

We, as citizens, must find a better method of locating truly qualified managers and administrators who will be appointed without bias or politics, and with ability, knowledge and experience to guide the State; to point out the approaching switches in the track as we are carried into the 21st century. But how do we do this?

CONSIDER: If you yourself, as a citizen of California, were to be offered an equal opportunity to become a member of the California Legislature, at current member salaries, to help select highly qualified commissioners, judges, administrators and managers of specific departments of the State, what might be your reply? Furthermore, you would retain all rights and privileges as before, except that your vote would only count as a member of the Legislative Assembly. You are asked to withhold your reply to this question until you have read this paper.

ASSOCIATE SUPREME COURT JUSTICE THURGOOD MARSHALL:

"Consider why we select juries from the people at random -- because there is more chance they will be honest and impartial, and better than that, untouchable." How often do we hear of corrupt juries?

IMAGINE FIVE HUNDRED CITIZENS OF CALIFORNIA, chosen by random lottery, that would be selected to represent the people of California as their Legislature in Sacramento. The present population and geographical distribution base of the current Legislature would most likely be continued. The term of service would be for a period of two years in office. Those once chosen by lottery would not be re-selected.

UPON SELECTION, citizens' names would be verified as to California citizenship. Anyone with a prior felony conviction, documented mental deficiency or drug/alcohol dependency could be dismissed. A citizen could be excused for other legitimate reasons, as is the case now with juries.

THE "LOTTERY/LEGISLATURE" would retain all employment seniority and other citizen's benefits as applicable. However, there would be no state pensions for service as Legislators.

IMAGINE 500 such citizens chosen at random to determine and appoint the most capable among us to administer and guide the State of California. No political loyalties or strings to bind them to any particular group.

Imagine the difficulty of any special interests approaching 500 totally here-to unknown citizens to try to influence or corrupt them. Without our so-called career politicians, how does one get to know who's vote can be purchased? Even if that were possible, two years hence, there would be 500 new members of the Legislative body and also totally unknown at the time.

In addition to the responsibility of selecting and appointing qualified persons to serve as the administrators and managers, this new Lotto/Legislature (L/L) would advise and consent to those policies and proposals put forth by the administrators of policy. For want of a better term, we could call these managers the "Executive" branch of the State. These executives so hired would serve for an indefinite term, subject to their re-confirmation by the L/L, perhaps by as little as a simple majority vote. Salary pay scales would be commensurate with qualifications and results.

The selection and appointment of this Executive branch would be held in open session. Selection of our representatives to the Federal Congress in Washington DC would be held in similar fashion.

These executive and managerial candidates could be sought out from any and all areas of academia, finance, business, labor, agriculture, and even from present and former government servants, if otherwise qualified. All would be held to full accountability under existing law. All appointments would be held in open forum. There would be no "secret public agenda".

Ben Franklin said that "If all views are public, the truth will prevail".

HOW DOES THE "TRUTH PREVAIL" TODAY? In an Editorial by the San Jose Mercury on March 29, 1989, it was described thus:

Editorials

Wednesday, March 29, 1989

10B

A secret, public agenda?

The Legislature has no business meeting privately for undisclosed reasons

THE California Legislature, showing outrageous contempt for the will of the voters, continues to conduct business in secret whenever secrecy serves its purpose — whatever that purpose might be.

It surely is not the public interest; the public interest is served by open, not private, discussion of issues. When doors slam closed, we can reasonably assume that people wouldn't like what's happening behind them.

As if to confirm that suspicion, legislators even tried to keep secret their rationale for closed sessions: a convoluted legal opinion that says the Legislature's own operating rules — passed as resolutions, not laws, without the governor's review — supersede any statutes governing open meetings, including Proposition 24, which was passed in 1984.

The courts upheld the open-meeting provisions of Proposition 24, but the secret legal opinion says the Legislature's own rules still take precedence. And since those rules don't forbid private meetings,

they can be held at will.

The Mercury News has a copy of this ludicrous document, but officially it's still a secret, so officials won't comment on it. No wonder. The policy is indefensible.

What happens in private meetings? In one, we know legislators bought themselves insurance policies. We don't know what else they've done because, unlike cities, which must publicly justify closed meetings before they take place, the legislature can meet and never tell anyone.

Legally, the problem is rooted in the state Constitution, which allows for closed meetings after a simple two-thirds vote in each house. This loophole has been stretched into the current blanket policy.

But ethically, the problem lies with the legislators themselves.

They should operate the way city councils do. They should conduct business in public except for personnel matters and a few other issues — and if a meeting must be closed, the reason should be public and clear.

If lawmakers have nothing to hide, they should fix this travesty themselves, writing new rules which make them accountable to the voters.

If they refuse, then voters must resort to another ballot measure, this time amending the Constitution to repair that loophole and force state government into public view, where it belongs.

ON THE RANDOM SELECTION OF SOUP, T.V. AND MISREPRESENTATION

DRAWING JURORS or Representatives of the People by random sampling is not haphazard as the term leads some to think, but in fact is wonderfully systematic; its accuracy attested to be the elaborate and universally accepted mathematical theory.

For example: If we wanted to know what a pot of soup tastes like, we carefully stir the entire pot to make sure that we get all the parts that otherwise settle to the bottom; most judges and juries understand that this stirring is the same as randomizing. Taking all the names of California adult citizens, numbering them, and thoroughly mixing the numbers is comparable to stirring the soup. One can readily understand that a spoonful is enough to test the soup whether we are dealing with a pot or a 50-gallon kettle. The accuracy of the taste test depends not on the size of the kettle but on how thoroughly the soup is stirred. We need only examine the contents of the ladle to know the proportions in the kettle. A ladle containing 500 citizens would be large enough to provide a "transcript" of the State which we are seeking. A cross-section of the people would be thus selected. *

So accurate is this formula that on this basis alone, American T.V. advertisers invest billions of dollars annually on the A.C. Nielsen television viewing measurements of only 1200 homes nationwide, which is deemed accurate to a plus or minus of 5%! To date, no evidence exists to contradict this sampling technique.

Today the California legislative body is comprised mostly of affluent males, a large percentage of them lawyers, although lawyers make up but a small fraction of the population. Women constitute 51% of the adult population, but comprise less than 10% of the Legislature. This then indeed can be only called one thing: **Misrepresentation!**

*Thanks to Ernest Callenbach for this analogy.