Paul D. Scott, Esq. (SBN 145975)
pdscott@lopds.com
Lani Anne Remick, Esq. (SBN 189889)
laremick@lopds.com
Laurence H. Tribe. (SBN #39441) (Of counsel)
LAW OFFICES OF PAUL D. SCOTT, P.C.
435 Pacific Avenue, Suite 200
San Francisco, California 94133
Tel: (415) 981-1212
Fax: (415) 981-1215

Attorneys for Plaintiffs and Petitioners

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

ABRAHAM LINCOLN HIGH SCHOOL OF SAN FRANCISCO ALUMNI ASSOCIATION; SAN FRANCISCO TAXPAYERS ASSOCIATION; GEORGE WASHINGTON HIGH SCHOOL ALUMNI ASSOCIATION; JOHN BURTON; KAREN SHIGEZUMI SAKATA,

Petitioners.

v.

SAN FRANCISCO BOARD OF EDUCATION; SAN FRANCISCO UNIFIED SCHOOL DISTRICT; VINCENT MATTHEWS in his official capacity as San Francisco Superintendent of Schools,

Respondents.

Case No. CPF-21-517410

MEMORANDUM IN SUPPORT OF PLAINTIFFS AND PETITIONERS' *EX PARTE* APPLICATION FOR ALTERNATIVE WRIT OF MANDATE AND ORDER TO SHOW CAUSE WHY PEREMPTORY WRIT SHOULD NOT ISSUE

Date: March 18, 2021
Time: 11:00 a.m.
Dept.: 301 or 302
Judge: Ethan P. Schulman
Date of first filing: March 17, 2021
Trial Date:

I. INTRODUCTION

On January 26, 2021, the San Francisco Board of Education (hereinafter "the Board") passed Resolution 211-12A1 ("the Renaming Resolution"), declaring that 44 public schools in San Francisco would be renamed, based on allegations of racism, sexism or other forms of oppression by the historical figures after whom the schools had been named. *See* Declaration of

Lope Yap, Jr. in Support of Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Yap Decl.") at ¶¶ 18-19, 21, Ex. 14.

As has now been publicly acknowledged, however, the process followed by the Board in arriving at this resolution was badly flawed, Yap Decl. at at ¶ 30, Ex. 26, and public uproar was the result. Just a few of the numerous procedural and substantive errors include the following:

On May 22, 2018, the Board adopted resolution 184-10A1, authorizing an advisory committee dubbed "The School Names Committee" (hereinafter "the Committee" or "the advisory committee") to investigate the possibility of renaming San Francisco public schools. Yap Decl. at ¶ 4, Ex. 2. The resolution represented that this "blue ribbon" panel would be independent, have expertise suitable to the task and would not act without authority. *Id.* In reality, the Committee was headed by Jeremiah Jeffries, who served as Board Commissioner Mark Sanchez's campaign manager, *id.* at ¶ 37, Ex. 32, and who also enlisted Board President Gabriela Lopez to run for her position. *Id.* at ¶ 38, Ex. 33. The Committee did not include any individuals, like historians, with the necessary expertise, *id.* at ¶ 5(a), and it acted beyond its authority by directing schools to start looking at new names before any decision had been made by the Board to rename them.

The process employed by the Committee also muted the voice of key citizens and taxpayers, including alumni of the affected schools, notwithstanding the fact that alumni represented a large affected community. The Committee was aware that the alumni at many schools were generally opposed to the Committee's plans to change their schools' names. Yap Decl. at ¶ 10. Nonetheless, in soliciting the views of school communities, the Committee only directed site leaders (e.g., principals) to reach out and gather input from four specific groups – youth, school site councils, parent affinity groups, and site staff. *Id.* at ¶ 17, Ex 12. Alumni and parent teacher associations were not listed as groups whose views should be solicited. *Id.* Moreover, the views solicited were only as to potential new names and not as to whether the current names should be retained. *Id.*

In July 2020, more than six months prior to the Board voting on its January 26, 2021 Renaming Resolution, Mr. Jeffries was already making public statements that any schools with names on his Committee's list "could pretty much count on those names coming down." Yap Decl. at ¶ 9, Ex. 5.

In October 2020, again well prior to the Board's public consideration of the Renaming Resolution, the Committee and theSan Francisco Unified School District ("SFUSD") personnel began informing site leaders at schools on the Committee's list that their names conflicted with SFUSD values and they should begin work on developing a new name by the next month. Yap Decl. ¶ 15, Ex. 10.

At the Board's November 10, 2020 meeting, Mr. Jeffries and another Committee member briefed the Board on the work of the Committee. Yap Decl. at ¶ 8. In that meeting, no mention was made by Committee members of the generally adverse views of alumni from the affected schools. *Id.*

On January 26, 2021, the Board passed the Renaming Resolution that is the subject of this petition. Yap Decl. at ¶ 18-19, 21, Exs. 14-16. The notice provided by the Board for its January 26, 2021 vote, however, was inadequate and misleading. *Id.* at ¶¶ 18-19, Exs. 13 & 14. The agenda item associated with the renaming issue gave no indication that the Board would make a final decision to rename 44 San Francisco public schools in a single vote at the meeting. *Id.* Indeed, the draft resolution attached to the agenda item spoke only of sanctioning a list for "potential renaming." *Id.* It was only toward the end of the meeting, and in a press release following the meeting, that the public was informed that the true import of the resolution was to make a final determination that 44 schools would be renamed with only alternative new names to be considered later. *Id.* at ¶¶ 20(e) & 22, Ex. 17. The schools to be renamed included those with which Petitioners are specifically associated, *i.e.*, Abraham Lincoln High School, George Washington High School, McKinley Elementary, and Presidio Middle School. Yap Decl. ¶ 19(b), Ex. 15.

The unsurprising results of this process were numerous substantive errors (detailed in the accompanying Petition), public outcry, and notice by counsel for Petitioners that the Board had violated the Ralph M. Brown Act, Gov't Code § 54950 *et seq*. (hereinafter "the Brown Act"), and due process. Yap Decl. at ¶¶ 23-29, Exs. 18-25.

After multiple weeks of persistent public pressure and a formal demand of repeal by counsel for Petitioners, the Board President wrote an "op-ed" on February 21, 2021in the San Francisco Chronicle, admitting that "mistakes were made" and announcing that the activities of the Committee would be paused until children returned to school. Yap Decl. at ¶ 30, Ex. 26.

But comments in a newspaper are plainly not legally binding on the Board. *See* SFUSD Board Rules and Procedures 9200 ("[A] Board member has no individual authority.") & 9323.2 ("The Board of Education shall act by a majority vote of all of the membership constituting the Board."); *see generally* Brown Act. Notwithstanding the procedural and substantive errors underlying it, the Renaming Resolution presently remains in full force and effect.

In a February 25, 2021 letter, counsel for Petitioners explained these facts to the Board, iterated the statutory time constraints on Petitioners to file suit under the Brown Act, and exhorted the Board to comply with the law and simply repeal its unlawful Renaming Resolution, so as to avoid the time and expense of litigation for all concerned. Yap Decl. at ¶ 31, Ex. 27. The Board declined to respond.

This action is the result.

It is beyond dispute that unreasoned prejudice still plagues our community, our country, and the world at large. People from all segments of society routinely make assumptions about others based on their race, nationality, religion, gender, or sexual orientation, which lead, in turn, to ignorant, irrational, and often malevolent conduct.

This seemingly intractable problem has rightfully led to a time of reflection in our nation as we search for solutions to continued injustice, particularly with regard to those most oppressed.

Reflecting on our national history and uplifting disadvantaged groups are both positive and necessary steps toward attaining some measure of social justice and a concomitant reduction in prejudice. They help us heal and move forward.

As with all great tests faced by our society, however, it is critical that our solutions ring true as just, which enables them to endure. And in this context, nothing is more important than adherence to the law and due process. For if any factions, in attempting to advance their moral view, disregard due process and the will of the community, they will most certainly be doomed to fail. Indeed, their efforts ultimately undermine their own purpose, for they simultaneously polarize us and give sustenance to extremists on the other side. None of this should be allowed to stand.

Based on the foregoing, the Court should order the Board to repeal Resolution 211-12A1, which was passed in violation of the Brown Act, the Board's ministerial duties and due process, and it should order the Board to dissolve the Committee, whose tenure has expired per the Board's own Resolution 184-10A1. Unless the Court takes immediate action, Petitioners will suffer irreparable harm, for the names of 44 schools will remain on an official public list that damages their reputations by characterizing their names as morally incompatible with San Francisco's values, notwithstanding the fact that the research done to produce the list was not prepared by an independent body with necessary expertise, nor was the list examined and approved in a fair process with full opportunity for in-person public comment on a school-by-school basis. Lastly, as children are now beginning to return to school, the Board could well proceed at any time with its school renaming efforts aided by the same Committee. Indeed, the Committee has indicated as much. Yap Decl. at ¶¶ 33-34, 39, Exs. 28, 29 & 34.

Accordingly, Petitioners respectfully request that the Court issue an alternative writ and an order to show cause as soon as possible as to why a peremptory writ of mandate should not issue.

II. STATEMENT OF FACTS

The detailed facts underlying this application are set forth in the accompanying Verified Petition for Writ of Mandate. Exhibits supporting the allegations of fact are attached to the accompanying Declaration of Lope Yap, Jr. in Support of Verified Petition for Writ of Mandate.

III. ARGUMENT

A. Respondents' Actions in Passing Resolution 184-10A1 Were Illegal, Arbitrary and Capricious, and Lacking In Evidentiary Support.

A court may issue a writ of mandate "to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust or station." CCP §1085. Mandamus lies when (1) the respondent has a clear and present duty to act, and (2) the petitioner has a beneficial right to performance of that duty. *People ex rel. Younger v. County of El Dorado* (1971) 5 C.3d 480, 491; *Transdyn/Cresci JV v. City & County of San Francisco* (1999) 72 CA4th 746, 752. Code of Civil Procedure § 1086 provides that when a verified petition is submitted by a party "beneficially interested," a writ "must issue where there is not a plain, adequate speedy remedy in the ordinary course of law."

In determining whether a relevant duty has been violated, the court "determine[s] whether Respondents' actions have been arbitrary or capricious, entirely lacking in evidentiary support, or whether it failed to follow the proper procedures." *Boydston v. Napa Sanitation Dist.* (1990) 222 CA3d 1362, 1369. In the instant case, Respondents' conduct fully meets all three of the foregoing criteria.

1. Failure to Follow Proper Procedures

As detailed above and in the verified petition, the notice provided by the Board for its Renaming Resolution was plainly inadequate and misleading and therefore a clear violation of the Brown Act. The Board's process also violated its own policy, specifically Board Policy

7310, as well as the terms of the resolution authorizing the advisory committee, Resolution 184-10A1

a. Respondents violated the Brown Act.

The SFUSD posted the following item on the Board's agenda for its regular meeting on January 26, 2021:

> I. PROPOSALS FOR ACTION
>
> 1. Resolution No. 211-12A1 - Amendment to Resolution No. 184-10A1, In Support of a Formal Process in the Renaming of San Francisco Unified School District Schools (adopted May 22, 2018) - Commissioner Mark Sanchez

See Yap Decl. at ¶ 18, Ex. 13.

Linked to this agenda item was the List of Schools Recommended for Renaming as well as a draft of the resolution (i.e., the amendment to Resolution No. 184-10A1) that was to be considered by the Board at the January meeting. The proposed action item in the resolution was "That the Board of Education review and sanction the panel's list of school names for *potential* renaming." *Id.* at ¶ 19(a), Ex. 14. (Emphasis added)

On January 26, 2021, the Board held its meeting, and the resolution was passed as written. Yap Decl. ¶¶ 20, 21, 21(b), Ex. 16. Notwithstanding the narrow scope of the resolution, however, on January 27, 2021, SFUSD issued a press release including the following statements describing the import of the resolution in materially different terms:

> The resolution . . . serves as the Board's commitment to replace the names.
>
> Schools with names that the Board wants to see replaced will have the opportunity to continue engaging their communities and propose alternate names to the Board.

Id. at ¶ 22, Ex. 17.

Thus, while the draft resolution just suggested that the Board was going to consider approving a list of school names for "potential" renaming, SFUSD's press release indicated that

a final decision had been made to rename the schools on the list and only alternate names would be considered henceforth.

The Brown Act sets forth the following notice requirements, in pertinent part, that the School Board must follow relative to the issues it plans to take up at regularly scheduled Board meetings:

> (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. . . .
>
> (3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. . . .
>
> Government Code § 54954.2.

The California Attorney General's guide to the Brown Act explains, with regard to the agenda requirements, that "the purpose of the brief general description is to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting of the body." *See* The Brown Act, Open Meetings for Local Legislative Bodies (2003), California Attorney General's Office at 16, available at https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/brownAct2003.pdf

This commentary by the Attorney General is consistent with the California Court of Appeal's decision in *Carlson v. Paradise Unified School Dist.* (1971) 18 Cal.App.3d 196, 199. In *Carlson*, the court analyzed similar language in section 966 of the Education Code and rejected an agenda item, which described a proposed school closure as a "school site change," calling it "misleading and inadequate to show the whole scope of the board's intended plans." *Id.* Similarly, in *Moreno v. City of King* (2005) 127 Cal.App.4th 17, 26–27, the Court of Appeal held that an agenda item which referenced "'Public Employee (employment contract)'" was not sufficient to convey the fact that a particular employee's dismissal would be discussed. It should have stated directly "Public Employee Dismissal." *Id.*

In the instant matter, the notice provided to San Francisco residents and taxpayers by the School Board was similarly inadequate and misleading. The agenda stated cryptically that the proposed amendment was "In Support of a Formal Process in the Renaming of San Francisco Unified School District Schools." Yap Decl., Ex. 13. The draft resolution attached to the agenda item only purported to resolve "That the Board of Education review and sanction the panel's list of school names for potential renaming." *Id.* at Ex. 14. Thus, none of the information made available to the public in advance of the hearing made it evident that the Board's actual plan was to make a final decision on the removal of 44 school names in simply one vote. The agenda item, if anything, only suggested that some amendment might be made to the process being followed by the Board. Meanwhile, the reference to "potential renaming" in the draft resolution indicated specifically that no final decision would be made at the meeting.

The inadequate nature of the notice for the January 26, 2021 hearing was confirmed by comments at the hearing by Commissioner Mark Sanchez, who drafted the resolution but still felt it necessary near the end of the hearing to clarify what was meant by his resolution: "Just next steps, so the … this this resolution means that all the schools that are on the list will . . . their names will be changed. So we just want to be really clear with our communities that that's going to happen once … if this resolution should pass today." Yap Decl. ¶ 20(e).

The notice provided by the School Board regarding its decision to rename the schools thus failed to satisfy the notice requirements of the Brown Act. Residents cannot be required "to guess" as to whether they should attend a hearing or seek additional information from the Board.[1] Accordingly, the School Board was precluded from voting to eliminate the names of the 44 schools at the January 26, 2021 hearing. Government Code §§ 54954.2(a)(1) & (a)(3).

1 *San Diegans for Open Gov't v. City of Oceanside*, 4 Cal.App.5th 637, 209 Cal.Rptr.3d 305 (Cal. App. 2016) ("The Attorney General reached a similar conclusion when asked to consider an agenda of the State Board of Food and Agriculture, which was subject to related provisions of the Bagley–Keen (sic) Open Meeting Act (§§ 11121–11121.8, 11123). An agenda for the board stated that the board would consider 'Tuolumne River San Joaquin River Flood Control Problem'; however, in acting on that agenda item, the board adopted a resolution opposing congressional designation of the Tuolumne River as a 'Wild and Scenic River.' The Attorney General concluded that the agenda did not meet the requirements of the statute because members

b. Board Policy 7310

San Francisco Board of Education Policy ("Board Policy") 7310 pertains to the naming of SFUSD facilities. It includes language allowing the Board, "where appropriate," to "appoint a citizen advisory committee to review name suggestions for one or more schools and submit recommendations for the Board's consideration." Yap Decl. ¶ 3, Ex. 1.

Respondents failed to comply with their duties under Board Policy 7310 by failing to evenhandedly "encourage community participation in the process of selecting names," including the retention of existing names. Respondents also failed to meet their duties under Board Policy 7310, by delegating to an advisory committee the responsibility to determine whether school names should be removed, when the policy only provided for such an advisory committee "to review name suggestions for one or more schools and submit recommendations for the Board's consideration," but no more.

c. Resolution 184-10A1

Respondents acted contrary to the terms of their own Resolution 184-10A1, by failing to appoint a Committee that was independent and had sufficient expertise to undertake its responsibilities. Yap Decl. at ¶ 4, Ex. 2 ("A blue-ribbon panel is a group of exceptional people appointed to investigate, study or analyze a given question. Blue-ribbon panels generally have a degree of independence from political influence or other authority, and such panels usually have no direct authority of their own. Their value comes from their ability to use their expertise to issue findings or recommendations which can then be used by those with decision-making power to act.") Respondents also neglected to comply with the terms of Resolution No. 184-10A1, by failing to dissolve the Committee by June, 2020 as required by that resolution, and by permitting the Committee to act on behalf of the Board without extending its tenure as an advisory committee to the Board. *Id.* ("blue-ribbon panel shall offer findings and recommendations . . . no later than June, 2020, at which time the advising panel shall be dissolved").

---

of the public would have to guess as to whether they should attend the meeting of the board or seek additional information from the board. (67 Ops.Cal.Atty.Gen. 84 (1984).)").

Finally, Respondents failed to ensure the Committee complied with the terms of Resolution No. 184-10A1, by permitting the Committee and SFUSD staff to go beyond their stated scope of authority and advise site leaders that their school names conflicted with SFUSD values and that they should begin selecting new names – all before the Board had held a hearing to decide whether the schools on the Committee's list should be renamed. Yap Decl. at ¶¶ 11, 14, 15, Exs. 6, 9 & 10.

2. The Board Acted Arbitrarily and Capriciously.

The Board relied almost exclusively on the recommendations of the Committee in making its decision. It rubber-stamped the Committee's list of 44 schools at the January 26, 2021 hearing, asking only a few questions about one of the schools listed – Dianne Feinstein Elementary School - before voting to rename all 44 schools. Yap. Decl. at ¶ 20, 20(c), 21(b), 22, Ex. 15 (List of Schools), 17 (press release states that resolution serves as Board's "commitment to replace the names").

In reaching its conclusions, the Board applied its criteria unequally. While any perceived violation of the Committee's criteria was deemed a sufficient basis to eliminate names of other schools on the list, the Committee, and thus the Board, treated Malcolm X Elementary differently. During part of his life, Malcolm X advanced views that the Black race was superior to the White race, and that "[w]hite people are born devils by nature." Yap. Decl. at ¶ 36, Ex. 31. As noted by the Committee, he also worked in a profession oppressive to women in his younger years and was incarcerated for criminal conduct. Yap Decl. at ¶ 25(a). Nonetheless, the Committee permitted his name to remain off the list, because of the evolution of his views and taking into consideration the entirety of his life. *Id.* This same sort of reasoning, however, was not applied equally to other schools.

The Board also acted arbitrarily and capriciously, by passing the Renaming Resolution without any realistic assessment of the potential financial effects of its decision. During the hearing, a question was posed to Deputy Superintendent Myong Leigh about the potential cost of a school name change, and he said staff "probably don't have as much of a precise estimate as they need to develop." *Id.* at ¶ 20(d). He cited an estimate by another SFUSD staff person of

$10,000 for a typical signage replacement cost also stated: "I do think that we should just to shed a bit more light on this question dig a little bit deeper and talk with some school leaders and anyone else who might have insights into this. I like you have heard a lot of estimates that are significantly higher than that so would like to kind of better understand where some of those estimates might be coming from, but that's what I have to share tonight." *Id*. Once again, a properly noticed hearing on a school-by-school basis with an opportunity to do a cost analysis for the particular school in question could have informed the Board as to the actual cost of renaming that school.

3. The Board's Resolution lacked Evidence to Support It.

The spreadsheet prepared by the Committee shows it relied on Wikipedia pages in many instances for its research and consequently relied on inadequate and/or inaccurate information in arriving at their list of schools. Yap Decl., Ex. 3 (spreadsheet). A non-exhaustive list of glaring examples – including Lowell High School, James Lick Middle School, Paul Revere K-8, and Clarendon Elementary School -- is set forth in the Verified Petition for Writ of Mandate to illustrate the numerous instances in which the Committee simply had its facts wrong. Verified Petition at ¶¶ 63-67. Serious questions have been raised about additional schools as well.

B. Respondents are Beneficially Interested and Have No Adequate Remedy at Law.

As has been made evident by the public indignation regarding the School Board's actions, there is a significant beneficial interest amongst the Petitioners and other San Francisco residents in the long-standing names of the local schools their children attend, they attended, or their parents and grandparents attended before them. They carry with them academic and athletic reputations, good will, and intangible sentimental value. Alumni and alumni associations, including the alumni associations which are Petitioners in this case, have financial interests in the names of their schools, based on their value in finding employment, the investments graduates have made in the school and its students, as well as their expenditures on items like websites, newsletters, clothing, and other paraphernalia bearing the names of their schools. The San Francisco taxpayers are also beneficially interested, because it is their money

that would be spent on renaming schools rather than being directed toward the education of the City's children. *See* Verified Petition at ¶¶ 48, 49, & 86.

Petitioners will thus suffer irreparable injury if relief is not granted, because they will suffer harm to the foregoing interests but not be able to recover damages for the Board's clear violations of law and due process.

C. Respondents Violated the Due Process, Freedom of Association, and Rights of Free Expression of Petitioners and Petitioners' Members.

The constitutionally protected interests of Petitioners and of the members of the petitioning associations are directly and unavoidably implicated by the challenged actions of the Respondents in peremptorily renaming the schools with which the Petitioners and their members are associated and have long identified themselves.

As set forth in paragraphs 48 and 49 of the Verified Petition, "[s]chool names take on important meaning for alumni beyond the particular person after whom the schools were named. They carry with them academic and athletic reputations, good will, and intangible sentimental value." They confer "value in finding employment" and preserve the value of "the investments graduates have made into the school and its students, as well as their expenditures on items like websites, newsletters, clothing, and other paraphernalia bearing the names of their schools."

The school names that Respondents have sought to erase embody more than financial interests, which are unquestionably a form of property — they carry personal and associational identification. None of the historic figures whose names the Respondents have chosen to strip from the schools is without flaws, of course. But to announce to the world that someone's *alma mater* has been named after a person who deserves to be reviled as an exploiter of workers, an abuser of women and children, or an oppressor of racial or sexual minorities, without meaningful context or process, is to disparage part of one's personal identity.

Although this is not a suit for defamation or monetary damages traceable to the arbitrary actions taken by the Respondents, the deep and enduring roots — in both federal and state law — of the interests at stake here are inexorably entwined with personal liberty and dignity.

Why else would the U.S. Supreme Court have made clear in *Bowen v. Roy*, 476 U.S. 693 (1986), that the name a parent chooses to give a child — there, "Little Bird of the Snow" — cannot be lightly disregarded in the constitutional calculus of whether a government agency can require that parent to use a number instead of the child's given name in applying for food stamps? Why else would a Supreme Court majority have held in *Obergefell v. Hodges*, 576 U.S. 644 (2015), that it is constitutionally insufficient for a state to permit same-sex couples "civil unions" but deny them "marriages," licensed and named as such, even if all the tangible rights, responsibilities, benefits, and burdens of the two civil institutions are legally identical but linguistically distinct?

To the question: "What's in a name"? our literary giants, and not just our law, have answered: A great deal. Just think of Shakespeare's meditations on the Capulets and Montagues in "Romeo and Juliet." Or recall the deathless lines from Othello:

> Good name in man and woman, dear my lord,
> Is the immediate jewel of their souls:
> Who steals my purse steals trash; 'tis something, nothing;
> 'twas mine, 'tis his, and has been slave to thousands;
> But he that filches from me my good name
> Robs me of that which not enriches him,
> And makes me poor indeed.

The point is not that a school board may not under any circumstances reach back into the past to change the name of one of its long-established public schools. Of course it may. The point is that, when it does so, it must not only honor the particular procedural framework of state law — as the Respondents here have failed to do — but also accord due process, and the weight that concept bears in our legal system, to the dignitary dimension of manipulating a moniker inexorably intertwined with the public personas and private identities of those who have long been associated with it. The San Francisco Board of Education, the San Francisco Unified School District, and the San Francisco Superintendent of Schools have dramatically failed to do so here.

IV. CONCLUSION

For the foregoing reasons, Petitioners respectfully request that this Court issue an alternative writ of mandate requiring the Board to repeal Resolution 211-12A1 and dissolve the Committee, or show cause why a peremptory writ of mandate should not issue for them to do so. Because the reputations of the schools on the list, including those associated with Petitioners, are presently being harmed by their presence on the Committee's list, and because the Board and/or Committee may resume their efforts to rename the schools, Petitioners request that the Court set the hearing on the order to show cause by March 31, 2021.

Dated: March 17, 2021

Attorneys for Plaintiffs and Petitioners

LAW OFFICES OF PAUL D. SCOTT, P.C.
Paul D. Scott, Esq.
Lani Anne Remick, Esq.

By: _____
Paul D. Scott, Esq.

By: _____
Laurence H. Tribe, Esq.
Carl M. Loeb University Professor and
Professor of Constitutional Law Emeritus
Harvard Law School* (Of counsel)

* University affiliation noted for identification purposes only.