

California Water Protection Council

401 San Miguel Way, Sacramento, CA 95819

(916) 453-0443

October 6, 1982

COMPLAINT FILED ON ANTI-PROP. 13 ADS; STATIONS ASKED TO CEASE AIRING SPOTS.

A letter has been sent to the Station Managers of every commercial television station in California, calling on them to discontinue broadcasting ads in opposition to Proposition 13, the Water Conservation Initiative, which are "recklessly false, misleading, and fraudulent".

The letter cites two leading opponents of the Initiative who have contradicted the commercial claim that if Proposition 13 passes "low-cost food will virtually disappear" and "California agriculture's ability to produce inexpensive food will vanish."

Antonio Rossmann, attorney for the California Water Protection Council, quotes a Los Angeles Times story in which William DuBois of the state Farm Bureau Federation, a leading opponent of the Water Conservation Initiative, calls the anti-13 ad statements "ridiculous", adding "you can't just go off and make statements like that without a semblance of proof."

Rossmann also cites a deposition in which California Chamber of Commerce official Larry Kiml declared, under penalty of perjury, that "there is no direct relationship between costs of farm operations to the prices obtained by farmers in a free market."

Rossmann's letter "respectfully but firmly" asks that stations cease transmission of the offending ads, to avoid becoming co-perpetrators of a "deliberate fraud upon the voters of California."

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Professor of Law

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Dan Taylor
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(Organizations are listed for
identification purposes only)

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ADMITTED IN CALIFORNIA,
NEW YORK AND
THE DISTRICT OF COLUMBIA

October 5, 1982

Re: Anti-Proposition 13 Television Commercial
Now Being Aired

Dear Station Manager:

This letter is written in my capacity as counsel to the California Water Protection Council and Professor Harrison C. Dunning, the official proponents of Proposition 13, the California Water Resources Conservation and Efficiency Act. This matter will be voted by the electorate at the 2 November 1982 election.

Yesterday, purchased television campaign advertisements against Proposition 13 began airing in this state, which included the following statements: "Low-cost food will virtually disappear. California agriculture's ability to produce inexpensive food will vanish." These advertisements, purchased by the anti-Proposition 13 "Californians for a Balanced Water Policy," clearly convey the message that enactment of Proposition 13's reforms will adversely affect the market price of food in our state.

By the admission of two of the leading opponents of Proposition 13, the above-quoted statement is recklessly false, misleading, and fraudulent:

1. Today's Los Angeles Times contains the following statement: "William DuBois of the California Farm Bureau Federation, a major opponent of the initiative, called the [above quoted] statements 'ridiculous. . . . You have to be rational. You can't just go off and make statements like that without a semblance of proof.'" (Prop 13 Foes' Ads Warn of Costly Food, Los Angeles Times (Oct. 5, 1982) part I, page 3.)

2. In the opponents' unsuccessful attempt to remove the relevant portion of our ballot argument, a manager of the California Chamber of Commerce, another principal opponent of Proposition 13, submitted the following statement to the Court under penalty of perjury: "Proponents argue that food costs have been increased because farmers costs for pumping water have increased. To the contrary, food commodities costs fluctuate widely and there is no direct relationship between costs of farm operations to the prices obtained by farmers in a free market." (Californians for a Balanced Water Policy v. Eu, Sacramento Superior Court No. 305442, Declaration of Larry Kiml, filed August 4, 1982.)

Thus, the two principal opponents of Proposition 13 -- the California Farm Bureau Federation and the California Chamber of Commerce -- do not believe in the truth or accuracy of the political advertisements prepared by their media advocates. Their current television advertisement therefore constitutes a reckless misstatement of the truth, and a deliberate fraud upon the voters of California, working to their prejudice and to the prejudice of the thousands of volunteers who have qualified Proposition 13 for the ballot. Regrettably, the opponents' media advocates have made those television stations who run their ads co-perpetrators of this reckless falsity and fraud.

By this letter, the California Water Protection Council respectfully but firmly requests that your station immediately cease transmission of this commercial message if it is presently being aired, and that no further transmission of this message be contemplated or executed in the future. Only through your cooperation in effectuating the immediate termination of this recklessly false and fraudulent message can the rights of the California Water Protection Council and the California voters be protected as authorized and required by law. We earnestly solicit your cooperation in this matter, so that the media and the opponents will properly redirect their efforts to the honest and fair debate that the democratic process and law demand.

If you have any questions about this matter, do not hesitate to contact me, or Larry Levine or Jill Barad at (213) 872-1818 in Los Angeles. If we do not

hear from you within two days of receipt of this letter,
either I or a member of our staff will contact you to
ascertain your compliance with this request.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Antonio Rossmann". The signature is fluid and cursive, with a prominent initial "A" and a long, sweeping underline.

Antonio Rossmann
Counsel to the California Water
Protection Council

AR:pb