

ADDA

Association of Deputy District Attorneys

Fall 2012

Message from the ADDA's New President

Upon the resignation of Hyatt Seligman on June 24, 2012, as provided by our governing by-laws and as the duly-elected Executive Vice President, I assumed the office of ADDA President. For more than two years, Hyatt's leadership served us well. I am proud to have worked with him and the ADDA Board of Directors as, aiming to better serve DDAs Grades 1- 4, we move forward to build our union.

Now the work continues. The ADDA Board of Directors and I are committed to representing all non-management DDAs Grades 1-4. Our commitment requires mutual respect, exchange of

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ideas and collaboration. We must all keep our eye squarely on the ball, so as not to be distracted.

I have nearly three decades of service as a DDA,

and throughout that time, I have strived to understand competing viewpoints. I take pride in my reputation as a level-headed, yet passionate, advocate. I believe these attributes will serve me well in meeting the challenges ahead.

Even before the Employees' Relations Commission (ERCOM) certified the ADDA as the exclusive bargaining agent for non-management DDAs,

I had firmly supported the concept of DDAs banding together to seek better benefits, salaries and working conditions.

As an ADDA member, I joined the Contract Negotiating Team in December 2008 and was one of five ADDA signatories to the historic first Memorandum of Understanding (ratified by DDAs in October 2010 and by the Board of Supervisors on November 9,



*ADDA President
Donna McClay*

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ADDA-sponsored D.A. Candidates' Forum a Huge Success

The ADDA sponsored a well-attended D.A. Candidates' Forum on September 20 at the National Center for the Preservation of Democracy in Downtown LA. The candidates, Jackie Lacey and Alan Jackson, were questioned on a wide range of topical law enforcement issues as well as a number of more pointed questions dealing directly with how the Office operates.

Bringing the ADDA new public recognition, the media were there in full force with reporters from the *Los Angeles Times*, local TV news and daily legal press. The entire videotaped event can be seen at www.la-adda.com.

The ADDA is holding a plebiscite so that all DDAs can weigh in on which candidate they prefer.

All dues and fee-paying members of the union are eligible to vote in the plebiscite, and ballots are due back

by mail before 6:00 p.m. on Monday, October 29. Ballots will be counted at 6:00 p.m. on Tuesday, October 30, and the results released the next day. All eligible voters are welcome to attend the ballot count. If you believe you are eligible to vote, but did not receive a ballot, please contact ADDA Business Representative Tris Carpenter ASAP, at (213) 252-1313.

Thanks are due to Gene Maddaus, of the *LA Weekly*, who graciously served as the debate moderator. In addition, we extend thanks to the candidates for their participation and thoughtful responses. Finally, we thank all ADDA members who submitted questions to the candidates as well as those who attended the event. Many ADDA Board Members volunteered a great deal of their time to bring this project to its successful conclusion. Kudos to the ADDA for a great event!

Message from the ADDA's New President (*continued*)

2010). Importantly, that contract resulted in no loss of the benefits we'd enjoyed as non-represented employees, recognized DDAs as professionals by re-instituting the Salary Exempt status for the first time in more than 30 years and provided that future DDAs would receive the same benefits as the veterans. **I will continue to work for policy changes that promote fundamental fairness especially as they relate to transfers, assignments and evaluations in the DA's Office and the County.**

Prior to the successful Agency Shop election (August 2010), due to the stalwart dedication of the dues-paying ADDA members and the ADDA board and because of the unswerving support we received from AFSCME (with whom we entered into a Solidarity Agreement) our fledgling union has not only endured, but grown. AFSCME's expertise in labor law and its understanding of the County political culture makes it an excellent partner to help our union provide valuable services to our members.

We have important work ahead. Soon, non-management DDAs Grades 1-4 will be called upon to make decisions about issues that impact them. For example, we must decide whether to extend the current MOU (as nearly all County unions have done due to the current economic climate) or whether we should engage management and the County in collective bargaining. The ADDA board, after giving due consideration to this issue, has recommended that non-management DDAs Grades 1-4 vote to extend our contract for one year. Ultimately, the vote on whether to extend the current contract or to engage in new negotiations with the County will rest with the DDA members and fee payers. We invite them **to observe the counting of the ballots at ADDA's office at 6:00 p.m. on October 30, 2012.**

Also, as provided by our relationship with our labor partner, AFSCME, our by-laws must be amended to be more reflective of ADDA's status as a union.

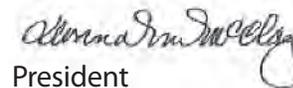
A committee comprised of board directors and one or more non-director volunteer members has been established for that purpose. Within the next few months, we hope to submit, for the approval of our members (by vote) amended by-laws that will better assist us in effecting the business of our union.

So as to foster better communication between the union board and our general members, we have improved our website. You will find it at www.la-adda.com. It represents the culmination of several months' effort by the board and a professional webmaster. With it, our members will be able to get the latest union news, more readily contact board members and review important union documents (e.g., our MOU and relevant court rulings as they pertain to us). Also, we expect to post important labor law cases, legislation and initiatives that affect our constituents so that they may better understand issues as they pertain to us.

Our continued success requires that more of our members become involved in the union that is working to protect those rights and benefits they now enjoy. I urge all non-management DDAs Grades 1-4 to actively participate in making your union one of which you can be proud. You have an open invitation to attend ADDA board meetings. Watch the website for meeting dates. Typically, the board meets on the third Tuesday of each month.

On behalf of the ADDA Board of Directors, it is our honor to serve you.

Donna M. McClay



President

Editorial: Vote No on Prop. 32

Prop. 32, on the November 6 state ballot, is unfair and unbalanced.

Prop. 32 claims to "stop special interests" by restricting political money from both corporations and unions equally. While this may sound good to many of our members who would like to clean up the political system, this measure has a totally different agenda. Not coincidentally, it is backed by certain special interests, such as major corporations, who stand only to gain from it.

To appear fair and balanced, Prop. 32 provides that neither corporations nor unions can spend

any money collected through payroll deductions for any political purpose. But think about it. How many corporations do you know that collect political money through employee payroll deductions? Corporate money, of course, comes from profits – while unions

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collect all of their money, including voluntary contributions by members for political purposes, through payroll deductions.

The result: Corporations are virtually exempted from Prop. 32, while unions are singled out. For example, under Prop. 32, corporations will continue to be allowed to contribute money to independent expenditures, ballot initiatives, and educational pieces about issues and candidates. Yet unions will not be allowed to contribute money to independent expenditure campaigns, ballot initiatives, or send educational pieces to their own members about these issues.

That means under Prop. 32, the ADDA would be restricted from sponsoring a Candidates' Forum for the DA's race, or donating to ballot measure campaigns such as to defeat Proposition 34 (repeal of capital punishment), or sending educational information to our own members about these issues.

The fact is that, under Prop. 32, the one and only restriction on corporations would be that direct contributions to candidates would be limited. This

restriction would also be applied to unions – but again, not equally. The problem is that restricting corporations from using their money for political purposes would not restrict other businesses from these activities. Hedge funds, SuperPacs, LLCs, and sole proprietors (including billionaires) would continue to be permitted to make direct contributions with no limitation on the amount.

Unions (including the ADDA) do not have these loopholes. While it may be argued that individual workers could still make direct campaign contributions, money from competing business interests could easily outspend the workers in campaigns aimed at harming them.

If Prop. 32 passes, our pensions, job protections and even our basic right to negotiate for fair policies could be at stake. Once unions – including the ADDA – are defenseless, anti-union interests will be free to pursue their political agenda of rolling back California's labor laws (currently, the strongest in the nation), gutting public employee pensions, and ending collective bargaining.

This is not campaign finance reform. This is merely a fraud. Vote NO on Prop. 32.

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Editorial: Vote No on Prop. 34

By James R. Bozajian, ADDA Director
Reprinted from *The Daily Journal* Sept. 17, 2012

Time and again, Californians have reaffirmed their strong support for the death penalty. Whenever voters here have had an opportunity to weigh in on this issue — beginning in 1978 with passage of the first initiative to reinstate the practice — they have chosen overwhelmingly not only to retain, but to expand, the institution of capital punishment. Even the State Legislature (by no means known for its law-and-order mien) has pointedly avoided enacting obstructionist legislation.

So perhaps it should come as little surprise that, after being unable to persuade the public of the underlying merits of their cause, opponents of capital punishment are now trying a new and most intellectually dishonest approach to achieve their goals. Enter Proposition 34, misleadingly referred to by its sponsors as the “SAFE” initiative. Under the guise of purportedly saving taxpayers

“millions” of dollars, Proposition 34 would repeal capital punishment in California and retroactively convert all current death sentences to life imprisonment.

It must be noted, of course, that there are indeed problems with how California administers the death penalty. But the most serious one involves the shameless manipulation of the criminal justice system. The history of capital punishment in California has been marked by an ongoing and amazingly successful crusade by a small cadre of its detractors to prevent executions from ever occurring. In this, they have been aided at various times by state and federal judges whose personal opposition to capital punishment has manifested itself in decisions grasping at any available pretext to reverse properly rendered death verdicts.



James Bozajian

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Inmates sentenced to death are entitled to one full round of appeals in both state and federal courts. This enhanced level of due process can span many years and may seem tedious, but it is justified where the state seeks to impose the ultimate sanction. Troubles arise not from the basic structure of the appellate process itself, but when it is improperly gamed by those trying to block the state from carrying out lawfully imposed death sentences.

California's experience is quite instructive on this point. Since capital punishment was reinstated 34 years ago, nearly 1,000 inmates have been sentenced to death here. Of that number, only 13 have been executed (two of whom waived their appeals and asked to be put to death). Another 85 inmates have died of other causes while being warehoused in prison, while close to double that number have had their death sentences overturned on appeal.

More than 700 inmates remain on death row today at various stages of appellate review.

Once upon a time, the U.S. Supreme Court actually took some corrective action in this area.

On the eve of California's first modern execution in 1992, the High Court swiftly vacated a series of four groundless stays of execution issued by activist federal judges in the middle of the night, concluding: "There is no good reason for this abusive delay, which has been compounded by last-minute attempts to manipulate the judicial process." [Gomez v. U.S. District Court] Then, for the first and only time in American history, the Supreme Court summarily stripped the entire lower federal courts of further jurisdiction with respect to that impending execution.

Puzzlingly, the Supreme Court has largely stepped away from monitoring California's capital cases since then, despite the fact that lower federal courts have continued to engage in abusive tactics. No one has been executed in almost seven years, for example, as federal judges have tried to impose some kind of novel legal requirement that our execution protocol be "painless" (which is rather difficult to accomplish when ending a human life). Against this backdrop, it is readily understandable why it now takes a capital case over 20 years to wind its way through the state and federal courts here, about twice as long as in other states.

Which brings us back to Proposition 34, whose most prominent advocates are the same individuals who have sought to derail our criminal justice system during the past four decades. Having run up the

costs of implementing the death penalty, they now disingenuously complain about the tab for which they are directly responsible. Such malfeasance should never be rewarded by capitulation.

There are many good reasons to retain the death penalty as a sentencing option in California for the worst of the worst. First and foremost, there are some crimes for which no other sentence is truly warranted. Seeking justice for victims of the most heinous offenses is of paramount importance, whether they be the persons whose lives were unfairly terminated, family members and friends left behind to suffer, or society in general. Retribution, at its core, is a positive expression of our society's strongest values in placing a premium on innocent life.

There is also the matter of deterrence. If carried out in a reasonably swift and certain manner

(as is now done in many other states), the death penalty does have a deterrent effect. At the very least, those executed will definitely be prevented from engaging in any form of recidivism.

Even the argument that elimination of capital punishment will somehow result in a substantial financial windfall to the state — the ruse offered by death penalty opponents to justify Proposition 34 — rests on faulty premises. The hard costs associated with prosecuting murder cases, litigating appeals, and housing convicted inmates for the rest of their lives — none of which would disappear with passage of the initiative — are enormous. On the other hand, the state would realize measurable savings were executions to be conducted in a timely fashion.

Finally, there are clearly better ways to "fix" the system. Those whose backgrounds evidence a predisposition to legislate from the bench or who exude a transparent commitment to impartiality that looks to evaporate the moment they are approved for lifetime judicial positions must be neither appointed nor confirmed to those positions. And the U.S. Supreme Court should take a stronger and more active role in quelling the often recalcitrant behavior of lower federal courts in California.

Proposition 34 is a cynical and deceptive political move to repeal capital punishment by falsely claiming to enhance public safety, brought to you by the same people who have dedicated their careers to undermining justice. On November 6th, Californians should soundly reject this ill-conceived measure.

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