

EDMOND G. BROWN JR.
SECRETARY OF STATE



Secretary of State

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UNIFORM COMMERCIAL CODE	445-8061

August 7, 1972

The Honorable Kenneth Cory
Assemblyman, 69th District
State Capitol
Sacramento, CA 95814

Dear Assemblyman Cory:

Re: ACA 51

Pursuant to Section 3565.5 of the Elections Code, I am enclosing a copy of the argument ~~for~~ against the above-mentioned legislative measure. This code section provides that you may prepare and submit a rebuttal argument not exceeding 250 words. The rebuttal argument must be filed with this office not later than August 11, 1972. In addition, the enclosed statement required by Elections Code Section 5350 must be executed by each author.

If you elect not to write an argument, I would appreciate your advising us of that fact.

Sincerely yours,

A handwritten signature in cursive script that reads "David M. Weetman".

David M. Weetman
Associate Counsel and
Deputy Secretary of State

DMW:alf

Enclosures

ARGUMENT AGAINST PROPOSITION ____ (ACA 51)

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

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

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

The most important reason why this amendment should be defeated, however, lies in an area where possibly privacy should not be completely guaranteed. Most government welfare programs are an attempt by California's more fortunate citizens to assist those who are less fortunate; thus, today, millions of persons are the beneficiaries of government programs, based on the need of the recipient, which in turn can only be judged by his revealing his income, assets and general ability to provide for himself.

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

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

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

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

James E. Whetmore
State Senator, 35th District