

Political Grab Bag

By Steve Bagby, Sr., Political Action Committee Chair

On June 30, 2022, four days before July 4th (Independence Day), Ketanji Brown Jackson was sworn in as the 116th Justice of the U.S. Supreme Court making history as the first African American woman to serve on the highest court of the nation. She was sworn in by Justice John Roberts and Justice Stephen Breyer, who she previously clerked for and whose seat she is filling.

Justice Jackson is joining a conservative court (6-3) that has issued a sweeping decision which overturned case law that has been in effect for decades. In Dobbs v. Jackson Women's Health Organization, the conservative and divisive court overturned Roe v. Wade, which has been the law of the land since 1973. The Dobbs decision sent shock-waves across the country. The conservative court also issued an opinion upholding the rights of gun owners to carry a loaded weapon in public, ruling that the 2nd Amendment right to "bear arms" overrides the law in New York, in place since 1913, which restricts who may legally take guns when they leave home. New York State Rifle and Pistol Association v. Bruen. On the heels of the New York State decision, the U.S. Supreme Court remanded several lower court cases that had upheld gun restrictions, including bans on assault-style rifles in Maryland and large-capacity ammunition magazines in New Jersey and California, back to the lower courts for them to reconsider their decisions in light of the recently decided New York State case.

Justice Jackson's swearing-in also took place on the same day the Supreme Court released rulings on two other big cases related to climate and immigration: one curbing the EPA's ability to fight climate change (West Virginia v. EPA) and another saying Biden can end the Trump-era "Remain in Mexico" policy (Biden v. Texas). (cnn.com/politics/live-news/) This has been an **extremely active** term for the Supreme Court and it has been said that the conservative court will continue to "re-examine" well-established precedent in the upcoming term which does not bold well for many of us.

Justice Jackson will definitely be a welcome addition to the Supreme Court with her background as a Federal Public Defender, her experience as Vice-Chair of the U.S. Sentencing Commissions, and her experience as a U.S. District Judge and U.S. Court of Appeals Judge in D. C., and **she will need to draw from all of that to have an impact on the court.** While her addition to the court does not change the

conservative majority of the court, we believe that, as has been evidenced by her previous decisions as a judge, she will give thoughtful and considered evaluation to each issue/case that is before her in the upcoming term. In years past there have been discussions by those who follow court decisions that the liberal wing of the Supreme Court was actively engaged in “making law” instead of following judicial precedents. Now, the pendulum has dramatically swung and the conservative arm of the court is obviously making law instead of applying the law consistent with previous decisions (*stare decisis*). The various divisive Supreme Court decisions make us wonder about the term Independence Day, which is supposed to be a celebration of the nation’s independence from being subject and subordinate to Britain. Well, now, who are we being subject and subordinate to? Those who believe that the country should be returned to how it was years ago as it relates to our rights as a people. . . . those who want to return to the wild, wild west days with open carry laws those who want to legislate against established voting rights for all? Independence for whom? Justice Jackson has been sworn into a very tumultuous and political environment . . . one that is supposed to be neutral of politically related decision-making. Hmmm! However, I believe that she will face the challenging environment head on with clarity of thought and purpose. She will definitely need to be encouraged and uplifted. **Now, who said votes don’t matter?** We should all clearly see that we must exercise every opportunity we have to vote. . . in local, state and federal elections . . . so that we can elect mindful legislators/judges, capable Governors and clear-thinking Presidents who, in their respective positions, make decisions, recommendations and appointments that impact each of us directly. **We cannot be complacent now . . . the stakes are entirely too high. Let us all do our part. . . as our very lives and the lives of our children demand our attention!!**

ELECTION UPDATES --

After the June 7th Primary Election in California, votes continued to be counted over an extended period of time. Pursuant to California Election rules, in partisan designated races, i.e., Democrat or Republican, the top two vote-getters in each category, regardless of party, advance to a run-off in the General Election in November. In nonpartisan races, designated as N, a candidate who receives more than 50% of the vote wins the primary outright. If no candidate crosses that

threshold, the top two vote-getters advance to a run-off in the November 8th General Election.

Per the Los Angeles County Registrar- Recorder's Office, as of June 28th, the percentage of votes received for the select offices identified below is as follows:

Governor—**Gavin Newsom** (D) received 62.42% of the votes

Lt. Governor --**Eleni Kounalakis** (D) received 56.1% of the votes

Secretary of State – **Shirley N. Weber** (D) received 64.46% of the votes

Attorney General – **Rob Bonta** (D) received 60.37% of the votes

U.S. Senator (Short Term -Unexpired term ending 1-3-2023) – **Alex Padilla** (D) received 61.61% of the votes

U.S. Senator (Full Term) – **Alex Padilla** (D) received 64.82% of the votes

U.S. Representative (37th District) – **Sydney Kamlager** (D) received 43.72 % of the votes and **Jan C. Perry** (D) received 18.45 % of the votes

U.S. Representative (43rd District) – **Maxine Waters** (D) received 74.26% of the votes

State Assembly (41st District)—**Chris Holden** (D) received 100% of the votes

State Assembly (57th District)—Our church member **Reggie-Jones Sawyer** (D) received 100% of the votes

Superintendent of Public Instruction (N) – **Tony k. Thurmond**—received 49.06% of the votes

Sheriff (N)—**Alex Villanueva** received 30.66 % of the votes and **Robert Luna** received 25.85% of the votes

L.A. Mayor (N) – **Karen R. Bass** received 43.11% of the votes and **Rick J. Caruso** received 35.99 % of the votes (Karen Bass surged ahead. . . in the early tabulations after the June 7th Primary, Rick Caruso was leading.)

L.A. City Attorney (N)— **Faisal M. Gill** received 24.22% of the votes and **Hydee Feldstein Soto** received 19.90% of the votes

City Council (N) (9th District)— **Curren D. Price, Jr.** received 66.13% of the votes – (Our Church is in the 9th District)

Measure BB—The **Yes** votes were 67.67% of the votes received and the **No** votes were 32.33% of the votes received. **Measure BB was approved**, which authorized amendments to the Los Angeles City Charter which would allow the City to award a bid preference to a firm/business located in the City of Los Angeles. The City Council and Mayor are now authorized to enact ordinances regarding the extent and nature of the bid preference and policies for its implementation.

In the June 2022 Political Grab Bag, we indicated that, per information received from Jackie McMahon (who obtained information from an NAACP Candidate's Forum), six of the Judicial candidates on the June 7th ballot were African American. Three of those candidates fared well and three didn't. The results are as follows:

Superior Court Office No. 3—**Sherilyn Peace Garnett** was the **top vote getter** who received 62.54% of the vote-- Note: *The U.S. Senate confirmed Judge Garnett to a federal judgeship in April 2022. Since she remained on the ballot and received the most votes, the Governor will appoint her replacement.)*

Superior Court Office No. 60 – **Sharon Ransom** came in third with 22.09 % of the vote and did not advance to the November election.

Superior Court Office No. 70 –**Holy Hancock** was the **top vote getter** who received 46.71% of the vote

Superior Court Office No. 90 – **Melissa Lyons** was the **top vote getter** who received 35.28% of the vote

Superior Court Office No. 118—**Georgia Huerta** came in fourth with 15.11% of the vote and did not advance to the November election.

Superior Court Office No. 151 –Thomas D. Allison came in third with 19.14% of the vote and did not advance to the November election.

As you know, **there were many offices on the ballot other than those referenced above.** Information about the percentage of votes received in any race that is of concern to you may be accessed via the L.A. County Registrar-Recorder's Office at www.lavote.gov.

JUDICIAL APPOINTMENTS BY GOVERNOR NEWSOM -

As discussed above about the power of Governors to appoint judges and the impact those appointments can have on our rights and well being, Governor Newsom made 13 appointments to the bench in June 2022. He made one appointment each to the First and Second District Court of Appeals and 11 Superior Court appointments. (gov.ca.gov) Two of the 11 June Superior Court appointments are African Americans and they are:

- Juliet O. Macaulay, 54, of Yorba Linda, who has been appointed to serve as a Judge in the Orange County Superior Court. She has served as Chief Administrative Law Judge and Deputy Director for the State of California, Department of Social Services, State Hearings Division since 2020, where she worked as Presiding Administrative Law Judge from 2016 to 2020, as Administrative Law Judge II from 2014 to 2016, and as Administrative Law Judge I from 2012 to 2014. Macaulay earned a Juris Doctor degree from the University of Ibadan, College of Law (Nigeria). Macaulay is a Democrat.
- Charles E. Bell Jr., 40, of San Diego, who has been appointed to serve as a Judge in the San Diego County Superior Court. He has been the City Attorney at the City of National City, Office of the City Attorney since 2020. He served as an Assistant City Attorney at the San Luis Obispo City Attorney's Office from 2019 to 2020. Bell served as Chief Deputy City Attorney and Deputy City Attorney at the San Diego City Attorney's Office from 2014 to 2019. He worked at McCarthy & Holthus LLP as Senior Civil

Litigation Associate from 2008 to 2014. Bell earned a Juris Doctor degree from the California Western School of Law. Bell is a Democrat.

During the course of his tenure, which began in January 2019, up to and including these June appointments, Governor Newsom has appointed **two California State Supreme Court Justices, 13 Court of Appeals Judges and 162 Superior Court Judges.*** (*ballotpedia.org/judges*) I point out these numbers to you so you can see how much power Governors have to, along with their other responsibilities, impact the lives of plaintiffs and defendants by making judicial appointments and how important it is for us to vote for Governors who will select judges who have the intellectual and judicial temperament to be inclusive and forward thinking in their thought process as opposed to closed minded and backward thinking. We hope that the recent appointees, and all the judges who have been appointed by Governor Newsom, are mindful of the significant role they play and how their decisions will impact the lives of others as well as society and, thus, make their decisions in a thoughtful and meaningful manner. *Note: Of Governor Newsom's 78 appointments during his first two years in office (2019-2021), half were women and more than half identified themselves as Asian, Black or African-American, Hispanic, or Native Hawaiian or other Pacific Islander, including the appointment of Justice Martin Jenkins in 2020 to the California Supreme Court, the court's first openly gay justice and third African American man ever to serve on the state's highest court. (*newsroom.courts.ca.gov*.) The Governor's recent June appointments show the same level of diversity as out of the 13 appointments he made, three were Hispanic women, two were Hispanic males, two were Asian women, four were white males, and as indicated above, one was an African American woman and one was an African American male. We can only imagine who may have been appointed if a Republican Governor had been in place during this time frame. Your vote matters!!!

STATUS OF LEADERSHIP IN COUNCIL DISTRICT 10--

In the wake of the turmoil surrounding Councilman Mark Ridley-Thomas and the allegations surrounding his actions during his tenure as L.A. County Supervisor,

City Council President Nury Martinez appointed Herb Wesson to represent the constituents in Council District 10 during the suspension of Mark Ridley-Thomas. A lawsuit was filed challenging the appointment of Herb Wesson alleging that he has already “termed out” and cannot lawfully assume the City Council seat because he already represented the district from 2005-2020 for the maximum three term period.

In February 2022, Los Angeles Superior Court Judge Mary H. Strobel issued a temporary restraining order barring Herb Wesson from taking part in City Council business until the court ruled on a lawsuit brought by the Southern Christian Leadership Conference of Southern California and Council District 10 residents that challenged Wesson’s eligibility to serve in the seat due to term limits.

However, a month later, Judge Strobel declined to extend the temporary restraining order that prevented former Herb Wesson from filling the seat, ruling that the Attorney General (AG) needed to issue an opinion on the underlying issue relating to term limits before the lawsuit could proceed challenging Wesson’s appointment.

Per a June 29, 2022 online news article in the *L.A. Focus* newspaper (lafocusnewspaper.com/bonta-decision), AG Rob Bonta issued an opinion on June 22, 2022, which sided with the Southern Christian Leadership Conference (SCLC) and some Council District 10 residents in concluding that “substantial questions of law exist as to whether Wesson’s appointment to the Los Angeles City Council was lawful.”

The AG’s published opinion on June 22nd paves the way for the plaintiffs to move forward in their lawsuit challenging the appointment of Herb Wesson by Council President Nury Martinez. The opinion determined that “the public interest will be served by allowing the proposed quo warranto action to proceed,” consequently granting them permission to move forward with the lawsuit, while also noting that the Superior Court found that there was “sufficient likelihood of success on the claim that Mr. Wesson cannot be appointed, or the order appointing him should be invalidated”.

Among those urging AG Bonta (via letter) to permit the SCLC and 10th Council District constituents to challenge the Wesson appointment were members of the South Los Angeles Clergy for Public Accountability. That letter to AG Bonta followed another letter signed by 12 pastors to City Council President Nury

Martinez urging her to be more transparent about her motives and reinstate CD10's duly elected councilmember, Mark Ridley-Thomas.
(lafocusnewspaper.com/bonta-decision)

The City Council "suspended" Ridley-Thomas in October 2021, less than a week after a grand jury handed down an indictment alleging criminal activity when he was on the Board of Supervisors in 2018. The Council move came with just 24 hours public notice and no evidentiary hearing in what observers decried as an effort made purely at the discretion of the Council to disenfranchise CD10 voters and deny Ridley-Thomas due process and the presumption of innocence. (June 29, 2022 online news article, *L.A. Focus* newspaper [lafocusnewspaper.com/bonta-decision].)

Per a June 30, 2022, *L.A. Sentinel* online article (lasentinel.net/ag-rob-bonta-ruling), John Sweeney, an attorney for the SCLC-SC, said he and his clients will decide in the next days, "whether to file for {another} temporary restraining order seeking Wesson's removal." There are competing issues in this case as some CD 10 constituents want someone in office who can vote on issues pertinent to the District during Mark Ridley-Thomas' suspension pending the resolution of the trial, as prior to Wesson's appointment, the District was overseen by Ridley-Thomas's chief of staff, Karly Katona, who was not empowered to vote on City Council matters. The trial, originally scheduled in August, is now scheduled for November 2022. We will periodically update you on this matter in the months ahead.

Thank you for reading!

(July 2022)