

ASSOCIATED STUDENTS JUDICIARY  
California State College at Long Beach

SUMMARY REPORT

Case of: Smith vs Gazurian et. al. vs \_\_\_\_\_

Date :  
Charges:

Decision:

Mr. Justice Preston delivered the opinion of the Court in which Justices Chatten and Ware join, and Chief Justice Eisenberg concurs in a separate opinion.

I. The plaintiff in this case is David A. Smith with Dirl Preacher acting as counsel in part and with Mr. Smith representing himself in part. The defendants, John Gazurian, Jim Crowley, Dudley A. Lewis and John Shapiro, with John Gazurian and Jim Crowley acting as defense counsel jointly.

The plaintiff charges the defendants with a violation of Chapter 3, Section 2-C, of the A. S. Elections Code. This section reads 'campaigning shall be carried out only between the dates established by the Elections Commission as listed in Supplementary Regulations.'

The question to which the Court must first address itself is: if, the material handed out was indeed campaign material. It is the Opinion of the Court that ample evidence has been presented in support of the contentions that the material in question was campaign material at the time it was distributed.

Roll Vote:

(On attached page...continued)

\_\_\_\_\_  
Prepared by

\_\_\_\_\_  
Presiding Justice

# Exhibit #1 Defense

To whom it may concern,

It is the view of the Elections Commissioner that the Senate Referendum was not officially an elections issue until it was officially given by the Senate Secretary to the Elections Commissioner for placement on the ballot. This was officially received by the Elections Commissioner on Thursday, November 30, 1967. Anything done prior to this date pertaining to the issue of Vietnam in the Free Speech Area can not be considered as campaigning.

Regarding, campaigning after Thursday, November 30, 1967, it is the opinion of the Elections Commissioner that unless the wording on a leaflet was exactly that of the Senate Referendum question, it is not officially campaign material. To rule that it is campaign material would in essence mean restricting an individual's right to distribute literature in the "Free Speech Area." The right to distribute literature in this area is established by the Directive of the College President.

Gary A. Chabot

GARY A. CHABOT

COMMISSIONER OF ELECTION