demanded quick redress. It was he who first said that the malefactors of great wealth should be punished rather than their agents and servants. His message of January 31, 1908, has been the classic respecting big business and its control in this Nation. And lest you have forgotten entirely this message, let me read to you an excernt or two, not at length, to show that he preached the same doctrine that we have preached in this State:

"Under no circumstances would we countenance attacks upon law-abiding property, or do aught but condemn those who hold up rich men as being evil men because of their riches. * * * We attack only the corrupt men of wealth, who find in the purchased politician the most efficient instrument of corruption, and in the purchased newspaper the most efficient defender of corruption. Our main quarrel is not with these agents and representatives of the interests. They derive their chief power from the great, sinister offenders who stand behind them. They are the puppets who move as the strings are pulled. It is not the puppets but the strong, cunning men and the mighty forces working for evil behind and through the puppets, with whom we have to deal. We seek to control law-defying wealth; in the first place to prevent its doing dire evil to the Republic, and in the next place, to avoid the vindictive and dreadful radicalism, which, if left uncontrolled, it is certain, in the end, to arouse. Sweeping attacks upon all property, upon all men of means, without regard to whether they do well or ill, would sound the death-knell of the Republic; and such attacks become inevitable if decent citizens permit those rich men whose lives are corrupt and evil to domineer in swollen pride, unchecked and unhindered, over the destinies of this country."

And again: "We do not subscribe to the cynical belief that dishonesty and unfair dealing are essential to business success, and are to be condoned when the success is moderate and applauded when the success is great."

"Corrupt business and corrupt politics act and react with ever-increasing debasement, one on the other; the corrupt head of a corporation and the corrupt labor leader are both in the same degree the enemies of honest corporations and honest labor unions; the rebate taker, the franchise trafficker, the manipulator of securities, the purveyor and protector of vice, the blackmailing ward boss, the ballot-box stuffer, the demagogue, the mob leader, the hired bully and man-killer—all alike work at the same web of corruption, and all alike should be abhorred by honest men.

"The business which is hurt by the movement for honesty is the kind of business which, in the long run, it pays the country to have hurt."

Roosevelt Steadfast

Now, I have given these excerpts with the purpose that you may know that in 1908 the views held by our particular candidate were the views that he expressed in 1912, and they are the policies for which he has striven during all the terms that he has been in power politically, whether in one place or another.

Beware of False Friends

Now, just one word in conclution. Beware, in this struggle, of false friends. Beware of that newspaper which endeavors to present to you something to divide your forces. When you find a reactionary sheet printing something which is designed to attack some particular Progressive candidate in behalf of some other Progressive, you can distrust what that reactionary sheet says or what may be said by the reactionary politician who adopts the same tactics.

Keep in mind, after all, that we are striving for accomplishment in a great cause. Remember that men count for little in it. The lasting benefits will be with our people long after everyone of us that now is in power or office has gone to political oblivion. Remember that, as you go about today, believing in your country and striving for that cause, you are not building for now and you are not striving for only tomorrow; but that you are building for all time and striving for all the future.

Remember it is a cause that is at stake. It is a great movement that is in the balance. Remember that it is not the man at all. In such esteem as I hold any one of a number of Progressives in this Nation, including the candidate whose cause I have espoused, in greater esteem do I hold this cause of ours. I insist upon going forward in that cause and for that cause; and I ask you in this struggle to remember it is the cause, not the man; it is the cause, not the individual, for which we are striving.

The peacemaker may be all right, but he is never appreciated by the man who is getting the best of it.

CERTIFICATE OF SERVICE

I filed this motion on the Court's electronic filing system, which will e-mail everyone requiring notice.

Dated: April 2, 2024

By: /s/ Stephen M. Duvernay
Stephen M. Duvernay

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **CASTELLANOS v. STATE OF CALIFORNIA (PROTECT APP-BASED DRIVERS AND SERVICES)**
Case Number: **S279622**
Lower Court Case Number: **A163655**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **steve@benbrooklawgroup.com**

3. I served by email a copy of the following document(s) indicated below:

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REQUEST FOR JUDICIAL NOTICE	2024-04-02 Castellanos RJN Cal Const Scholars (FILE)

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This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

4/2/2024

Date

/s/Stephen Duvernay

Signature

Duvernay, Stephen (250957)

Last Name, First Name (PNum)

Benbrook Law Group

Law Firm