

Jerry Brown

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Brown backers pin hopes on convention deadlock



AP photo

Gov. Brown — Democrat's choice?

Campaign strategists say California Governor could be chosen for his 'fresh, honest appeal'

By Curtis J. Sitomer
Staff correspondent of
The Christian Science Monitor

Los Angeles

The newly launched and somewhat unorthodox presidential bid of California Gov. Edmund G. Brown Jr. is now based on this scenario:

1. No Democratic candidate will win the nomination during the primaries.
2. A nominee will be chosen at a "brokered" or deadlocked convention this summer in New York City from outside the ranks of regular primary contenders.
3. That choice will narrow down to U.S. Sens. Hubert H. Humphrey of Minnesota, Edward M. Kennedy of Massachusetts, and Governor Brown.
4. Mr. Humphrey will be viewed negatively by younger members of the party as a "warmed-over" candidate. Mr. Kennedy's Chappaquiddick experience will weigh heavily against him.
5. Mr. Brown will be chosen (after several

ballots) on the basis of "fresh, honest, new appeal" to a broad spectrum of voters. Democrats will view his political style and philosophy as a big "plus" toward defeating President Ford and the Republicans in November.

This basically is the script outlined to this reporter during a visit to Governor Brown's national headquarters here on Wilshire Boulevard.

However, almost three weeks after the youthful California Governor's entrance into the fray as a "native son" candidate, the thrust of his campaign still has an air of mystery about it.

Among other things, the Brown bid is low-key and still localized in California — despite promises by the Governor to nationalize it.

Mr. Brown's out-of-state primary plans remain in doubt. He is committed only to the California contest on June 8. Maryland will list him on its May 18 ballot, but he may not actively campaign there.

Other possibilities for testing the primary waters could come in Kentucky and Nevada

(May 18). Also, a Senate primary in New York City Myers changed its initial position on Brown a "nationality advocate" candidate in an important Northwest test could result, also on May 25.

An outside possibility is that the California will file for the June 8 primary in New York (after he assesses the New York and California results).

At the headquarters office here, campaign strategists claim they have already gathered over 600 volunteers in just one week of operations. They say phone calls, letters, and contributions are pouring in from across the United States.

"Our toughest job is answering the mail phone calls from other states," says campaign chairman Mickey Kantor. On loan from the staff of U.S. Sen. Alan Cranston (D) of California, Mr. Kantor says the Brown impact nationally has been phenomenal.

Supporters here point to a late Gallup poll which places their candidate fourth among national Democratic choices — behind former Georgia Gov. Jimmy Carter, Senator Humphrey, and Alabama Gov. George Wallace.

"We got 9 percent without ever doing anything" stresses media chairman Fred Epstein. Mr. Epstein predicts that with further exposure, Governor Brown's position in the public-opinion polls will continue to climb.

Although issued scores of invitations to address national groups and appear on network news interviews, Governor Brown has so far sidestepped most of them. However, a spokesman says he is considering appearances soon before the National Press Club, CBS's "Face the Nation," and ABC's "Issues and Answers."

Brown forces talk optimistically about their ability to raise campaign funds, but they are extremely reluctant to discuss potential sources.

Mr. Kantor says that finance committees in Los Angeles and San Diego, California, initially raised \$75,000. He insists that a California-based campaign (through the June 8 primary here) could be run for \$350,000.

It is suggested that labor, minority, and "liberal" political interests, in general, can later be tapped to swell Mr. Brown's campaign chest. However, some insiders say these available funds already have been earmarked for the Carter, Morris Udall, and Henry Jackson campaigns.

To date, the Brown campaign has only one California office. It boasts no headquarters in Washington, D.C., or anywhere else. It issues no news releases and spawns no official press briefings.

Governor Brown, meanwhile, is addressing groups here in California on the limits of government. Among other things, he stresses that the public should expect less from those who govern.

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Brown

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THE CHRISTIAN SCIENCE MONITOR
MAY 27 1976

Brown to act as roadblock to halt 'Carter bandwagon'?

By Curtis J. Sitomer
Staff correspondent of
The Christian Science Monitor

3/15/76

Los Angeles California Gov. Edmund G. Brown Jr.'s entrance into the Democratic presidential race as a "favorite son" in this state's June 8 primary is viewed by some insiders here as an effort to head off a possible "Carter bandwagon" and tilt the race back to left-of-center.

Some politicians in California say the move could most benefit U.S. Sen. Hubert Humphrey of Minnesota — a primary "no show" but the favorite of many Democrats as a convention choice.

They also acknowledge that a strong Brown California bid could be politically damaging to that of another "liberal" in the primary here — U.S. Rep. Morris K. Udall of Arizona.

Further, now that Governor Brown admits he is interested in national office, it could strengthen his position as a possible choice for vice-president, some observers here say.

The youthful state chief executive was to file his candidacy with California Secretary of State March Fong Eu Monday (March 15). Mrs. Eu has predicted his entrance into the race right along. An aide told this reporter last week she was preparing a place on the ballot for him.

While Mr. Brown was announcing over the weekend, former Georgia Gov. Jimmy Carter told Californians in a series of appearances here that he believed that U.S. Sen. Henry M. Jackson of Washington would be his principal opposition as the Democratic race progressed.

Mr. Brown left open whether he would enter primaries in states other than California. However, there is strong speculation here that

he might file for the May 25 intraparty race in neighboring Oregon.

Oregon Secretary of State Clay Meyers normally will not list "favorite sons" on his state's ballots. However, he would honor a petition to include Mr. Brown later on.

The California Governor says he was prodded into the race by top liberal Democratic mayors here — Tom Bradley of Los Angeles and George Moscone of San Francisco — who are not satisfied with the present candidates.

Mr. Brown adds he would welcome debates with other Democratic hopefuls. In fact, he

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By Richard L. Allman

Governor Brown — spoiler role?

CSM
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hopes to get a national forum on his ideas of bringing a "new spirit" of public commitment to government and at the same time "lowering expectations" of what government can do for people.

These views — as well as Mr. Brown's reluctance to support party functions such as state and national conclaves and fund-raisers — have earned the 37-year-old Governor the label of "maverick" among some Democratic leaders. Some even question his "liberal" credentials.

However, state public opinion polls here consistently give him high marks for leadership. And a current California poll ranks him first among Democratic choices for

president, with only Mr. Humphrey behind.

[Governor Brown's staff discussed the likelihood that the California chief executive also would run strongly in Oregon, the sources said.

[Governor Brown's staff has discussed the possibility of entering his name in the Ohio and New Jersey primaries, which are the same day as the California balloting, reports the Associated Press.

[Governor Brown has indicated he is concerned about a splintered delegation from California if the state's primary should become a free-for-all among all candidates for the nomination].

The Brown Style

Honeymoon Over, Do-It-Yourself Executive Draws Fire

By LEE FREMSTAD
Bee Staff Writer

When Jerry Brown overcame his basic shyness to acknowledge that he wants to be president of the United States, the natural question was: Who's going to run the shop while he campaigns?

The other and more important question, particularly now that he has proclaimed himself a national candidate, is how he has run the shop.

There is a growing body of critics—some of Brown's onetime loyalists among them—who complain that this particular shop, California state government, is in disarray.

That Brown, 37-year-old former seminarian, as administrator, as chief executive of the largest state in the nation, is as miscast as Marilyn Chambers as the Ivory Snow girl.

"I mean, that guy can spend ten hours debating what most people pick up just like that," sighs one frustrated insider.

"He has absolutely no sense of time."
"The problem is, there is no

managerial technique. There is very little delegation of authority.

"There is that frustration of waiting days on end for answers to questions that you should have had the power to decide on your own."

The source, like many of those interviewed for this article, will speak only on a not-for-attribution basis.

This writer accepted the condition to get some assessment from those inside and outside of government on the validity of the criticisms of Brown's stewardship.

For, as it happens to every marriage, the honeymoon is ending. Democratic lawmakers are becoming willing to risk running head-on into Brown's documented public popularity to complain about appointments unfilled and issues unmet.

"I've heard that goddamned sanctimonious speech too many times," said Assemblyman Bill Lockyer, a San Leandro Democrat. "He lectures everyone, people who know a lot more about public policy than he does in their particular areas of expertise."

Brown has until now been able to make a virtue of what in others would be a shortcoming. When critics complain that judgeships are going unfilled, that boards and commissions are unmanned, the Brown answer is that those jobs are just too important to be filled hastily.

Not appointing a judge thus becomes a positive act of good government.

Are there complaints about issues unresolved? Problems unattacked?

The answer from Brown and his aides is that the whole process of government needs slowing down, that issues need to reach some critical mass sometimes before they can be resolved.

Again, positive nonperformance. Brown and his people also tend to measure effort in terms of the time clock. Staying late at the office is one of the rites.

Witness this dialogue at Brown's last press conference:

Q. Governor, (we've) got the governor running for president, the

speaker of the Assembly (Leo McCarthy) is running the campaign, the lieutenant governor is praying. Who's minding the store?

A. We are... McCarthy probably works longer than I do around this place and I am putting in a good working day and evening and I'll continue doing that. If we analyze this out on a 40-hour week, assuming I get the nomination in the election, I will come very close to putting in a four-year term (in 19 months in office).

"Governor, you don't get paid by the hour," quipped the questioner.

Nonetheless, Brown acts as if his output is measured in hours on the job rather than in product. The State Constitution is not terribly enlightening beyond vesting the supreme executive power of the state in the governor.

It gives him the authority to fill vacancies in office, but it does not require him to do so. It does require him to see that the law is "faithfully executed."

But nothing in the Constitution
See Page A4, Col. 3

This is fascinating. Brown would drive Jimmy up the wall!

states him to appoint a real estate commissioner, for instance. The post has been vacant since Reagan's appointee walked out on Feb. 28, 1975. The Constitution says the governor "may" fill a vacancy, not that he must.

He has filled only three-fifths of the Air Resources Board and Brown has displayed no sense of urgency about the search.

One Brown topsider believes the governor appoints in some whimsical cycle: "For a while it will be cronies from Yale, then he will name a succession of women, then for a while it will be Chicanos, or blacks."

In an interview, Dr. Carlotta Mellon, an early campaigner for Brown who is now his appointments assistant, said he no longer interviews candidates for the most minor of offices as he once did.

Why not?

"He probably doesn't feel as great a need to do that," she said. "I think he now feels a little more comfortable about not seeing them all individually. There has been a little more delegation now."

In his freshman year as chief executive, Brown would quite literally spend hours talking to candidates for the most minor of offices. He spent a couple of hours once with an applicant for a vacancy on the Monterey County Board of Supervisors.

One prospect for a top appointment spent no fewer than six hours being interviewed. Who? No one wants to say—he didn't get the appointment.

Gray Davis, Brown's executive secretary and chief of staff, betrays some irritation at the criticism of delays in filling vacancies.

The Davis rebuttal is essentially that the electorate has a right to expect Brown-like qualities in Brown appointees—and that takes time.

Argues Davis, "If you engage in wholesale delegation of appointing powers to other people, you run a very great risk that the people who are appointed do not share the governor's philosophy."

That formula got a clobbering last week when Brown's choice as director of the Department of Health, an unconventional physician named Jerome Lackner, testified that

criminal sanctions against heroin use should be removed.

Brown's press spokesman disavowed that position before the ink was dry on reports of Lackner's stand.

Around the Capitol, stories of Brown's procrastination in acting on vacancies or attending to lower priority problems are becoming legion.

One source close to the administration confides how they schemed in just one night to get the chief to sign a long-delayed appointment:

"We'll put it in a folder marked 'Do Not Show To Governor' and leave it on the top of the desk. And when he walks by and sees that, we'll have him!"

The ploy was not actually tried, but it surely would have worked. Because Brown is given to wandering about the executive offices, popping in on his staff and rummaging about their desk tops.

In fact, one witness describes a genuinely unpleasant scene in the administration office suite one day when Brown intruded on a subordinate without knocking, scanned the contents of his desk top, bawled the appointee out for some malfeasance

in the presence of his callers, and disappeared as suddenly as he had arrived.

After the governor left, the Brown loyalist was embarrassed and apologetic, said this witness, saying the boss was "only kidding."

An appointee who made it thinks there are numbers of others who despaired of the delays and opted out of consideration.

"I know guys who were kept waiting so long, months and months, who finally said, 'Screw it, who needs this?' and went on to other things outside of government," says this informant.

Brown's devotion to the nuts and bolts of government, the minutiae of administration, is by now well known.

It infuriates and frustrates some of his department and agency officials. Last year, when Brown was absorbed in one or another of his well-publicized around-the-clock crises, one of the less-exciting agencies needed only his signature on a grant application to Washington.

As an... calls it, the first package... went across the street... the governor's suite and disappeared without a trace.

After a few more days of inactivity, waiting for approval, the report came back that nobody could find the package, please send another. Another went over, again falling into some bottomless pit.

A third effort was hand-delivered personally to Brown's office and duly signed.

On the other hand, it must be noted that Brown loyalists and others are quick to defend his preoccupation with detail.

Marc Poche, one of the men closest to Brown and highly regarded in and out of the administration, is one. Poche is director of programs and policies, the administration spokesman in the legislature.

"Right now," says Poche, "we have 363 administration proposals before the legislature. I make about 100 of those decisions, so if that isn't delegation, I don't know what is."

"Now, on a few of them, obviously I want to run them by the governor. If there are real conflicts in agencies, I prefer to run them by the governor."

"In terms of the other bills, 5,000 bills, all of them go across my desk and in the overwhelming majority of cases, I make the decision as to what the administration position is. I don't bother him with them."

"As a matter of fact, I would make the opposite argument: That I don't want that kind of power."

"But there is some truth to the statement in that, when we get into a bill, he likes to go into it in detail. He will then end up making what to many people would appear to be very miniscule decisions."

"I think that's a good thing. That's a healthy thing."

Prof. Lloyd Musolf, director of the Institute of Governmental Affairs and member of the University of California at Davis political science faculty, looks at the Brown technique with a sometimes critical, sometimes approving eye.

In an interview, Musolf saw both perils and virtues in Brown's do-it-yourself governing style.

Said Musolf, "To a lesser extent, the danger of Gov. Brown's approach is that people in the administration

are never sure when a problem suddenly will be taken from them and they are not the ones deciding.

"That gets into the question. Well, shouldn't the governor be able to reach down and take a problem that's a difficult one and wrestle with it?"

"That part of the formula is a very good one, I think."

"The problem with that approach if you take it too literally is that there is the tendency of many problems to just sit for months, with no one knowing whether the governor is going to take it on."

"I think we're seeing some of that now."

"I think that probably one of the penalties of trying to surmount the bureaucratic red tape by simply reaching down and saying we're going to give total attention to this problem now is that what tends to happen is that a few high visibility problems get great attention while the bulk of the problems—and that's what most of them are, fairly nonvisible ones—are left dangling."

But the professor is complimentary too. "I hate to come down too hard on him because in many ways he's a breath of fresh air in government," says Musolf.

"In getting involved with government problems there is a great difference from the Reagan administration. The Reagan-Eisenhower style probably has other dangers which are worse than Brown's style."

"Most governors, I think, come out in a mixed pattern. They do neither the Reagan pattern nor the Brown, but they waffle in between, which is probably a little safer politically."

Even those closest to him confess puzzlement about Brown's decision-making process.

Said Chief of Staff Davis:

"He likes to live with decisions, and it's often difficult to tell when he's made a decision, because he has a tendency to think out loud."

"And when he thinks out loud he is really arguing a point of view as aggressively and as convincingly as he can."

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"To the uninitiated it would appear he has already made the decision he is articulating. But what he really wants is to invite criticism, modification, challenge, to the point of view that he's expressing.

"You can never quite tell when the governor has finally made a decision because there's always the chance that he's still arguing a point of view that he's not entirely comfortable with and still wants to make sure that that point of view is immune to any reasonable criticism.

"Sometimes when you see him repeat an argument over and over again, it's just as likely an indication that he's as uncomfortable with it as it is that he's decided to adopt that point of view.

"The most predictable thing about Jerry Brown is that he's not predictable."

3

Brown Tells Liberals Their Old Ideas No Longer Work

Largest Gathering of Backers Hears Statements They Might Have Flatly Rejected a Year Ago

BY GEORGE SKELTON
Times Political Writer

Call them "limousine liberals," "bleeding hearts" or simply "compassionate," they were there, patiently listening to young Gov. Brown tell them that many of their old ideas no longer work, if they ever did.

But he admitted having no specific new ideas to replace theirs.

This was Beverly Hills, the capital of "hilltop liberalism," home of the Democratic "beautiful people," seat of Brown's original constituency—the cause-oriented activists, the well-educated, the rich.

It was the first time Brown had spoken to such a large gathering of the financial backers who helped put him into the same office his father once held since he narrowly won election one year ago.

The event was a \$100-a-plate fundraising dinner Wednesday night for Assembly Democratic Floor Leader Howard L. Berman of Sherman Oaks, who netted \$50,000 to spend on his own campaign and those of his political allies in 1976.

It was an unusually subdued, somber Brown, minus the customary bluntness and audience baiting, who addressed the 750 contributors in the Beverly Wilshire and told them things they might flatly have rejected last year.

There are 25% of the young people out of work, people within 10 miles of where we are tonight, and they're out of work after years of liberal programs, after years of

(government) spending, after years of effort by a lot of people," he said.

"And that has to raise a question in our minds about how well we're doing. I think it's time to get down to the basic issues and to realize that resolving the inequalities of this society is going to take something different."

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Brown

BROWN VIEWS

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But then Brown immediately acknowledged the crux of his dilemma and the crucial missing element for which he increasingly is being criticized, when he added:

"I wish I could lay out an agenda, to throw out a six-point plan, but I can't."

There was no crowd response when he observed a few moments later:

"It's easy when we're on the outs to say, 'Well, if we could just get rid of (former Gov. Ronald) Reagan, if we could just get rid of (President) Ford, then we could pass a few programs.'

"But the fact is we face double digit inflation, we face a structural exclusion of millions of people from the mainstream of society. And that's going to require a readjustment of the economic rules. It's going to require a sacrifice on the part of a lot of us."

It was somewhat like a staredown—with the audience silently demanding "What's going on, what are you going to do?" and the governor verbally throwing up his hands and admitting he did not have the answers but knew the old ones were not

"This wasn't 1,500 people in Modesto," one important Democrat said after the dinner, referring to a recent \$25-a-plate Stanislaus County fundraiser where Brown was hailed as "a good ole boy."

Early in his Beverly Hills talk, Brown said:

"During the last year we've all had an opportunity to now deliver on the promises and expectations that we all had. And it's a lot easier to advocate than it is to administer; a lot easier to demand than it is to actually carry forth the initiatives that are going to resolve these difficult problems that face our society."

He continued, almost apologetically: "When I say people must readjust what they expect out of government, I don't suggest we should lower our aspirations or our effort or our imagination. But rather that we should face up to the changing realities in our state, our country and the world."

"We're not at the same place we were when we started—when I started—in politics in the '60s . . . All of us who come to government have to face the fact there are limitations and the problems we face are rather profound because the cost of things are going up."

California Vote a Dilemma for Brown

By WALLACE TURNER

Special to The New York Times

SAN FRANCISCO, Jan. 25—

Such is the nervous state of Presidential politics in this state that when The Pasadena Star News last week published a report that Gov. Edmund G. Brown Jr. will run as a favorite son candidate, it was as if a cataclysmic event had occurred.

The Governor, who is 37 years old, said that it was not so, that he didn't know what he was going to do. But his father, Governor from 1959 until 1967, said he wished his son would make up his mind, that other Democrats wanted the support of the senior Mr. Brown.

Then Mr. Brown Jr. responded that "no one should feel constrained to wait for me" because this was all a matter of politics and he could look out for himself. Besides, he is busy now with major problems and will deal with the candidacy question later, the Governor said.

Just now he is searching for solutions to two major problems: In Southern California, many physicians have gone on work-slowdown status to protest increases in malpractice insurance; conservatives in the

Legislature are trying to make the Governor agree to revision of the Agricultural Labor Relations Act as the price of their support for a \$3 million appropriation for continuing its operation.

The Governor's dilemma stems from changes in the way the Democratic Presidential primary will operate this year. Previously all the delegates have gone to the winner, but this year an attempt is being made to set up a workable system for proportional distribution of delegates.

No one is certain that the system now written into law is workable. The Republicans follow the old winner-take-all system. Some Democrats stressed sometime back that the result of the plan for the Democrats could be that a large number of candidates would divide the delegation into so many bites that none would be large enough to have any impact.

Sen. George McGovern's victory in the 1972 California primary was what finally assured him the nomination.

Some political figures, including his father, believe that Governor Brown could run far ahead in the primary, and then lead a unified delegation to the

national convention, where California's influence would be strengthened, with 280 delegates, it would be the largest bloc votes.

Last fall, the California Poll, operated by Mervin D. Field, ran a survey which included the declared Democratic candidates, plus Senators Hubert H. Humphrey and Edward M. Kennedy and Governor Brown, as well as several others who might run.

Senator Kennedy, with 32 percent, and Governor Brown, with 17 percent, were followed by Senator Humphrey with 12 percent and Gov. George C. Wallace of Alabama with 10 percent. No one else had more than 4 percent. The law now on the books cuts off from the division of delegates those candidates who get less than 10 percent of the vote.

Since that poll was taken, both Senator Kennedy and Senator Humphrey have written to Secretary of State March Fong Eu to ask her to leave their names off the primary ballot. She wrote to them and to Governor Brown on Jan. 6, asking what they would do. But the Governor has not responded, and has said he will not until he has decided what he wants to do.

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NYT 1/26/76

State's Democrats Favor Gov. Brown After Kennedy

BY MERVIN D. FIELD

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Sen. Edward M. Kennedy remains the favorite potential presidential candidate among California Democratic voters while Gov. Brown has moved into second place among a large field, a recent California Poll survey found.

Should the Massachusetts senator file a declaration of noncandidacy in the California primary next June, as expected, Brown is the current favorite to lead the field.

Alabama Gov. George C. Wallace has a significant body of support among California Democrats but also has substantial opposition. More than half of the Democrats polled said Wallace is the candidate they would have the most difficulty supporting.

Sen. Hubert H. Humphrey of Minnesota remains a sentimental favorite among some Democrats.

Less enthusiasm was found for the following announced, unannounced

and possible candidates: Sens. Henry M. Jackson, George McGovern, Edmund S. Muskie, Lloyd Bentsen, Frank Church, Birch Bayh; Rep. Morris K. Udall; ex-Oklahoma Sen. Fred Harris; former Georgia Gov. Jimmy Carter; Penn. Gov. Milton J. Shapp; former North Carolina Gov. Terry Sanford, and 1972 vice presidential candidate Sargent Shriver.

Interviews with 569 Democrats throughout the state between Aug. 6 and 13 brought these rankings:

Kennedy	37%
Brown	12
Wallace	10
Humphrey	9
Jackson	6
McGovern	6
Muskie	6
Church	2
Bayh	2
Udall	1
Bentsen	1
Harris	1

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Los Angeles Times

POLL OF DEMOCRATS IN STATE

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Shriver	1
Carter	1
Shapp	1
Sanford	1
None of these, no opinion	5

*Less than one-half of 1%.

Second-choice candidate preferences were obtained in this survey and with Kennedy out of the running

the distribution would put Brown in first place:

Brown	20%
Humphrey	16
Wallace	13
McGovern	12
Jackson	11
Muskie	8
Church	8
Bayh	8
Harris	3

Shriver	1
Udall	1
Bentsen	1
Carter	1
Shapp	1
Sanford	1
Undecided	7

*Less than one-half of 1%.
Wallace, Humphrey and McGovern also have sizable segments of Democrats who are most negatively inclined toward them.

Would find this man most difficult to vote for as President:

Wallace	52%
Humphrey	27
McGovern	23
Kennedy	16
Brown	14
Shriver	13
Muskie	11
Jackson	7
Carter	7
Bentsen	6
Sanford	6
Bayh	4
Harris	4
Udall	3
Shapp	3

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Suddenly, California borders don't contain it

Jerry Brown's political image grows

By Curtis J. Sitomer
Staff correspondent of
The Christian Science Monitor

Los Angeles

What is being termed a New Deal philosophy without the deficit spending could propel California's youthful Democratic Governor, Edmund G. Brown Jr., into his party's presidential sweepstakes.

The politically unorthodox bachelor and former Jesuit seminarian seems to be capturing the imagination of many with his "era of limits" (deny yourself, but help the poor) concept. He reinforced it this week in a state of the state address here during which he implored Californians to give up frills (among them more freeways, expanded government services, and educational extras).

At the same time, Governor Brown called for raising living standards for the poor by eliminating state income axes for families earning less than \$10,000 and creating more jobs for minorities through tougher federal Fair Employment Practices Commission

standards and a new Deal-type civilian conservation corps.

Some here believe he was taking to 20 million Californians but really addressing himself to a national audience.

A year ago when he took office, Jerry Brown was almost unknown nationally. He wasn't even mentioned as a potential federal officeholder.

But now the situation is drastically different. Governor Brown's reorder-your-priorities, don't-spend-what-you-can't-afford, and turn-to-self-denial-rather-than-the-federal-dole ideas have been orchestrated nationally and have suddenly launched him into at least the front ranks or presidential dark horses this year.

Among other things:

- The National Observer, in a cover story, recently tabbed him "the hottest politician in America today."

- Conservative Republican newspaper chain editor in chief William Randolph Hearst Jr. predicts that Mr. Brown will someday occupy the Oval Office of the White House.

- One California presidential poll shows the Governor leading all Democratic presidential aspirants in the primary race. Another has him outdistancing President Ford and former California Gov. Ronald Reagan in a runoff against either Republican.

As of now, Mr. Brown is an avowed noncandidate. But insiders say he is considering running as a "favorite son" in California's June 8 primary. And Florida Secretary of State Bruce A. Smathers now says he may list Mr. Brown on his state's Democratic primary ballot March 9.

He explains the Californian has "struck the public fancy" and should be considered a candidate unless he officially ^{himself} drops out of Oregon's chief elections.

to take a similar stance before the deadline for that state's May 25 primary.

Close observers here say Governor Brown will likely opt out of the Florida race and of early primaries. But some indicate that if no clear-cut front-runner emerges within his party by late spring, he might quickly gear up a campaign — which could make him a convention compromise choice.

Mr. Brown's potential constituency in a bid for national office might constitute a new type of political coalition. Conservative Republicans — some of them disciples of Ronald Reagan — applaud his fiscal economies. Some say they wish he were of their political persuasion. At the same time, many liberal Democrats are perplexed by him. They support his help-the-poor stances but are wary of his cost-cutting and "deny yourself" concepts.

Mr. Brown is highly critical of the "establishment" of both parties. He shies from governors' conferences and Democratic caucuses. He virtually thumbed his nose at his party's site selection committee when it was considering the alternatives of Los Angeles and New York for the 1976 Democratic convention. When New York City got the bid, some Democrats here blamed the Governor.

Governor Brown's broad appeal among Californians is attributed by many to the fact that he personally practices many of the frugalities he preaches.

Since taking office, he has spurned living in the Governor's mansion and opted for a modest apartment, discarded the official state limousine for a Plymouth, declined to attend out-of-state conferences to save airplane fare, and returned even inexpensive gifts from supporters. And he expects his aides and state workers to put in full days at the job and to pass lunches



By Richard Allman

Brown — 'hottest politician'?

The Tri
12/2

Frugal Jerry Brown should be a candidate

EDMUND G. "Jerry" Brown Jr., 37, Governor of California, has received a lot of attention because he lives in a modest apartment instead of the governor's mansion, and rides in an inexpensive car instead of a limousine.

These are symbolical things exemplifying his frugal approach to governing. But there's more depth to this symbolism than is first apparent.

"I thought the mansion was ridiculous to begin with," Brown told a interviewer. "I don't see any reason why a governor ought to live in a mansion and drive in a limousine or be wined and dined at public expense or by the pooh-bahs who are currying his favor. I think that's an anachronism and that it's inconsistent with the best strains of our political history.

"It's not necessary. All it does is develop a certain ritual of self-congratulation. I don't see what the point is.

"THE MODESTY of our life-styles should reflect the mediocrity of our performance. It might keep us aware that we're servants and not kings. This is a democracy, and people who are in government are merely temporary representatives of a free people. To try to make it anything other than that smacks of elitism."

Brown has achieved an incredible rate of approval from Californians after nearly a year in office—something over 90 per cent. It's because he not only talks that way . . . he acts that way.

It's inevitable he will become a serious candidate for the presidency. Momentum is gathering that he be considered next year rather than waiting until 1980 or 1984. I've been snipping out stories from Brown for Forbes and National Observer and one from syndicated columnist Tom Braden which was in the Daily News-Tribune in LaSalle-Peru.

BRADEN SPENT two hours with Brown and states "I came away convinced that the Democratic Party will be making a serious error if it doesn't insist upon regarding him as a potential President, not four years from now but now."

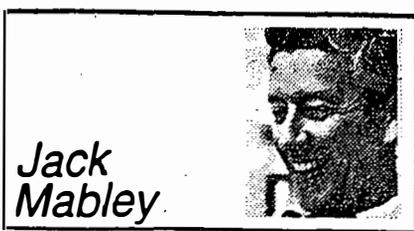
Braden cites similarities between Brown and John F. Kennedy—religion; leanness; studiousness; style.

One characteristic I like in Brown is his admission that he doesn't know all the answers. Most politicians answer questions in absolutes.

Asked about his predecessor, he said, "During the Reagan years the crime rate doubled, the budget doubled, the taxes doubled, and government became more involved in our lives.

"I certainly would like to moderate that direction."

The magic word there is "moderate." Brown respects the language. Most politicians would have used the word "reverse." Brown knows there are irresistible



ble forces toward more crime, more spending, bigger government. He knows they can't be halted. But he'll do everything he can to slow them down.

He asks logical questions. Why does a school system with a declining enrollment need an increasing budget? Which has the higher value, a 10 per cent budget increase for the neighborhood school, or the preservation of the neighborhood?

"WHEN SENIOR citizens are being driven into trailer camps because of rising property taxes, those who are most immediately benefitted ought to share in the cost of schooling," Brown says.

He was referring to the taxation of property to support adult education in community colleges. Adults learn machine, how to fly airplanes, and groom dogs. "There's nothing wrong with it except it's the same people who are complaining about the property tax," Brown noted.

His salary is \$49,500. "Quite adequate," he says. "There was a bill that was going to raise it to \$65,000. I blocked it."

On foreign aid: "The question is, can we prop up other countries that don't have the political structure to face up to their own problems?"

" . . . SHOULD WE be selling \$7 billion worth of arms to all those countries? Is that the kind of growth we want? Is it good for other countries to be dependent for food on us, when their own economic policies don't reward investment in the agriculture sector? When their own corruption and inefficiency doesn't allow an exertion for more local effort!"

Jerry Brown isn't sure he wants to run for President. I'd be disappointed if he was. His style doesn't fit into the rat race of presidential primaries, with good men and others racing around the country, mouthing platitudinous speeches, pumping hands, groveling for contributions, ducking controversy.

Brown is doing his job, making sense, and enchanting his constituents in the nation's largest state. Is our political process mature enough that it would seek out the best man for the presidency, rather than choose from among those who fight for it the hardest? I doubt it . . . but it's nice that Brown is sitting there in Sacramento, available, just in case.

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Politics

Brown May Make Presidential Test

Los Angeles Times BY GEORGE SKELTON
Times Political Writer

Aug 7

SACRAMENTO—Gov. Brown inched slowly but significantly toward the national political arena Wednesday by declaring that if his name is placed on a presidential primary ballot somewhere, he might just leave it there.

"I might leave it on, might take it off," Brown told The Times. "I'm not locking myself in or out of anything."

The governor agreed such a comment could fuel speculation he might become active in national politics during the 1976 presidential campaign, and possibly even seek or accept a spot on the ticket himself.

While insisting, "I'm not a candidate," he said, "I generally don't believe in making decisions until the moment occurs . . ."

"I think it's silly to make (unequivocal) statements when there's no great demand for my services anyway."

He continued, "I'll serve the party in whatever capacity I feel I can. I want to do my part when I see where I can make a contribution."

The 37-year-old Democrat repeatedly insisted, as he constantly has, that national presidential politics—and a potential White House candidacy for himself—is the farthest thing from his mind. The freshman chief executive said several times during a lengthy interview that he is concentrating solely on trying to do a good job for California.

As for possible higher office in the future, he said, "I think if you do what you're doing and you do a good job, then you'll be ready for what happens. If you keep anticipating everything, you never end up doing what you're supposed to be doing. You're always one jump ahead of yourself."

"The fact is," he added, "when you're governor of a large state you're part of the national political landscape. That's a fact."

The significance of Brown's remarks Wednesday is that for the first time he indicated he might be willing to dip his toe into the national political waters next year. While far from a plunge, the comments were the kind that stir the interest of political pros. And Brown did not seem to mind.

Roughly 30 states now plan to hold presidential primaries next year. Many have laws similar to Califor-

nia's, in which the secretary of state places on the ballot to the names of all those persons commonly viewed as candidates. A person can take his or her name off the ballot by filing a declaration of noncandidacy.

It was disclosed just Tuesday that Brown's staff, under the direction of political activist Allard Lowenstein, has been checking into presidential primary laws around the country. Brown's executive secretary, Gray Davis, explained: "It was just a case of staff preparedness."

"We thought it would be helpful to know the various state laws in case we had to take affirmative action to get his (Brown's) name off of any ballot."

Asked Wednesday what he would do if his name were placed on a ballot, Brown answered: "I really haven't thought that one through. I might leave it on, might take it off."

Queried why he would leave his name on, the governor responded: "Why take it off? Or maybe I should take it off."

Asked whether there might be a natural curiosity on his part to see how he would run in a presidential primary without campaigning, he replied, "That's right. That's true. That is the case."

Asked if he was committed to serving out his four-year term as governor, Brown said: "I'm going to stay four years." Then he quickly added, "That's my goal. But why try to anticipate?"

"I'm not locking myself in or out of anything. I think that would be a fair statement. And that's generally the way I operate. I don't see any need to anticipate anything. The only commitment I have is to give everything I have to this job. And what that produces remains to be seen."

A potential scenario for Brown, some political observers believe, is for the Democratic National Convention to deadlock on a presidential nominee, and then turn to a "new face," such as the young California governor. Or, he might possibly help the ticket as a vice presidential nominee.

Asked whether he would say unequivocally that he would not accept such a nomination for either spot on the ticket, Brown replied, "I wouldn't unequivocally say that because I think it's a silly statement to make."

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Rowland Evans and Robert Novak

Gov. Brown—Another Candidate?

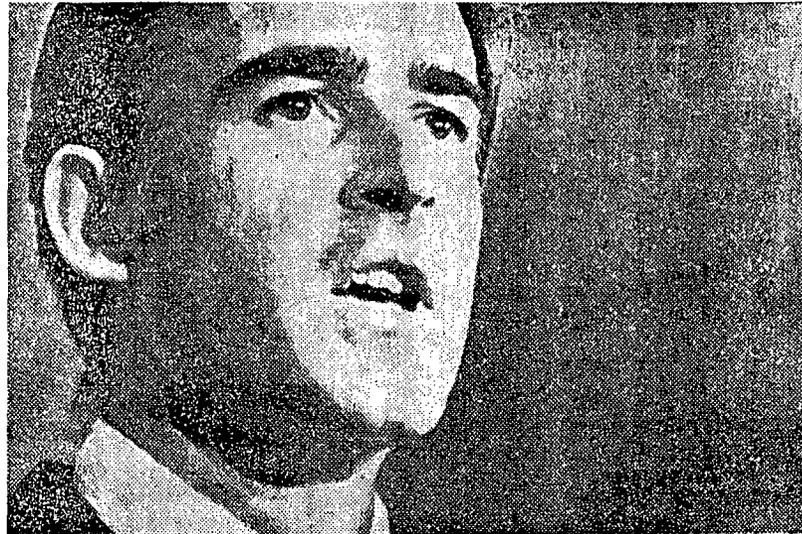
Gov. Edmund G. Brown Jr., of California last week secretly assigned a trusted lieutenant to sing his praises to Democratic politicians throughout the country, hereby injecting a fascinating new element in the torpid struggle for the party's presidential nomination.

Assigning a sub rosa national operative was part of Brown's sudden awakening from a six-month hibernation in Sacramento. While in Los Angeles for a media blitz, Brown also met leftist money-man Max Palevsky and other wheeled Democrats, who urged him to take his message to the nation. Although he said neither yes nor no, the prospects are that Brown's philosophy will no longer be confined to California, even if he remains there physically.

Brown certainly is not about to join the mob of ambitious Democrats assaulting the presidential primaries. Moreover, chances that a deadlocked national convention would turn to 37-year-old Jerry Brown remain dim. Nevertheless, last week's backstage developments show that Brown, by far the most intriguing new face in a party brudened with shopworn challengers, is seriously—though clandestinely—interested in the presidency.

Actually, Brown confided in 1974 (and then denied our reports of it) that he would like to run for president in 1976. But there was little national interest in him following a lackluster campaign for governor that he nearly managed to lose in a year of Republican disaster. What has propelled Brown into presidential consideration is six remarkable months in office.

The former Jesuit seminarian has maintained vows of relative silence and poverty as governor. Never stirring outside California and scarcely leaving Sacramento, he has shunned



United Press International

Democratic Party leaders. Adjourning liberal problem-solving, he has contended the government must tighten its belt along with everybody else. Brown has horrified politicians and bureaucrats, but intrigued the anti-politician, anti-government public.

The result has been national attention in Brown as a Democrat better fitting the public mood than announced presidential candidates. A June 23 editorial in the Washington Star suggesting that Democrats consider Brown for president was closely read by the governor. Shortly thereafter, Brown called in a longtime political associate and gave him this secret assignment:

Start quietly moving around the country, with two objectives in mind: First, increase national awareness of Jerry Brown and what he stands for; second, get to know key Democrats all

over—for example, those bitter Illinois Democratic antagonists, Mayor Richard J. Daley and Gov. Dan Walker.

While not suggesting an undercover presidential campaign, the governor did note that avowed presidential hopefuls were stumbling. Furthermore, in pinpointing Illinois, he emphasized a state whose delegation might swing a brokered convention.

With Brown finally breaking silence for television and press appearances in Los Angeles last week, his office asked retired computer tycoon Palevsky to arrange a meeting between the governor and prominent supporters. That, in itself, represented major change. Since Brown brusquely refused Palevsky's request to intervene in the state assembly speaker's race last January, they had not spoken.

Seven Democratic money-men met over sweet rolls and coffee at Palevsky's Bel Air mansion the morning of July 31 to hear the governor eloquently outline national and world problems.

In reply, Palevsky, terrified by Gov. George Wallace, urged Brown to speak out more on issues and move around the country. That view was echoed by industrialist Harold Willens and motion picture lawyer Lou Blau. Complaining that announced candidates for president were not catching fire, they praised Brown for his global outlook. Willens even suggested Brown's running as favorite son in the California primary.

The coffee-and-rolls session demonstrated the potential breadth of Brown's support. While broadening his base rightward with government economy and law-and-order rhetoric, Brown has alienated some liberals (particularly after firing one left-leaning state official, partly for using anti-capitalist rhetoric in a report). Nevertheless, he showed last week he can still charm the likes of Palevsky, Sen. George McGovern's most important contributor in 1972, and Willens, a pioneer anti-Vietnam activist.

But the road to nomination for Brown would be tortuous. Because appearing too eager nationally would destroy his anti-politician image, he cannot enter the primaries. But his strength is with people who vote in primaries, not politicians who vote at conventions and have been systematically snubbed and offended by Brown. Impossible to resolve though that dilemma may seem, the young governor flashed clear signals last week that he is going to take a crack at it.

Brown Raps Party Chiefs on Convention

Democrats Worrying Too Much About the Wrong Things, Governor Declares

BY WILLIAM ENDICOTT
Times Staff Writer

SACRAMENTO—Gov. Brown, responding to criticism that he has not done enough to entice the Democratic National Convention to Los Angeles next year, said Thursday that dinners at fancy restaurants or "little parties out on speedboats" are not his idea of how to go about it.

In an impromptu meeting with reporters, Brown also chastized his party's national leadership for worrying too much about hotel space and not enough about unemployment and inflation.

"We have a million people out of work. We have a country that's looking for leadership and direction," he said, "and I'd rather concentrate on the issues and restoring confidence where it doesn't now exist.

"Certainly the party and the government are suffering from a great lack of belief in this country and that's what we ought to be talking about; not whether the Wilshire hotels have enough rooms or not. . . .

"We can sleep in church basements."

He said the Democratic Party "needs more leadership and it needs more reform."

In keeping with his maverick political style, Brown said the party, in thinking about a convention site, ought to quit looking for "freebies" and "nice expensive restaurants" and look "for where they can meet the people."

He also said he would like to see both the Democratic and Republican conventions held in Los Angeles because "this is the place where significant political events are occurring." He did not elaborate.

Until Thursday, the governor had limited his involvement in the site selection process to a letter of support to Mayor Tom Bradley.

New York is considered to be in the running with Los Angeles to get the Democratic convention.

Brown also reiterated Thursday his refusal to appear this weekend in Los

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Brown

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DEMOCRATS

Continued from Third Page

Angeles on a national Democratic fund-raising telethon, a move that has angered party chieftains.

"I will be working," he said. "There's a lot of things to be done . . . I think I can serve the party and serve the people better by doing those things that I think are required."

Brown's meeting with reporters followed an hour-long session with Leonard Woodcock, president of the United Auto Workers.

He said the talks centered primarily on unemployment and the future of the Democratic Party.

"I do hope that as the governor of the nation's most populous state he will concern himself with the national." Woodcock said.

Brown Tells Labor 'No Easy Answers'

The governor dropped the ball squarely in his audience's court.

The California Conference of Machinists sat in the Top of the Cosmo yesterday waiting to ask Gov. Edmund E. Brown Jr. what he was going to do to ease the employment and economic problems in California.

But before they could even bring the subject up, Jerry Brown admitted he hadn't come up with any easy answers to date and challenged:

"If you have a concrete solution on how to put people to work, bring it over to my office — and we'll put it into effect."

The governor insisted that while government could do much to help the current economic situation, most of the answers would have to come from the private sector.

Much to the delight of the conference — which is actually the state convention of the International Association of Machinists and Aerospace Workers, AFL-CIO — Brown laid part of the blame for the current high unemployment on multinational corporations.

Because some of their own delegates had earlier attacked these same international companies, the machinists cheered when the governor said they "take jobs from Americans and put them over in a foreign country."

Declaring such corporations "know no allegiance, except to profit," Brown said that through these huge multinational firms, "...capital produced by the American worker goes to foreign countries" to finance factories "whose workers compete with you for jobs."

Brown said when he met with President Ford last week, he told the President that if he wants the support of the American people in the fight against recession and inflation, he would have "to ask the people to sacrifice."

"But I told him," Brown continued, "that this sacrifice would have to start at the top — among the people who have the most — that we can't ask the guy to sacrifice who doesn't have a job."

"That," Brown said, is about the time the President told me "This is a good place to end this meeting."



AP Photo

Gov. Brown addresses machinists.

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'A Politician Of the Seventies'

LOS ANGELES—The setting, the situation, the leading character are pure Hollywood—an early scene from another film like "The Candidate."

He is sprawled in a lawn chair in the garden of his bachelor pad, one of those mountaintop, floral oases of fresh air that make you forget about the million cars polluting the atmosphere of the basin below you. His slim, tanned face with the good features is set off by a mop of dark hair, with just enough gray at the temples to show that this 36-year-old may be mature enough to be governor of the largest state.

He's back from a black church meeting, and now he sits, tie loosened, sipping cider in his garden at twilight, while a woman friend fixes dinner in the kitchen for the two of them.

If you were writing the script, you might even make the young man the son of the former governor and have him trying to succeed the man who took the job from his father.

Secretary of State Edmund G. Brown Jr. is that man. If he can hold his lead over hard-charging Assembly Speaker Bob Moretti through the June 4 primary, he will indeed be the Democratic nominee to succeed Gov. Ronald Reagan (R). Eight years ago, Reagan snuffed out the senior Brown's bid for a third term in Sacramento.

But once you are past the clichés of the situation, candidate Brown turns out to be anything but a Hollywood hero, as unlike Robert Redford as he is dissimilar from the former governor whose good name has given him much of his political credibility.

Jerry Brown (as the young man likes to be called) has none of the bluff charm that made Pat Brown such a favorite. He is a cool, reflective, rather withdrawn and ascetic former seminarian. He came to politics via the Movement, demonstrating against capital punishment, segregation, the exploitation of farm workers and the Vietnam war, then helping Eugene McCarthy in his California primary campaign.

A visitor finds Jerry Brown thinking about the way those experiences set

him apart, not only from his father's generation but from the man he likely would face in November, Republican State Controller Houston I. Flournoy. Flournoy is 44, only eight years Brown's elder, but Flournoy entered the California Assembly in 1961, while Brown was still in college. To Brown that means "he's a politician of the '60s and I'm a politician of the '70s."

What's the difference? "He started politics with Camelot," said Brown, "and I came to politics out of the Vietnam war, the Great Society and Watergate."

His linking of Lyndon Johnson's great domestic dream with the twin catastrophes of Vietnam and Watergate would jar most Democrats of more advanced years. But Brown is, like so many liberals of his generation, wrestling with a redefinition of government's role.

"I've seen government all my life," he said, "and I'm not bemused by it. I read Commentary and The Public Interest and, like them, I take a somewhat jaundiced view of the ability of government to perform."

"But I also know American society is not going to survive without strong leadership that will help us adjust to the limits that resources and population and the environment will increasingly apply."

"My father was a very active governor and the state government grew enormously in those eight years. When Reagan came in, people had had enough. Reagan has had a concept of a 'creative society,' which really means relying on the market mechanism, and it just hasn't worked."

"His basic philosophy has made it very difficult for him to let state government take a positive role in planning, and planning is essential to deal with the issues of energy and land use and the environment."

"With the failures in Washington in the '60s and the start of general revenue-sharing, it's clear the states are going to have to do much of that planning. We have the sophistication here to do it, to develop our own transportation and housing and resource plans. The talent is here, in our universities and our industries, and if we get the leadership, California can be the leader of the country in these areas."

The visitor was still not certain he understood how a "politician of the '70s" would approach those problems in any way that differed from the men — including Pat Brown — who had tried earlier.

Are there any models around? "I don't see any," the candidate replied, "and that's one of the problems. But that's also what makes it exciting. We may create the new model here."

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Sen

Brown of California Plays Unusual Game And Wins Popularity

Continued From First Page

no doubt that Jerry Brown hopes to make it to the White House sometime. And while it is far too early to judge the staying power of his brand of politics, Mr. Brown's first-year record is perhaps the most interesting example around of political success in a time marked by pervasive public hostility toward government.

The bachelor governor's highly publicized Spartan personal style probably accounts for a good deal of his popularity. He declines to live in the state's splendid governor's mansion, paying his own way in a \$250-a-month apartment. He sold the governor's limousine and jet airplane, and he travels in a sedan from the state motor pool or by commercial flights. He has practically eliminated the ceremonial trappings of his office. "He not only talks the austerity bit but he does it, and people like it," a veteran statehouse reporter says.

More substantively, Gov. Brown has relentlessly held down state spending. His second budget proposes a spending rise of only 6%, about half the rate of average increases under his predecessor, Republican conservative Ronald Reagan.

Gov. Brown's tightfisted policies haven't stemmed from fiscal crises such as those besetting several other states; California enjoys a comfortable surplus. Rather, the governor projects the impression that he is determined to keep the taxpayers from paying more for dubious social programs. In short, Republicans concede ruefully, Democrat Brown is seen by many voters as delivering on the traditional Republican promise of keeping government off their backs.

He fires continual critical barrages at big-spending targets—the public schools, the state's vast university system and the panoply of federal social programs that require partial state support. With devastating ridicule, he imposes flat limits on spending for adult-education courses, which "teach everything from antique collecting to creative divorce."

Yet to those who complain that his approach is negative, Gov. Brown responds that his underlying purpose is fundamentally positive. He argues that he is trying to force interest groups competing for public funds to realize that the "era of limits" is at hand, that government cannot fulfill an ever-expanding multitude of demands.

"I'm trying to get everyone to realize that, yes, we may have to have money for more programs, but each item is in competition with another," Mr. Brown says. "It is almost, though not quite, a zero-sum game," in which additional funds are almost unavailable.

Lowering Expectations

He argues that it is vital to "lower expectations" of what government can do because "demands on government are far outrunning the willingness of people to invest (through taxes) in government." So the purpose of his tight budgeting and stinging criticism of public institutions, he says, is to force officials to develop ways to improve services without spending more money and piling on more programs.

In this effort, Gov. Brown is winning applause even from some of his political foes. "I will say that he provokes the hell out of your thinking, and that's good," says Mr. Priolo, the assembly GOP leader.

While demanding reevaluation of programs, Gov. Brown declines to accept the idea that it is principally up to him to solve the problems he is highlighting. "I don't view this office as the repository of all the new programs," he says. "My role is to provide the yeast ingredients for the political process."

Moreover, Gov. Brown more or less promises never to suggest comprehensive solutions for difficult problems. "I don't believe in grand schemes," he says. "All kinds of programs have been heralded as the way to solve cosmic issues when they do nothing of the kind" and instead turn out to be a "social pork barrel," he adds.

Fundamentally, he asserts, it is realistic to expect only "incremental progress."

"Slow It Down"

And for the time being, at least, it is often better to do little or nothing to attack social problems than to try something new that might not work, Gov. Brown argues. "The people are sending us a message that they would like to slow it down," he says. "It's going to take awhile before any clear signals are given. . . . We're in a transitional stage now of educating people about the choices."

Sometimes, Mr. Brown's determination to avoid mistaken action leads him into cynical rationalizations. Thus, while telling an interviewer why he has decided against spending surplus state funds on direct job-subsidy programs to ease 10% unemployment, the governor remarks that "if we have a dramatic jobs program for, say, 30,000 persons, it might just attract 30,000 more people to California."

Yet, despite his fiscal conservatism, Gov. Brown has kept most liberal Democrats happy. His administration has pushed an array of "little-guy" legislation, including many bills that Gov. Reagan had blocked the Democratic legislature from enacting.

Bills repealing several tax breaks for business were enacted last year. Collective bargaining for schoolteachers was passed. So was a bill creating an agency to finance housing for low-income persons.

Currently, a state agency is moving to put into effect rules against "redlining"

practices by financial institutions that have blocked lending in blighted urban areas. The state's air-resources board has levied huge fines on Chrysler Corp. and American Motors Corp. for selling cars found in violation of emission-control standards; the board even barred sales of certain cars for a time.

Farm Workers and Doctors

Mr. Brown's biggest achievement, the collective-bargaining law for farm workers, now is in trouble, however. The board administering union-representation elections at farms has run out of money, and the legislature, reacting to growers' complaints that the Brown-appointed board is packed in favor of a militant union, is refusing to appropriate emergency funds. Gov. Brown isn't pushing the issue because he is confident the board will get its appropriation in a later overall budget bill.

The governor has resisted rapid action on another major issue, the malpractice crisis that has prompted some doctors to strike in protest against huge increases in insurance premiums. When doctors urged that the state establish an insurance fund to replace private plans, Gov. Brown demanded in exchange that doctors give free medical care to the poor. The medical associations backed off, as the governor probably figured they would, and the problem has been left to simmer.

A neat liberal-conservative trade-off pattern doesn't emerge from Gov. Brown's rec-

ord, however. He surprises everyone with random assaults on sacred cows.

Examples: In this state, the freeway capital of the world, he has laid off 2,800 highway employes and refused to complete certain freeways, declaring that other things are more important. He vetoed a liquor-tax increase to pay for an enlarged alcoholic-rehabilitation program, declaring that he found no evidence that existing efforts were really reducing alcoholism. In his new budget, he disdains the hallowed merit-pay system and proposes giving everyone "from janitors to judges" just \$65 a month more; he asserts that higher-paid people don't need big pay rewards because their jobs are interesting.

And Mr. Brown astonishes other officials with his working habits. He regularly puts in a 12- to 16-hour day, but he doesn't follow any planned schedule. Rather, he plunges into the topic that interests him at the moment, whether big or small.

A crisis issue, such as malpractice while doctors were striking, can engage his almost undivided attention for weeks at a time. Even a routine matter, like certifying a drought emergency so that farmers can qualify for federal aid, can soak up a whole afternoon as he peppers aides with questions about details.

This style of "spontaneous government," as his chief of staff, Mr. Davis, calls it, may catch up with Gov. Brown, some politicians

think. A lack of planning will ultimately result in a mess, they reason. People aren't going to be satisfied for long with a governor who asks a lot of questions but offers few answers, they argue.

But Mr. Davis contends that, in the "dialectic process" favored by Gov. Brown, there isn't any way to come up with comprehensive solutions to the big problems bothering people. "Look," he says, "we don't understand this message ourselves. We're just proceeding on a case-by-case basis."

Brown of California Plays Unusual Game And Wins Popularity

Governor Limits Spending.
Sees an 'Era of Limits'.
Is He Just 'Passing Fad'?

By NORMAN C. MILLER

Staff Reporter of THE WALL STREET JOURNAL

SACRAMENTO—Gov. Edmund G. Brown Jr. can speak with the hard edge of a George Wallace. Signing a bill requiring mandatory prison sentences for criminals using guns, he declares:

"This may not get at the underlying causes, but it will punish those who deserve it."

The slim, nattily tailored governor also can talk like the sort of egghead dreamer that George Wallace scorns. Discussing his administration's policies, the 37-year-old Democrat enthusiastically describes his creation of an "office of appropriate technology," which is considering among other things, "the question of whether state buildings should be made out of wood."

"Jerry" Brown speaks eloquently of his belief that the nation is entering an "era of limits" in which affluent people will have to sacrifice if efforts to uplift the poor are to continue. But, in his first 13 months in office, he hasn't asked Californians to sacrifice. Rather, he has clamped tight limits on state spending and vowed he won't increase income taxes. Repeatedly, moreover, he has attacked social programs designed by liberals as wasteful, ineffective and often "mindless."

Yet, without spending more money, Gov. Brown has taken groundbreaking liberal actions. He has forced enactment of a collective-bargaining law for farm workers. About half of his 108 appointees as state judges have been blacks, Mexican-Americans or women, reflecting his determination to give power swiftly to representatives of groups that have been largely excluded from influential offices.

Different—and Complicated

Gov. Brown, then, is different—and complicated. His politics defy traditional labels. Indeed, he disdains the politician's customary offering of programs and instead constantly bombards other officials with questions about the value of programs they administer and propose.

The Jesuit-trained governor and his young aides almost make a virtue of their lack of answers to tough problems. They loftily call the Brown method "government by dialectic," referring to the Socratic technique of seeking to expose false beliefs and elicit truth by endless questioning.



While this may sound like intellectual gamesmanship, so far it also has been brilliant practical politics. And Gov. Brown and his aides, whatever else they may be, are intensely practical

politicians. Asked what the governor has accomplished in a year, Gray Davis, his chief of staff, replies: "His approval rating in the latest (private) poll is 86.9%."

(Mr. Brown barely beat his Republican opponent in 1974, drawing just 50.2% of the vote. Many politicians think he squeaked through on the reputation of his father, the state's governor for two terms until 1967.)

Other politicians, though baffled by Gov. Brown's unusual and unpredictable ways, don't doubt his current popularity. "He just isn't typical of anything we have seen in politics, and maybe that is why he is so popular," says Paul Priolo, Republican leader of the state assembly.

A Lack of Criticism

Gov. Brown's popularity is so high that even his natural political foes hesitate to criticize him openly. "It's difficult and hard to fault him," says veteran GOP Assemblyman Robert Beverly. "Except when you're talking to a hard, partisan (Republican) audience, any criticism of the governor falls on its head."

But many politicians wonder about Gov. Brown's staying power, and especially among liberal Democrats there is uneasiness about his disdain for government programs. "My view is that Jerry Brown is a passing fad," a veteran California liberal says. "He's really running a pretty piddling government; there's a lack of positive accomplishment."

Now, however, many California Democrats are urging Gov. Brown to enter the state's June 8 presidential primary. Confident that the governor would win, they hope he could emerge as the party's vice presidential nominee, or even presidential nominee, in a brokered convention.

Gov. Brown, while acknowledging that a run for the presidency "seems premature," holds open the possibility that he just might do it anyway. He would probably be especially tempted if the declared candidates carve up one another in the early primaries, as seems quite possible. Gov. Brown will have to decide, one way or another, before the April 5 deadline for declaring his candidacy in the state primary.

Whatever his decision this year, there is

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B. Noel

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THE WALL STREET JOURNAL
Tuesday, February 24, 1976 29



Jerry Brown: The Enigma Wrapped in a Mystery

Los Angeles Times Sat., July 26, 1975

BY WILLIAM ENDICOTT
Times Staff Writer

SACRAMENTO—For almost seven months now, Sacramento's favorite parlor game has been trying to figure out what Jerry Brown is really like.

There is not much evidence that anybody is closer to an answer now than in January.

He works hard, often into the early morning hours. Consequently, he often oversleeps. He delegates authority only reluctantly, but an associate said he is "getting better about that." He jealously guards his privacy.

Nevertheless, a friend of the enigmatic young governor told The Times the other day that "anybody who purports to know from one day to the next what Jerry's going to do" is dreaming.

As the polls show, however, the people like him, and some say what they like best is that he is so nonpolitical. In truth, he is as skilled a politician as California has ever seen.

He no doubt prefers the economy car he is chauffeured around in, the two-bedroom apartment instead of a plush governor's mansion. It is his style to reject the trappings of high office.

But he also recognizes the political benefits inherent in such a style with a public fed up with governmental excesses. He is, in short, adept at reading the public mood.

Unlike the Ronald Reagan years, the big double doors to the governor's suite of offices in the Capitol are propped open at Brown's insistence, and tourists are able to wander into the reception area and conference room at will.

The walls last week were covered with work by Chicago artists. A few weeks ago, it was Indian art that was on display.

If the tourists are lucky, as they were last Thursday, Brown is apt to pop out to talk to reporters after meeting with some visiting dignitary and take the time to shake a few hands and sign a few autographs.

On those occasions, he is clicking on all cylinders, exuding confidence, well-tailored. He fires questions at his surprised constituents:

"What's your name? Where are you from?"

Older ladies always want to touch him and sometimes they mutter, as one did Thursday, "God bless your father." They remember Edmund G. Brown Sr. and appear surprised that the senior Brown—no older than they are—could have a son old enough to be governor.

In the image-conscious Brown Administration, the open

doors are intended to symbolize an open administration, but the openness is more illusory than real.

Only rarely does the governor meet with the press, making it difficult to fathom his decision-making process. His weekly schedule is a well-kept secret, except for rare notices of one public appearance or another.

He still has not carried through on a campaign promise to hold monthly "open-house" chats at various locations around the state to give citizens access to him.

He made an angry telephone call to the editor of a local newspaper not long ago to complain that one of the newspaper's reporters was invading his privacy with personal questions.

The question was whether Brown had a roommate in his apartment.

Despite his fiscal conservatism, which has caused some to liken him to his predecessor, Reagan, he has said things in his first months in office that would make Reagan and his wealthy business friends cringe.

He told reporters during a press conference on the state budget, for instance, that persons at the top rung of state government should work for less money because they have more meaningful jobs and "ought to be happy for

the opportunity to serve people in that particular capacity."

He went on to say such a policy would be good for society at large.

"It doesn't seem right to me," he said, "that enormous salaries are paid for human beings that from all observations are not contributing all that much more than others

"I think the people who have to sit at some of these offices and do drone work, they ought to be compensated because of the low level of satisfaction which the job provides them.

"I grant you that is not the orthodox perception, but that's the way I think."

There have been significant accomplishments in Brown's first seven months. He promised and delivered farm labor legislation. He promised and delivered a law eliminating the state's oil depletion allowance.

But critics have charged that much of state government is in a state of semiparalysis because of Brown's reluctance to concentrate on more than one issue at a time or to delegate more authority.

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JERRY BROWN

Continued from First Page

Tom Quinn, who ran the Brown campaign last year and now heads the state Air Resources Board, said the criticism is not justified.

"The day-to-day business of government is going along fine," Quinn said. "Jerry's much more inclined to let people make their own decisions than he was at the start. But when something interests him, he will eat up all of your time."

Quinn said those who are critical of the governor's concentration on single issues should look at the results, the farm labor bill being the best example.

"He brought groups together that had been fighting for years and got a compromise," a friend said.

Others, however, paint a different picture.

James D. Lorenz Jr., before he was recently fired as Brown's director of employment development, said he tried for weeks, to no avail, to get a decision on alternatives to pumping up the state's unemployment insurance fund, which is headed toward bankruptcy because of the recession and high unemployment.

"The governor read a memo I wrote within two days after I wrote it and was familiar with the problem," Lorenz told The Times, "but was angry that I said that allowing the fund to go bankrupt would tarnish the Brown Administration's image for fiscal responsibility."

"His view was, 'My subordinates report facts. They don't advise on anything like that.'"

Lorenz said a "kind of paralysis sets in" because subordinates "act at their own peril" and, consequently, check with the governor's office on all sorts of minor decisions.

"When you really have a one-man government," he said, "decisions are randomly made on big and small matters. There's no distinction."

"So Gray Davis (Brown's executive assistant) becomes a traffic cop to arbitrate between all the people standing in line."

"There's a great deal of energy spent in building image, so you spend time on getting out a press release on not sending a \$3 picture to some little French museum while \$600 million problems go by the boards."

The reference to the photograph stemmed from a minor flap that developed over Brown's refusal to send an official picture to be hung in a war museum at Ste. Mere-Eglise.

It costs too much money to honor picture requests, his office said.

"If you want to get something considered," said Lorenz, "get it into the press. This Administration responds to the crisis at hand, and that usually means the crisis that's in the news media at the time. It's an incredibly media-oriented organization."

The closest advisers to Brown right now appear to be his secretary of business and transportation, Donald E. Burns, and Robert Gnaizda, deputy secretary of health and welfare.

"Gnaizda's stock is on the rise," an insider said. "He's got a lot of energy and is able to spend the type of hours Jerry requires. He and Burns are the only people coming up with ideas in Cabinet meetings."

Rose Elizabeth Bird, secretary of agriculture and services, also is reportedly among those Brown listens to the most.

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Proposed Education Reforms Irk Critics

Brown Suggestions Termed Old Hat or Already in Effect

BY DON SPEICH
Times Education Writer

In his first eight months in office Gov. Brown has spent a lot of time talking about education, criticizing it and, most recently, suggesting some reforms.

Brown has proposed increased emphasis on basic skills in elementary and secondary schools, decentralizing control of the schools, reforming school finance and perhaps limiting access to higher education.

Think about those things, the governor has told legislators and educators, and get back to me.

"He's shooting from the top of his damned head," said one statewide education official who, not surprisingly, asked not to be identified.

"Everybody's been waiting for his reform statement," said the official. Now that Brown has made it, he added, it's apparent "he's no closer to having a handle on it (education) than before. All of it has been said before—even during his dad's (former Gov. Edmund G. Brown) time."

Several other educators and key legislators in interviews offered, in varying degrees and generally less colorful syntax, similar views of Brown's reform ideas, particularly those pertaining to kindergarten through the 12th grade. Not only are the ideas not especially new, they said, but many already have been put into effect.

By in large they agreed with Brown's call for a rejuvenation of the basics—reading, writing and arithmetic—in the elementary schools. But, they argued, much already is being done in that area through such programs as Early Childhood Education.

And while many agreed with Brown's ideas about decentralization, they also said much already is being done to give both parents and teachers more of a say in policy making at the local school level.

(Michael Kirst, a Brown appointee to the state Board of Education and one of the governor's top education advisers, readily concedes that in the more than 1,000 California school districts it is possible to find examples of each of Brown's reform ideas. The point, however, is that Brown is talking about spreading the best of these examples to all school districts in the state.

There are those who feel that now happening, added Kirst, "I don't fully disagree with these people, just don't see the facts there in

Los Angeles
Times

CC PART II

MONDAY, SEPTEMBER 8, 1975

terms of the studies we've carried out."

(The *deja vu* assessment of Brown's proposals could also be prompted by the fact, said Kirst, that "local educators have seen so many ideas come and go from the state and federal government. And they are skeptical of commitment over a long period of time" because, he added, such commitments haven't been there in the past. Kirst, however, does not expect this to be the case with the Brown Administration.)

Brown's ideas about reform of the complex—and unconstitutional, as adjudged by the state Supreme Court in its *Serrano vs. Priest* decision—school financing system in California were cast off as either naive, ill-defined, politically impossible or all of the above.

Generally, Brown feels finance reform could and should be done over a "fixed period" of time "without huge outlays of new (state) money."

In the area of higher education, with some few exceptions, top officials were quite cautious in expressing any strong views on Brown's pro-

Some legislators expressed sympathy for Brown's proposals.

posals. Still, there is a noticeable lack of enthusiasm among them for any major changes in public higher education.

Some influential legislators, though, expressed at least partial sympathy for Brown's desire to revise the almost sacrosanct California Master Plan for Higher Education. The document, enacted in 1960, virtually guarantees a place in one of the state's three segments of public higher education to everyone over 18.

Brown has said it is no longer financially possible for the state to provide such unlimited access. And in his 1975-76 budget, the governor, prompted by concern over the costs of rapidly expanding adult education programs, put a limit on state funds for community colleges—an unprecedented move that could have the effect of limiting enrollments in, and thus access to, the two-year institutions.

State Sen. Albert S. Rodda, the Sacramento Democrat who is chairman of the powerful Senate Education Committee and traditionally a staunch defender of the master plan, is one of those sympathetic to some of Brown's ideas.

"Maybe as the governor's implied, or maybe I'm inferring, we can't educate everybody, which means we're going to have to abandon our traditional philosophy and go the tuition route," said Rodda in an interview.

(The University of California is the only segment of the state's public higher education system which charges tuition, \$300 a year for undergraduate students. Although there are mandatory fees charged at both the State University and Colleges and the community college systems, they are relatively nominal. One way to limit access to these latter two segments, therefore, is by imposing tuition—an action which could and

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Brown's Proposals Stir His Critics

Continued from First Page.

probably would make it financially prohibitive for some to attend college.)

Sounding very much like Brown, Rodda said, "People's educational expectations are great at all levels of education for their children, and they want society to perform."

"All right, if that's what they want (and) if we're to provide schools for the entire adult community (and) if we're going to provide schools to take care of all children prior to the time they're adults, whatever their handicaps, then there's going to be a high cost, and we're going to have to determine whether society is going to pay for it or whether we are going to say to the individual involved you or your parents are going to (have) to pay for it."

Leory Greene (D-Sacramento) is the outspoken and influential chairman of the Assembly Education Committee, which, along with the Senate Education Committee, would have virtually life-and-death power over any Brown reforms in the Legislature.

Greene reluctantly agrees with Brown that something must be done to check mushrooming state-funded adult education programs, perhaps by charging fees for certain programs.

But philosophically he strongly disagrees with what is perceived by many as Brown's traditional, ascetic, elitist view of higher education, a view which Greene seems to feel is a reflection of the governor's general philosophy of life.

"I have no enthusiasm for the kind of world that the governor seems to like, you know, that makes him comfortable," said Greene. "the kind of world that makes him comfortable makes me very uncomfortable."

"I confess that I do enjoy luxuries, I confess that readily. I confess that I enjoy good food and good meals and fine clothing and all the rest of those things. I readily admit that and I confess that I don't care to be a monk in a monastery, I don't care for that kind of world."

"I think there should be such a thing as a good life available to the people and I can't think of a better life than one that relates to education and educational opportunity. I would think it a dreadful thing to contemplate a future where you're saying you can't have access to knowledge, where you can't have access to even recreational skills and opportunities to know or learn anything that you don't presently know."

"Yes, and that can include macrame or conversational German for travelers, whatever it might be. I suggest there is just as much value in that as in book learning that (teaches you) the philosophers of the past of this or that or the other thing so that you can quote them . . ."

As a practical matter, all this means that Greene is willing to examine, albeit reluctantly, reforms pertaining to adult education. But that's it. He is in no mood to tackle a review, let alone a revision, of the master plan, which he views as both philosophically and educationally sound.

Actually the master plan has been reviewed twice within the last three years, once by a joint legislative committee and once by a blue ribbon citizens committee. Both

Nearly all educators were opposed to changes that could limit access.

and not all of Bradley's open house visitors have a heavy burden to unload. One man simply shook the mayor's hand, thanked him for the opportunity and left.

unique to Los Angeles, that no other level. Aides say the program is and personal matters on the human valuable tool in dealing with civic

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concluded that the basic open access concept was sound and should be continued, if not expanded.

If anyone is to once again review the master plan, says Greene (who can't imagine why anyone would), it should be the California Postsecondary Education Commission.

Donald McNeill, the commission's director, however, says that while the commission carries on an ongoing review of various aspects of the master plan, it has no intention of reviewing its philosophical underpinnings.

"There is no way that the commission would want to endanger that whole (open access) concept," he said in an interview.

"My position is anything that would limit access and limit opportunity we would be against."

Reluctance to overhaul the master plan also was expressed by both State University and Colleges Chancellor Glenn S. Dumke and UC President David S. Saxon.

Both Sen. Rodda and Assemblyman Greene find Brown's school finance reform ideas troublesome and, to a certain degree, threatening to quality education.

"The governor indicated he thinks we should meet the Serrano-Priest decision all right, but he thinks it can be done without the expenditure of large sums of money," said Greene.

"I can answer that one in one word: impossible, just flat out impossible, it cannot be done without large sums of money."

(In its Serrano decision, the state Supreme Court held unconstitutional the present system of education financing, under which a youngster in a school district with high property values receives a more costly education than a youngster in a poor school district.)

Greene, and to some extent Rodda, feel that Brown's ideas, if implemented, would mean taking money from wealthy districts, such as Beverly Hills, and giving it to poor ones like Baldwin Hills.

The end result of this in Greene's eyes—as well as in those of many educators and legislators—would be mass mediocrity. The underlying assumption here is that more money means higher quality, a supposition not necessarily shared by the governor.

Brown, said Rodda, "has made a public statement that there will be no tax increase and he's against a statewide property tax.

"Well, I've written a paper on the Serrano decision, and I've authored legislation on the Serrano decision and I know some of the problems. And if you're not adversely going to affect the educational programs of (high wealth) districts, then you're going to have to have more money, and it has to either come from the state or from the more affluent districts in the form of a statewide property tax," or a third approach allowing affluent districts to retain some of their tax revenue advantages, Rodda said.

Brown's ideas for kindergarten through 12th grade reform, with the exception of those on school finance, are greeted by many educators with apple pie and motherhood expressions of enthusiasm.

This could be attributed to the fact that the educators say most of his ideas already have been implemented. Or it might reflect the general reluctance of educators to publicly say anything which might be construed as negative about anyone in political power.

"We are already involved in many of the things (suggested by Brown)," said Los Angeles Supt. of Schools William Johnston. "For example, greater decision (making) at the school level, we have been in the process of decentralization.

"And I agree 100% that there needs to be an emphasis (on basic skills) in the early part of a child's life."

Which is not dissimilar from views expressed by state Supt. of Schools Wilson Riles.

"I feel that we (Brown and he) are on the same wavelength," he said.

"All of the programs we have initiated in the last five years are geared to getting more decision-making at the school site level."

And so on . . .

So when you add it all up, Brown's reform proposals are viewed as old, naive, damaging or provocative. Whatever, they've got people talking and that is what the governor said he wanted.

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April 1, 1976

JERRY
BROWN

Dear Steve,

Here's the article from the L.A. Times on the New Melones Dam. The principal issue here seems to be that the Corps of Engineers generally does not go forward with projects which do not have state support, and that therefore Brown could prevent the construction of the Dam if he wanted to. The project is far enough along that only action by the Governor or by the President can stop it. I think that Carter is on pretty firm ground when he opposes the project. It is another one of the Corps' wasteful, oversized projects.

I'll probably give you a call next week, since you asked me to stay in touch, and try to keep you up on what's happening out here.

Cheers,

Barby Heller

Los Angeles
Times

MARCH 28, 1976

JERRY
BROWN

Foes of Dam May Use Brown Bid as Lever

Hope to Pressure Him Into Opposing Stanislaus Project

BY W. B. ROOD
Times Staff Writer

Conservationists hope to use Gov. Brown's aspirations for the Democratic presidential nomination as a lever to force him into opposing construction of a dam on the Stanislaus River.

Already backed by Democratic front-runner Jimmy Carter in their opposition to New Melones Dam, the conservationists are pushing a bill in the state Legislature to force Gov. Brown into taking a stand against the project.

Irrked by Brown's refusal to fight the dam project, some opponents of New Melones have even organized a "Conservationists for Carter" campaign in the state.

The issue is a particularly sticky one for Brown. As a gubernatorial candidate, he supported a 1974 state-wide initiative that would have prevented construction of New Melones as presently envisioned by the U.S. Army Corps of Engineers.

Brown won in the 1974 election, but the initiative lost. Sources close to the governor's Administration say Brown was reluctant to continue opposing the dam project after voters had refused to do so.

The governor's position on New Melones is vital, because Corps of Engineers' policy is not to build dams which are opposed by governors of affected states.

However, a spokesman for Brown said last week that corps officials have told the governor they would not feel bound to stop the project if Brown asked them to.

The corps, Brown's spokesman said, contends that Californians spoke when they voted in support of New Melones and defeated the 1974 initiative—a vote which the corps feels takes precedent over any stand the governor might take.

"For the governor to come out with a statement now would to be dignify Jimmy Carter's political lieutenants with a response. Nothing the governor could do would stop that dam," the spokesman said.

After failing to block the dam by the initiative process, conservationists went to work to persuade Brown that he should withhold his blessing from the project.

Claiming they had lost the initiative only because of a costly last-minute publicity blitz by the water lobby, opponents of the dam say they

have sent Brown more than 11,000 letters urging him to stop construction of New Melones.

More than 1,000 persons attended a rally held last September to prod Brown into stopping the project. Conservationists said the dam would wipe out white-water stretches along the wild and scenic Stanislaus.

So far the pressure has failed to budge the governor.

Now, however, Brown is more than the governor; he's also a presidential candidate. And one of his opponents in the California primary will be former Georgia Gov. Jimmy Carter.

Not only has Carter opposed New Melones, he has said that, if elected President, he will get the Corps of Engineers out of the dam-building business—something conservationists have dreamed of doing for years.

Thus, it is no accident that some of the same people who campaigned unsuccessfully to block the dam project in 1974 are organizing the Conservationists for Carter movement in California.

To intensify the pressure on Brown, a bill has been introduced in the Legislature by Sen. Peter H. Behr (R-San Rafael) that would designate the main stem of the Stanislaus River as part of the state's wild and scenic river system.

Such a designation would prevent construction of anything but necessary flood control facilities along protected portions of the river. That would include New Melones, which, as currently planned, is far larger than necessary to provide flood protection.

The New Melones issue might have been less troublesome for Brown had it not been for a federal court decision last October involving conditions the state wanted to place on operation of the dam.

Judge Thomas J. MacBride ruled that states are powerless to impose operating restrictions on New Melones or any other federal water project built to carry out Congress'

charge to reclaim the arid lands of the West.

California had sought to restrict the operations of New Melones in order to protect environmental and recreational assets of the Stanislaus River.

The MacBride decision catapulted New Melones into a states rights issue. Conservationists declared that failure to oppose construction of the dam would concede that the federal government could override the state's right to protect its rivers.

Brown has supported an appeal of the MacBride decision, but it could be years before a final decision is handed down.

Conservationists say the issue can't wait and that Brown must step out front in opposition to the New Melones project. So far the governor has given them little hope and even a bit of despair.

Among the list of those supporting Brown's bid for the Democratic presidential nomination is Rep. John J. McFall (D-Manteca), majority whip and a member of the House Appropriations Committee.

McFall has been a staunch supporter of the New Melones project, which is located in his district. He has rejected a Brown Administration request that federal officials be required to consult with the governor as a prerequisite to obtaining funds to build the dam.

"McFall is king of the California pork barrel. Has Jerry Brown sold the (Stanislaus) river down the river for his presidential campaign?" said a foe of the dam who is now active in the Conservationists for Carter campaign in California.

McFall would not say whether he would continue to support Brown as a presidential candidate if the governor opposed New Melones.

"I would not ask for support for New Melones or any other single issue in exchange for my support. The Carter forces are grasping for straws, and they must be in worse shape than we thought if this is their approach," he said.

A spokesman for Brown and McFall's support in no way would tie the governor's hands in acting on the New Melones issue.

"The support has come without any strings or commitments. That's the way the governor has conducted his Administration and that's the way he'll conduct his campaign," the spokesman said.

Among conservatives who have defected from the Brown camp is Larry E. Moss, formerly a deputy resources secretary in the Brown Administration and now executive director of the Planning and Conservation League.

Moss recently resigned his post with the Brown Administration, charging that the governor had failed to act on a number of important conservation issues—New Melones among them. And he now has added his name to the list of conservationists supporting Carter.

Moss notes that, as governor of Georgia, Carter was instrumental in preventing the Corps of Engineers from building the Spewrell Bluff Dam on the Flint River.

"I looked at Carter's conservation record in Georgia and what he did on the Flint River, and now we have his commitment to oppose New Melones," Moss said.

Other conservatives who are pondering whether they should support one of Brown's opponents in the presidential primary say they are dismayed by the governor's failure to act on New Melones.

"If Jimmy Carter can come into California and say 'I stopped the Spewrell Bluff Dam in Georgia,' why can't Jerry Brown stop New Melones in California," asked Thomas J. Graff, regional counsel for the Environmental Defense Fund.

Moss and Graff say New Melones is only one of the conservation issues Brown has failed to address to their satisfaction.

Others are legislation to protect the coastline and to preserve agricultural lands and a statewide initiative that would place strict controls on construction of nuclear power plants in the state.

What sets New Melones apart is that it is a tailor-made issue for Carter.

Conservationists admit that Brown is a heavy favorite to win the California primary, but they are hoping that if the governor will not heed their pleas on New Melones, he will at least have to answer Carter.

Governor:

Rodney Kennedy - Minor, our California co-chairman, suggests that the following are the major criticisms of Governor Brown:

1. Lack of administrative expertise
cannot delegate responsibility
even supporters share this criticism
2. environmental protection
example: the coastal planning zoning program is stalled in committee; conservationists have been working for years to get such a program.
some charge that Brown's lack of leadership has caused the legislative breakdown.
3. medical malpractice
Brown's lack of leadership contributed to the doctor's strike in L.A. last summer and to the failure to subsequently resolve the situation.
4. farm labor
the Farm Labor Act was supposed to bring peace to California agriculture through a Farm Labor Relations Board. Brown loaded the Board with pro-labor members, and the Board had difficulty arbitrating disputes. Three members have resigned, and the Assembly has refused to fund it.
5. failure to make appointments
as of 5/1/76 Brown had over 700 appointments unfilled; many Reagan appointees are serving already-expired terms in office.
problem is especially severe for judiciary: courts already have a heavy backlog, and Brown has definitely not appointed a sufficient number of state judges.

Rodney Kennedy - Minors

① major prob w/ Brown → lack of administration
cannot delegate respons; as result, very
little gets done in process of administration
of state affairs.

even state legis supporters say that nobody can
really do anything for him b/c can't delegate
resp & travels out of state hents even more
a bad exec; key is delay of resp.

② environmental protection

CONSERV PLANS ^{1/10} ZONING PROGRAM

stalled in committee

conserv working for years to get such a program;
no leadership → stalled in committee

③ medical malpractice

doctors strike in CA last summer

no leadership

philosophy that doesn't do any good to anticipate
crisis; cope w/ it after it occurs. Very passive.

④ farm labor act supposed to bring peace
to labor in agriculture in Calif. arbitration

loaded board w/ advocates of labor.

can't arbitrate

about 3 arbitrators have resigned
in disgust, the Assembly has refused to
fund it.

⑤ not made ~~any~~ workable appointments fast
enough

esp. judicial; courts have backlog already,
not appointed suff # of state judges

⑥ backed off supporting protection of oakwood trees
down banks on Stanislaus River; site is New
Melones Dam. national issue to environmentalists
25% complete
30% complete

TANE

CA Engineers usually will accede to Gov if he says no; Brown has maintained silence on ill issue. in '74 appeared to support attempts to stop construction of the dam

~~Both or Per: CA Trust~~

Poor Administrator

admin & staff work is chaotic; many friends don't defend administrator

Reagan + \$700 million surplus in state funds

asks right questions but no answers.

bored with governorship

- ① State sup of last year said prop taxes could be used as Serrano decision
main method of funding for pub education (elem & sec)
massive overhaul is needed, but JB inactive
- ② call Rafshoon's office

BOB HAUELT

ISSUES

5/18/76

RECENT PRESS COMMENT ON BROWN

~~FAILURE OF LEADERSHIP~~

L.A. TIMES, 5/13/76

Where Pat Brown (sr.) had "practitioners" to make realistic the plans of his ideologues, (Legislative Analyst A. Alan) Post says today's agency heads are generalists and "many won't make it."

"Jerry still hasn't faced up to the big, tough issues, and I don't see that he has the organization to do that," Post said.

One participant in both Brown administrations says the Jerry Brown governorship "tells us what is wrong but not what to do right. He asks the right questions, pokes at bureaucratic blubber, but hasn't taken the reins and begun to run the place."

RICHARD PODDA, SACRAMENTO BEE, 5/12/76

Of the five original Brown appointees to the Agriculture Labor Relations Board, three have resigned (one to work actively on his presidential campaign). The board's chief counsel also has resigned.

Half the 14 members of the Cancer Advisory Board are serving under expired terms... 140 district wide vacancies exist on the Medical Quality Review Committee... after 15 months in office the governor has appointed only

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three of the five members of the Air Quality Control Board.

SACRAMENTO BEE, 5/13/76

bracketed section on attached page

L.A. TIMES, 5/15/76

Governor Brown's campaign for the Presidency, has left a leadership vacuum in Sacramento which Democratic legislative leaders say may be damaging his legislative program.

Brown's out-of-state jaunts in the quest of serving what one irritated Democratic lawmaker called a "higher purpose" have accentuated a characteristic - some might say a flaw - of Brown's governorship, a reluctance to delegate authority.

This reluctance to delegate authority, combined with the governor's hesitancy to take a timely stand on bills, has left at least a part of the governor's legislative program in danger of floundering.

N.Y. TIMES, 1/7/76

(Brown) was cautious about commitments to restore higher education to the favored budget position it had in California before Governor Reagan took office in 1967.

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EDITORIAL, L.A. TIMES, 5/9/76

Governor Brown has been ^{much} too reluctant to exercise leadership on a number of critical issues hanging fire in the Legislature.

He has not said where he stands on legislation to protect the coastline. His position is just as obscure on Proposition 13 - the Nuclear Power Plants Initiative - and on three alternative nuclear safety measures in the state Senate. Nor has the Governor been willing to act on an option that could break the long deadlock over emergency funding for the defunct Agriculture Labor Relations Board.

For whatever reasons - politics or his penchant for waiting until the last moment to exercise leadership - Brown is delaying decisions that could kill or impair legislation of immediate and overwhelming importance to California.

It is time for the Governor to speak up.

L.A. TIMES, 7/26/75

In the image-conscious Brown Administration, the open doors (to the Governor's office) are intended to symbolize an open administration, but the openness is more illusionary than real.

Only rarely does the Governor meet with the press, making it difficult to fathom his decision-making process. His weekly schedule is a well-kept secret, except for

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rare notices of one public appearance or another.

He still has not carried through on a campaign promise to hold monthly "open-house" chats at various locations around the state to give citizens access to him.

Absent Governor

Saco. Bee
5/13/76

Legislature Stymies Brown

By RON BLUBAUGH
Bee Staff Writer

While Gov. Brown is in Maryland, doing well in voter preference polls, his program in Sacramento is doing poorly with the legislature.

Brown has been in California only five days and in the Capitol only one day since April and he is not expected to return until after the May 18 Maryland primary. Here is what has happened in his absence:

—His proposal that all state employees get an across-the-board \$70 a month increase was defeated this week in two legislative fiscal committees.

—His call for the merger of state departments dealing with alcohol and alcoholism lost an 8-0 committee vote this week and may be permanently dead.

—His \$25 million job creation program has run into the opposition of both organized labor and Assembly Speaker Leo McCarthy and seems headed for oblivion.

—Legislation to control the use of nuclear energy, which Brown said he is "working very hard" to enact, is in jeopardy in the Senate after failing to get out of a key committee this week.

—The keystone achievement of Brown's first year in office, the Agricultural Labor Relations Board, is out of money and there is no sign of any break in the Senate deadlock over funding the board.

Would any of these items have gone any differently had Brown been in Sacramento and actively lobbying key members of the legislature? Maybe. Last year, Brown proved to be an exceedingly adept tactician in working the ALRB bill through the legislature. It had been the

legislature's unsolvable issue. He also succeeded in getting the legislature to create a state housing finance agency and to place major tax revision proposals before the people this fall—all proposals that had failed in previous years.

Still, Brown's \$70 state employees pay plan lost last year when he was in Sacramento promoting it. Whether his presence in Sacramento would have changed the vote this year is debatable.

Speaker McCarthy says Brown's presence or absence would have had no effect on his decision to oppose the \$25 million job creation plan.

"We reserve the right to differ with some of his proposals," McCarthy told reporters yesterday. "There were disagreements last year, too. I don't think we can attribute every disagreement to the fact the governor is in Maryland one day or two days or whatever."

McCarthy said he has "not seen any evidence that his absence has hurt any specific legislation, yet." He said he wants the governor to take a position on some of the key bills and Brown has been doing that.

But other legislators are throwing barbs at Brown for his absence. Both Senate Finance Committee Chairman Anthony C. Beilenson, D-Los Angeles, and Assembly Ways and Means subcommittee chairman Pauline Davis, D-Portola, referred to Brown's absence while voting to defeat his state employee pay plan.

"If the governor gets back to the state, maybe we can talk about some of this," said Beilenson.

How much Brown has done in support of Assemblyman Charles Warren's three energy bills is a

matter of some dispute. McCarthy said Brown has worked hard on the nuclear bills and his staff has been actively pushing them.

Warren, a Los Angeles Democrat, made this comment to two reporters prior to the near-defeat of the bills Tuesday night:

"Every one of the governor's aides knows about these bills, and they've been trying desperately to get the governor off his ass to do something about them, but he's been so immersed in his Maryland presidential campaign that he's refused to do so."

At an informal San Francisco press conference yesterday at the end of a two-day swing through California, Brown called the Warren comment "typical legislature-executive branch banter." He said a key member of his staff "has spent literally days working on the legislation."

Brown said he does not believe the executive branch should be constantly exerting a heavy presence on the legislature.

"Sometimes when I rush in I slow the process down," Brown said. "The farm worker bill—I practically wrote that bill in my office and the resistance in the legislature was rather great so from that I've learned that one has to work and respect the legislature as an equal branch. That's what I'm doing and I think in due course things will get done. But I think to put my name on every single bill in the legislature is counterproductive."

However, the Senate sponsor of the farm labor board funding bill thinks Brown's support is essential if the bill is ever to go anywhere.

"To be brutally honest, for this bill to pass it's going to take input from the governor," Sen. David Roberti, D-Los Angeles, recently said.

BROWN

SOME POINTS FOR CARTER TO MAKE RE JERRY BROWN:

1. Brown claimed on national television (Face the Nation, May 9) on Sunday that "He'd like to bring a new generation of leadership to Washington." In fact, his eleventh hour candidacy has no other purpose and can have no other effect than to keep in Washington the same old faces and the same policies which the people of our party have repudiated this year.

2. Brown said on the same program "I don't carry on my back the baggage of the past ten years." In fact, his sponsors are the same politicians whose policies have accounted for the secrecy, deception, and the excesses of government which the people will no longer tolerate and which my campaign is designed to abolish.

3. Brown has lent the badge of his youth to the cause of saving the power of the old politicians and the old policies. Is this opportunism the kind of honesty, the kind of new leadership which our party or our country wants and needs?

4. Brown claimed on Face the Nation on Sunday that, like himself, Carter has also accepted endorsements from some prominent political leaders in Maryland. True enough. We welcome support from all who are willing now to recognize that the people have spoken and the people will prevail in 1976. But the Carter campaign did not originate with boss support. It is not dependent on boss support. It is not part of a stop-someone movement. My candidacy is not a cover for concealing the rust on the old political machines. The only point of Brown's so-called candidacy is to do a chore for practitioners of the old style of government-from-the-top-down.

Some of this rhetoric may be helpful. I am trying to get some facts about Brown's California regime.

My impression is that the single most important thing Brown has going for him is his youth. A good way to turn that asset against him is to emphasize that he is willing to put his youthful appearance at the service of the old generation.

I also think that Washington columnists and journalists should be given material dramatizing the contrast between Brown's new-found enthusiasm for big government planning proposals like Humphrey-Hawkins, and Brown's negative politics of despair in California. The charge should be documented that he has made frugality an excuse for do-nothing government, that he has totally abandoned the humanitarian traditions of the Democratic Party, and that his main contribution is a new nihilistic brand of rhetoric which makes Reaganism respectable.

TO: Steve Stark

John Miller

John
E. Lyman

POPULARITY

As recently as April 14, 1976, the Times announced an impressive 85% approval rating of the Brown administration. Interviewing 1034 adults in both Northern and Southern California, 53% responded that Brown was doing a "good" job, and another 32% rated him "fair." Only 9% thought he was doing a "poor" job. Since May 1975, Brown has never been considered any less than "good" by fewer than 43% of those polled. This can be contrasted to the very highest ratings of Reagan and Brown (Sr.), which topped out at 42%.

A poll taken in November 1975 reported that 50% thought Brown's administration was good, with an additional 34% rating it fair. A May 1975 poll revealed that 43% ranked him "good", while 34% rated him fair.

Brown ranks high in public opinion in the Presidential polls conducted earlier this year. In a survey of California voters in late March, 611 registered Democrats voted this way:

Brown.....	47%	Jackson.....	8%
<u>Carter.....</u>	<u>15%</u>	Udall.....	5%
Wallace.....	9%	Church.....	5%

When Humphrey's name was entered into the poll, Brown still won with 40%, Humphrey winning 20%, and Carter, 10%. When Brown was matched against President Ford, Brown received 53% to Ford's 38%. Carter trailed Ford by 5% in the same poll. The margin of error in this poll was estimated at 3 1/2%.

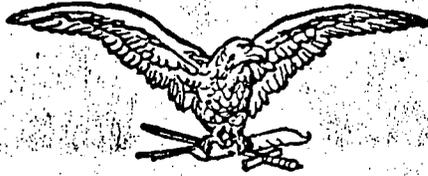
In a poll reported in the Times on February 25, before Brown announced his candidacy, the results were:

Brown.....	27%	Wallace.....	9%
Humphrey.....	23%	Carter.....	2%

An even more reliable indication of Democratic Party supporters was evident from the attendance figures at the delegate caucuses, held April 11. The Times reported that in 12 Brown caucuses around the state, 3,810 persons attended; the next-busiest caucus was Carter's, with 641 persons in 10 caucuses.

Los Angeles Times

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2—PART V.

SUNDAY MORNING, MAY 9, 1976

Let's Hear From the Governor

Gov. Brown has been much too reluctant to exercise leadership on a number of critical issues hanging fire in the Legislature.

He has not said where he stands on legislation to protect the coastline. His position is just as obscure on Proposition 15—the Nuclear Power Plants Initiative—and on three alternative nuclear safety measures in the state Senate. Nor has the governor been willing to act on an option that could break the long deadlock over emergency funding for the defunct Agricultural Labor Relations Board.

Cynics might attribute the governor's inaction to his candidacy for the Democratic presidential nomination. Labor unions and environmentalists—two of Brown's strongest blocs of supporters—are on opposite sides on both the nuclear and coastal issues. If he were to take a strong public position on either of them, it could hurt him in the June 8 California primary.

Farm labor is also a risky political proposition for Brown. If he were to intervene as aggressively as he did a year ago, when his efforts were responsible for enactment of the nation's first collective bargaining statute for agricultural workers, he could antagonize one or another of the large constituencies that are now in bitter conflict.

The governor's presidential ambitions may also be having an influence on his relations with the Legislature. Many Democratic members are supporting his candidacy and he may be unwilling to lean too hard on those who are stalling vital legislation or who have taken positions contrary to his own, although they can have no clear reading of what his positions are.

son's bill will be dead—and coastline controls with it—unless the Legislature clears the Senate by June 18, and long and contentious debate must take place before that can happen.

It's time for the governor to speak up.

Brown has been just as noncommittal on nuclear safeguards. Is he for or against Proposition 15 on the June ballot? No one knows. Or, does he support the three more moderate measures controlling nuclear power plant construction and nuclear waste disposal now dragging their way through the Legislature? Again, no one knows.

But the governor continues to hold his silence, despite the insistence of Assembly Speaker Leo T. McCarthy (D-San Francisco) that the legislation must reach Brown's desk before the end of this month. The reason is obvious and compelling: The voters will have no choice between Proposition 15 and the more sensible legislative controls if the governor does not sign the latter into law before the June 8 election.

If Brown favors the legislative approach, he ought to inform the Senate and the Assembly of his position, if only to prod them into acting more quickly.

On both the nuclear and coastal questions, Brown might contend that it would be wrong for him to commit himself, one way or another, on measures that may not reach his desk in their present form. But that ignores the reality that neither of them may ever reach his desk if he continues to deny the Legislature even the faintest of clues as to his intentions. The governor must certainly know by now what he would or wouldn't sign, and he must also know that he has the authority to influence the particulars of what comes to his desk.

It could be argued by others that it is the governor's perception of his executive role, not politics, that accounts for his present failure to use the powers of his office—and his high level of public support—to accelerate action on major legislation and to shape it to his own convictions. And we would agree that Brown's past inclination has been to concentrate on one concern at a time, or to wait until the crisis stage before intervening. But if he is at present concentrating on a concern other than his quest for the Presidency, we haven't the slightest notion what it could be. Moreover, the Legislature already is facing critical deadlines on coastline protection, nuclear safeguards and farm labor.

A measure imposing permanent restrictions against overdevelopment—or inappropriate development—of the California coast is having a rough time of it in the Legislature. But despite his vigorous support four years ago of Proposition 20, creating the state and regional coastal commissions, and despite his continuing support of their efforts, the governor has taken no position on the bill that would write the commissions' recommendations into law.

The author—Sen. Anthony C. Beilenson (D-Los Angeles)—does not overstate the case when he warns that powerful forces—certain local governments, developers, labor and other special interests—are determined to cripple or weaken the legislation.

An unequivocal statement by the governor that he supports the measure, either in its present form or with specific amendments, could be the difference in whether it survives or not. But the governor has been mute.

It is difficult to believe that he spoke in his Inaugural Address of this "fragile (coastal) environment on which we all depend," or that he also said: "The coastal commission, after thousands of hours of hard work, has given us their plan to protect our coastline. It is now up to us to fulfill the mandate of the people and devise reasonable rules to control the use and development of this unique resource."

But now the governor stands above the battle while time is running out on both this "fragile environment" and on those "reasonable rules." Beilen-

son says: It is time for the governor to speak up.

Brown also has been laggard in taking executive action that might hasten the revival of the Agricultural Labor Relations Board, which has been inactive for more than two months—although, on his political travels, he still claims collective bargaining for farm workers as one of his most significant achievements.

The board will not be able to resume its work until a Senate deadlock over \$2.5 million in emergency funding is broken. A coalition of Teamsters, growers and rural legislators is determined to hold up the appropriation until the governor knuckles under to their demands for major amendments in the year-old Agricultural Labor Relations Act.

The target of the amendments is Cesar Chavez' United Farm Workers of America (AFL-CIO), which won most of the elections before the enforcement board went out of existence. We support Brown in his refusal to yield to the gun-at-the-head tactics of the farmers and Teamsters.

But there have been indications that Chavez' opponents may be willing to back down, because of the fear that the voters will approve an even tougher farm labor initiative, which the UFW expects to qualify for the November ballot.

There is a prospect that the governor could break the Senate impasse over funding—and thus restore the rule of law to the fields during the initiative battle—by filling the three vacancies that now exist on the farm board. One of the growers' and Teamsters' most insistent complaints was that the board was pro-Chavez. But if the governor were now to nominate appointees acceptable to all factions, the three additional Senate votes necessary to restore the board to full operation might be forthcoming. He has yet to do that, although the positions have been vacant for weeks.

For whatever reasons—politics or his penchant for waiting until the last moment to exercise leadership—Brown is delaying decisions that could kill or impair legislation of immediate and overwhelming importance to California.

It is time for the governor to speak up.

Los Angeles Times

LARGEST CIRCULATION IN THE WEST, 1,037,963, DAILY, 1,244,713 SUNDAY

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130 PAGES

THURSDAY MORNING, MAY 13, 1976

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Los Angeles Times

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—Part II

THURSDAY MORNING, MAY 13, 1976

Brown's Inaction on Judges: a 'Disservice'

BY WYLIE AITKEN

There is an old legal maxim that goes, "Justice delayed is justice denied." Like a great many traditional sayings, that particular bit of professional folk wisdom happens to be true.

Indeed, one of the distinguishing—and admirable—characteristics of the American sense of justice is that it measures the true quality of a legal remedy by the speed of its delivery. It was this sensibility that led the founding fathers to place the right of speedy trial among those basic liberties worthy of specific constitutional protection.

Today, this traditional American perception faces a new and strange challenge: California's governor has decided that judges are a bad investment. According to Gov. Brown, judges do not work hard enough and, therefore, the people of California do not receive an adequate return on judicial salaries.

Recently the governor refused to fill vacant judgeships for a period of six months. Moreover, he is now rejecting all requests for additional judges in courts serving expanding populations. As the California Judicial Council pointed out in a report this week, the consequence of all this has been a dramatic increase in the number of cases awaiting trial.

Court congestion is like a cancer that eats at the heart of justice. Simple reason tells us that if it takes five years to end an ongoing environment 1 abuse, to receive fair and adequate compensation for a disabling injury or to obtain payment due under a legal contract, justice is not being done. The real victims of the governor's tight-fisted vendetta against the judiciary are those helpless people who, having suffered injustice, seek the legal redress that is their right.

Over a recent period, for example, Riverside County lost 25% of its judges through

death or retirement. In the name of "economy," their positions were left unfilled for 14 months. As a result, many trials on the court's calendar were delayed not the average 13 months, but 39 months. Where is the "economy" in that? When the vacant spots on the Riverside bench were finally filled, Brown claimed that the high quality of his appointments justified the delay. But even the finest judges will have difficulty coping with the mess the governor's inaction has created in Riverside County.

Riverside's experience has, to some degree, been repeated throughout the state. Nearby Orange County, one of the nation's fastest growing regions, has suffered acutely from

Wylie Aitken, a Santa Ana attorney, is a former vice president of the California Trial Lawyers' Assn.

Brown's refusal to create new judicial positions.

Such inaction has been cleverly screened by a cloud of political rhetoric. Time and again, Brown has alleged that lazy and inefficient judges and lawyers—not gubernatorial stonewalling—are the real cause of congested courts. This is nonsense. California's judges, who are generally recognized as the best in the nation, spend an average of 1,280 hours per year on the bench, as opposed to a national average of only 787 hours.

Unswayed by this clear statistical evidence, Brown has extended his purposeful neglect of the judiciary to many of its supporting institutions. Although numerous Californians found Ronald Reagan's fiscal conservatism distasteful, it was possible during his administration for a corner grocery store owner who had been victimized in a ghetto robbery to receive compensation within three months

under the state Victim's Compensation Act. Brown, however, refused to appoint the one man who would allow the three-member board that administers the act to muster a quorum. So citizens who apply today for such compensation can expect to wait two to three years.

One is compelled to wonder whether the Brown Administration, which frequently speaks of an "era of limits," has not simply created its own period of inefficiency and ordinary neglect. What the governor overlooks, it seems, is that the very concept of societal limits makes necessary the definition and pursuit of clear priorities. In a social order based on law—as ours is—it is difficult to imagine a higher priority than the equitable and swift administration of justice.

For citizens who have sustained injury, no "lowering of expectations" is possible. Moreover, the social cost of denying the victims of injustice access to constitutionally guaranteed remedies far exceed any monetary consideration.

There can be no such thing as expensive or economical justice; there is only justice or the absence of it. In real terms, the former is cheap at any price, while the cost of the latter is incalculable. Brown may make political points by waging war on the judiciary, but he does a grave disservice to those he has sworn to serve.

By crippling the administration of justice in many parts of California, Brown has broken faith with the spirit of the oath he swore when he assumed office: It pledged him to uphold a constitution which guarantees every citizen equal protection under law.

A strong and independent judiciary is the ultimate guarantor of equal protection, and the people of California have a right to demand that protection.

HARNED PETTUS HOOSE

ATTORNEY AT LAW

129 NORTH ROCKINGHAM AVENUE
LOS ANGELES, CALIFORNIA 90049

CABLE ADDRESS
HARNHOOSE

AREA CODE 213
277-3811
472-2828

May 15, 1976

Temporarily:

Marriott Twin Bridges Hotel
- Room H-260
Arlington, Virginia 22202
(Washington, D.C. Area)

Mr. Steve Stark

and

✓ Mr. Charles Cabot

Issues Staff - Carter Campaign

P.O. Box 1976

Atlanta, Georgia 30301

Re: Issues Vs. Brown: For Maryland, California, Etc.
Primaries Entered by Brown - Analysis of Brown's
Views Per His Own Recent Press Interviews

Dear Mr. Stark and Mr. Cabot:

This confirms and follows up on my telephone talk this evening with Charles Cabot. Initially, I called (404) 897-7100 and spoke briefly with Peggy Wainwater. She was kind enough to have Charles Cabot call me back here at the Marriott. Charles and I spoke for several minutes, and most of the following was given him in outline form. My hope was that it might help in the last two days of the Maryland campaign.

This letter deals chiefly with domestic issues.

As you may know, I am working voluntarily also on some materials for Governor Carter dealing with foreign policy matters, the area in which I am experienced. I'll send them along soon. My suggestions on U.S. policy dealing with the People's Republic of China, Japan and the Asia-Pacific (my letters of March 27th and March 29th, respectively sent to Governor Carter via Buzz Pauley of the California Carter team and directly to Plains, Georgia, each with enclosed materials including copies of my article published in the L.A. Times and elsewhere, "China Urges a Pacific Triumverate") have been called to Governor Carter's attention, I understand, by Buzz Pauley of California; Senator Birch Baye; and Congressman Jim Corman of California. My next foreign policy studies for Governor Carter will be broader in scope.

In the meantime, I feel that the following items may be effective in our campaigns against Governor Brown:

Governor Brown's Views and Positions Per His Recent Press Interviews

Note: The point headings are by me (arabic numbers). The supporting data are as reported in the press (alphabetical). Sources are indicated by Roman numbers.

- I. Report by Hobart Rowen, Washington Post staff, in the Washington Post, p. A-8, Saturday, May 15, 1976, Post Edtrs.' Conf.
 1. Brown favors OPEC-like commodity cartels for the third nation commodity powers. That means he supports moves by groups of third nations, as to such things as sugar, rubber, minerals, etc., similar to the monopolistic OPEC oil cartel which raised oil prices 400% recently.
 - A. "...he would favor the kind of commodity price stabilization agreement for poor nations that has been rejected by the Ford administration but is being demanded by those nations currently at the Nairobi meeting of the United Nations Conference on Trade and Development."
 2. Contrary to his other public statements earlier, Brown favors federal intervention (in the people's lives).
 - A. "Brown said that people do not fear federal intervention. What they're fearful of, I think, is the drift and the malaise and the lack of anything sold that they can see and understand."

"I think they want to conserve what this country is, and the only way to do that is to make the opportunities (for work) a reality, and that requires ... greater federal intervention than is consistent with the Republican philosophy."
 3. Brown indicates that he favors wage and price controls if necessary.
 - A. (After telling the Washington Post Editors that he favors full employment), Brown adds:

"...and if that heats up the economy, then we have to be willing to put the brakes on."
"Without being specific, Brown implied that he would be willing to establish wage and price controls if necessary." (Post Editors' observation).

HARNED PETTUS HOOSE

ATTORNEY AT LAW

I. Report by Hobart Rowan, Washington Post staff, etc.
(Brown conf. with Post Editors - Continued)

4. Brown is very dubious about economic planning.

A. "I'm very dubious about economic planning, he said."

5. Brown would not take advice from economic experts or
"think tanks," in devising his economic policies.

A. "In devising his economic and other policies, Brown
would avoid reliance on experts or 'think tanks,'
which he says are highly overrated."

II. Article by Kandy Stroud, N.Y. Times, page A-14, Friday,
May 14, 1976. Stroud traveled with Brown for four days
recently in New York and through Maryland. This article
is critical of Brown in many ways.

1. Throughout his life and career, Brown has been unable
to finish his work, unable to stick with his plans, and
without a sufficient attention span or resolve to see
things through.

A. He is no longer a practising Roman Catholic, and
is "into Zen, because he sees it as more realistic
and open."

B. He "...rarely attends mass, preferring instead to
visit Zen or Trappist monasteries on the weekend."

C. He was a student at Berkeley (Univ. of California, at
Berkeley, California) for three years.

Note by Hoose: Brown did not complete
his course at this time.

D. He entered the Jesuit seminary to become a priest,
but left without completing his training, after
three and one-half years.

E. He has served only 18 months of his four year term
as Governor in California.

Note by Hoose: Brown promised the people
in California, while cam-
paigning and after his
election, that he would
complete his four year job
as Governor

F. He may get married "...after my occupational
requirements are satisfied."

Note by Hoose: This campaign is Brown's effort
to satisfy his occupational
requirements.

II. Article By Kandy Stroud, N.Y. Times, etc. (Continued)

2. Brown still is searching for the meaning of his life and of himself - he is a sort of "guru" and not yet sufficiently matured to lead our nation.
 - A. "I am just trying to understand life and myself."
3. Brown is a pessimist and a fatalist about people and life - his view suggests in effect, "Why try to lead - man is helpless to better himself or his nation, even with God's guidance and help.: (This is entirely Hoose's language - but the following quotation is by Brown, per Stroud, of course, as is the case similarly of all alphabetically indexed material here).
 - A. "I just want to reduce the sum of human misery a little."
 - B. "The future to a large extent is not within your control. That's one of the problems with planning. There is an organic, natural flow to things."
4. Brown's personal financial condition is irresponsible - he does not even take the trouble to carry money with him for his personal needs. How can he run a nation's financial operations?

"Hey, Leroy, give me some bread. I never have any money."
5. Brown lacks compassion, and is rude and unfriendly in many of his "one-to-one" relationships.

Here please read the entire article, if possible. He is rude, does not shake hands, fails to say hello or goodby, and is cutting and sarcastic. He was all of these things to Kandy Stroud of the N.Y. Times.

Comment by Hoose: It is difficult to understand Brown's present high approval rate (84%) in California. It is a temporary thing, I believe, based on Watergate, Viet Nam, a sense of having been too much governed nationally and locally, recently, approval of his frequent criticisms (of others) and approval of his ostentatious budget-cutting and widely advertised refusal to accept or use the normal trappings of office. He practises a bitterly witty form of non-government. He cannot last long even in California, but currently is popular as a sort of curiosity in California's

post-Watergate, post-Viet Nam and post-Reagan phase, when a veritable non-governing "guru" has been tolerated and even applauded in Sacramento.

Brown currently is a sort of "flower child" and Lord of the Rings "governor," with temporary business support because of his essentially laissez faire approach. I do not think his popularity can survive in a campaign in which he is tested as to every popular issue. Now that our Watergate and Viet Nam scars are healing and the recession is disappearing, Californians are beginning to want genuine, open, inspired and forward-moving leadership.

I believe that we can win against Brown in the California primary, chiefly by stressing the Carter themes of our essentially good qualities, our capacity to build and move forward, our national greatness and what we can do in America and throughout the world in our third century. In other words, Brown appeals to the defeatists who seek solace. Under Governor Carter and with as much exposure on his part in California as possible, we can inspire the majority of Democrats in California to stop smelling the flowers with Jerry Brown, and roll up our sleeves and get back to work with Governor Carter. That should be our theme in California, in my opinion. It should be supported by as much specificity in our themes and programs as is possible, and by much shoe leather application by all of us.

6. Brown deliberately is "offbeat" and "wierd." His approach is phony, and he plays to the very young grandstands.
 - A. "He hasn't watched more than 15 hours of television."
 - B. "He is not married" - at 38.
 - C. He hasn't seen a movie since "Airport."
 - D. He may get married and have children "after I get my occupational requirements satisfied."

III. Per Bruce Winters, Sun Staff Correspondent, The Sun (Baltimore), Friday, May 14, 1976

1. Brown's aims include laying off as many government workers as possible (important especially in Maryland, where very many federal employees reside)
 - A. Brown laid off 2,400 workers in the Calif. State Highway Department. Many from other Departments.

III. Per Bruce Winters, Sun Staff, etc. (Continued)

2. Unlike Governor Carter, who took over in Georgia under difficult financial circumstances left by his predecessor, Brown inherited a \$500 million surplus left by his predecessor. This has allowed Brown the luxury of engaging in nongovernment.
 - A. "...For the second year, now, Mr. Brown has been able to avoid raising taxes, a politically fortuitous situation made possible in part, by a \$500 million surplus left over by Mr. Reagan."
3. Brown is negative, inactive as Governor of California, and is regarded by an increasing circle of Californians as a phony.
 - A. "...the former Jesuit seminarian sits back and watches, as he says, letting events and emotions run their course and conclusions and compromise are inescapable." (He must mean: "and until conclusions and compromises are inescapable.")
 - B. "...The respected San Francisco columnist Charles McCable wrote recently that 'Jerry Brown is as phony as a hand-printed fiver.'

"...Mr. McCabe concluded '...His cast of mind is almost wholly negative. His famed "revolution of lowered expectations" is a dandy excuse for doing nothing, or as close to nothing as can be gotten away with.'"
4. Brown is dilatory - he delays all decisions until the last minute, and often is too late.
 - A. "He waits until the last minute to make decisions ... Sometimes slowing things down can be very creative, the Governor said recently."

Notes by Hoose: This characteristic is a manifestation of his philosophy, above. Examples of delays are:

- His delay in entering the Presidential campaign.
- His delay in getting into Maryland.
- His delay - until write-in votes became necessary - in getting into Oregon.
- Months of delay in filling critically important positions in California's government.
- No marriage, yet - and he is 38: A 38 year old flower child!
- Even now, he is by his own words still in the process of getting "my occupational requirements satisfied." (Page A-18, N.Y. Times, Friday, May 14, 1976.

HARNED PETTUS HOOSE
ATTORNEY AT LAW

Steve and Charles, I hope that some of the above items may be useful to you. I gave Charles most of the items during our telephone talk this evening.

Most of the points are negative, of course. Aside from being (when he wants to, and in large public groups) quite a nice young man, there is very little concrete or affirmative about Brown to note: He is vague and almost ethereal, of course, and for the most part talks in broad, mystic generalities.

But on the affirmative side, I feel that Governor Carter should stress the affirmatives in his own program and outlook, in California. I develop that briefly at pages 4-5, item II. 5, above. Because of Brown's peculiar style, which presents himself rather than concrete views or themes, it is difficult to campaign against him without some element of personal criticism of him being voiced. Personal attacks, of course, are (i) contrary to Governor Carter's philosophy and practice, and (ii) bad tactics in a campaign, especially in the other fellow's State.

So my suggestion is to handle Brown tactically, as follows:

(Example)

"Governor Carter will (mention one or more of our themes requiring concrete action by Carter, when he is President, such as the program to reorganize the federal bureaus, etc.)

"What will Governor Brown do? What does he pledge? In his own words, he says that when he is President, he will 'sit back and watch, letting events and emotions run their course' (or one or more of his other idiotic statements.)

Thus, we can avoid personal attacks on Brown's weak character, by contrasting our themes and programs with Brown's absurd philosophical statements. The result will be to convey the idea of Brown's bad characteristics, but by using his own comments about himself rather than our criticisms of him.

Our California campaign headquarters probably has a file of Brown's absurd statements, reaching back to his campaign for Governor 18 months ago. If not, one should be compiled at once. Then we should campaign against Brown, I feel, by contrasting our views, themes, points and programs with Brown's own statements. That can be devastating to him, but will avoid any personal attacks by Governor Carter. By constantly quoting Brown's extreme and often idiotic statements against him, we can beat him in California, I am sure.

Sincerely yours,



Harned Pettus Hoose

"Harn"



Office of the Secretary of State
March Fong Eu

111 Capitol Mall
Sacramento, California 95814

Executive Office	(916) 445-6371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1768
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-6507
State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

March 16, 1976

*File -
use or
forward*

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

AGRICULTURAL LABOR RELATIONS

INITIATIVE STATUTE

Circulating and Filing Schedule

1. Minimum number of signatures required..... 312,404
Constitution IV, 22 (b).
2. Official Summary Date.....3/16/76
Elections Code Section 3507.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for signatures.....3/16/76
 - b. Last day Proponent can circulate and file with the county. All Sections are to be filed at the same time.....8/13/76*
Elections Code Sections 3507, 3520(a).
 - c. Last day for county to determine total number of signatures affixed to petition and to transmit total to Secretary of State.....8/18/76

(If the Proponent files the petition with the county on a date other than 8/13/76 the last day is not later than the fifth day after the filing of the petition.)
Elections Code Section 3520 (b).
 - d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State.....9/02/76

* Please Note: To assist the planning of those Proponents who wish to qualify for the November 2, 1976 General Election, April 20, 1976 is a suggested deadline for petition filing with the county.

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date other than 8/18/76 the last day is not later than the fifteenth day after the notification.)
Elections Code Section 3520(d,e).

- e. If the signature count is between 281,164 and 343,644, then the Secretary of State notifies counties using random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State.....10/01/76+

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date other than 9/02/76 the last day is not later than the thirtieth day after the notification.)
Elections Code Section 3520.5.

4. Campaign Statements:

- a. If the measure qualifies for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period ending 10/30/76.....11/06/76

(If the Secretary of State qualified the measure for the ballot on a date other than 9/02/76 the last day to file is the 65th calendar day after the date the measure qualified) Government Code Section 84202(a).

- b. If the measure does not qualify for the ballot:
Last day for Proponent to file a Statement of Receipts and Expenditures for period 10/10/7610/17/76
Government Code Section 84202(b).

+ Please Note: Date adjusted for official deadline which falls on Saturday.

5. The Proponent of the above measure is:

Cesar E. Chavez
c/o Jerome Cohen and
Steven D. Burton
Attorneys At Law
P.O. Box 428
Salinas, CA 93901
(408) 424-4136

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform



Cashmere Apperson
Elections Technician

CA:pl

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 3500.1, 3502.5 and 3511 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures.

Your attention is further directed to Government Code Sections 85200 et seq regarding the circulation of statewide petitions.



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

888 CAPITOL MALL, SUITE 550
SACRAMENTO 95814
(916) 445 9555

March 16, 1976

FILED
In the office of the Secretary of State
of the State of California

MAR 22 1976

MARCH FONG EU, Secretary of State
By *Christina M. Appert*
Deputy

Honorable March Fong Eu
Secretary of State
925 L Street, Suite 605
Sacramento, CA 95814

Re: Initiative Statute - Agricultural Labor Relations

Dear Mrs. Eu:

Pursuant to the provisions of section 3507 of the Elections Code you are hereby informed that on this day we mailed to Cesar Chavez, as proponent, the following title and summary:

AGRICULTURAL LABOR RELATIONS. INITIATIVE STATUTE. Repeals Agricultural Labor Relations Act of 1975; reenacts as Agricultural Labor Relations Act of 1976. Makes technical amendments to maintain status quo under 1975 Act, except requires new appointments to Agricultural Labor Relations Board. Additional amendments require: access for union organizers to property of employers for certain periods; minimum of 50% of employees to petition for decertification of union; Legislature to provide appropriations necessary to carry out the Act; Board to provide employer-supplied lists of agricultural employees to persons involved in elections. Permits Board to award treble damages for unfair labor practices. Financial impact: No increase in local costs but indeterminate effect on state costs.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

Hon. March Fong Eu

2

March 16, 1976

According to information available in our records the address and phone number of the proponent of this measure are as stated on the declaration of mailing.

Very truly yours,

EVELLE J. YOUNGER
Attorney General



GEOFFREY L. GRAYBILL
Deputy Attorney General

GLG:vb
Enc.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

The people of the State of California do enact as follows:

SECTION 1. In enacting this legislation the people of the State of California seek to ensure peace in the agricultural fields by guaranteeing justice for all agricultural workers and stability in labor relations.

This enactment is intended to bring certainty and a sense of fair play to a presently unstable and potentially volatile condition in the state. The people recognize that no law in itself resolves social injustice and economic dislocations.

However, in the belief the people affected desire a resolution to this dispute and will make a sincere effort to work through the procedures established in this legislation, it is the hope of the people that farm laborers, farmers, and the State of California will be served by the provisions of this act.

SEC. 1.5. It is the intent of the people that collective-bargaining agreements between agricultural employers and labor organizations representing the employees of such employers entered into prior to August 28, 1975 and continuing beyond such date are not to be automatically canceled, terminated or voided on the effective date of this initiative; rather, such a collective-bargaining agreement otherwise lawfully entered into and enforceable under the laws of this state shall be void upon the Agricultural Labor Relations Board certification of that election after the filing of an election petition by such employees pursuant to Section 1156.3 of the Labor Code.

SEC. 2. Part 3.5 (commencing with Section 1140) is added to Division 2 of the Labor Code, to read:

PART 3.5. AGRICULTURAL LABOR RELATIONS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

1140. This part shall be known and may be referred to as the Agricultural Labor Relations Act of 1976.

1140.2 It is hereby stated to be the policy of the State of California to encourage and protect the right of agricultural employees to full freedom of association, self-organization, and designation of representatives of their own choosing, to negotiate the terms and conditions of their employment, and to be free from the

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interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. For this purpose this part is adopted to provide for collective-bargaining rights for agricultural employees.

1140.4. As used in this part:

(a) The term "agriculture" includes farming in all its branches, and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 1141j(2) of Title 12 of the United States Code), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.

(b) The term "agricultural employee" or "employee" shall mean one engaged in agriculture, as such term is defined in subdivision (a). However, nothing in this subdivision shall be construed to include any person other than those employees excluded from the coverage of the National Labor Relations Act, as amended, as agricultural employees, pursuant to Section 2(3) of the Labor Management Relations Act (Section 152(3), Title 29, United States Code), and Section 3(f) of the Fair Labor Standards Act (Section 203(f), Title 29, United States Code).

Further, nothing in this part shall apply, or be construed to apply, to any employee who performs work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other work (as these terms have been construed under Section 8(e) of the Labor Management Relations Act, 29 USC Section 158(e)) or logging or timber-clearing operations in initial preparation of land for farming, or who does land leveling or only land surveying for any of the above.

As used in this subdivision, "land leveling" shall include only major land moving operations changing the contour of the land, but shall not include annual or seasonal tillage or preparation of land for cultivation.

(c) The term "agricultural employer" shall be liberally construed to include any person acting directly or indirectly in the interest of an employer in relation to an agricultural employee, any individual grower, corporate grower, cooperative grower, harvesting association, hiring association, land management group, any association of persons or cooperatives engaged in agriculture, and shall include any person who owns or leases or manages land used for agricultural purposes, but shall exclude any person supplying agricultural workers to an employer, any farm labor contractor as

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defined by Section 1682, and any person functioning in the capacity of a labor contractor. The employer engaging such labor contractor or person shall be deemed the employer for all purposes under this part.

(d) The term "person" shall mean one or more individuals, corporations, partnerships, associations, legal representatives, trustees in bankruptcy, receivers, or any other legal entity, employer, or labor organization having an interest in the outcome of a proceeding under this part.

(e) The term "representatives" includes any individual or labor organization.

(f) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists, in whole or in part, for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work for agricultural employees.

(g) The term "unfair labor practice" means any unfair labor practice specified in Chapter 4 (commencing with Section 153) of this part.

(h) The term "labor dispute" includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(i) The term "board" means Agricultural Labor Relations Board.

(j) The term "supervisor" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

CHAPTER 2. AGRICULTURAL LABOR RELATIONS BOARD

Article 1. Agricultural Labor Relations Board: Organization

1141. (a) There is hereby created in state government the Agricultural Labor Relations Board, which shall consist of five members.

(b) The members of the board shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the members shall be five years, and the terms shall be staggered at one-year intervals. Upon the initial appointment, one

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member shall be appointed for a term ending January 1, 1978, one member shall be appointed for a term ending January 1, 1979, one member shall be appointed for a term ending January 1, 1980, one member shall be appointed for a term ending January 1, 1981, and one member shall be appointed for a term ending January 1, 1982.

Any individual appointed to fill a vacancy of any member shall be appointed only for the unexpired term of the member to whose term he is succeeding. The Governor shall designate one member to serve as chairperson of the board. Any member of the board may be removed by the Governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

1142 (a) The principal office of the board shall be in Sacramento, but it may meet and exercise any or all of its power at any other place in California.

(b) Besides the principal office in Sacramento, as provided in subdivision (a), the board may establish offices in such other cities as it shall deem necessary. The board may delegate to the personnel of these offices such powers as it deems appropriate to determine the unit appropriate for the purpose of collective bargaining, to investigate and provide for hearings, to determine whether a question of representation exists, to direct an election by a secret ballot pursuant to the provisions of Chapter 5 (commencing with Section 1156), and to certify the results of such election, and to investigate, conduct hearings and make determinations relating to unfair labor practices. The board may review any action taken pursuant to the authority delegated under this section upon a request for a review of such action filed with the board by an interested party. Any such review made by the board shall not, unless specifically ordered by the board, operate as a stay of any action taken. The entire record considered by the board in considering or acting upon any such request or review shall be made available to all parties prior to such consideration or action, and the board's findings and action thereon shall be published as a decision of the board.

1143 The board shall, at the close of each fiscal year, make a report in writing to the Legislature and to the Governor stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the board, and an account of all moneys it has disbursed.

1144 The board may from time to time make, amend, and rescind, in the manner prescribed in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code, such rules and regulations as may be necessary to carry out the provisions of this part.

1145 The board may appoint an executive secretary and such attorneys, hearing officers, administrative law officers, and other employees as it may from time to time find necessary for the proper performance of its duties. Attorneys appointed pursuant to this

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section may, at the discretion of the board, appear for and represent the board in any case in court.

1146. The board is authorized to delegate to any group of three or more board members any or all the powers which it may itself exercise. A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board, and three members shall at all times constitute a quorum. A vacancy shall be filled in the same manner as an original appointment.

1147. The annual salary of a member of the board shall be forty-two thousand five hundred dollars (\$42,500).

1148. The board shall follow applicable precedents of the National Labor Relations Act, as amended.

1149. There shall be a general counsel of the board who shall be appointed by the Governor, subject to confirmation by a majority of the Senate, for a term of four years. The general counsel shall have the power to appoint such attorneys, administrative assistants, and other employees as necessary for the proper exercise of his duties. The general counsel of the board shall exercise general supervision over all attorneys employed by the board (other than administrative law officers and legal assistants to board members), and over the officers and employees in the regional offices. He shall have final authority, on behalf of the board, with respect to the investigation of charges and issuance of complaints under Chapter 6 (commencing with Section 1160) of this part, and with respect to the prosecution of such complaints before the board. He shall have such other duties as the board may prescribe or as may be provided by law. In case of a vacancy in the office of the general counsel, the Governor is authorized to designate the officer or employee who shall act as general counsel during such vacancy, but no person or persons so designated shall so act either (1) for more than 40 days when the Legislature is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted.

1150. Each member of the board and the general counsel of the board shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment.

Article 2. Investigatory Powers

1151. For the purpose of all hearings and investigations, which, in the opinion of the board, are necessary and proper for the exercise of the powers vested in it by Chapters 5 (commencing with Section 1156) and 6 (commencing with Section 1160) of this part:

(a) The board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any evidence of any person being investigated or proceeded against that relates to any matter under investigation.

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or in question. The members of the board or their designees or their duly authorized agents shall have the right of free access to all places of labor. The board, or any member thereof, shall upon application of any party to such proceedings, forthwith issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within five days after the service of a subpoena on any person requiring the production of any evidence in his possession or under his control, such person may petition the board to revoke, and the board shall revoke, such subpoena if in its opinion the evidence whose production is required does not relate to any matter under investigation, or any matter in question in such proceedings, or if in its opinion such subpoena does not describe with sufficient particularity the evidence whose production is required. Any member of the board, or any agent or agency designated by the board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the state at any designated place of hearing.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any superior court in any county within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which such person allegedly guilty of contumacy or refusal to obey is found or resides or transacts business, shall, upon application by the board, have jurisdiction to issue to such person an order requiring such person to appear before the board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

1151.2. No person shall be excused from attending and testifying, or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. However, no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

1151.3. Any party shall have the right to appear at any hearing in person, by counsel, or by other representative.

1151.4. (a) Complaints, orders, and other process and papers of the board, its members, agents, or agency, may be served either personally or by registered mail or by telegraph, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so

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...serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as provided in this subdivision shall be proof of service of the same. Witnesses summoned before the board, its members, agents, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the state, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the state.

(b) All process of any court to which application may be made under this part may be served in the county where the defendant or other person required to be served resides or may be found.

1151.5. The several departments and agencies of the state upon request by the board, shall furnish the board all records, papers, and information in their possession, not otherwise privileged, relating to any matter before the board.

1151.6. Any person who shall willfully resist, prevent, impede, or interfere with any member of the board or any of its agents or agencies in the performance of duties pursuant to this part shall be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand (\$5,000) dollars.

CHAPTER 3. RIGHTS OF AGRICULTURAL EMPLOYEES

1152. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of continued employment as authorized in subdivision (c) of Section 1153.

1152.2 The Board shall consider the rights of employees under this section to include the right to access by union organizers to the premises of an agricultural employer for the purpose of organizing, subject to the following limitations:

a. Organizers may enter the property of an employer for a total period of 60 minutes before the start of work and 60 minutes after the completion of work to meet and talk with employees in areas in which employees congregate before and after working.

b. In addition, organizers may enter the employer's property for a total period of one hour during the working day for the purpose of meeting and talking with employees during their lunch period, at such location or locations as the employees eat their lunch. If there is an established lunch break, the one-hour period shall include such lunch break. If there is no established lunch break, the one-hour period may be at any time during the working day.

c. Access shall be limited to two organizers for each work crew on the property, provided that if there are more than 30 workers in a crew, there may be one additional organizer for every 15 additional workers.

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d. Upon request, organizers shall identify themselves by name and labor organization to the employer or his agent. Organizers shall also wear a badge or other designation of affiliation.

e. The right of access shall not include conduct disruptive of the employer's property or agricultural operations, including injury to crops or machinery. Speech by itself shall not be considered disruptive conduct. Disruptive conduct by particular organizers shall not be grounds for expelling organizers not engaged in such conduct, nor for preventing future access.

CHAPTER 4: UNFAIR LABOR PRACTICES AND REGULATION OF SECONDARY BOYCOTTS

1153. It shall be an unfair labor practice for an agricultural employer to do any of the following:

(a) To interfere with, restrain, or coerce agricultural employees in the exercise of the rights guaranteed in Section 1152.

(b) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it. However, subject to such rules and regulations as may be made and published by the board pursuant to Section 1144, an agricultural employer shall not be prohibited from permitting agricultural employees to confer with him during working hours without loss of time or pay.

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employment, or any term or condition of employment, to encourage or discourage membership in any labor organization.

Nothing in this part, or in any other statute of this state, shall preclude an agricultural employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this section as an unfair labor practice) to require as a condition of employment, membership therein on or after the fifth day following the beginning of such employment, or the effective date of such agreement whichever is later, if such labor organization is the representative of the agricultural employees as provided in Section 1156 in the appropriate collective-bargaining unit covered by such agreement. No employee who has been required to pay dues to a labor organization by virtue of his employment as an agricultural worker during any calendar month, shall be required to pay dues to another labor organization by virtue of similar employment during such month. For purposes of this chapter, membership shall mean the satisfaction of all reasonable terms and conditions uniformly applicable to other members in good standing; provided, that such membership shall not be denied or terminated except in compliance with a constitution or bylaws which afford full and fair rights to speech, assembly, and equal voting and membership privileges for all members, and which contain adequate procedures to assure due process to members and applicants for membership.

(d) To discharge or otherwise discriminate against an agricultural employee because he has filed charges or given testimony under this part.

(e) To refuse to bargain collectively in good faith with labor organizations certified pursuant to the provisions of Chapter 5 (commencing with Section 1156) of this part.

(f) To recognize, bargain with, or sign a collective-bargaining agreement with any labor organization not certified pursuant to the provisions of this part.

1154. It shall be an unfair labor practice for a labor organization or its agents to do any of the following:

(a) To restrain or coerce:

(1) Agricultural employees in the exercise of the rights guaranteed in Section 1152. This paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein.

(2) An agricultural employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances.

(b) To cause or attempt to cause an agricultural employer to discriminate against an employee in violation of subdivision (c) of Section 1153, or to discriminate against an employee with respect to whom membership in such organization has been denied or

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terminated for reasons other than failure to satisfy the membership requirements specified in subdivision (c) of Section 1153.

(c) To refuse to bargain collectively in good faith with an agricultural employer, provided it is the representative of his employees subject to the provisions of Chapter 5 (commencing with Section 1156) of this part.

(d) To do either of the following: (i) To engage in, or to induce or encourage any individual employed by any person to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities, or to perform any services; or (ii) to threaten, coerce, or restrain any person; where in either case (i) or (ii) an object thereof is any of the following:

(1) Forcing or requiring any employer or self-employed person to join any labor or employer organization or to enter into any agreement which is prohibited by Section 1154.5.

(2) Forcing or requiring any person to cease using, selling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees. Nothing contained in this paragraph shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing.

(3) Forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his agricultural employees if another labor organization has been certified as the representative of such employees under the provisions of Chapter 5 (commencing with Section 1156) of this part.

(4) Forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class, unless such employer is failing to conform to an order or certification of the board determining the bargaining representative for employees performing such work.

Nothing contained in this subdivision (d) shall be construed to prohibit publicity, including picketing for the purpose of truthfully advising the public, including consumers, that a product or products or ingredients thereof are produced by an agricultural employer with whom the labor organization has a primary dispute and are distributed by another employer, as long as such publicity does not have an effect of inducing any individual employed by any person other than the primary employer in the course of his employment to refuse to pick up, deliver, or transport any goods, or not to perform any services at the establishment of the employer engaged in such distribution, and as long as such publicity does not have the effect of requesting the public to cease patronizing such other employer.

However, publicity which includes picketing and has the effect of

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requesting the public to cease patronizing such other employer, shall be permitted only if the labor organization is currently certified as the representative of the primary employer's employees.

Further, publicity other than picketing, but including peaceful distribution of literature which has the effect of requesting the public to cease patronizing such other employer, shall be permitted only if the labor organization has not lost an election for the primary employer's employees within the preceding 12-month period, and no other labor organization is currently certified as the representative of the primary employer's employees.

Nothing contained in this subdivision (d) shall be construed to prohibit publicity, including picketing, which may not be prohibited under the United States Constitution or the California Constitution.

Nor shall anything in this subdivision (d) be construed to apply or be applicable to any labor organization in its representation of workers who are not agricultural employees. Any such labor organization shall continue to be governed in its intrastate activities for nonagricultural workers by Section 923 and applicable judicial precedents.

(e) To require of employees covered by an agreement authorized under subdivision (c) of Section 1153 the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the board finds excessive or discriminatory under all circumstances. In making such a finding, the board shall consider, among other relevant factors, the practices and customs of labor organizations in the agriculture industry and the wages currently paid to the employees affected.

(f) To cause or attempt to cause an agricultural employer to pay or deliver, or agree to pay or deliver, any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.

(g) To picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is either forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees, or forcing or requiring the employees of an employer to accept or select such labor organization as their collective-bargaining representative, unless such labor organization is currently certified as the representative of such employees, in any of the following cases:

(1) Where the employer has lawfully recognized in accordance with this part any other labor organization and a question concerning representation may not appropriately be raised under Section 1155.3.

(2) Where within the preceding 12 months a valid election under Chapter 5 (commencing with Section 1155) of this part has been conducted.

Nothing in this subdivision shall be construed to prohibit any picketing or other publicity for the purpose of truthfully advising the public (including consumers) that an employer does not employ

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members of, or have a contract with, a labor organization, unless an effect of such picketing is to induce any individual employed by any other person in the course of his employment, not to pick up, deliver, or transport any goods or not to perform any services.

Nothing in this subdivision (g) shall be construed to permit any act which would otherwise be an unfair labor practice under this section.

(h) To picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is either forcing or requiring an employer to recognize or bargain with the labor organization as a representative of his employees unless such labor organization is currently certified as the collective-bargaining representative of such employees.

(i) Nothing contained in this section shall be construed to make unlawful a refusal by any person to enter upon the premises of any agricultural employer, other than his own employer, if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this part.

1154.5. It shall be an unfair labor practice for any labor organization which represents the employees of the employer and such employer to enter into any contract or agreement, express or implied, whereby such employer ceases or refrains, or agrees to cease or refrain, from handling, using, selling, transporting, or otherwise dealing in any of the products of any other employer, or to cease doing business with any other person, and any contract or agreement entered into heretofore or hereafter containing such an agreement shall be, to such extent, unenforceable and void. Nothing in this section shall apply to an agreement between a labor organization and an employer relating to a supplier of an ingredient or ingredients which are integrated into a product produced or distributed by such employer where the labor organization is certified as the representative of the employees of such supplier, but no collective-bargaining agreement between such supplier and such labor organization is in effect. Further, nothing in this section shall apply to an agreement between a labor organization and an agricultural employer relating to the contracting or subcontracting of work to be done at the site of the farm and related operations. Nothing in this part shall prohibit the enforcement of any agreement which is within the foregoing exceptions.

Nor shall anything in this section be construed to apply or be applicable to any labor organization in its representation of workers who are not agricultural employees. Any such labor organization shall continue to be governed in its intrastate activities for nonagricultural workers by Section 923 and applicable judicial precedents.

1154.6. It shall be an unfair labor practice for an employer or labor organization, or their agents, willfully to arrange for persons to become employees for the primary purpose of voting in elections.

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1135. The expressing of any views, arguments, or opinions, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute evidence of an unfair labor practice under the provisions of this part, if such expression contains no threat of reprisal or force, or promise of benefit.

1135.2 (a) For purposes of this part, to bargain collectively in good faith is the performance of the mutual obligation of the agricultural employer and the representative of the agricultural employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any questions arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

(b) Upon the filing by any person of a petition not earlier than the 90th day nor later than the 60th day preceding the expiration of the 12-month period following initial certification, the board shall determine whether an employer has bargained in good faith with the currently certified labor organization. If the board finds that the employer has not bargained in good faith, it may extend the certification for up to one additional year, effective immediately upon the expiration of the previous 12-month period following initial certification.

1135.3 (a) Where there is in effect a collective-bargaining contract covering agricultural employees, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification does all of the following:

(1) Serves a written notice upon the other party to the contract of the proposed termination or modification not less than 60 days prior to the expiration date thereof, or, in the event such contract contains no expiration date, 60 days prior to the time it is proposed to make such termination or modification.

(2) Offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications.

(3) Notifies the Conciliation Service of the State of California within 30 days after such notice of the existence of a dispute, provided no agreement has been reached by that time.

(4) Continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract, for a period of 60 days after such notice is given, or until the expiration date of such contract, whichever occurs later.

(b) The duties imposed upon agricultural employers and labor organizations by paragraphs (2), (3), and (4) of subdivision (a) shall become inapplicable upon an intervening certification of the board that the labor organization or individual which is a party to the

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contract has been superseded as, or has ceased to be the representative of the employees, subject to the provisions of Chapter 5 (commencing with Section 1155) of this part, and the duties so imposed shall not be construed to require either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any agricultural employee who engages in a strike within the 60-day period specified in this section shall lose his status as an agricultural employee of the agricultural employer engaged in the particular labor dispute, for the purposes of Section 1153 to 1154 inclusive, and Chapters 5 (commencing with Section 1156) and 6 (commencing with Section 1160) of this part, but such loss of status for such employee shall terminate if and when he is reemployed by such employer.

1155.4. It shall be unlawful for any agricultural employer or association of agricultural employers, or any person who acts as a labor relations expert, adviser, or consultant to an agricultural employer, or who acts in the interest of an agricultural employer, to pay, lend, or deliver, any money or other thing of value to any of the following:

- (a) Any representative of any of his agricultural employees.
- (b) Any agricultural labor organization, or any officer or employee thereof, which represents, seeks to represent, or would admit to membership, any of the agricultural employees of such employer.
- (c) Any employee or group or committee of employees of such employer in excess of their normal compensation for the purpose of causing such employee or group or committee directly or indirectly to influence any other employees in the exercise of the right to organize and bargain collectively through representatives of their own choosing.
- (d) Any officer or employee of an agricultural labor organization with intent to influence him in respect to any of his actions, decisions, or duties as a representative of agricultural employees or as such officer or employee of such labor organization.

1155.5. It shall be unlawful for any person to request, demand, receive, or accept, or agree to receive or accept, any payment, loan, or delivery of any money or other thing of value prohibited by Section 1155.4.

1155.6. Nothing in Section 1155.4 or 1155.5 shall apply to any matter set forth in subsection (c) of Section 155 of Title 29 of the United States Code.

1155.7. Nothing in this chapter shall be construed to apply or be applicable to any labor organization in its representation of workers who are not agricultural employees. Any such labor organization shall continue to be governed in its intrastate activities for nonagricultural workers by Section 923 and applicable judicial

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CHAPTER 5. LABOR REPRESENTATIVES AND ELECTIONS

1155. Representatives designated or selected by a secret ballot for the purposes of collective bargaining by the majority of the agricultural employees in the bargaining unit shall be the exclusive representatives of all the agricultural employees in such unit for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment, or other conditions of employment. Any individual agricultural employee or a group of agricultural employees shall have the right at any time to present grievances to their agricultural employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective bargaining contract or agreement then in effect, if the bargaining representative has been given opportunity to be present at such adjustment.

1156.2. The bargaining unit shall be all the agricultural employees of an employer. If the agricultural employees of the employer are employed in two or more noncontiguous geographical areas, the board shall determine the appropriate unit or units of agricultural employees in which a secret ballot election shall be conducted.

1156.3. (a) A petition which is either signed by, or accompanied by authorization cards signed by, a majority of the currently employed employees in the bargaining unit may be filed in accordance with such rules and regulations as may be prescribed by the board, by an agricultural employee or group of agricultural employees, or any individual or labor organization acting in their behalf ~~alleging~~ all the following:

(1) That the number of agricultural employees currently employed by the employer named in the petition, as determined from his payroll immediately preceding the filing of the petition, is not less than 50 percent of his peak agricultural employment for the current calendar year.

(2) That no valid election pursuant to this section or the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 has been conducted among the agricultural employees of the employer named in the petition within the 12 months immediately preceding the filing thereof.

~~(3) That no labor organization is currently certified as the exclusive collective-bargaining representative of the agricultural employees of the employer named in the petition.~~

(4) That the petition is not barred by an existing collective-bargaining agreement.

Upon receipt of such a signed petition, the board shall immediately investigate such petition, and, if it has reasonable cause to believe that a bona fide question of representation exists, it shall direct a

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representation election by secret ballot to be held, upon due notice to all interested parties and within a maximum of seven days of the filing of the petition. If at the time the election petition is filed a majority of the employees in a bargaining unit are engaged in a strike, the board shall, with all due diligence, attempt to hold a secret ballot election within 48 hours of the filing of such petition. The holding of elections under strike circumstances shall take precedence over the holding of other secret ballot elections.

The board shall make available at any election under this chapter ballots printed in English and Spanish. The board may also make available at such election ballots printed in any other language as may be requested by an agricultural labor organization, or agricultural employee eligible to vote under this part. Every election ballot, except ballots in runoff elections where the choice is between labor organizations, shall provide the employee with the opportunity to vote against representation by a labor organization by providing an appropriate space designated "No Labor Organizations".

(b) Any other labor organization shall be qualified to appear on the ballot if it presents authorization cards signed by at least 20 percent of the employees in the bargaining unit at least 24 hours prior to the election.

(c) Within five days after an election, any person may file with the board a signed petition asserting that allegations made in the petition filed pursuant to subdivision (a) were incorrect, that the board improperly determined the geographical scope of the bargaining unit, or objecting to the conduct of the election or conduct affecting the results of the election.

Upon receipt of a petition under this subdivision, the board, upon due notice, shall conduct a hearing to determine whether the election shall be certified. Such hearing may be conducted by an officer or employee of a regional office of the board. He shall make no recommendations with respect thereto. If the board finds, on the record of such hearing, that any of the assertions made in the petition filed pursuant to this subdivision are correct, or that the election was not conducted properly, or misconduct affecting the results of the election occurred, the board may refuse to certify the election. Unless the board determines that there are sufficient grounds to refuse to do so, it shall certify the election.

(d) If no petition is filed pursuant to subdivision (c) within five days of the election the board shall certify the election.

(e) The board shall decertify a labor organization if the United States Equal Employment Opportunity Commission has found, pursuant to Section 2000(e) (5) of Title 42 of the United States Code, that the labor organization engaged in discrimination on the basis of race, color, national origin, religion, sex or any other arbitrary or invidious classification in violation of Subchapter VI of Chapter 21 of Title 42 of the United States Code during the period of such labor organization's present certification.

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1156.4. Recognizing that agriculture is a seasonal occupation for a majority of agricultural employees, and wishing to provide the fullest scope for employers' enjoyment of the rights included in this part, the board shall not consider a representation petition or a petition to decertify as timely filed unless the employer's payroll reflects 50 percent of the peak agricultural employment for such employer for the current calendar year for the payroll period immediately preceding the filing of the petition.

In this connection, the peak agricultural employment for the prior season shall alone not be a basis for such determination, but rather the board shall estimate peak employment on the basis of acreage and crop statistics which shall be applied uniformly throughout the State of California and upon all other relevant data.

1156.5. The board shall not direct an election in any bargaining unit where a valid election has been held in the immediately preceding 12-month period.

1156.6. The board shall not direct an election in any bargaining unit which is represented by a labor organization that has been certified within the immediately preceding 12-month period or whose certification has been extended pursuant to subdivision (b) of Section 1155.2.

1156.7. (a) No collective-bargaining agreement executed prior to August 28, 1975 shall bar a petition for an election.

(b) A collective-bargaining agreement executed by an employer and a labor organization certified as the exclusive bargaining representative of his employees pursuant to this chapter shall be a bar to a petition for an election among such employees for the term of the agreement, but in any event such bar shall not exceed three years, provided that both the following conditions are met:

(1) The agreement is in writing and executed by all parties thereto.

(2) It incorporates the substantive terms and conditions of employment of such employees.

(c) Upon the filing with the board by an employee or group of employees of a petition signed by 50 percent or more of the agricultural employees in a bargaining unit represented by a certified labor organization which is a party to a valid collective-bargaining agreement, requesting that such labor organization be decertified, the board shall conduct an election by secret ballot pursuant to the applicable provisions of this chapter, and shall certify the results to such labor organization and employer.

However, such a petition shall not be deemed timely unless it is filed during the year preceding the expiration of a collective-bargaining agreement which would otherwise bar the holding of an election, and when the number of agricultural employees is not less than 50 percent of the employer's peak agricultural employment for the current calendar year.

(d) Upon the filing with the board of a signed petition by an

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individual or labor organization acting in their behalf, accompanied by authorization cards signed by a majority of the employees in an appropriate bargaining unit, and alleging all the conditions of paragraphs (1), (2), and (3), the board shall immediately investigate such petition and, if it has reasonable cause to believe that a bona fide question of representation exists, it shall direct an election by secret ballot pursuant to the applicable provisions of this chapter:

(1) That the number of agricultural employees currently employed by the employer named in the petition, as determined from his payroll immediately preceding the filing of the petition, is not less than 50 percent of his peak agricultural employment for the current calendar year.

(2) That no valid election pursuant to this section or the Alatorre-Zenovich-Dunlap-Serman Agricultural Labor Relations Act of 1975 has been conducted among the agricultural employees of the employer named in the petition within the 12 months immediately preceding the filing thereof.

(3) That a labor organization, certified for an appropriate unit, has a collective-bargaining agreement with the employer which would otherwise bar the holding of an election and that this agreement will expire within the next 12 months.

1157. All agricultural employees of the employer whose names appear on the payroll applicable to the payroll period immediately preceding the filing of the petition of such an election shall be eligible to vote. An economic striker shall be eligible to vote under such regulations as the board shall find are consistent with the purposes and provisions of this part in any election, provided that the striker who has been permanently replaced shall not be eligible to vote in any election conducted more than 12 months after the commencement of the strike.

In the case of elections conducted within 18 months of August 28, 1975 which involve labor disputes which commenced prior to that date, the board shall have the jurisdiction to adopt fair, equitable, and appropriate eligibility rules, which shall effectuate the policies of this part, with respect to the eligibility of economic strikers who were paid for work performed or for paid vacation during the payroll period immediately preceding the expiration of a collective-bargaining agreement or the commencement of a strike; provided, however, that in no event shall the board afford eligibility to any such striker who has not performed any services for the employer during the 36-month period immediately following August 28, 1972.

1157.2 In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election.

1157.3 Employers shall maintain accurate and current payroll lists containing the names and addresses of all their employees, and

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The board shall make such lists available to any person who files a notice of intent to petition for an election accompanied by a reasonable showing of interest. The board shall by regulation determine what constitutes a reasonable showing for purposes of this paragraph.

The Board shall require strict compliance with this section.

1158. Whenever an order of the board made pursuant to Section 1160.3 is based in whole or in part upon the facts certified following an investigation pursuant to Sections 1156.3 to 1157.2 inclusive, and there is a petition for review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under Section 1160.6 and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

1159. In order to assure the full freedom of association, self-organization, and designation of representatives of the employees own choosing, only labor organizations certified pursuant to this part shall be parties to a legally valid collective-bargaining agreement.

CHAPTER 6. PREVENTION OF UNFAIR LABOR PRACTICES AND JUDICIAL REVIEW AND ENFORCEMENT

1160. The board is empowered, as provided in this chapter, to prevent any person from engaging in any unfair labor practice, as set forth in Chapter 4 (commencing with Section 1153) of this part.

1160.2. Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the board, or any agent or agency designated by the board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the board or a member thereof, or before a designated agency or agencies, at a place therein fixed, not less than five days after the serving of such complaint. No complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the board and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the armed forces, in which event the six-month period shall be computed from the day of his discharge. Any such complaint may be amended by the member, agent, or agency conducting the hearing, or the board in its discretion, at any time prior to the issuance of an order based thereon. The person so complained against shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the board, any other person may be allowed to intervene in the proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the Evidence Code. All proceedings shall be appropriately reported.

1160.3. The testimony taken by such member, agent, or agency, or the board in such hearing shall be reduced to writing and filed with the board. Thereafter, in its discretion, the board, upon notice, may take further testimony or hear argument. If, upon the preponderance of the testimony taken, the board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, the board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, to take affirmative action, including reinstatement of employees with or without backpay, and making employees whole, when the board deems such relief appropriate, for the loss of pay

resulting from the employer's refusal to bargain, and to provide such other relief as will effectuate the policies of this part. Furthermore in appropriate cases the Board may award treble damages.

Where an order

directs reinstatement of an employee, backpay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If, upon the preponderance of the testimony taken, the board shall be of the opinion that the person named in the complaint has not engaged in or is not engaging in any unfair labor practice, the board shall state its findings of fact and shall issue an order dismissing the complaint. No order of the board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any backpay, if such individual was suspended or discharged for cause. In case the evidence is presented before a member of the board, or before an administrative law officer thereof, such member, or such administrative law officer, as the case may be, shall issue and cause to be served on the parties to the proceedings a proposed report, together with a recommended order, which shall be filed with the board, and, if no exceptions are filed within 20 days after service thereof upon such parties, or within such further period as the board may authorize, such recommended order shall become the order of the board and become effective as therein prescribed.

Until the record in a case shall have been filed in a court, as provided in this chapter, the board may, at any time upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

1160.4. The board shall have power, upon issuance of a complaint as provided in Section 1160.2 charging that any person has engaged in or is engaging in an unfair labor practice, to petition the superior court in any county wherein the unfair labor practice in question is alleged to have occurred, or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition, the board shall cause notice thereof to be served upon such person, and thereupon the court shall have jurisdiction to grant to the board such temporary relief or restraining

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order as the court deems just and proper.

1160.5. Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) of subdivision (d) of Section 1154, the board is empowered and directed to hear and determine the dispute out of which such unfair labor practice shall have arisen, unless within 10 days after notice that such charge has been filed, the parties to such dispute submit to the board satisfactory evidence that they have adjusted, or agreed upon methods for the voluntary adjustment of the dispute. Upon compliance by the parties to the dispute with the decision of the board or upon such voluntary adjustment of the dispute, such charge shall be dismissed.

1160.6. Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (1), (2), or (3) of subdivision (d), or of subdivision (g), of Section 1154, or of Section 1155, the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer or regional attorney to whom the matter may be referred has reasonable cause to believe such charge is true and that a complaint should issue, he shall, on behalf of the board, petition the superior court in the county in which the unfair labor practice in question has occurred, is alleged to have occurred, or where the person alleged to have committed the unfair labor practice resides or transacts business, for appropriate injunctive relief pending the final adjudication of the board with respect to the matter. The officer or regional attorney shall make all reasonable efforts to advise the party against whom the restraining order is sought of his intention to seek such order at least 24 hours prior to doing so. In the event the officer or regional attorney has been unable to advise such party of his intent at least 24 hours in advance, he shall submit a declaration to the court under penalty of perjury setting forth in detail the efforts he has made. Upon the filing of any such petition, the superior court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper. Upon the filing of any such petition, the board shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony. For the purposes of this section, the superior court shall be deemed to have jurisdiction of a labor organization either in the county in which such organization maintains its principal office, or in any county in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit. In situations where such relief is appropriate, the procedure specified herein shall apply to charges.

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with respect to paragraph (4) of subdivision (d) of Section 1154.

1160.7. Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of subdivision (c) of Section 1153 or subdivision (b) of Section 1154, such charge shall be given priority over all other cases except cases of like character in the office where it is filed or to which it is referred and cases given priority under Section 1160.6.

1160.8. Any person aggrieved by the final order of the board granting or denying in whole or in part the relief sought may obtain a review of such order in the court of appeal having jurisdiction over the county wherein the unfair labor practice in question was alleged to have been engaged in, or wherein such person resides or transacts business, by filing in such court a written petition requesting that the order of the board be modified or set aside. Such petition shall be filed with the court within 30 days from the date of the issuance of the board's order. Upon the filing of such petition, the court shall cause notice to be served upon the board and thereupon shall have jurisdiction of the proceeding. The board shall file in the court the record of the proceeding, certified by the board within 10 days after the clerk's notice unless such time is extended by the court for good cause shown. The court shall have jurisdiction to grant to the board such temporary relief or restraining order it deems just and proper and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the board. The findings of the board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

An order directing an election shall not be stayed pending review, but such order may be reviewed as provided in Section 1158.

If the time for review of the board order has lapsed, and the person has not voluntarily complied with the board's order, the board may apply to the superior court in any county in which the unfair labor practice occurred or wherein such person resides or transacts business for enforcement of its order. If after hearing, the court determines that the order was issued pursuant to procedures established by the board and that the person refuses to comply with the order, the court shall enforce such order by writ of injunction or other proper process. The court shall not review the merits of the order.

1160.9. The procedures set forth in this chapter shall be the exclusive method of redressing unfair labor practices.

CHAPTER 7. SUITS INVOLVING EMPLOYERS AND LABOR ORGANIZATIONS

1165. (a) Suits for violation of contracts between an agricultural employer and an agricultural labor organization representing agricultural employees, as defined in this part, or between any such

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labor organizations, may be brought in any superior court having jurisdiction of the parties, without respect to the amount in controversy.

(b) Any agricultural labor organization which represents agricultural employees and any agricultural employer shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of this state. Any money judgment against a labor organization in a superior court shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.

1165.2. For the purpose of this part, the superior court shall have jurisdiction over a labor organization in this state if such organization maintains its principal office in this state, or if its duly authorized officers or agents are engaged in representing or acting for employee members.

1165.3. The service of summons, subpoena, or other legal process of any superior court upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

1165.4. For the purpose of this part, in determining whether any person is acting as an agent of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

CHAPTER 8. LIMITATIONS

1166. Nothing in this part, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on such right.

1166.2. Nothing in this part shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this part shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either national or local, relating to collective bargaining.

1166.3. (a) If any provision of this part, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this part, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

(b) If any act of the Legislature shall conflict with the provisions of this part, this part shall prevail.

SEC. 3.

The Legislature shall appropriate such amounts to the Agricultural Labor Relations Board as may be necessary to carry out the provisions of this part.

No obligation is created by this part under Section 2231 of the Revenue and Taxation Code for the reimbursement of any local agency for any costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by this part.

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SECTION 4. The Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 is hereby repealed.

~~The people of the State of California do enact as follows:~~

~~SECTION 1. In enacting this legislation the people of the State of California seek to ensure peace in the agricultural fields by guaranteeing justice for all agricultural workers and stability in labor relations.~~

~~This enactment is intended to bring certainty and a sense of finality to a presently unstable and potentially volatile condition in the state. The Legislature recognizes that no law in itself resolves social injustice and economic dislocations.~~

~~However, in the belief the people affected desire a resolution to this dispute and will make a sincere effort to work through the procedures established in this legislation, it is the hope of the Legislature that farm laborers, farmers, and all the people of California will be served by the provisions of this act.~~

~~SEC 1.5. It is the intent of the Legislature that collective bargaining agreements between agricultural employers and labor organizations representing the employees of such employers entered into prior to the effective date of this legislation and continuing beyond such date are not to be automatically canceled, terminated or voided on that effective date, rather such a collective bargaining agreement otherwise lawfully entered into and enforceable under the laws of this state shall be void upon the Agricultural Labor Relations Board certification of that election after the filing of an election petition by such employees pursuant to Section 1135.2 of the Labor Code.~~

~~SEC 2. Part 35 (commencing with Section 1140) is added to Division 3 of the Labor Code, to read:~~

~~PART 35. AGRICULTURAL LABOR RELATIONS~~

~~CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS~~

~~1140. This part shall be known and may be referred to as the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975.~~

~~1140.2. It is hereby stated to be the policy of the State of California to encourage and protect the right of agricultural employees to full freedom of associating, self-organization and designation of representatives of their own choosing to negotiate the terms and conditions of their employment, and to be free from the~~

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~~interference, restraint, or coercion of employers of labor, or their agents, -- in -- the -- designation -- of -- such -- representatives -- or -- in -- self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. For this purpose this part is adopted to provide for collective bargaining rights for agricultural employees.~~

~~1140.1. As used in this part:~~

~~(a) The term "agriculture" includes farming in all its branches, and, among other things, includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in Section 1141j(g) of Title 12 of the United States Code), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.~~

~~(b) The term "agricultural employee" or "employee" shall mean --~~
~~engaged in agriculture as such term is defined in subdivision --~~

~~(a) However, nothing in this subdivision shall be construed to include any person other than those employees excluded from the coverage of the National Labor Relations Act, as amended, as agricultural employees, pursuant to Section 2(3) of the Labor-Management Relations Act (Section 152(3), Title 29, United States Code), and Section 3(f) of the Fair Labor Standards Act (Section 203(f), Title 29, United States Code).~~

~~Further, nothing in this part shall apply, or be construed to apply, to any employee who performs work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other work (as these terms have been construed under Section 8(e) of the Labor Management Relations Act, 29 USC Section 158(e)) or logging or timber clearing operations in initial preparation of land for farming, or who does land leveling or only land surveying for any of the above.~~

~~As used in this subdivision, "land leveling" shall include only major land moving operations changing the contour of the land, but shall not include annual or seasonal tillage or preparation of land for cultivation.~~

~~(c) The term "agricultural employer" shall be liberally construed to include any person acting directly or indirectly in the interest of an employer in relation to an agricultural employee, any individual grower, corporate grower, cooperative grower, harvesting association, hiring association, land management group, any association of persons or cooperatives engaged in agriculture, and shall include any person who owns or leases or manages land used for agricultural purposes, but shall exclude any person supplying agricultural workers to an employer, any farm labor contractor as~~

~~defined by Section 1692, and any person functioning in the capacity of a labor contractor. The employer engaging such labor contractor or person shall be deemed the employer for all purposes under this part.~~

~~(d) The term "person" shall mean one or more individuals, corporations, partnerships, associations, legal representatives, trustees in bankruptcy, receivers, or any other legal entity, employer, or labor organization having an interest in the outcome of a proceeding under this part.~~

~~(e) The term "representatives" includes any individual or labor organization.~~

~~(f) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists in whole or in part, for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work for agricultural employees.~~

~~(g) The term "unfair labor practice" means any unfair labor practice specified in Chapter 4 (commencing with Section 1153) of this part.~~

~~(h) The term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.~~

~~(i) The term "board" means Agricultural Labor Relations Board.~~

~~(j) The term "supervisor" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.~~

~~CHAPTER 2. AGRICULTURAL LABOR RELATIONS BOARD~~

~~Article 1. Agricultural Labor Relations Board: Organization~~

~~§1. (a) There is hereby created in state government the Agricultural Labor Relations Board, which shall consist of five members.~~

~~(b) The members of the board shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the members shall be five years, and the terms shall be staggered at one-year intervals. Upon the initial appointment, one~~

~~member shall be appointed for a term ending January 1, 1977, one member shall be appointed for a term ending January 1, 1973, one member shall be appointed for a term ending January 1, 1979, one member shall be appointed for a term ending January 1, 1980, and one member shall be appointed for a term ending January 1, 1981. Any individual appointed to fill a vacancy of any member shall be appointed only for the unexpired term of the member to whose term he is succeeding. The Governor shall designate one member to serve as chairperson of the board. Any member of the board may be removed by the Governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.~~

~~1142 (a) The principal office of the board shall be in Sacramento, but it may meet and exercise any or all of its power at any other place in California.~~

~~(b) Besides the principal office in Sacramento as provided in subdivision (a), the board may establish offices in such other cities as it shall deem necessary. The board may delegate to the personnel of these offices such powers as it deems appropriate to determine the unit appropriate for the purpose of collective bargaining, to investigate and provide for hearings, to determine whether a question of representation exists, to direct an election by a secret ballot pursuant to the provisions of Chapter 5 (commencing with Section 1156), and to certify the results of such election, and to investigate, conduct hearings and make determinations relating to unfair labor practices. The board may review any action taken pursuant to the authority delegated under this section upon a request for a review of such action filed with the board by an interested party. Any such review made by the board shall not, unless specifically ordered by the board, operate as a stay of any action taken. The entire record considered by the board in considering or acting upon any such request or review shall be made available to all parties prior to such consideration or action, and the board's findings and action thereon shall be published as a decision of the board.~~

~~1143 The board shall, at the close of each fiscal year, make a report in writing to the Legislature and to the Governor stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ of or under the supervision of the board, and an account of all moneys it has disbursed.~~

~~1144 The board may from time to time make, amend, and rescind, in the manner prescribed in Chapter 45 (commencing with Section 11371) of Part 1 of Division 5 of Title 2 of the Government Code, such rules and regulations as may be necessary to carry out the provisions of this part.~~

~~1145 The board may appoint an executive secretary and such attorneys, hearing officers, administrative law officers, and other employees as it may from time to time find necessary for the proper performance of its duties. Attorneys appointed pursuant to this~~

section may, at the discretion of the board, appear for and represent the board in any court.

1146. ~~The board is authorized to delegate to any group of three or more board members any or all the powers which it may itself exercise. A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board, and three members shall at all times constitute a quorum. A vacancy shall be filled in the same manner as an original appointment.~~

1147. ~~The annual salary of a member of the board shall be forty-two thousand five hundred dollars (\$42,500).~~

1148. ~~The board shall follow applicable precedents of the National Labor Relations Act, as amended.~~

1149. ~~There shall be a general counsel of the board who shall be appointed by the Governor, subject to confirmation by a majority of the Senate, for a term of four years. The general counsel shall have the power to appoint such attorneys, administrative assistants, and other employees as necessary for the proper exercise of his duties. The general counsel of the board shall exercise general supervision over all attorneys employed by the board (other than administrative law officers and legal assistants to board members), and over the officers and employees in the regional offices. He shall have final authority, on behalf of the board, with respect to the investigation of charges and issuance of complaints under Chapter 6 (commencing with Section 1150) of this part, and with respect to the prosecution of such complaints before the board. He shall have such other duties as the board may prescribe or as may be provided by law. In case of a vacancy in the office of the general counsel, the Governor is authorized to designate the officer or employee who shall act as general counsel during such vacancy, but no person or persons so designated shall so act either (1) for more than 40 days when the Legislature is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted.~~

1150. ~~Each member of the board and the general counsel of the board shall be eligible for reappointment and shall not engage in any other business, vocation, or employment.~~

~~Article 2. Investigatory Powers~~

1151. ~~For the purpose of all hearings and investigations which, in the opinion of the board, are necessary and proper for the exercise of the powers vested in it by Chapters 5 (commencing with Section 1150) and 6 (commencing with Section 1150) of this part:~~

(a) ~~The board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any evidence of any person being investigated or proceeded against that relates to any matter under investigation.~~

~~in question. The members of the board or their designees or their
duly authorized agents shall have the right of free access to all places
of labor. The board, or any member thereof, shall upon application
of any party to such proceedings, forthwith issue to such party
subpoenas requiring the attendance and testimony of witnesses or
the production of any evidence in such proceeding or investigation
requested in such application. Within five days after the service of
a subpoena on any person requiring the production of any evidence
in his possession or under his control, such person may petition the
board to revoke, and the board shall revoke, such subpoena if in its
opinion the evidence whose production is required does not relate
to any matter under investigation, or any matter in question in such
proceedings, or if in its opinion such subpoena does not describe with
sufficient particularity the evidence whose production is required.
Any member of the board, or any agent or agency designated by the
board for such purposes, may administer oaths and affirmations,
examine witnesses, and receive evidence. Such attendance of
witnesses and the production of such evidence may be required from
any place in the state at any designated place of hearing.~~

~~(b) In case of contumacy or refusal to obey a subpoena issued to
any person, any superior court in any county within the jurisdiction
of which the inquiry is carried on, or within the jurisdiction of which
such person allegedly guilty of contumacy or refusal to obey is found
or resides or transacts business, shall upon application by the board
have jurisdiction to issue to such person an order requiring such
person to appear before the board, its member, agent, or agency,
there to produce evidence if so ordered, or there to give testimony
touching the matter under investigation or in question. Any failure
to obey such order of the court may be punished by such court as a
contempt thereof.~~

~~1151.2. No person shall be excused from attending and testifying,
or from producing books, records, correspondence, documents, or
other evidence in obedience to the subpoena of the board, on the
ground that the testimony or evidence required of him may tend to
incriminate him or subject him to a penalty or forfeiture. However,
no individual shall be prosecuted or subjected to any penalty or
forfeiture for or on account of any transaction, matter, or thing
concerning which he is compelled, after having claimed his privilege
against self-incrimination, to testify or produce evidence, except that
such individual so testifying shall not be exempt from prosecution
and punishment for perjury committed in so testifying.~~

~~1151.3. Any party shall have the right to appear at any hearing in
person, by counsel, or by other representative.~~

~~1151.4. (a) Complaints, orders, and other process and papers of
the board, its members, agents, or agency, may be served either
personally or by registered mail or by telegraph, or by leaving a copy
thereof at the principal office or place of business of the person
required to be served. The verified return by the individual so~~

~~...serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as provided in this subdivision shall be proof of service of the same. Witnesses summoned before the board, its members, agents, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the state, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the state.~~

~~(b) All process of any court to which application may be made under this part may be served in the county where the defendant or other person required to be served resides or may be found.~~

~~1151.5. The several departments and agencies of the state upon request by the board, shall furnish the board all records, papers, and information in their possession, not otherwise privileged, relating to any matter before the board.~~

~~1151.6. Any person who shall willfully resist, prevent, impede, or interfere with any member of the board or any of its agents or agencies in the performance of duties pursuant to this part shall be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand (\$5,000) dollars.~~

~~CHAPTER 3. RIGHTS OF AGRICULTURAL EMPLOYEES~~

~~1152. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of continued employment as authorized in subdivision (c) of Section 1150.~~

~~CHAPTER 4. UNFAIR LABOR PRACTICES AND REGULATION OF SECONDARY BOYCOTTS~~

~~1153. It shall be an unfair labor practice for an agricultural employer to do any of the following:~~

~~(a) To interfere with, restrain, or coerce agricultural employees in the exercise of the rights guaranteed in Section 1152.~~

~~(b) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it. However, subject to such rules and regulations as may be made and published by the board pursuant to Section 1144, an agricultural employer shall not be prohibited from permitting agricultural employees to confer with him during working hours without loss of time or pay.~~

~~(c) By discrimination in regard to the hiring or tenure of employment, or any term or condition of employment, to encourage or discourage membership in any labor organization.~~

~~Nothing in this part, or in any other statute of this state, shall preclude an agricultural employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this section as an unfair labor practice) to require as a condition of employment, membership therein on or after the fifth day following the beginning of such employment, or the effective date of such agreement whichever is later, if such labor organization is the representative of the agricultural employees as provided in Section 1156 in the appropriate collective bargaining unit covered by such agreement. No employee who has been required to pay dues to a labor organization by virtue of his employment as an agricultural worker during any calendar month, shall be required to pay dues to another labor organization by virtue of similar employment during such month. For purposes of this chapter, membership shall mean the satisfaction of all reasonable terms and conditions uniformly applicable to other members in good standing; provided, that such membership shall not be denied or terminated except in compliance with a constitution or bylaws which afford full and fair rights to speech, assembly, and equal voting and membership privileges for all members and which contain adequate procedures to assure due process to members and applicants for membership.~~

~~(d) To discharge or otherwise discriminate against an agricultural employee because he has filed charges or given testimony under this part.~~

~~(e) To refuse to bargain collectively in good faith with labor organizations certified pursuant to the provisions of Chapter 5 (commencing with Section 1156) of this part.~~

~~(f) To recognize, bargain with, or sign a collective bargaining agreement with any labor organization not certified pursuant to the provisions of this part.~~

~~1154. It shall be an unfair labor practice for a labor organization or its agents to do any of the following:~~

~~(a) To restrain or coerce:~~

~~(1) Agricultural employees in the exercise of the rights guaranteed in Section 1152. This paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein.~~

~~(2) An agricultural employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances.~~

~~(b) To cause or attempt to cause an agricultural employer to discriminate against an employee in violation of subdivision (c) of Section 1153, or to discriminate against an employee with respect to whom membership in such organization has been denied or~~

~~terminated for reasons other than failure to satisfy the membership requirements specified in subdivision (c) of Section 1153.~~

~~(c) To refuse to bargain collectively in good faith with an agricultural employer, provided it is the representative of his employees subject to the provisions of Chapter 5 (commencing with Section 1156) of this part.~~

~~(d) To do either of the following: (i) To engage in, or to induce or encourage any individual employed by any person to engage in a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities, or to perform any services; or (ii) to threaten, coerce, or restrain any person, where in either case (i) or (ii) an object thereof is any of the following:~~

~~(1) Forcing or requiring any employer or self-employed person to join any labor or employer organization or to enter into any agreement which is prohibited by Section 1151.5.~~

~~(2) Forcing or requiring any person to cease using, selling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees. Nothing contained in this paragraph shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing.~~

~~(3) Forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his agricultural employees if another labor organization has been certified as the representative of such employees under the provisions of Chapter 5 (commencing with Section 1156) of this part.~~

~~(4) Forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class, unless such employer is failing to conform to an order or certification of the board determining the bargaining representative for employees performing such work.~~

~~Nothing contained in this subdivision (d) shall be construed to prohibit publicity, including picketing for the purpose of truthfully advising the public, including consumers, that a product or products or ingredients thereof are produced by an agricultural employer with whom the labor organization has a primary dispute and are distributed by another employer, as long as such publicity does not have an effect of inducing any individual employed by any person other than the primary employer in the course of his employment to refuse to pick up, deliver, or transport any goods, or not to perform any services at the establishment of the employer engaged in such distribution, and as long as such publicity does not have the effect of requesting the public to cease patronizing such other employer.~~

~~However, publicity which includes picketing and has the effect of~~

~~requesting the public to cease patronizing such other employer, shall be permitted only if the labor organization is currently certified as the representative of the primary employer's employees.~~

~~Further, publicity other than picketing, but including peaceful distribution of literature which has the effect of requesting the public to cease patronizing such other employer, shall be permitted only if the labor organization has not lost an election for the primary employer's employees within the preceding 12-month period, and no other labor organization is currently certified as the representative of the primary employer's employees.~~

~~Nothing contained in this subdivision (d) shall be construed to prohibit publicity, including picketing which may not be prohibited under the United States Constitution or the California Constitution.~~

~~Not shall anything in this subdivision (d) be construed to apply or be applicable to any labor organization in its representation of workers who are not agricultural employees. Any such labor organization shall continue to be permitted to engage in any activity which is a part of its normal business and is not applied to political purposes.~~

~~(e) Inquire of employers covered by an agreement authorized under subdivision (e) of Section 1153 the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the board finds excessive or discriminatory under all circumstances. In making such a finding, the board shall consider, among other relevant factors, the practices and customs of labor organizations in the agriculture industry and the wages currently paid to the employees affected.~~

~~(f) To cause or attempt to cause an agricultural employer to pay or deliver, or agree to pay or deliver, any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.~~

~~(g) To picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is either forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees, or forcing or requiring the employees of an employer to accept or select such labor organization as their collective bargaining representative, unless such labor organization is currently certified as the representative of such employees, in any of the following cases:~~

~~(1) Where the employer has lawfully recognized in accordance with this part any other labor organization and a question concerning representation may not appropriately be raised under Section 1153.5.~~

~~(2) Where within the preceding 12 months a valid election under Chapter 5 (commencing with Section 1150) of this part has been conducted.~~

~~Nothing in this subdivision shall be construed to prohibit any picketing or other publicity for the purpose of truthfully advising the public (including consumers) that an employer does not employ~~

~~members of, or have a contract with, a labor organization, unless an effect of such picketing is to induce any individual employed by any other person in the course of his employment, not to pick up, deliver, or transport any goods or not to perform any services.~~

~~Nothing in this subdivision (g) shall be construed to permit any act which would otherwise be an unfair labor practice under this section.~~

~~(h) To picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is either forcing or requiring an employer to recognize or bargain with the labor organization as a representative of his employees unless such labor organization is currently certified as the collective bargaining representative of such employees.~~

~~(i) Nothing contained in this section shall be construed to make unlawful a refusal by any person to enter upon the premises of any agricultural employer, other than his own employer, if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this part.~~

~~1154.5 It shall be an unfair labor practice for any labor organization which represents the employees of the employer and such employer to enter into any contract or agreement, express or implied, whereby such employer ceases or refrains, or agrees to cease or refrain, from handling, using, selling, transporting or otherwise dealing in any of the products of any other employer, or to cease doing business with any other person, and any contract or agreement entered into heretofore or hereafter containing such an agreement shall be, to such extent, unenforceable and void. Nothing in this section shall apply to an agreement between a labor organization and an employer relating to a supplier of an ingredient or ingredients which are integrated into a product produced or distributed by such employer where the labor organization is certified as the representative of the employees of such supplier, but no collective bargaining agreement between such supplier and such labor organization is in effect. Further, nothing in this section shall apply to an agreement between a labor organization and an agricultural employer relating to the contracting or subcontracting of work to be done at the site of the farm and related operations. Nothing in this part shall prohibit the enforcement of any agreement which is within the foregoing exceptions.~~

~~Nor shall anything in this section be construed to apply or be applicable to any labor organization in its representation of workers who are not agricultural employees. Any such labor organization shall continue to be governed in its intrastate activities for nonagricultural workers by Section 923 and applicable judicial precedents.~~

~~1154.6 It shall be an unfair labor practice for an employer or labor organization, or their agents, willfully to arrange for persons to become employees for the primary purpose of voting in elections.~~

1155. The expressing of any views, arguments, or opinions, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute evidence of an unfair labor practice under the provisions of this part, if such expression contains no threat of reprisal or force, or promise of benefit.

~~1155.2. (a) For purposes of this part, to bargain collectively in good faith is the performance of the mutual obligation of the agricultural employer and the representative of the agricultural employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any questions arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.~~

~~(b) Upon the filing by any person of a petition not earlier than the 90th day nor later than the 60th day preceding the expiration of the 12-month period following initial certification, the board shall determine whether an employer has bargained in good faith with the currently certified labor organization. If the board finds that the employer has not bargained in good faith, it may extend the certification for up to one additional year, effective immediately upon the expiration of the previous 12-month period following initial certification.~~

~~1155.3. (a) Where there is in effect a collective bargaining contract covering agricultural employees, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification does all of the following:~~

~~(1) Serves a written notice upon the other party to the contract of the proposed termination or modification not less than 60 days prior to the expiration date thereof, or, in the event such contract contains no expiration date, 60 days prior to the time it is proposed to make such termination or modification.~~

~~(2) Offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications.~~

~~(3) Notifies the Conciliation Service of the State of California within 30 days after such notice of the existence of a dispute, provided no agreement has been reached by that time.~~

~~(4) Continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of 60 days after such notice is given, or until the expiration date of such contract, whichever occurs later.~~

~~(b) The duties imposed upon agricultural employers and labor organizations by paragraphs (2), (3), and (4) of subdivision (a) shall become inapplicable upon an intervening certification of the board that the labor organization or individual which is a party to the~~

~~contract has been superseded as, or has ceased to be, the representative of the employees, subject to the provisions of Chapter 5 (commencing with Section 1156) of this part, and the duties so imposed shall not be construed to require either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any agricultural employee who engages in a strike within the 60-day period specified in this section shall lose his status as an agricultural employee of the agricultural employer engaged in the particular labor dispute, for the purposes of Section 1153 to 1154 inclusive, and Chapters 5 (commencing with Section 1156) and 6 (commencing with Section 1160) of this part, but such loss of status for such employee shall terminate if and when he is reemployed by such employer.~~

~~1155.4. It shall be unlawful for any agricultural employer or association of agricultural employers, or any person who acts as a labor relations expert, adviser, or consultant to an agricultural employer, or who acts in the interest of an agricultural employer, to pay, lend, or deliver, any money or other thing of value to any of the following:~~

- ~~(a) Any representative of any of his agricultural employees.~~
- ~~(b) Any agricultural labor organization, or any officer or employee thereof, which represents, seeks to represent, or would admit to membership, any of the agricultural employees of such employer.~~
- ~~(c) Any employee or group or committee of employees of such employer in excess of their normal compensation for the purpose of causing such employee or group or committee directly or indirectly to influence any other employees in the exercise of the right to organize and bargain collectively through representatives of their own choosing.~~
- ~~(d) Any officer or employee of an agricultural labor organization with intent to influence him in respect to any of his actions, decisions, or duties as a representative of agricultural employees or as such officer or employee of such labor organization.~~

~~1155.5. It shall be unlawful for any person to request, demand, receive, or accept, or agree to receive or accept, any payment, loan, or delivery of any money or other thing of value prohibited by Section 1155.4.~~

~~1155.6. Nothing in Section 1155.4 or 1155.5 shall apply to any matter set forth in subdivision (a) of Section 160 of Title 28 of the United States Code.~~

~~1155.7. Nothing in this chapter shall be construed to apply or be applicable to any labor organization in its representation of workers who are not agricultural employees. Any such labor organization shall continue to be governed in its intrastate activities for nonagricultural workers by Section 620 and applicable judicial~~

precedents.

~~CHAPTER 5. LABOR REPRESENTATIVES AND ELECTIONS--~~

~~1156. Representatives designated or selected by a secret ballot for the purposes of collective bargaining by the majority of the agricultural employees in the bargaining unit shall be the exclusive representatives of all the agricultural employees in such unit for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment, or other conditions of employment. Any individual agricultural employee or a group of agricultural employees shall have the right at any time to present grievances to their agricultural employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective bargaining contract or agreement then in effect, if the bargaining representative has been given opportunity to be present at such adjustment.~~

~~1156.2. The bargaining unit shall be all the agricultural employees of an employer. If the agricultural employees of the employer are employed in two or more noncontiguous geographical areas, the board shall determine the appropriate unit or units of agricultural employees in which a secret ballot election shall be conducted.~~

~~1156.3. (a) A petition which is either signed by, or accompanied by authorization cards signed by, a majority of the currently employed employees in the bargaining unit may be filed in accordance with such rules and regulations as may be prescribed by the board, by an agricultural employee or group of agricultural employees, or any individual or labor organization acting in their behalf alleging all the following:~~

~~(1) That the number of agricultural employees currently employed by the employer named in the petition, as determined from his payroll immediately preceding the filing of the petition, is not less than 50 percent of his peak agricultural employment for the current calendar year.~~

~~(2) That no valid election pursuant to this section has been conducted among the agricultural employees of the employer named in the petition within the 12 months immediately preceding the filing thereof.~~

~~(3) That no labor organization is currently certified as the exclusive collective bargaining representative of the agricultural employees of the employer named in the petition.~~

~~(4) That the petition is not barred by an existing collective bargaining agreement.~~

~~Upon receipt of such signed petition the board shall immediately investigate such petition, and, if it has reasonable cause to believe that a bona fide question of representation exists, it shall direct a~~

~~representation election by secret ballot to be held, upon due notice to all interested parties and within a maximum of seven days of the filing of the petition. If at the time the election petition is filed a majority of the employees in a bargaining unit are engaged in a strike, the board shall, with all due diligence, attempt to hold a secret ballot election within 48 hours of the filing of such petition. The holding of elections under strike circumstances shall take precedence over the holding of other secret ballot elections.~~

~~The board shall make available at any election under this chapter ballots printed in English and Spanish. The board may also make available at such election ballots printed in any other language as may be requested by an agricultural labor organization or agricultural employee eligible to vote under this part. Every election ballot, except ballots in runoff elections where the choice is between labor organizations, shall provide the employee with the opportunity to vote against representation by a labor organization by providing an appropriate space designated "No Labor Organizations".~~

~~(b) Any other labor organization shall be qualified to appear on the ballot if it presents authorization cards signed by at least 20 percent of the employees in the bargaining unit at least 24 hours prior to the election.~~

~~(c) Within five days after an election, any person may file with the board a signed petition asserting that allegations made in the petition filed pursuant to subdivision (a) were incorrect, that the board improperly determined the geographical scope of the bargaining unit, or objecting to the conduct of the election or conduct affecting the results of the election.~~

~~Upon receipt of a petition under this subdivision, the board, upon due notice, shall conduct a hearing to determine whether the election shall be certified. Such hearing may be conducted by an officer or employee of a regional office of the board. He shall make no recommendations with respect thereto. If the board finds, on the record of such hearing, that any of the assertions made in the petition filed pursuant to this subdivision are correct, or that the election was not conducted properly, or misconduct affecting the results of the election occurred, the board may refuse to certify the election. Unless the board determines that there are sufficient grounds to refuse to do so, it shall certify the election.~~

~~(d) If no petition is filed pursuant to subdivision (c) within five days of the election the board shall certify the election.~~

~~(e) The board shall decertify a labor organization if the United States Equal Employment Opportunity Commission has found, pursuant to Section 2001(e) (5) of Title 42 of the United States Code, that the labor organization engaged in discrimination on the basis of race, color, national origin, religion, sex, or marital status or invidious classification in violation of Subchapter VI of Chapter 1 of Title 42 of the United States Code during the period of such labor organization's present certification.~~

~~1156.4. Recognizing that agriculture is a seasonal occupation for a majority of agricultural employees, and wishing to provide the fullest scope for employees' enjoyment of the rights included in this part, the board shall not consider a representation petition or a petition to decertify as timely filed unless the employer's payroll reflects 50 percent of the peak agricultural employment for such employer for the current calendar year for the payroll period immediately preceding the filing of the petition.~~

~~In this connection, the peak agricultural employment for the prior season shall alone not be a basis for such determination, but rather the board shall estimate peak employment on the basis of acreage and crop statistics which shall be applied uniformly throughout the State of California and upon all other relevant data.~~

~~1156.5. The board shall not direct an election in any bargaining unit where a valid election has been held in the immediately preceding 12 month period.~~

~~1156.6. The board shall not direct an election in any bargaining unit which is represented by a labor organization that has been certified within the immediately preceding 12 month period or whose certification has been extended pursuant to subdivision (b) of Section 1155.2.~~

~~1156.7. (a) No collective bargaining agreement executed prior to the effective date of this chapter shall bar a petition for an election.~~

~~(b) A collective bargaining agreement executed by an employer and a labor organization certified as the exclusive bargaining representative of his employees pursuant to this chapter shall be a bar to a petition for an election among such employees for the term of the agreement, but in any event such bar shall not exceed three years, provided that both the following conditions are met:~~

~~(1) The agreement is in writing and executed by all parties thereto.~~

~~(2) It incorporates the substantive terms and conditions of employment of such employees.~~

~~(c) Upon the filing with the board by an employee or group of employees of a petition signed by 30 percent or more of the agricultural employees in a bargaining unit represented by a certified labor organization which is a party to a valid collective bargaining agreement, requesting that such labor organization be decertified, the board shall conduct an election by secret ballot pursuant to the applicable provisions of this chapter, and shall certify the results to such labor organization and employer.~~

~~However, such a petition shall not be deemed timely unless it is filed during the year preceding the expiration of a collective bargaining agreement which would otherwise bar the holding of an election, and when the number of agricultural employees is not less than 50 percent of the employer's peak agricultural employment for the current calendar year.~~

~~(d) Upon the filing with the board of a signed petition by an~~

~~agricultural employee or group of agricultural employees, or any individual or labor organization acting in their behalf, accompanied by authorization cards signed by a majority of the employees in an appropriate bargaining unit and alleging all the conditions of paragraphs (1), (2), and (3), the board shall immediately investigate such petition and, if it has reasonable cause to believe that a bona fide question of representation exists, it shall direct an election by secret ballot pursuant to the applicable provisions of this chapter:~~

~~(1) That the number of agricultural employees currently employed by the employer named in the petition, as determined from his payroll immediately preceding the filing of the petition, is not less than 50 percent of his peak agricultural employment for the current calendar year.~~

~~(2) That no valid election pursuant to this section has been conducted among the agricultural employees of the employer named in the petition within the 12 months immediately preceding the filing thereof.~~

~~(3) That a labor organization, certified for an appropriate unit, has a collective bargaining agreement with the employer which would otherwise bar the holding of an election and that this agreement will expire within the next 12 months.~~

~~1157. All agricultural employees of the employer whose names appear on the payroll applicable to the payroll period immediately preceding the filing of the petition or such an election shall be eligible to vote. An economic striker shall be eligible to vote under such regulations as the board shall find are consistent with the purposes and provisions of this part in any election, provided that the striker who has been permanently replaced shall not be eligible to vote in any election conducted more than 12 months after the commencement of the strike.~~

~~In the case of elections conducted within 18 months of the effective date of this part which involve labor disputes which commenced prior to such effective date, the board shall have the jurisdiction to adopt fair, equitable, and appropriate eligibility rules, which shall effectuate the policies of this part, with respect to the eligibility of economic strikers who were paid for work performed or for paid vacation during the payroll period immediately preceding the expiration of a collective bargaining agreement or the commencement of a strike, provided, however, that in no event shall the board afford eligibility to any such striker who has not performed any services for the employer during the 23-month period immediately preceding the effective date of this part.~~

~~1157.9. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, as a ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election.~~

~~1157.6. Employers shall maintain accurate and current payroll lists containing the names and addresses of all their employees, and~~

~~shall make such lists available to the board upon request.~~

~~1158. Whenever an order of the board made pursuant to Section 1160.3 is based in whole or in part upon the facts certified following an investigation pursuant to Sections 1156.2 to 1157.2 inclusive, and there is a petition for review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under Section 1160.8 and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.~~

~~1159. In order to assure the full freedom of association, self-organization, and designation of representatives of the employees own choosing, only labor organizations certified pursuant to this part shall be parties to a legally valid collective bargaining agreement.~~

~~CHAPTER 6. PREVENTION OF UNFAIR LABOR PRACTICES AND JUDICIAL REVIEW AND ENFORCEMENT~~

~~1160. The board is empowered, as provided in this chapter, to prevent any person from engaging in any unfair labor practice, as set forth in Chapter 4 (commencing with Section 1153) of this part.~~

~~1160.2. Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the board, or any agent or agency designated by the board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the board or a member thereof, or before a designated agency or agencies, at a place therein fixed, not less than five days after the serving of such complaint. No complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the board and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the armed forces, in which event the six-month period shall be computed from the day of his discharge. Any such complaint may be amended by the member, agent, or agency conducting the hearing, or the board in its discretion, at any time prior to the issuance of an order based thereon. The person so complained against shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the board, any other person may be allowed to intervene in the proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the Evidence Code. All proceedings shall be appropriately reported.~~

order as the court deems just and proper.

~~1160.5. Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (1) of subdivision (d) of Section 1154, the board is empowered and directed to hear and determine the dispute out of which such unfair labor practice shall have arisen, unless within 10 days after notice that such charge has been filed, the parties to such dispute submit to the board satisfactory evidence that they have adjusted, or agreed upon methods for the voluntary adjustment of the dispute. Upon compliance by the parties to the dispute with the decision of the board or upon such voluntary adjustment of the dispute, such charge shall be dismissed.~~

~~1160.6. Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (1), (2), or (3) of subdivision (d), or of subdivision (g), of Section 1154, or of Section 1155, the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer or regional attorney to whom the matter may be referred has reasonable cause to believe such charge is true and that a complaint should issue, he shall, on behalf of the board, petition the superior court in the county in which the unfair labor practice is alleged to have occurred or where the person alleged to have committed the unfair labor practice resides or transacts business, for appropriate injunctive relief pending the final adjudication of the board with respect to the matter. The officer or regional attorney shall make all reasonable efforts to advise the party against whom the restraining order is sought of his intention to seek such order at least 24 hours prior to doing so. In the event the officer or regional attorney has been unable to advise such party of his intent at least 24 hours in advance, he shall submit a declaration to the court under penalty of perjury setting forth in detail the efforts he has made. Upon the filing of any such petition, the superior court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper. Upon the filing of any such petition, the board shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony. For the purposes of this section, the superior court shall be deemed to have jurisdiction of a labor organization either in the county in which such organization maintains its principal office, or in any county in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit. In situations where such relief is appropriate, the procedure specified herein shall apply to charges~~

~~with respect to paragraph (4) of subdivision (d) of Section 1154.~~

~~1160.7. Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of subdivision (c) of Section 1155 or subdivision (b) of Section 1154, such charge shall be given priority over all other cases except cases of like character in the office where it is filed or to which it is referred and cases given priority under Section 1150.6.~~

~~1160.8. Any person aggrieved by the final order of the board granting or denying in whole or in part the relief sought may obtain a review of such order in the court of appeal having jurisdiction over the county wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business, by filing in such court a written petition requesting that the order of the board be modified or set aside. Such petition shall be filed with the court within 30 days from the date of the issuance of the board's order. Upon the filing of such petition, the court shall cause notice to be served upon the board and thereupon shall have jurisdiction of the proceeding. The board shall file in the court the record of the proceeding, certified by the board within 10 days after the clerk's notice unless such time is extended by the court for good cause shown. The court shall have jurisdiction to grant to the board such temporary relief or restraining order as it deems just and proper and in like manner to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the board. The findings of the board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.~~

~~An order directing an election shall not be stayed pending review, but such order may be reviewed as provided in Section 1153.~~

~~If the time for review of the board order has lapsed, and the person has not voluntarily complied with the board's order, the board may apply to the superior court in any county in which the unfair labor practice occurred or wherein such person resides or transacts business for enforcement of its order. If after hearing, the court determines that the order was issued pursuant to procedures established by the board and that the person refuses to comply with the order, the court shall enforce such order by writ of injunction or other proper process. The court shall not review the merits of the order.~~

~~1160.9. The procedures set forth in this chapter shall be the exclusive method of redressing unfair labor practices.~~

CHAPTER 7. SUITS INVOLVING EMPLOYERS AND LABOR ORGANIZATIONS.

~~1165. (a) Suits for violation of contracts between an agricultural employer and an agricultural labor organization representing agricultural employees, as defined in this part, or between any such~~

~~labor organizations, may be brought in any superior court having jurisdiction of the parties, without respect to the amount in controversy.)~~

~~(b) Any agricultural labor organization which represents agricultural employees and any agricultural employer shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of this state. Any money judgment against a labor organization in a superior court shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.~~

~~1155.2. For the purpose of this part, the superior court shall have jurisdiction over a labor organization in this state if such organization maintains its principal office in this state, or if its duly authorized officers or agents are engaged in representing or acting for employee members.~~

~~1155.3. The service of summons, subpoena, or other legal process of any superior court upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.~~

~~1155.4. For the purpose of this part, in determining whether any person is acting as an agent of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.~~

~~CHAPTER 8. LIMITATIONS~~

~~1156. Nothing in this part, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on such right.~~

~~1156.2. Nothing in this part shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this part shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either national or local, relating to collective bargaining.~~

~~1156.3. (a) If any provision of this part or the application of such provision to any person or circumstances shall be held invalid, the remainder of this part, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.~~

~~(b) If any other act of the Legislature shall conflict with the provisions of this part, this part shall prevail.~~

~~SEC. 6. No appropriation is made by this act nor is any obligation incurred thereby under Section 2301 of the Revenue and Taxation Code, for the reimbursement of any local agency for any~~

~~costs that may be incurred by it in carrying on any program or performing any service required to be carried on or performed by it by this act.~~

Mary McGroary

California's Brown: A Worry for the Pols

WASH STAR 10-13
It will be interesting to see how the Democrats handle their hottest property in the coming months. He is not a candidate for the presidency, which is already eccentric. But he is something even more menacing to the regulars: He is not a politician as the term is understood.

Edmund G. Brown Jr. is the 37-year-old governor of California. He has held office only since January, and while he has stayed home minding the store, he has achieved an odd kind of national recognition. People know his style. Say Brown, and people think starkness, common sense.

Brown has grasped the great reality about the American voter — that he is sick of limousines and lies, that he couldn't care less about ideologies and would vote for a Zen Buddhist if he would bring down his fuel bill.

BROWN'S WAY of life irritates politicians; it is strictly fraternity-busting. He rides around in a small car with one security guard. He walks around and asks questions. He lives in a \$200-a-month Sacramento apartment and sleeps on a mattress on the floor.

"If he wasn't the governor, they'd arrest him," snorts a New York politico who is tired of hearing about the admirable anchorite.

Brown first surfaced in California politics in the campaign of another anti-politician, Eugene McCarthy. He was a militant peace activist. His race for governor was close-run. Initially a heavy favorite — he is the son of former Gov. Pat Brown, a kindly, anxious, completely conventional officeholder — Jerry Brown lost ground supposedly because voters worried that the ex-seminarian was humorless, arrogant and doctrinaire. Now, 10 months later, they are mad about the boy.

His latest approval rating is 89 percent. Since California voters are roughly divided among Democrats, Republicans and Independents, Brown obviously has won the hearts and minds of all but the hard core of the right.

HE HAS DONE IT largely by not doing things: by not going to governors' conferences — he considers them a waste of time; by not automatically okaying big budgets for education and welfare budgets — he considers some of them a waste of money; by not coming to Washington to lobby for Los Angeles as the Democrats' convention site — probably another waste of time in his singular calculations.

Brown's name rarely comes up when the roll is called of Democratic possibilities in party circles. But

when the hour is late and all the combinations, compromises and retreats are exhausted, someone mentions his name, and sighs that Brown, in his beat-up Chevy, and Gov. Michael Dukakis of Massachusetts, who takes the streetcar to work, have somehow arrived where the voters are.

Brown made an appearance on "Meet the Press" a week ago that still is being talked about and still causing wrinkles in hopeful brows. Characteristically, he refused to come to Washington. The panel had to go to him. He turned in a first-class performance.

The young governor was neither defensive nor effusive. He was crisp and articulate, eloquent and blunt, specific and abstract, perfectly in command of himself. He spoke of sacrifice and discipline and leanness; he said Americans are too materialistic. He doesn't believe for a minute in the perfectibility of man or the ability of government to solve all problems. He doesn't think people ever change; he thinks government must. He is the first candidate to voice a belief in original sin on national television.

HE WAS TALKING about the fundamental values. He suggested a recognition that "human nature is constant, it is weak, it needs a type of government that recognizes that mankind is really brought down by its own instincts."

He was asked what he looked for most in a presidential candidate, and he replied promptly, "First and foremost, a clear mind, an ability to think and speak clearly."

He demonstrated those qualities. But a "clear mind" makes some politicians nervous. It denotes intellect, independence. It means a man can't be managed, doesn't play ball, won't call up the county chairmen. Brown says he wants to represent "that 50 percent that don't vote . . . out of a clear choice that whatever we are doing isn't worth commenting on one way or the other."

The other aspirants, who realize that "politician" is a bad word, pray that Brown will trip or fade away.

But if Americans see much more of that clear mind, the Democrats may have to confront a serious problem, a contender who meets the mood of the American voter, and who comes from the largest state in the Union.



GOV. EDMUND G. BROWN JR.

EDMUND G. BROWN, JR.

From
Calif. office
Mike Miller

ISSUES

OVERVIEW: Depending upon the approach decided upon, the issues which threaten Brown most directly stem from his inability to respond to crises, and his inability to make timely administrative decisions. A final criticism of Brown's issues relate to his inexperience with foreign policy issues.

MEDICAL MALPRACTICE: In late 1975, the AMA announced that their member-physicians were planning to boycott all but emergency services in protest to outrageous increases in their medical malpractice premiums, averaging in excess of a 340% increase. The announcement came in early December, shortly after the 1976 insurance premium rates were announced by the respective insurance carriers. The boycott was scheduled for January 1, 1976 unless some agreement could be attained. This crisis came as no surprise. The previous year had been marked by the passage of a new medical malpractice law, drafted by a committee of physicians, lawyers, and legislators to stem the drastic consequences of malpractice verdicts occasioned by the tort system. In essence, the law that Brown signed contained numerous provisions that not only failed to limit claims by potential plaintiffs, but also imposed extensive review procedures upon the physicians. Other provisions illogically reduced the statute of limitations for prenatal injuries, but were easily circumvented. The major provision of the new law required arbitration of all medical claims under certain conditions, and also attempted to require patients to sign a waiver of their rights to pursue a malpractice action other than through arbitration. This provision is likely to be unconstitutional, and has never been enforced.

After realizing the ineffectiveness of this legislation, the physicians were determined to vent their protests in a doctor strike, which lasted well into the month of January without any action by Brown. Eventually, Brown revealed his proposal to include a funding pool for malpractice premiums for all physicians willing to sign up for a program dispensing free medical care to the indigent. The physicians rejected the plan outright, and Brown responded that the physicians would have to fare for themselves. In February, Brown signed a bill that provided a one-third subsidy for the increase in the premiums. Nevertheless, the basic friction still exists until next January, when the malpractice insurance carriers announce another jump in malpractice premiums.

FARMWORKERS: Brown's appointees have been criticized as anti-grower in nature, which has been cited by many of the Board members quitting their posts. The most controversial Board member was LeRoy Chatfield, whom the growers detested. Chatfield had once been the administrator of Chavez's union, and had strong ties with religious and labor leaders. Brown pulled Chatfield off the Board in late-1975, and he now is one of Brown's national campaign organizers. Joe Ortega, another Brown appointee, quit after being arrested on a morals charge. Walter Kintz, general counsel, and Joseph Grodin

have both resigned. Currently, the only members left on the board are the chairman, Catholic Bishop Roger Mahoney, and Dick Johnsen, a former grower representative.

But an even more critical problem facing the Board is the lack of funds to even run the program. The initial legislation only included start-up appropriations, which quickly ran out. A strong coalition of Republicans and farm area Democrats successfully blocked passage of any legislation designed to fund the ALRB. Convinced that Brown had abandoned the interests of the growers by appointing anti-grower Board members, this coalition is demanding major changes in the Board's structure, composition, and powers.

Submitted: the two previous issues indicate a basic philosophy in approaching both the state legislature, and towards negotiations. Brown has often been quoted that he should not involve himself in the workings of the legislature, and avoid heavy-handed attempts to push through legislation. Similarly, he believes that it is futile to aggressively pursue negotiations between adverse political interests. If they are not ready to compromise, it is pointless to attempt a solution.

UNEMPLOYMENT: The jobless rate in this state remains at 10%, more than 2% over the national average. When taking the oath of office, Brown promised that reducing the unemployment rate would be his top priority. He appointed James Lorenz to develop a new and imaginative approach, and Lorenz responded with a proposal involving massive infusions of state and federal funds to create public service jobs, to be financed by large increases in business and corporate taxes. After a rather substantial protest was led by the Oakland Tribune, Brown fired Lorenz, declaring that he was not "a team man." Shortly after announcing his Presidential candidacy, Brown announced a \$25 million employment proposal (\$15 million from the federal government) which would create 3000 public service jobs repairing low-income substandard housing. This bill would be teamed with a Housing proposal creating a new Housing Agency, which would be authorized to spend \$950 million on low and middle-income housing, assuming that California voters approve a \$500 million housing bond issue in the June primary.

CHILD DAY CARE CENTERS: Another Brown campaign promise was to expand and improve California's 4000 day care centers. In the face of possible cutbacks in these programs by the federal government, the budget allocated a mere \$10 million, and cut a \$2 million licensing program of quality and safety inspections because, in the words of Jerome Lackner (Director, State Board of Health), the program lacked importance. Bamford Franckland, a Deputy Director of the State Health Board, declared that such inspections were a waste of time and money--a position that was criticized vigorously in the Times (4-19-76).

MEDICAL PROGRAMS: Brown delayed for months before making appointments to the newly-created Medical Quality Assurance Board (established in the 1975 Malpractice laws mentioned above). Four members still have not been appointed, and 190 positions remain open on the 14 local boards. The local boards were created to review any instance of alleged malpractice where the possible damages exceed \$3000. The boards have the power to compel comprehensive peer review procedures, and also have the power to mandate attendance at re-education and training review programs.

Brown also promised to overhaul the Medi-Cal program, and on that assumption, cut the Reagan-created program drastically. But the reforms have yet to be proposed, and Brown faces the need to sign a \$35 million special appropriation in the near future just to keep the program solvent.

APPOINTMENTS: As has been mentioned already, Brown appointees have come under fire on the ALRB, and have threatened the very existence of the program. An April 16 issue of the L.A. Times concludes: "His (Brown's) basic problem with appointments....has been the slowness with which he fills vacancies. Some of it has been deliberate. He made no court appointments for months...in an effort to convince judges they should work longer hours and lower their expectations as to annual salary increases and retirement benefits." In ecology, Brown has been praised for his appointments of aggressive leaders in the State Air Resources Board (Thomas Quinn) and the Public Utilities Commission. However, his appointments to the Energy Commission have been attacked by conservationists as being ineffectual. The April 1976 issue of Sierra magazine advances the criticism of Brown's conservation policy in these words: "For all his professed concern about finite resources, Brown, as of Easter recess, has not endorsed any of the major resources bills now before the legislature. In his 1976 State of the State address, Brown voiced support for the concepts of coastal planning and the preservation of prime farmland, but he has not yet spoken out in favor of AB 15 or SB 1579, or proposed alternate ways of translating these goals into law." P.1. The Prepaid Health Plan (PHP) under the State Health Board has suffered constant personnel changes by 3 directors within the last six months. L.A. Times, April 16, 1976, p.22.

FOREIGN POLICY: Brown professed relative ignorance over foreign affairs in an interview with New West magazine, dated April 22, 1976. In the April Playboy interview, Brown seemed to take contradictory positions: first stating that the U.S. was being treated like "a big sap" for pushy little third world nations; then condemning our foreign policy as exploiting third and fourth world nations; finally, he declared that the U.S. should be able to virtually dictate the price of oil from third world nations. Numerous commentators predict that Brown would find it difficult to restrain himself from entering into international negotiations, and would likely push for increased defense expenditures.

teletyped p.m.
5/18/76

To: ~~Maryland Trip Goers~~ GOVERNOR CARTER
From: Carter Staff
Re: Governor Jerry Brown

The following is a compilation of facts, excerpts from newspaper articles and commentary prepared for you by ~~the Carter issues staff.~~ MILT GWIRTZMAN

GOVERNOR BROWN OF CALIFORNIA:
"THEM'S THAT KNOW HIM BEST, LIKE HIM LEAST"

A review of recent articles in California newspapers indicates mounting criticism of Brown's record as Governor in major fields and among important segments of the state's electorate. Indeed, it could be that Brown has launched a Presidential campaign outside his home state because he wants to get away from a mounting number of critical problems and decisions with which he cannot cope. Documented quotes from published California sources show:

1) Growing antagonism on the part of labor unions

In an article headlined "Union Leader Rips into Brown," the Oakland, California "Tribune" reported that the business manager of the 30,000 member Operating Engineers Union of that area had written in his union's newspaper that "the Brown administration has taken an antilabor stance on almost every issue that affects the construction workers of California." The "Tribune" named the union leader as Dale Marr, and called him a "respected and articulate labor voice who carries considerable weight in Western union circles." Marr pointed specifically to Brown's "all but dismantling the state highway program," and proposing a bill, the Job Opportunity Act of 1976, which would "undermine the whole craft structure of the building and construction trades" by using non-union

MORE

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workmen on public works projects.

(Sources: Oakland Tribune, April 25, 1976)

At the same time, in an article headlined "Labor's Jerry Wurf Scornful of Brown," the Los Angeles "Times" reported (4/13/76) that Wurf, the president of the American Federation of State, County and Municipal Employees, had rejected a plea from Brown for an endorsement of his Presidential bid on the grounds that he (Wurf) was "uncomfortable" with Brown's "demagogic rhetoric," and that based on his record in California, Brown was "a very brilliant, low-key agitator who calls attention to problems bothering people but who offers no solutions."

2) Bitter comments from those concerned with child care

In a column in the April 14 edition of the Los Angeles "Times" Erica Grubb, an attorney specializing in child defense and social welfare matters wrote:

"When he took office more than a year ago, Gov. Brown courted the public opinion with promises of an improved system of child care in California... the working parents and child care advocates who were initially heartened by his concern have come to believe they were empty rhetoric.

The worst indictment of the Brown Administration's record on child-care is not that it has failed to implement new programs, but that it has destroyed old ones. Last October, the State Department of Health suspended its system of licensing child care centers, and substituted a "self-certification" process. Such a system flatly violates child-welfare legislation which has been on the books since the early 1900s. Many people were outraged when the Department of Health ended its licensing program. Yet the governor's office has generally been "too busy" with other issues to respond to complaints.

Despite its verbal commitment to children, the Brown administration has elected to destroy one of the most valuable programs designed to protect them. The governor may make a show of professing humane values, but California's children fared better under Ronald Reagan."

MORE

3) Failure to deal with health care crises

Early last year, California was crippled by a doctor's strike in which doctors refused to perform operations except in emergencies, because of the soaring costs of premiums for medical malpractice insurance. Brown, while failing to provide leadership toward legislation dealing with that problem, also neglected to staff the state agency charged with weeding out incompetent doctors. The latest effort to set up a malpractice insurance pooling system is becalmed in the State Legislature while Brown is out campaigning for the Presidency.

4) Support of bigger government and higher taxes

Despite his slogan that "small is beautiful," Brown runs the biggest state government in this country, and, according to the Lodi, California "News-Sentinel" (3/23/76) "state taxes have been upped a billion dollars during his short time in office." (note: this includes a \$600 million increase in unemployment taxes). The Associated Press has quoted him as saying: "Today requires an expansion of government because there are more people living together with less family ties, resulting in the government providing more services. That is a structural phenomenon beyond the resistance of either of the two political parties."

In other words, Brown is saying there is nothing that can be done to streamline government and cut down on waste.

MORE

5) Increasing recognition that Brown has Made No Record

"After more than a year in office, legislators are still not sure what his program is, if any."--"Lodi News Sentinel" (3/23/76)

"What has Jerry Brown accomplished during his first 14 months as governor that would qualify him to become president? The answer: not much." -- "Sacramento Union" (3/28/76)

"Every bone in my body tells me that our sterling young governor, Jerry Brown is a phony as a handprinted fiver." -- columnist Charles McCabe, San Francisco "Chronicle" (3/19/76)

"The Los Angeles 'Times' editorialized that Brown ..."has not yet built a sufficient record in Sacramento to warrant a trip to Washington"-- quoted in New West magazine, (4/26/76)

###

Brown Assails Foes of Farm Labor Law

Defense of Embattled Agency Cheered by Union Leaders From Three States

BY HARRY BERNSTEIN
Times Labor Writer

SAN FRANCISCO—Union leaders from three states gave Gov. Brown an enthusiastic, standing ovation Tuesday when he denounced politicians who are joining "an unholy alliance with those whose only interest is in profits, anti-union activities and 'right to work' laws."

Brown did not name those he accused of joining the "unholy alliance," but in general he was referring to legislators who, he charged, are working with "the forces of reaction and flexing their muscles to kill the farm labor law."

Many of the union leaders attending the tristate AFL-CIO Committee on Political Education conference here said after loudly cheering Brown that they will support his campaign for the Presidency.

One official commented: "Maybe a lot of what he says is just political rhetoric, but it's the kind of rhetoric I like to hear, and he sounded specific as hell on the farm labor situation and a few other things."

Others were pleased particularly by the governor's endorsement of national health insurance and of the Humphrey-Hawkins bill to guarantee jobs for all workers who seek them. The measure is sponsored by Sen. Hubert H. Humphrey (D-Minn.), himself a presidential hopeful, and Rep. Augustus F. Hawkins (D-Calif.).

Brown told the labor conference, "I am not going to sell out farm workers. Compromise is one thing, but betrayal is another."

"I am going to be fighting for what is right, and right is secret ballot elections."

The state Legislature so far has failed to approve a special \$2.5 million appropriation to revive the Agriculture Labor Relations Board, the state agency which conducts elections to determine which union, if any, farm workers want.

Republicans and rural Democrats in the Legislature, like growers and the Teamsters Union, will not support that appropriation unless major changes are made in the law which created the ALRB.

Brown argues that the proposed changes would weaken, if not destroy, the intended effect of the law.

More than 400 farm labor elections were held before the agency halted operations because of lack of funds,

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Los Angeles Times

BROWN DEFENDS FARM LAW

Continued from Third Page

"and the unions won over 90% of them," Brown said. Now, he contended, "growers are trying to eliminate the agency which has been trying to help bring economic justice to farm workers."

The governor warned that if the Legislature fails to keep the ALRB alive, then it will be necessary to revive it through the initiative process.

Caesar Chavez's AFL-CIO United

Farm Workers of America has already started collecting signatures for petitions which would enact a farm labor election law by the initiative process.

It was the first time many of the union leaders, here from California, Nevada and Arizona, had seen Brown in person.

Afterwards officials from several unions, including the International Assn. of Machinists, Retail Clerks

and Service Employees International Union, said they will try and become delegates for Brown to the Democratic National Convention in New York this summer.

John F. Henning, head of the California State Labor Federation, introduced Brown by contending he helped bring about "the best labor legislative record in California history."

Brown, Henning said, was primarily

responsible for enactment of the farm labor law, and "is now fighting vigorously to make it work and keep it alive."

He credited Brown with a host of legislative accomplishments ranging from increased unemployment insurance to a law which gives injured workers the right to choose their own doctors when they are hurt on the job.

Just before Brown started speaking, he was furiously denounced as a "reactionary" by Nicholas Benton, a member of the radical U.S. Labor Party and a candidate for the U.S. Senate. Benton was quickly hustled

from the floor by several delegates.

At first, Brown jokingly dismissed the interruption by quipping: "It seems we have a lot of organizing to do."

But then he said seriously that, "While I do not know that man's motivations, I can tell you that there are many, many people who are questioning the leadership of this country because the forces of yesterday are trying to hold us back."

Brown said "we are bound to have problems when families have no paychecks," and then endorsed the Humphrey-Hawkins bill.

After the session, Brown met privately with Henning and Alexander Barkan, director of the National AFL-CIO's political activities. The men reportedly discussed the possibility of Brown actively entering the Democratic primary in Maryland.

Brown said he has not yet decided whether to campaign in that state, and several of the labor officials have indicated that while they support him, they think it would be wiser for him not to go into Maryland unless he can be assured of significant support there.

San Jose Mercury 1/22/76

Brown To Run in California Primary *Ca*

By GIL BAILEY

Mercury Washington Bureau

WASHINGTON—Gov. Edmund G. Brown Jr has made a firm but undisclosed decision to enter the California Democratic presidential primary and "expects to win," positioning himself for a key role in the Democratic National Convention.

Brown's decision may have been previewed in a recent newspaper interview with his father, former California Gov. Edmund G. Brown Sr., who said:

"What I would like to see him do is run as a favorite son in the

California primary, then lead the state delegation to the Democratic convention. Then he would be in excellent position to accept a draft or influence the selection of candidates."

Sources in both Washington and Sacramento told the Mercury Washington Bureau that Brown hopes to delay announcement of

Today's Chuckle

A life spent making money may seem useless, but one spent just trying to make money really is.

his decision until the last possible moment. He does not want to be on the ballot in any other state than California but he does want to run as a "favorite son" rather than as the head of an uncommitted delegation.

As a result Brown will delay official announcement in order to keep his name off other state's ballots.

A spokesman for Brown told the Mercury Sacramento Bureau Wednesday that Brown was still undecided on entering the Califor-

(Back of Section, Col. 5)

Brown Reported Ready To Enter State Primary

(Continued from Page 1)

nia primary. Earlier Brown took his name off the Florida ballot.

The original sources for the report that Brown had made a decision to enter the California primary were then rechecked and said they stand by their statement.

The Brown entry into the race would lessen the chances of any Democrat gaining a clear-cut victory in the primaries leading up to the convention. As a result the California governor would be, as his father put it, in a strong position to "influence the selection of candidates."

Without Brown's entry into the race, the California delegation, one tenth of the total delegates to the national convention, could be split among a number of Democratic candidates. Brown, on the other hand, with his overwhelming approval in the California polls, could take a relatively united delegation to the convention with the potential of determining a winner.

In the past California's primary has often confirmed party nominations including those of Sen. Barry Goldwater over Nelson Rockefeller in 1964 and Sen. George McGovern over Sen. Hubert Humphrey in 1972. Brown's participation in the race would limit the possibility any other Democrat could win the state decisively and thereby clinch the nomination.

In addition, Brown's entry might help the candidacy of Sen. Hubert Humphrey (D-Minn), who has said he will not enter the primaries, relying instead on a draft from a deadlocked convention. A Humphrey-Brown ticket would nicely balance age and youth with the possibility that Humphrey, now 64, might be a one term president.



DEMO PRESIDENTIAL BALLOT

Brown's Name Off Eu Candidate List

5. Jone
Honey
1/23/76

By BOB SCHMIDT
Mercury Sacramento Bureau

SACRAMENTO — Gov. Edmund G. Brown Jr.'s name will not be on the list of Democratic presidential candidates slated to be announced next Friday by Secretary of State March Fong Eu, even though he has not yet responded to a Jan. 6 letter from Mrs. Eu inquiring "whether you are a candidate for the presidency," the Mercury has learned.

Meanwhile, Brown's father, former governor Edmund G. Brown Sr., warned his son that if he did not clarify his status by March 1 he, the father, might endorse someone else.

Brown Sr., asked by the Associated Press to comment on a Mercury story from Washington that his son had "made a firm but undisclosed decision to enter the California Democratic presidential primary," said Thursday he thought the governor should be a favorite-son candidate.

"I'm not going to urge him to take any particular action," the elder Brown said, "but as governor of the state he owes it to the people of California" to be a favorite-son candidate.

He said he had been asked by "just about" every announced candidate to assume a campaign leadership in California.

"I don't know what to do now," the former governor said. "I'm waiting for Jerry to decide. He has shown excellent political judgment so far.

"But if he doesn't make a move by March 1, I'll have to make a decision."

He said he had not yet made a choice among the announced candidates.

Mrs. Eu said she expected "the courtesy of a response" from the governor before next Friday, but even if he does not reply to her Jan. 6 letter, she said, his name would be omitted from the list "because I have seen no affirmative activity by him or by anyone on his behalf" with respect to his possible candidacy.

Under California's recently adopted Democratic primary laws, the secretary of state is directed to place on the primary ballot the names of all candidates who are "generally advocated for or recognized throughout the United States or California as actively seeking the nomination of the Democratic Party for President of the United States."

Mrs. Eu said that on Jan. 6 she wrote Brown and Senators Edward M. Kennedy of Massachu-

setts and Hubert H. Humphrey of Minnesota stating her responsibility and inquiring about their intentions.

Humphrey responded on Jan. 13, saying "I am not a candidate for President of the United States nor do I presently intend to become a candidate for that office. Therefore, I respectfully request that my name not be placed on the ballot."

Kennedy's letter, dated Jan. 16, contained essentially the same language except that it was more firm.

"I am not and do not intend to be a candidate for the Democratic nomination for President of the United States in 1976," Kennedy wrote.

Mrs. Eu pointed out that the list she announces next Friday would probably not be final. She may add names — including those of Brown, Humphrey, and Kennedy — until April 5, if, in her judgment, the test of "generally advocated" or "actively seeking" the nomination is met.

Once on the public list, she said, a name can be removed only upon receipt, by April 5, of a sworn affidavit of non-candidacy.

Mrs. Eu said her responsibility is to list the names of actual candidates for the presidency.

Should Brown wish to head an uncommitted delegation, as his father suggests, he would have to circulate nomination papers and collect approximately 40,000 signatures — one per cent of California's estimated 4 million Democrats.

Brown Sr. urged his son to do just that.

"I'm not proposing that he should be a serious candidate for president and actively campaign in all 50 states," he said. "But California needs a unified delegation and he would unify it."

California's complicated primary law, which will guide for the first time the selection of the state's 280 delegates to the Democratic convention in New York City in July, could result in a fragmented delegation with many groups of varying sizes pledged to a number of candidates.

If Brown were to head an uncommitted delegation, and his slate received a majority of the vote in each congressional district, he would take to New York the largest number of delegates and be in a position to wield considerable influence.



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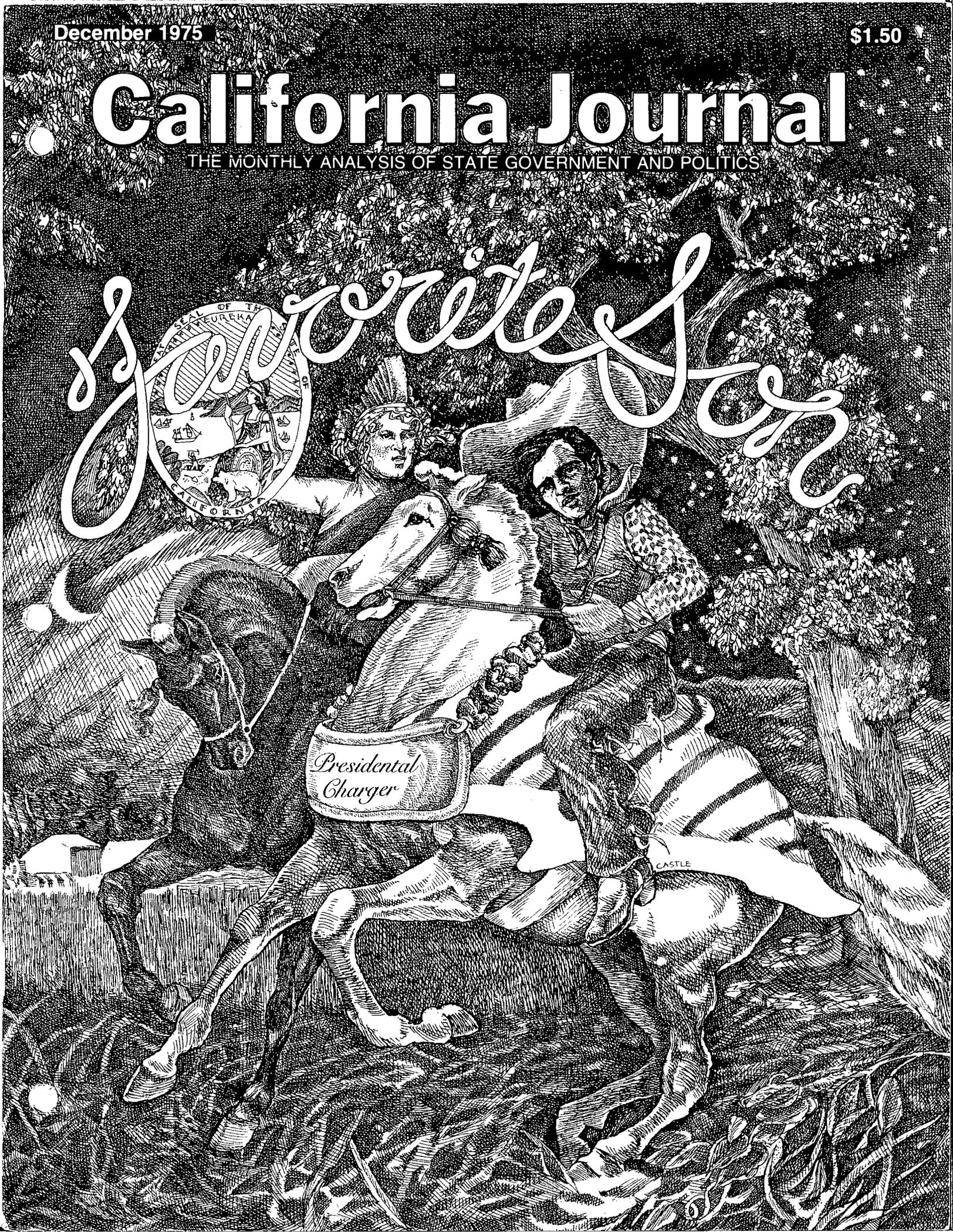
December 1975

\$1.50

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

Sovereign State





Some quotes from Jerry Brown's talk before the annual conference of the County Supervisors Association: "If everyone in government would refuse to sign everything they couldn't read, everything would grind to a screeching halt." "The reason why everybody likes planning is because nobody has to do anything."

Washington Monthly printed a memo to his colleagues from Congressman Leo J. Ryan of South San Francisco touting sets of souvenir cuff links with the politician's signature as campaign gimmicks. Ryan wrote: "While the gesture may be a little flamboyant, I have often taken the cuff links off and made a present of them to anyone who admired them." He offered to order similar sets for his colleagues.

Hoisted by his own petard: Assemblyman Walter Ingalls of Riverside authored the bill making the 55-mile-an-hour speed limit permanent in California. He was cited for violating that law — by 15 miles an hour.

Mayor Pete Wilson of San Diego, probable GOP candidate for governor in 1978, came to the fore in a hurry as a sharp critic of the United Nations resolution branding Zionism as racist. That should endear Wilson both to the traditional anti-UN right and the Jewish citizenry, which normally votes Democratic.

California was described as the "mother state" at a meeting of the Western Governmental Research Association. Is that a compliment or an insult?

Candidate corner: Democrats lost a good chance of unseating Republican State Senator Clare Berryhill when Democratic Assemblyman John Garamendi announced that he will seek reelection next year instead of Berryhill's Senate seat. . . . Republican U.S. Senate candidate Robert Finch has been gathering support from across the political spectrum while Barry Goldwater Jr. has been agonizing about whether to enter the fray. Finch practically "stole" the nomination for lieutenant governor under similar circumstances 10 years ago.

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Vol. 236—No. 39,077

Tuesday, January 13, 1976



Published weekday afternoons
and Saturday and Sunday mornings by
McCLATCHY NEWSPAPERS

ELEANOR McCLATCHY, president
C. K. McCLATCHY, editor

Editorials

A Temporary Solution

Brown file

Last year the legislature turned down Gov. Edmund G. Brown Jr.'s plan to give all state employes the same dollar amount in cost-of-living salary increases instead of awarding them on the traditional percentage basis. The governor contended that the traditional practice of granting an across-the-board percentage pay raise inevitably gives the highest salaried employes substantial raises while a percentage raise for persons at the lower levels of the salary scale amounts to a token gesture.

This year the governor is back, proposing a flat \$65-a-month cost-of-living increase for all state workers. As the governor puts it: "From judges to janitors."

If, indeed, it is true that the state can't afford the usual pay increases required for meaningful salary raises, the idea is appealing.

Further if inflation is the problem, and we are considering only the rising cost of living, no on-the-job responsibility, then

we are talking about paying for gasoline, groceries, clothing and the like. Since these costs are rising at the same rate for everyone, there is logic in the proposal to give all employes the same dollar amount as a cost-of-living pay increase.

As a temporary measure the governor's proposal makes sense. But it would not work as a long range proposition. To regard everyone equally every year regardless of qualifications, skill, and job responsibility would have dire consequences for the quality of state government. If the people in the upper level jobs are held down year after year when salary raises are given out California will have difficulty in getting high caliber, highly trained, highly motivated employes to fill the most responsible jobs.

Gov. Brown's solution to the problem of granting cost-of-living raises at a time when the money is short presents a fair way out of a difficult predicament.

The legislature should go along with the governor this one year.

primary. *Ham; Jody; Betty; Joel; Rick; Paul -*
Newsweek 11/19/76 "Portland"

CALIFORNIA'S PRESIDENTIAL PREVIEW

California voters have cast preview ballots in the 1976 Presidential sweepstakes. Using a rough breakdown of the state's electorate, 54% Democrat, 24% Republican, the rest independent, Dorothy D. Corey Research asked 782 Californians to volunteer the man of their choice. The result was this form chart: Sen. Edward Kennedy, an avowed noncandidate, led with 17.3%; former California Gov. Ronald Reagan was second with 14.8%; President Ford third with 10.4%; and Democratic Gov. Jerry Brown next with 7.9%. The rest of the field: Hubert Humphrey, 7.4%; Henry Jackson, 3.6%; George Wallace, 2.8% (his worst poll yet in California); Fred Harris, 1.2%; Morris Udall, 1%; ex-Georgia Gov. Jimmy Carter, 0.6%; Kennedy in-law Sargent Shriver, 0.4%. One significant finding: "Don't-knows" totaled 26.6%.

—JOHN A. CONWAY with bureau reports

C1

Florida Primary Ballot Will Exclude Brown

1/13/76

C5
By JOHN BERTHELSEN
Bee Staff Writer

Gov. Edmund G. Brown Jr. will not be a presidential candidate on the Florida primary election ballot slated for March 9.

Brown called Florida Secretary of State Bruce A. Smathers at the latter's home in Tallahassee at 2 p.m. PST Saturday to request that Smathers not put the governor's name on the ballot, Smathers told The Bee.

Under Florida's open primary system, the secretary of state has the discretion to pick presidential candidates for the ballot whether or not they have announced their intention to run, unless the candidates ask to be excluded. Tomorrow is the deadline for potential candidates to call Florida to request their names be taken off.

The 37-year-old Brown has been the center of speculation for month that

he might make a try for the presidency during his first gubernatorial term.

However, Smathers said late yesterday, "Jerry called me and he said that his present intention is not to seek the nomination, and as such it is my intention that his name not appear."

Smathers, like Brown, is the heir to

a potent political name. His father is U.S. Sen. George A. Smathers, D-Fla. He and Brown chatted about the primary and the names of those who would be on it, Smathers said. He added he would not give out the names before they become public on Monday.

In Sacramento, Gray Davis, the governor's executive secretary, said

Brown's announcement does not constitute a departure from the governor's stated policy.

"He has previously stated that he will postpone consideration (in each primary where his name might be listed) until he is confronted with a legal deadline," Davis said. "It should not be seen as a departure from that policy."

Garbo Sought

Agence France-Presse
STOCKHOLM

Former Hollywood screen idol Greta Garbo is being officially sought in Sweden over inheritance of \$67

Katrineholm

central Sweden

handover

Miss G

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Program-Based Campaigns — Fatal?

By MARTIN SMITH
McClatchy Newspapers
Political Writer

IRVINE, Orange Co. — A presidential candidate who campaigns this year on the basis of his proposed programs is more likely to wind up in political oblivion than in the White House.

This warning was voiced last night by George E. Reedy, former press secretary to the late President Lyndon Johnson.

"The mere word 'programs' turns people off," said Reedy. "They're blaming all of their problems on programs."

Reedy spoke at a weekend conference at the University of California campus here on the American presidency. He told his audience of academicians, politicians, journalists and students that the nation's problems in finding a leader had less to do with a person's qualities than with the fact that Americans don't know or can't agree on where they want to be led.

"They're confused, unsure of the common cement," he said. "They feel lost in the mass — the problem is not just the presidency, but the context in which the presidency operates."

Reedy, a journalism dean at Marquette University, said Americans are caught up in great social changes and associate their current unhappiness with 40 years of presidential programs of one kind or another.

He said he sees no immediate solution but nevertheless expressed confidence that "we'll be able to grope our way towards a solution."

In the meantime, life will be hard for most vote-seekers.

"What politicians do is to wander around people, and they try on things for size," said Reedy. "Sooner or

later, something fits — it's a pragmatic way of doing things. It works."

Some support for Reedy's view was contained in a speech earlier in the day by George Gallup Jr., publisher of the Gallup Poll, who said his surveys indicate that the more political barnstorming a candidate does these days, the lower he or she may sink in the polls.

Gallup cited President Ford's travel as an example.

Another public opinion expert, Mervin D. Field, publisher of the

California Poll, said voter suspicion seems to grow when the public is inundated with political information it doesn't understand.

"Viewers tend to be overwhelmed by full television coverage of such things as conventions," said Field. "They feel more left out, more distrustful. This coverage tends to support those who take the hostile, distrustful views."

Gerald Warren, editor of the San Diego Union and a onetime deputy press secretary to former President

Richard Nixon, warned that polls themselves indirectly influence public opinion by affecting presidential candidates, their staffs and financial backers and reporters.

Field, however, said politicians take their own private polls anyway and get the same results. He added that there is no reason why similar information shouldn't be made available to the public. "The greatest failure to scrutinize polls is by the media themselves," said Field. "Polls need interpretation just like any other facts need interpretation."

Alternatives Conclave

Establishment

real crisis, which

Sacramento 1/13/76 - If Brown is our VA Sec just see Hamilton
An Upside-Down Brown?
Doing this -

Gov. Edmund G. Brown Jr. sits in a candle-lit room, in an upside down lotus position when he reviews bills, says a Republican assemblyman upset with the governor's veto of one of his bills.

During floor debate on a veto override Monday, Assemblyman John Briggs, a Fullerton legislator running for the state Senate this year, said he had the story "on highest authority."

But Bill Stall, Brown's press secretary, called the story "nonsense."

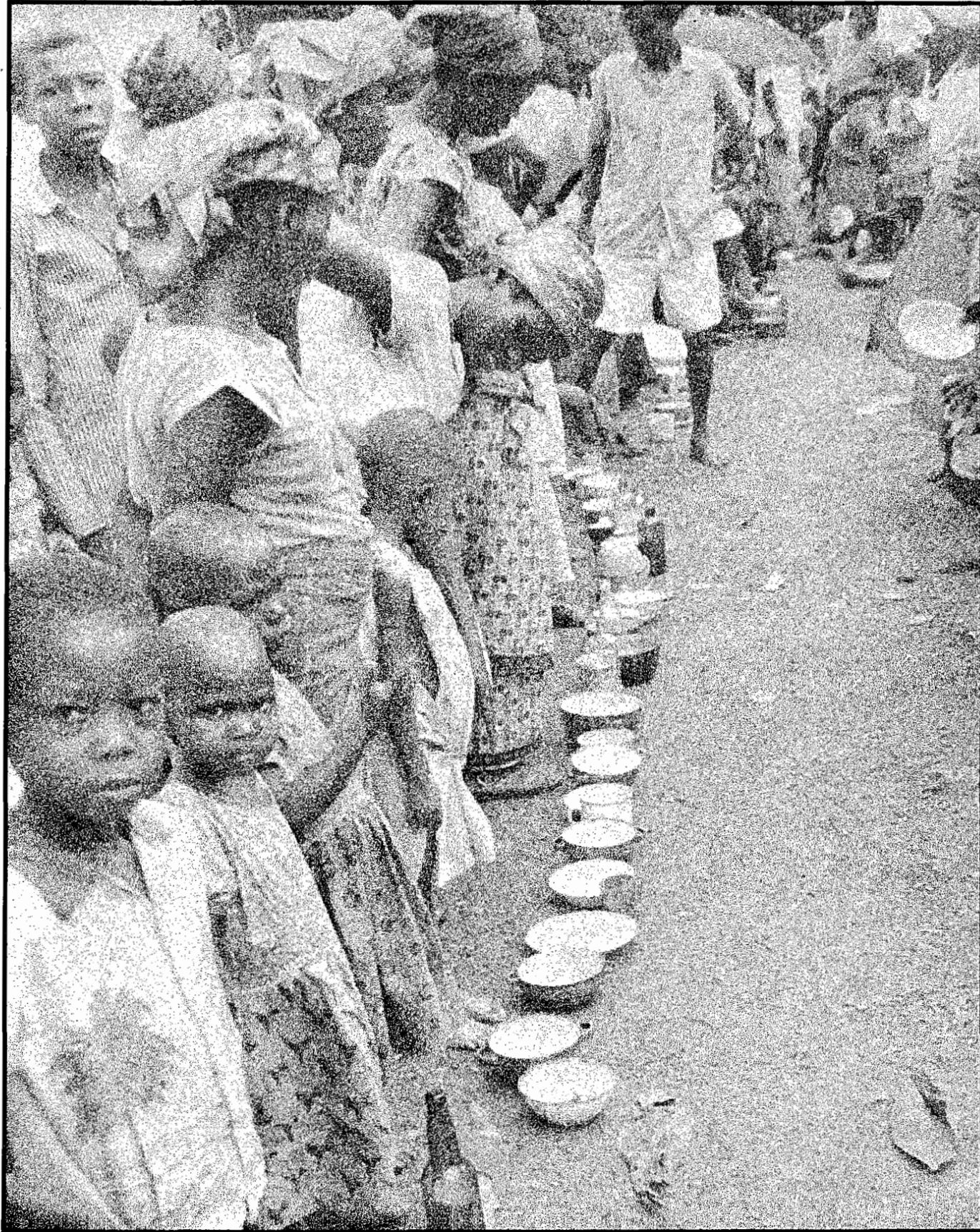
Briggs, who did not even mention the substance of the bill

during the debate, said the Democratic governor is joined in the sessions by "GG", which he says stands for "governor's guru," a clear reference to Jacques Barzagli, Brown's arts advisor.

The Democrat-controlled Assembly rejected Briggs' veto override on a retirement benefit bill by a 21-36 vote, 34 votes short of the total needed.

The debate ended when Leroy Greene, D-Sacramento, asked that Briggs' remarks be printed upside down in the Assembly journal so Brown could read them.

ject



Make Fill
Special Candidate
Fill: Jerry Brown

The Riddle of Governor Jerry Brown

JUN 24
NO

Part II—The Policies

“Brown talks of a more simple, less consumption-oriented life, but he is asking the hard-pressed as well as the comfortable to make do with less. Can that be done in the absence of a shared vision of the good and just society?”

Our political speech tends to be meager and rigid, unlike general American speech, which can be rich, varied, and flexible. Politicians keep using the same tired words and nobody pays attention any longer when they speak. Journalists use the same old words to describe what it is the politicians are doing and saying and their descriptions, therefore, do not always help us to be clear or certain about politics. For a long time things did not change very much in politics and the “same old words” could serve adequately. Even now, when considering the *dramatis personae* of national politics, the old language looks almost good enough.

And yet, Reagan and Rockefeller and Ford and Scoop Jackson and Humphrey and Muskie all seem to belong to some time past, some other era of our national life. They seem, somehow, to have survived the Sixties but not to have lived through them. Can the same designations that serve for them serve also for much younger people who not only survived the Sixties but lived intensely through them and were politically formed by their events? I think not.

If one calls the Brown Administration in California a

“liberal” administration, and means by that designation that he expects Brown to perform in office roughly the way Jackson or Humphrey, or, say, Hugh Carey, would perform, he is bound to be disappointed. He would be making the same mistake about Brown and his people that the California media have been making.

There are ways in which Brown fits comfortably into the moderate or liberal wing of the Democratic Party. There are ways in which he is very conservative, notably in his belief that suffering and injustice are inescapable in the human condition; that it is as important to understand this as it is to struggle against the suffering and injustice. That belief is the foundation of Brown’s conservatism, if he is a conservative at all. It is not, however, the foundation of what the media call his “conservatism,” by which they mean his insistence on a balanced budget, on restraint in governmental spending, and on strict accountability for all that is spent. That fiscal restraint, which is shared by all of Brown’s major appointees, has its sources in a conviction that for the time being, at least, the cupboard is bare so far as new taxes are concerned and a belief that the major

by Francis Carney

redistributive or income-transferring programs of the past 40 years are no longer working and that it would be mindless to go on taxing the same sectors of society and spending in the name of liberal shibboleths of New Deal-Fair Deal days. Thus, the fiscal restraint has pragmatic rather than doctrinal origins and; it is not at all what we traditionally call conservative.

Nevertheless, if one wished to search out and dwell upon the conservative potential of the Brown administration, or at least of the Governor himself, there is plenty to go on; there is, for example, the frequent lecturing on the need for such disciplines as work and self-denial, surely a conservative characteristic; then, too, there is the fact that Brown and his appointees in the field have expressed repeatedly their disenchantment with liberal, therapy-oriented penological ideas. In Brown's case, these views seem to spring from deeply held beliefs and might fairly be called conservative. For now, however, it is not the conservatism of Brown's administration, but its potential for ushering in change, the possibility that it might be a harbinger of the politics of the last quarter of this century, which is of interest to us.

[LOCATING TARGETS]

It must be understood — the *caveat* is doubtless superfluous — that we are not considering a revolutionary or even radical state administration. Whenever, during hours of interview with various members of Brown's team, I inched the subject toward something like the "possibility of important structural change in the United States", the response was almost uniform: first came a pained grimace and then, "Oh, come on, Professor. Do you really expect the Governor to go around denouncing capitalism and vowing to work for socialism or something like that?" If I offered questions about their plans for dealing with the power of "agribusiness" or of the "military-industrial complex" right here in California, the Brown people stonewalled it with remarkable uniformity, "Look, what do you want the Governor to do? He can run around shouting about the military-industrial complex and the power of big business and what would he be accomplishing? Should he promise to dismantle the military-industrial complex? Make a politician's promise that he could never keep? No, we have plenty of things we can do in this state with administrative action and some modest legislative changes. Right now that is all we are interested in doing. Later there might be big 'innovative' legislative programs of the sort you have in mind but that is just speculation and depends on the way things develop."

So, though I have spoken of the formative influence of the Sixties on the Brown administration, it must be understood that the intellectual and ideological style is that of those on the left who elected to "fight the injustice of the system from within the system." They have not promised to deliver more than that and they are not likely to make such promises.

Throughout the administration, in fact, there is a consistently expressed distaste for what I will call "Kennedy-Johnsonism" — hyping programs promising to end poverty or injustice and the keeping of legislative boxscores which

equates success with the number of bills passed. Every single administrator I talked with insisted that a period of study and learning was going to precede major action. They all offered, in varying styles of expression, that first we "have to be sure to ask the right questions" before we can start giving the answers. Brown himself constantly uses the term "lowered expectations" in his lectures and exchanges. He seems to mean two slightly different things by "lowered expectations." First of all, and most directly, he means that we should come to value material things less than we do. But he also seems to mean that we ought to expect less from government than we have been accustomed to expecting from liberal administrations because some of the problems and difficulties of life lie beyond governmental reach. That's not very fancy so far as political philosophy goes but it does point to the fact that this administration is beginning modestly rather than with vows to bring the Kingdom of God to earth during the next fiscal year.

Right now, for example, the people in the Governor's office stand pretty pat on Brown's brief inaugural address as the basic outline of the administration program. That agenda would be acceptable to any moderate to liberal Democrat and most of it will be achieved in this session of the legislature by bills well along toward passage or by administrative enactment from the executive branch. The first item of that agenda, however, will be a little harder to come by: to restore the confidence in the political order of that majority of the citizens who either did not vote or register in the 1974 election. Brown also promised to live up to the spirit as well as the letter of Proposition Nine, the political reform initiative of 1974, which he had sponsored and worked for. On employment, Brown accepted a state responsibility to find ways of putting people back to work and promised that state legislation would make it possible for more women to be in the work force through more child-care centers as well as an equal employment opportunity program for women. He pledged also to work to bring unemployment insurance benefits to farm workers and to insure that the latter would also have the right of the secret ballot in representation and strike elections.

In the same general field, he also committed himself to work for collective bargaining rights for public employees. He promised to protect the environment through the development of land-use planning programs and the development of "clear rules fairly enforced without delay." He also promised to work for housing legislation that would revitalize the sick housing industry and improve the quality of the urban environment. To fight inflation he set an example for the rest of government by trimming the appropriation requests for his own office by 7 percent. He demanded, finally, an end to some of the most glaring tax inequities, notably the depletion allowance for the major oil companies, the home office exemption for national insurance companies, and close examination for the exemptions on other "preference" incomes. Not much there to outrage anybody; not much there to launch a "reform" administration.

These are some internal explanations for why this regime of former liberal and left activists is moving so slowly toward its reform goals and for why it seems reluctant to outline its major goals — or even to

acknowledge that it has any.

First of all, there is a division within the administration, and, perhaps, within Brown himself, between a commitment to spiritual reform and to socio-economic reform. All hands, incidentally, deny this vehemently. But Brown lectures to just about every group he talks with on the need for changes in consciousness, on the need for asceticism on the part of elites, on the need for all to look to non-material pleasures and rewards. Gray Davis, Brown's Executive Secretary and the person with whom Brown undoubtedly spends the most working time, shares these concerns. Davis remarked to me that in his view the Brown Administration would be a successful one if it could ultimately get the people of California to accept a more ascetic outlook, a leaner, less cluttered style of life, a style of life, of course, that would be much easier on the environment and the natural resources of the earth.

Brown has often remarked, in his offhand yet challenging way, that "theology is more important than politics". On other occasions, Brown has suggested that good clues to the character of his administration could be found in Rules 11 and 12 of St. Ignatius, the founder of the Jesuit order. Both rules have to do with the renunciation of all earthly striving. They contain injunctions to "abhor completely and without exception all that the world embraces . . ." (Rule 11) and to seek "greater abnegation and continuous mortification in all things possible." (Rule 12) Of course Brown is a rather successful politician and not a religious reformer; but his theological references occur too often to be dismissed and they raise questions about Brown's own priorities and emphases.

It is doubtful, on the other hand, that key Brown aides like J. Anthony Kline, Robert Gnaizda, James Lorenz, Thomas Quinn and Claire Dedrick are much interested in spiritual regeneration for its own sake. Dedrick, let it be noted, has certainly acknowledged that long run behavioral changes in the citizenry is a goal of the policies she will pursue in the Resources Agency, but she wants the changed behavior because it will be better for the environment rather than because it is good for people's souls. Similarly, Quinn at the Air Resources Board plans systems of incentive and disincentive to get people, especially Los Angelenos, out of their automobiles and into public transport. Quinn has no doubt that such a change would be good for the Angelenos but he wants it mainly because it will help to produce cleaner air in the state and, quite possibly, have other beneficial social consequences. There is nothing like open warfare or conflict on these questions. There is simply a substantial difference of priority and emphasis which may impede the formation of any overall administration sense of direction.

Then, too, if the Brown administration seems reluctant to take on the great concentrations of private power in California, preferring instead to spend its reform impulse on changes in governmental procedures, it may be due to another striking characteristic of the personnel. Most of the crucial people have come to the administration from prior careers as adversaries of *government*. One must remember that it is from the Sierra Club, the American Civil Liberties Union, California Rural Legal Assistance, public advocacy law firms, the ranks of feminine activism and the ethnic

minorities, that so many of the interesting people in the administration have just come. In those roles they usually found themselves in conflict with government itself rather than directly with private economic or social power. If they had demands to make on behalf of constituencies, the demands were made on government.

A number of his aides have told me that Brown himself tends to view certificated elites with even greater suspicion than he does big business. One of them put it this way; "Look, you are always asking what we are doing for the poor, for the victims of discrimination and prejudice. At the same time you keep asking what we are doing to fight agribusiness and the military-industrial complex. But it isn't agribusiness that is screwing Chinese kids in San Francisco or Chicano kids in East L.A. by not teaching them to speak English, it is the hacks in the school system. It isn't the military-industrial complex that works over a welfare mother in Oakland, it is the welfare bureaucracy. It is the licensed physicians and the hospitals who do it to the elderly poor, not swollen profits from business. Those are all things we can do something about and we will continue to concentrate our effort there rather than by taking on capitalism or big business."

[STRAWS IN THE WIND]

A number of straws in the wind, in any case, offer a strong possibility that Brown and his administration are not going to back away from head-on conflict with private power. Tom Quinn of the Air Resources Board will not yield to either Detroit or the oil companies on standards for pollution controls for auto engines and pollutant content of fuels. Quinn, in fact, is more willing to apply direct controls over manufacturers and refiners than he is over the private motorist, whom he feels must be treated more indirectly with systems of incentives and some kinds of disincentives. Claire Dedrick, with the full backing thus far of the Governor, has defied both organized labor and the logging interests of the northern counties by insisting on at least minimal environmental impact reports before the Resources Agency will approve cutting plans. The administration is getting plenty of pressure on this issue because unemployment is heavy in the timber country and small loggers and cutting mills are hurting as well as the larger ones. Brown has been burned in effigy, and the verbal scathing given to Dedrick borders on the scandalous, but they are committed to "clear rules" applied across the board to protect the environment.

For decades the coalition of public agencies and private interests that make up "the highway lobby" has been the untouchable of state politics, the most sacred of the sacred cows. The core organization of the highway lobby has always been the State Highway Commission established back in 1924, in the childhood of the automobile age. But Business and Transportation Secretary Donald Burns has signalled his intention to dissolve the commission and to create a single state Transportation Commission or some other arrangement which would end the autonomy of the highway lobby and bring all transportation policy-making under the more immediate control of the Governor.

(Continued on page 60)

program the Russians carry out, will a Soviet lead in counterforce capability have damaging political repercussions? Secretary of State Kissinger recently said: "While a decisive advantage is hard to calculate, the appearance of inferiority — whatever its actual significance — can have serious political consequences." It was this shibboleth of parity that forced the Vladivostok accords to such high ceilings, since agreement could only be achieved at or above the highest level of another country.

There seems little question at the present time that evoking the fear of inferiority has very strong national political implications. The military learned long ago that the most effective means of acquiring funds from the Congress is to wave the red flag of Russian superiority in nuclear arms. Each year around budget time, the public and Congress are flooded with a spate of horror stories of new Russian weapons developments. This year it is the long-overdue initiation of MIRV deployment. Few Congressmen have the courage to defend to their constituents a cut in a weapons program when accused of weakening the U.S. After many years the public was educated to settle for parity instead of

superiority, but to accept inferiority is too much to ask any politician.

Unfortunately, the U.S. and U.S.S.R. have so many asymmetries in types of weapons, technology, geography and strategies that it is easy to select some criteria to support any desired conclusion on relative strength. Senator Jackson successfully discredited the SALT I Interim Agreement on Offensive Weapons because it allowed the Russians to have superiority with a maximum of 1,618 ICBMs to our 1,054, and 950 submarine missiles to our 710. Meanwhile, he ignored the fact that we had long since unilaterally stopped adding to the number of our launchers but were instead procuring MIRVs and would have by 1975 more than 7,000 missile warheads to their 2,420. Even though the Vladivostok agreement allows both the U.S. and the U.S.S.R. equal numbers of delivery vehicles and missiles carrying MIRVs, Senator Jackson will again be able to discredit it because the Russians have much larger payloads on their ICBMs and thus have the potentiality for either having more warheads or more explosive power per warhead.

In all our policies and actions we must always keep before our eyes the dangers of a single nuclear explosion.

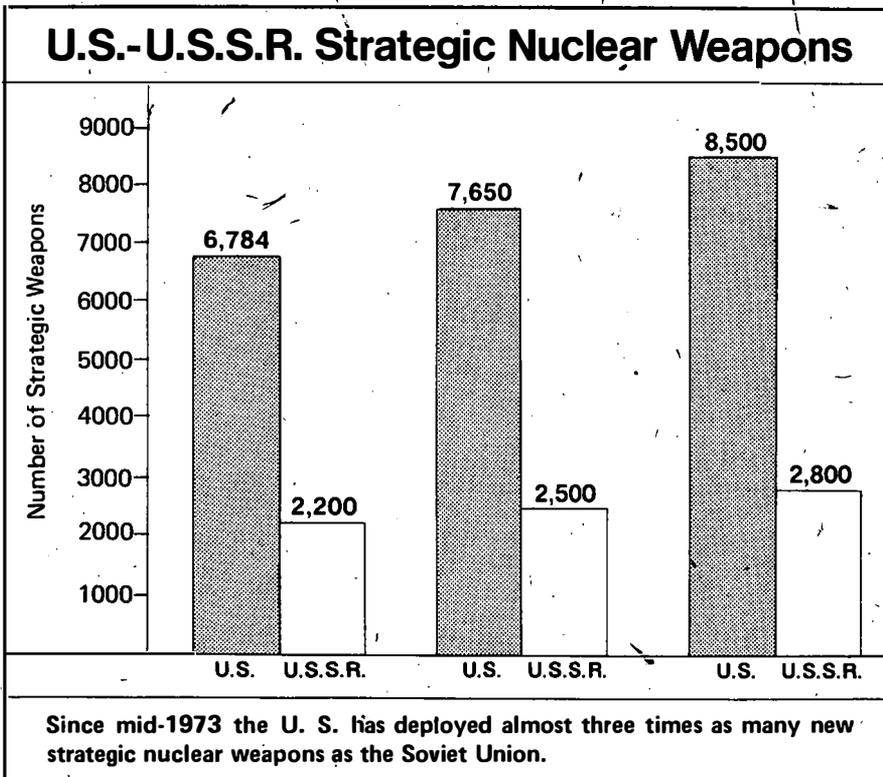
Our real security in the nuclear age does not depend on matching the U.S.S.R. bomb for bomb, nuclear test for nuclear test, or counterforce weapon for weapon. It lies in working with the Soviets to establish an international climate where nuclear weapons have less meaning for all countries. We must seek to dispel the misperception that nuclear weapons have military or even political value. Arms control agreements should be aimed at reducing existing stockpiles rather than being the framework for justifying further expansion. We cannot allow the continued emphasis on the importance of nuclear parity or superiority as a means of escalating military budgets. All our actions should be directed toward minimizing the spread of nuclear weapons. We cannot tolerate another Hiroshima or Bikini Bravo.

Herbert Scoville, Jr., was formerly a Deputy Director of the Central Intelligence Agency and Assistant Director of the Arms Control and Disarmament Agency. He is now a member of the board of the Center for Defense Information.

BROWN
(From page 33)

To the California farm workers there is no more detestable symbol of their subordination than *El Cortito*, the infamous short-handled hoe which the state's growers have always held to be a necessary tool for cultivating most vegetable crops. The growers even used to argue (some still do) that the "squat" build of the *mestizo* made him easily adaptable to the hated implement and successfully resisted all efforts to have its use banned. But Brown's Department of Industrial Relations, after hearing testimony, banned the short hoe. Cesar Chavez said the farm workers could hardly believe it, that "they didn't think it would ever happen". Chavez, incidentally has always blamed his own severe back troubles on the hours he has had to spend wielding *El Cortito*.

The Brown Administration supports the bills in the legislature looking toward the creation of a state superagency for land use planning. But passage of such legislation is probably a long way off. Few people really know



admitted that this happened because the Air Force rushed the C-5A into production before it knew whether the plane worked: "We had a large number of aircraft built before we had even completed the fatigue tests to see whether or not the aircraft was structurally sound." The B-1 may turn out to be the same kind of horror story.

• **Tactical Aircraft.** The Defense Department's impulse to modernize at any price finds its most profuse flowering in the new generation of tactical fighter aircraft, the Air Force's F-15 and the Navy's F-14. This year the Defense Department is spending \$24 billion on tactical air. The military services have almost always preferred the most complex, technologically sophisticated and thus most expensive weapons. A fully equipped F-14 will cost about \$28 million. A basic, stripped down F-15 costs \$15 million. Although Pentagon officials sometimes try to make it appear that increases in weapons costs are due primarily to inflation, recent studies by analysts at the Brookings Institution in Washington, D.C. indicate that most of the rising cost of tactical aircraft is attributable to the increasing technical complexity of the aircraft themselves and the compulsion to incorporate almost everything that is technologically feasible. The result is weapons that are often overdesigned for their missions.

The Air Force plans to buy 729 F-15s, at a cost of \$10.9 billion and the Navy wants an additional 390 F-14s to put on its aircraft carriers at a cost of \$7.6 billion. Even these quantities are not enough and both services are also developing "cheap" lightweight fighters in the \$7 million [per plane] range. The Air Force has selected General Dynamics, to build 650 YF-16s but the Navy apparently prefers Northrop's YF-18. Some Congressional and Defense Department officials had hoped that the Air Force and Navy could get together on a common choice to keep down the price.

These are just a few of the more prominent superweapons. Others include tactical nuclear weapons ("mini-nukes"), binary chemical weapons, new nuclear-powered aircraft carriers, killer satellites, unmanned aircraft, laser cannons, the computerized electronic battlefield, and new airlift and

naval programs that could project U.S. military forces around the world. Most of these Defense Department budget items, unfortunately, will be accepted with relatively short and superficial attention from the Congress.

It is pathetic that the world's most powerful country continues to suffer from exaggerated fears and anxieties that have led our leaders to conclude that, in the words of Deputy Secretary of Defense William Clements, "In our ever-changing world, strength means military strength." The militarization of American foreign policy has been the result. Our real fear should not be that we will be dominated, but that we will be dominating. If the tragic experience in Indochina has meant anything it is that the powerful must learn to control their inclination to excess and arrogance. The consequences of unrestrained military power can be almost as damaging for our country as for others.

David Johnson is Research Director of the Center for Defense Information, Washington, D.C.

DETERRENCE

(From page 30)

millions of people, not the hundreds of thousands Schlesinger optimistically calculates, would be killed. What conceivable gain could the Russians achieve from this type of attack that would warrant the risk that after such provocation we would decide not to retaliate and destroy them as a civilized nation, a capability which would be unaffected by the Russian attack?

Furthermore, if the threat of a pre-emptive strike against our ICBMs is what Schlesinger is worried about, then his programs are not the answer. Increasing the explosive power and accuracy of our ICBMs does nothing to decrease their vulnerability. In his 1974 Defense Department Report, he said we "must not contribute to any failures of deterrence by making the strategic forces a tempting target for attack." Yet in 1975 he admits that the acquisition of a more efficient counterforce capability could do just that. Counterforce ICBMs are attractive targets. If the Russians fear that our ICBMs could destroy their land-

based missiles by catching them in their silos, the temptation would be increased for them to launch first, particularly in time of crisis. Even though the initiation of a nuclear strike is most unlikely because of potential risks, they might as a precaution place their ICBMs on a hair-trigger alert so they could be fired on warning of our launch but before the arrival of our warheads. Such a command policy is an invitation to mutual disaster through accidental nuclear war. At the very least, the planned acquisition of a counterforce capability by the U.S. would provide the Russians with a strong motivation to develop new, larger, and less vulnerable strategic forces. Counterforce capabilities fuel an arms race which has no end and only encourage the belief that a nuclear war can be fought and won. Nuclear war should never be made more "thinkable."

Although our acquisition of more efficient counterforce and nuclear-war fighting weapons does not add to our military security regardless of what

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anonymity, the
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what land use planning ought to be like and how it ought to be done. People in the administration, however, seem ready to have a go at it. Claire Dedrick will use departments of the Resources Agency to do *ad hoc* land use planning. Quinn will use the requirements that builders and developers must file air and water quality impact reports to monitor land use. Richard Maullin will do the same with the Energy Commission's power over site selection for all energy producing plants. This may seem brash and uncoordinated, but it does indicate that there is plenty of appetite within the Brown administration for confronting the power of private interests. The examples cited here may be only skirmishes rather than full-scale confrontations. But all the indications from these skirmishes indicate that despite the lack of rhetoric about the abuses of private power, this administration is prepared to check those abuses with public power in situation after situation.

[HOW TO GET THERE?]

There is an improvised or *ad hoc* quality to this, however. If, for example, one asks Quinn or Maullin what values, what standards, will inform or illuminate their determinations about land use, they become less positive, less certain, and tend to talk about "community values" or the "protection of the public interest". Given the backgrounds of most members of this administration, again, it is not surprising that they would come on like tigers against specific abuses. They have been trained for that. It is also the case that American liberals have not been drawn to political theory, preferring to perceive "problems" and to devise specific "solutions," confident that with the proper distribution of abundance everyone would somehow be "free" to fix their own values and determine the ends for their own actions. Hence, for mainstream American liberalism, the preferred "solution" to most problems has been continuous economic growth.

The Brown administration, however, has faced the fact that continuous growth is no longer likely; indeed, that we are running out of the

resources that permit continuous growth. Brown and his appointees, moreover, seem to agree that the consequences to communal, family, and individual life of a system in which getting and spending constitute the *summum bonum* of existence are simply destructive and that some other highest good must be found. A race of getters and spenders would be the very worst citizens of the world we now must live in.

But how do you talk to poor people, to the elderly, members of the ethnic minorities who have never had their share of the American abundant life and who, understandably, think of "making it" in terms of getting and spending, of cutting back on consumption and learning to do with less? How do you talk to workers in the building trades about the dignity of work when they fear that their jobs depend on continuing economic growth? Beyond Brown's talk of more simple, less consumption-oriented, less resource-destructive life, his administration has not developed a theory of the common good or a method to pursue it. They cannot, therefore, confidently communicate a sense of direction and purpose that might induce people to be willing to do with less in the name of the common good. In Mario Obledo and Robert Gnaizda, Brown has people of dedication, compassion, and understanding in the key health and welfare positions. But Brown is asking the hard-pressed as well as the comfortable to make do with less. Can that be done in the absence of a shared vision of the good and just society?

Similarly, Brown must find ways to make acceptable to the comfortable middle classes the income transfers he is confident his administration can devise. And while most people want clean water, clean air, good public transport, and an environment that refreshes and uplifts the spirit, few of us want to be inconvenienced or deprived by the cost of getting them. Intricate systems of indirect rewards and penalties as spurs to action have not worked in the past. Will the middle classes in California take direct restraints on their freedom of action and choice in the absence of a shared sense of necessity? Thus far Brown has not made much headway in developing the basis for such a collective sense.

It was the intention of the Political Reform Initiative (Prop. 9) of 1974 to break the hold of private wealth over politics in California. Brown was a sponsor and advocate of Prop. 9. Undoubtedly the most positive element of Brown's public image up to now is his association with this. But is it enough to be opposed to the "old politics?" What is to be put in its place? If the Brown administration is headed toward a series of clashes with the major private interests, it will need the support of a determined political party or political movement. The parties in California are as moribund as they are anywhere else. Brown shows little interest in his own party and the party's cadres, such as they are, don't show very much enthusiasm for or loyalty to Brown. Even if the party activists were solidly in Brown's grasp, the party is so ineffective and has such little public affection that it would not be a very strong ally for Brown in a crunch. Though he is clearly popular right now, Brown is not really well known to the voters. They do not know what he is up to. His popularity is based on an "image" that is really very shallow. He cannot be said to have a secure political base.

[A CASE IN POINT]

This lack of a political base is closely linked to the trouble Brown is having with his farm labor bill. It is a very carefully balanced bill giving a little bit of something to all parties and a lot to farm workers and, specifically, to Cesar Chavez and his United Farm Workers (AFL-CIO). It gives less to Chavez' rival Teamsters and still less to the state's agricultural business, or "growers", as they like to style themselves. It aims at long-delayed justice and a measure of stability in California agriculture. At the same time, the preamble to the bill acknowledges that no single bill can overcome all social injustice or all instability.

Basically the bill extends to farm labor the same status that industrial labor has enjoyed since the New Deal — mainly the right to bargain collectively through unions freely chosen by secret ballot, to be secure against unfair labor practices by employers, to be secure in the contracts signed, and

the right to strike either to win union recognition or as a tactic in the bargaining process. The Brown bill would also permit agricultural labor to use the secondary boycott when no certified labor contract exists, though once a valid election has been held the employer is protected against any boycott of his products by the losers in the election. Under Brown's bill, only contracts signed after the secret ballot certification process could be considered valid. This would invalidate many of the labor contracts currently in existence between the Teamsters and several growers, thus affording the UFW the chance to recover much of what it has lost to the Teamsters in the past three years.

The Administration bill also directs that the supervising Agricultural Labor Relations Board must "presume" the preferability of a single industrial union-type bargaining unit over multiple, smaller craft unions for each farm or employer. Brown's bill is silent on the fretful question of employment of illegal aliens and it does not restore the right to vote in representation elections to employees who have voluntarily or involuntarily left an employer over a prior labor dispute. More specifically, this means that the old "original" Gallo workers who were fired in the first UFW strike there could not vote in an election at Gallo unless they had been able to get back on the payroll.

The Brown bill is so well-balanced that it is opposed by Chavez, by the

growers, and by the Teamsters. Each of the three parties has a preferred bill in the hopper. Brown has said, placatingly, that his bill is "not written in stone" and that he is prepared to negotiate some issues. It is especially grievous for Brown that Chavez opposes his bill. But the Chavez spokesmen, union counsel Jerry Cohen and Los Angeles Assemblyman Ray Alatorre being the most vocal, snipe away at the bill. Alatorre, who is feuding with Brown anyway, is trying to flood the capitol with UFW supporters when the Assembly opens hearings on a farm labor bill in May. The UFW insists that Brown's bill wobbles on what everybody calls the "pre-existing" Teamster contracts — sweetheart contracts, in Chavez' view, though the Governor's bill clearly states that the agricultural labor board can certify only those contracts reached after the secret ballot process. The UFW also fears that the Brown bill gives the board too much discretion to permit "craft" union contracts, a discretion they see as favorable to the Teamsters. Finally, the silences of the Brown bill on the illegal alien and striking worker questions also alienate the UFW.

Meanwhile, the Teamsters, who have one of the best financed and undoubtedly the best organized and most effective lobbies in Sacramento, lie low and build up their forces to support a bill by Sen. George Zenovich, a bill which falls far short of the Brown bill in the latitude it offers to farm workers. Agribusiness has a bill,

too, introduced by Republican Assemblyman Ken Maddy of Fresno. Probably the growers will throw in with the Teamsters and some blend of the Zenovich and Maddy bills will get the support of both Teamster and grower strength. Alatorre has a bill, Assembly Bill 1, which embodies the UFW positions and will command support from a core group of urban liberal Democrats.

Brown's bill has respectable sponsorship in each house and Speaker McCarthy appears to favor it. But in order to pass it will have to move through the legislative minefields and the enfilading fire of its opponents. In that situation Brown cannot rely on the manifest even-handedness and thoroughness of his bill to get it through. He needs clout. He needs a political base strong enough to hold against Teamsters, agribusiness, and the devoted friends of the UFW. The legislative arena is a very hard place for a reform administration. There, bills do not pass on their merits. It is the balance of forces lined up for and against that determines their fate. If the Brown Administration hopes to come close to the reach of their aspirations for change, they must have a political base strong enough to move the legislature on the things that count.

It is an irony that Brown, who dislikes elites and establishments, has such an elitist administration. Without vital connections to the grass roots in the state, Brown and his intense, committed, and able cohorts will be all but defenseless against coalitions of private interest. Without a real political party and with no means but the media and image projection to reach and to mobilize voters, Brown will have to rely on parliamentary maneuver, log-rolling, and vote-trading. This might work for a while but ultimately he will need a public behind him. Democratic politics requires a constant dialogue between the people and their representatives. No merely priestly class of experts can survive on the virtue or excellence of their programs alone.

Francis Carney is professor of political science at the University of California at Riverside. He has written for the New York Review of Books, the Nation, and the American Review.

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Sar. Bee 8/16/75

Brown: 'Not A Candidate In 1976'

Gov. Edmund G. Brown Jr. says he is not interested in running for President and is not trying to win the Democratic nomination.

The 37-year-old chief executive was asked twice yesterday about whether he is running — or going to run — for President.

He told reporters at a news conference:

"Not a candidate, not interested, not doing anything (to try to win the Democratic nomination). Staying here on the job: allocating the scarce dollars."

Would he accept a draft at next summer's Democratic National Convention, a reporter asked.

"I think that is a bit presumptuous after having been here (as governor only) seven months."

But he did not rule out the possibility he might run, commenting that would be "a little silly. So I'll confine my statement to 'I'm not a candidate, not

interested and not doing anything about it."

Later, meeting with legislative interns: he was asked why he hasn't been more candid about whether he will run for President.

"I think I've been relatively candid," he replied.

"Relative to what?"

"Relative to the questions I've been asked. I am not a candidate for anything. I am working here in Sacramento, doing the best job I can. And that's it."

On other subjects at his meeting with reporters, the

governor had these answers:

GASOLINE TAX INCREASE — He can think of no circumstances under which he would sign a bill approving an increase in gasoline taxes this year because he has promised to avoid any "general tax increases" and an increase in gasoline taxes "looks pretty general to me."

OROVILLE — He has "no immediate plans" to visit Oroville to view the earthquake damage but his Office of Emergency Services is preparing a report on what can be done in offering state assistance to help

to help repair the damaged buildings.

TAFT — He has asked the attorney general's office to brief his staff on the investigation into last spring's racial violence in Taft and then he will "make some decisions" on whether the governor's office should become involved in trying to ease the tensions and antagonisms there.

Finally, during his meeting with the interns Brown was asked for his views on government and he concluded that "all forms of government are pretty bad — actually."

Brown

Brown

Jimmy you should note

CALIFORNIA POLL

Brown Rating Stays High

By MELVIN D. FIELD

Gov. Edmund G. (Jerry) Brown Jr.'s job performance after almost five months in office is very favorably rated by the California public. Less than one person in 10 (7 per cent) thinks he is doing a "poor job," and most people think he is doing a "good job" as governor (43 per cent), or at least rate his performance as "fair" (32 per cent).

The ratio of 43 per cent "good job" to 7 per cent "poor job" is the most favorable rating achieved by any governor when measured by the California Poll.

The following table shows that Brown's current job performance rating exceeds the best ratings achieved by his two most recent predecessors — Republican Ronald Reagan, who served from 1967 to 1974, and his father, Edmund G. "Pat" Brown Sr., who served between 1959 and 1966.

	Good Job %	Fair Job %	Poor Job %	No Opinion %
GOVERNOR RATINGS				
Jerry Brown (4½ months in office)	43	32	7	18
Ronald Reagan: Best Rating (1968)	42	36	15	7
Poorest Rating (1971)	28	37	33	2
Edmund G. "Pat" Brown: Best Rating (1962)	24	33	30	11
Poorest Rating (1965)	26	33	36	5

Democrats are very strong in their praise for the governor (50 per cent say "good job", compared to 5 per cent who say "poor job"). Republicans also are generally laudatory: 36 per cent say he is doing a good job and just 10 per cent say they think the new governor's job performance is "poor."

Brown's high ratings are based on a variety of positive feelings about him. Most people praise his style or his ideas, or have a general impression that he is "doing his best" and that he is "trying to help people." The chief specific action taken by the governor which is evoking a favorable response is that he is "keeping government spending down."

GENERAL FAVORABLE RESPONSES:	Statewide
Doing his best, doing a good job	13%
He is trying to help (cares for) people	10%
Like his ideas	8%
Not afraid to take a stand	6%
Impartial, fair, studies all sides	5%
Young	4%
Is keeping campaign promises	2%
SPECIFIC FAVORABLE RESPONSES:	
Cutting down on government spending	7%
Gets good example (small car, small apartment)	7%
Not influenced by private interest groups	3%
Like his stand on smog device bill	3%
Like his stand on Vietnamese refugees	1%
Like his stand on farm workers	1%
Like his appointments	2%
Improving the State's economy	3%
Helping unemployment	2%

(No other favorable comment exceeds 2 per cent)

Negative comments about the job Brown is doing are not specific and are usually expressed as general feelings, such as "poor policies" (4 per cent); "hasn't kept promises" (3 per cent); "too young, immature" (2 per cent); "doesn't think unrealistic" (2 per cent). Complaints about educational policies account for 2 per cent mentions. No other specific negative comment amounts to more than 1 per cent.

Brown was elected last November in a very close election. The proportion of adults voting was the lowest it had been in 30 years. Since that time, Brown's personality and performance seems to have created more positive than negative impressions among the public, but only time will tell whether this is merely the "honeymoon" phase experienced by many office holders, or whether it will hold up throughout his term.

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Keptic Looks at Brown's 'Era of Limits'

Today's New Liberalism Is Appealing, but Too Vague and Negative

BY BRUCE FULLER

st decade, a battered America has led by the New Left, the New Conservatism. So it is too surprising that the innovation is something called the New

tical philosophy, New Liberalism is enough to summon broad appeal. by such leading adherents as Gov. California, Gov. Michael Dukakis of etts and Sen. Gary Hart of Colora-
gma is relatively simple: Govern- every level, is too big and clumsy, pectations of its citizens are unreal-
ated.

ciety wearied by 15 years of social cal traumas, the message is rather According to New Liberals, the so-
ms which their forebears set out to 1932 are still with us—not because failed but because we set ourselves
sible task. The answers to poverty, nd injustice have not been found, eve, because solutions do not exist. Liberals are, in effect, New Skeptics.
berals are not, of course, completely ward the victims of social inequities. ; when they do respond to the plight
oor, the answers are modest in rela- e magnitude of the problem.

while those who heard Brown deliver of the State message last week may en impressed by his concern for the l, they could also have recognized ntral tenets of New Liberalism.

sweeping solutions were offered for called this "era of limits." His specific ds were sketchily outlined and rela-

tively modest in scope. Even his two major propositions—abolition of the state income tax for low-income citizens and a 50% increase in the educational opportunity and college grant programs—involve only minor adjustments in the overall budget.

While a traditional liberal confronted with California's current problems would have responded with bold initiatives and sweeping programs, the governor told us we could, at best, fight a "rearguard action" until the federal government intervenes to insure full employment.

To those weaned on the governmental activism of the 1960s, it was rather meager fare.

Such austerity may have some current political appeal, of course, but its long-term im-

Bruce Fuller is chief consultant to the California Assembly's permanent subcommittee on post-secondary education.

pact may be minimal. In fact, before Brown and like-minded New Skeptics can demonstrate that their philosophy of limited government will insure a qualitative improvement in American life, they will have to address two basic questions:

—Has the kind of activism typified by the New Deal and Great Society programs really failed? If so, in what specific areas?

—Must the apparent limits to physical growth and material wealth necessarily limit our expectations of what can be accomplished through collective action?

The first question is particularly crucial, because it forms the basis for the New Skeptics' most popular critique of traditional liberalism. What they generally fail to mention in their

sweeping indictments of large-scale social programs is that since 1965—the year in which the maligned Great Society program was announced—the number of Americans below the poverty line has actually decreased from 17% to 12%.

Some social programs have, of course, failed or become obsolete. But do all these failures really derive from a wrongheaded approach? Surely some programs failed because they were improperly administered or inadequately funded.

The New Liberals are right, obviously, in calling it wasteful to spend transportation funds on highways when mass transit should have a higher priority. Indeed, if existing revenues are transferred from obsolete programs to new concerns, it should be possible to forestall the need for some additional government revenue.

But in areas such as education, where the Legislature and courts have directed that disparities be eliminated, some increases in state and local expenditures may be necessary—New Liberal postures notwithstanding. It is patently absurd to argue, as Brown sometimes has seemed to, that a net decrease in government spending will in any way improve the schools.

The governor's proposal last week that additional funds be made available to low-income students was certainly welcome. But substantial financial difficulties still confront California's educational system. How Brown's frequently expressed commitment to austerity will reconcile itself to the demands of the Serrano decision and an increasingly expensive higher education establishment has yet to be determined.

Certainly Brown cannot be faulted for having given political legitimacy and visibility to a concept environmentalists recognized several years ago: Limitations on natural resources will eventually limit consumption and, therefore, living standards. Where he gets on shaky ground is in transforming this idea into broad political philosophy.

Take energy problems. They will require some changes in individual life-styles, but individual responses will not suffice. Clearly, collective action—that is, government action—will also be necessary.

True, the American people tend to believe that, in the abstract, government has grown fat and wasteful. Nevertheless, they still expect government to mount real attacks—and not just "rearguard action"—against such pressing and complex problems as energy shortages and economic dislocation. Yet, not long ago Brown responded with deep skepticism about government's role:

No matter how much money, rhetoric and sermonizing we generate, it almost seems the problems keep outrunning the program solutions. And that has to give any liberal pause . . . The conclusion to all this is that merely because there's a problem doesn't mean we retain the ability to find the solution.

Like the other New Liberals, Brown is certainly a man with a message—and by now most of us have received it. We are all too aware that this society is, in an absolute sense, restrained by certain environmental and material limits. We are also aware that traditional liberal approaches have led to some governmental excesses.

Because we know these things, it does not necessarily follow that such apparently intractable social problems as unemployment and poverty defy solution, now and forever. Such a judgment would be possible only when we are satisfied that government policies are designed to attack root causes, not merely to alleviate the worst symptoms.

Thus far, the New Liberals' real contribution to the political process has been to point out to their more traditional brethren certain things that government does not do well. It is now time for Brown and those who share his views to identify clearly those things that government can accomplish—and then do them.



'Let Him Bleed'—He Does

BY J. F. terHORST

ASHINGTON—The White House is pon- an interesting proposition, one that go a long way toward demonstrating nericity of President Ford's efforts to at and frills from the swollen federal t.

proposal amounts to dropping further action against A. Ernest Fitzgerald, the gon civil servant who blew the cover nstruction overruns on the big C-5A port back in 1969.

ple justice, it would seem, requires that e the minimum that the Ford Adminis- n could do for Fitzgerald. But in a lar- ray, as evinced by the fact that the idea culating within the White House, it e a signal to other federal employes hey will be rewarded—not punished— elping the President eliminate dollar and mismanagement that eternally es the federal establishment.

at brings the idea to the fore just now is federal court victory that Fitzgerald vped the other day. In a ruling destined ve major effect, District Judge William nt has ordered the U.S. Civil Service mission to pay the attorney costs of Fitz- d's long fight to get his Pentagon job re- t. The legal bill for his six-year effort um to more than \$400,000, an incredible o a middle-level bureaucrat.

gerald was the Pentagon cost account- who had the backbone to inform Con- that the C-5A transport was costing the ayers approximately \$2 billion more than riginal contract estimates. The resulting e was a major controversy between the n administration and Capitol Hill for than a year. Fitzgerald testified that the ary services and the Defense Depart- 's civilian hierarchy were permitting the nautics industries to force up the cost of weapons systems through accounting nckery.

ead of being thanked for his public ser- Fitzgerald was subjected to severe criti- from within the Pentagon and the e House. The most notorious blast came memo to Nixon's staff chief, H. R. Halde- from another White House aide, Alex- r-P. Butterfield: "He must be given very marks in loyalty; and after all, loyalty is ame of the game. Let him bleed." Short-

ly thereafter, the Pentagon analyst, a father of three children, was fired.

When the Civil Service Commission refused to reinstate him, Fitzgerald obtained two lawyers through the American Civil Liberties Union. They set out to win vindication against a band of government lawyers from the Air Force, the Department of Defense, the Justice Department and the Civil Service Commission. Four years went by before Fitzgerald's two attorneys were successful in getting the commission to rehire him.

But since his former job had been abolished, Fitzgerald was put into a new one in 1973 at \$37,000 a year. That put him back to work, but did nothing about his legal bills. Had he proved his point only to lose an economic battle for survival?

Judge Bryant, for one, has said no. Since Fitzgerald was wrongfully discharged, the court has ruled, it is therefore the government's responsibility to pay the legal bills he incurred in proving his case. Although it is taxpayers' money that the judge is talking about, the decision is not all that unusual. In civil cases, courts often require that the costs of a victorious plaintiff be passed on to the losing defendant.

What matters here, however, is much more than simply giving Fitzgerald his just reward. The question is whether persons who blow the whistle on excessive government spending are in favor or disfavor in the Ford Administration.

Very shortly, the Civil Service Commission will ask Ford whether the President wants the government to appeal Judge Bryant's ruling or whether he wants no further legal action against Fitzgerald. There is a serious question here. If paying Fitzgerald's legal bill encourages wholesale wolf-crying by frustrated federal employes, the process of orderly and responsible government could be hurt. But, as White House aides are arguing, a much worse evil would result if the government insisted on forcing Fitzgerald to pay his enormous attorney bill himself.

That, they say, would be tantamount to telling more than 2 million other federal workers that Ford wants them to be more loyal to their superiors than to the taxpayers—or risk being fired. Such a coverup could be politically damaging to the President in an election year.

Is Italy in the Domino Game?

BY WILLIAM F. BUCKLEY JR.

NEW YORK—The \$6 million the CIA has given/will give to select political candidates in Italy needs to be examined from several points of view before the whole business is dismissed as yet one more venal act by the CIA.

Question No. 1—Is (or was—now that the operation is blown, everything is changed) the idea a good one? I find it very difficult to answer that question, and wish that others would find it difficult also. Any number of criticisms have been made, some of them suggesting that we were proposing to pay \$6 million to corrupt Italian politicians who would simply endorse the checks over to Swiss bank accounts. Others suggest that we are shoring up a political party that is hopelessly inept.

Now I wonder why it is so quickly assumed that the CIA administrators are stupid? I do not doubt that there are stupid men in the CIA, though there is no reason to believe that the level of that stupidity is higher than, say, that of federal judges, or municipal comptrollers, or college professors. But it is a fact that in recent months we are asked to believe that any maneuver by the CIA is presumptively stupid. The only egregiously stupid thing done by the CIA's principal spokesmen in recent months is to have relied on the word of congressional committees that their testimony will be kept confidential.

It is after all possible that the \$6 million was discreetly targeted to bolster the very best people within the Christian Democratic Party. To bolster precisely those who are fighting corruption, nepotism, graft, inefficiency and inflation. Until the contrary is proved, it would make sense to withhold judgment on the matter.

Question No. 2—Does the CIA have any business getting into Italian politics? I do not see how that question can be answered negatively unless one is also prepared to say that the United States had no business entering the NATO alliance. The NATO alliance was designed (by the way, principally at the urg-

ing of the European powers, and reasons) to prevent effective Soviet over European affairs. From time Russians have found it necessary to run over refractory citizens with the satellite states, but not often.

The NATO powers, in other keenly aware 25 years ago that manner of the Soviet Union through nationals of the target was done brilliantly in Czech through a coup d'etat. Modes ch with rhetoric. And in an age of d is the accompanying patter about Communist parties, free of Mos. The trouble is, there is only one area of the world. It is in Yugosl survives (precariously—let us se pens after Tito dies) thanks to sive transfusion of American a. We have spent more money per goslavina than in any other co world.

Accordingly, in 1948 we gave to the non-Communist parties saved the day there by a whisp lives; its objectives are clearly ing. It is no more an interfere politics to help the Italians, who eptly, struggle for national than it is to conclude a treaty the possibility of making war against Russians but against It Russia.

The neoisolationists are pres where. Their derogation of foreign aid to non-Communist criticism of our attitude to pitches us toward a suprem abrogation, inexplicitly, of all fense treaties.

It may be that those who s domino theory in Vietnam w that they could not hazard a how far the collapsing domi us.

For Rebellious Blacks, It's the Bus to Now

BY AL MALESON

Call me Mr. Knee Jerk Liberal. I don't even mind wearing a "bleeding heart" label. I don't mind, because it's true. I have never hesitated to speak out for racial justice. I live in an integrated neighborhood. Call me almost anything, but don't call me racist.

But I'm learning that even a bleeding heart can clot, and a fair amount of coagulation is going on in mine right now. Let me explain.

In my usual well-meaning fashion, I have been trying to help cut down on pollution, defy the oil and auto monopolies, and hurt the Arabs by riding RTD buses around town whenever I can. But on most of my trips, it seems, many of my fellow passengers are young blacks who insist on smoking cigarets and playing transistor radios at full blast.

Doing either of these things is, of course, against RTD regulations. One threatens the health of all passengers while making them uncomfortable; the other, at the very least, makes a bus trip noisily unpleasant. If that were as far as the problem went, however, I'd probably chalk the whole thing up to the natural rebelliousness of youth and keep my thoughts to myself. But I believe there is a

poor blacks, is the only route out of the ghetto. True, it may be an injustice that the members of some white families can choose from among three or four cars, while many black families have none. Nevertheless, protesting injustice won't get you to school, work, shopping or entertainment; the RTD will. If youthful rowdiness, of which smoking and playing radios in public places are just two relatively mild but ominous forms, winds up making bus travel intolerable—or causes a curtailment in service—the wealthy whites in San Marino won't suffer. The ones who will are those poor blacks who most need the RTD.

The youngsters compound their error by defying their fellow passengers. Many of these are either minority-group members or poor or elderly whites who are so oppressed themselves that they could hardly have caused the problems of black people in America. As for the other passengers, they may be

Al Maleson is a free-lance writer who lives in Los Angeles.

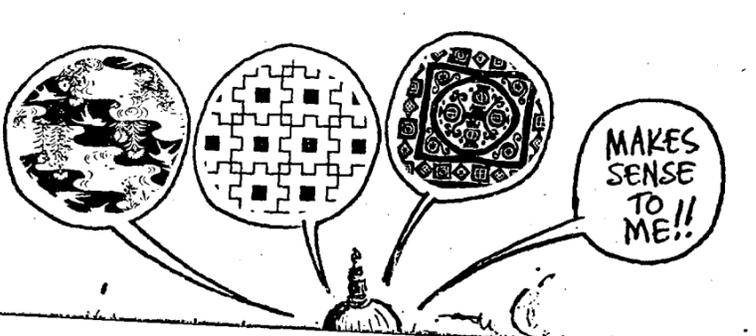
white bigots, whose worst fears are confirmed, or such friends as myself, who are ra-

(I'm alluding to mental att skin color) is firmly in con industrialized and technolog such will be the case for a l

Young blacks have a be than ever before of grabbing the power, control and mo But that chance will be for those among them—in ly literate—who have reje sation or quiet thinking r irrational reason, they hav "soul."

My wife and I know ma achieved some degree of tional success. No doubt s sentiment of white people a special hot spot for con Nevertheless, they rema eous and friendly toward all their public conduct.

The kids on the bus upward strivers of "se their blackness." But th change is that their own norance are the true, blackness. Not even mar



The Potential Jerry Brown

By Michael Harris
Chronicle Correspondent

Sacramento

"If Teddy doesn't want the nomination," Jesse M. Unruh said, "Jerry Brown is as likely a choice as anyone."

Unruh, sitting in the paneled office he occupies as state treasurer, was considering the Democratic party's peculiar shortage of attractive candidates for president.

The field is so dominated by Senator Edward M. Kennedy, Unruh observed, that all the Massachusetts Democrat would have to do at next year's Democratic National Convention is agree "not to say no to a draft."

"Under the new rules, George Wallace might have the most delegates at the convention, and assuming that Jerry can continue in his present mold, he might be the amalgam for the other side," Unruh continued.

"He has won great popularity lecturing the powers that be — saying much of what Wallace is saying.

"People are unhappy. The very best candidates next year may be the non-candidates."

Governor Edmund G. Brown Jr. certainly qualifies for that role. He has not left the state since becoming governor. He has made no formal speeches this year. He has declined to appear on the nationally televised panel shows.

"Jess likes to speculate," Brown said mildly when he was told how Unruh had replied to a question about the governor's political future.

"I find I have quite enough to do in this job, and haven't given a lot of attention to the general political situation."

There are many who equate a politician's denial of political plans with a maiden's refusal of an ardent suitor. She may not really mean it when she says no.

A political pro who is eagerly trying to get into the Brown administration in advance of next year's Democratic convention said he was convinced Brown was acting the way John F. Kennedy did in the late 1950s.

"JFK was aloof, stand-offish and conservative," the pro said. "Then he suddenly co-opted the liberals while out-Nixoning Nixon on the Cold War. This guy is out-Reaganing Reagan."

The talk about presidential campaigning was reinforced earlier this month when it was learned that Allard K. Lowenstein, who started the "dump Johnson" movement in 1968, was coming to California to work for Brown. The present plan calls for bringing the New Yorker to Sacramento for a couple of months, but summer jobs sometimes have a way of lingering into fall and beyond.

Still, Brown's denials appear to be reinforced by the hard evidence.

While Ronald Reagan



ALLARD LOWENSTEIN
He'll work for Brown

maintained close connections with his political backers throughout his governorship, even forming a "kitchen cabinet" of moneyed Republicans, Brown has burned many political bridges.

Brown doesn't call on or receive the Democratic fat cats who provided the financial base for the party's successful campaigns in California. Many of them feel neglected, and when they talk about the governor they sound bitter.

Brown has declined to accept suggestions on appointments to his administration from even the most politically potent figures in California.

For example, Representative Phillip Burton, the powerful San Francisco Congressman who heads the House Democratic Caucus and who will clearly be a major force at the next national convention, wrote Brown recommending his brother, Robert, for membership on the state Adult Authority.

The Congressman said he thought Robert Burton's 15 years as a teacher in the state prison system qualified him for the post.

Brown did not answer the letter.

The Congressman then telephoned the governor, and they discussed the matter.

But the post remains vacant, and Brown said recently he would deal with the appointment entirely on the basis of merit.

"You should scrutinize my appointments for what they are," Brown said. "I put in the best person I can. All my appointments can stand that test."

Brown added he had not yet decided whether Robert Burton was the best available candidate.

Brown has angered the 145,000-member California Teachers Association, which contributed \$25,000 and many hours of volunteer labor to his campaign for governor. When the organization asked for immediate increases in school aid, Brown replied he feared the money would go to the teachers rather than to children's education.

Bryan Stevens, president of the association, retaliated by calling Brown "irresponsible and devious."

But with the possible exception of the disagreement with Burton, these disputes will not necessarily prove to be political liabilities.

Publicized breaks with wealthy contributors and with a teachers' organization that spent \$454,070 last year backing candidates in California won't hurt in the popularity polls.

And with new ground rules in politics, the polls may be about as useful as anything else in winning the Democratic nomination next year.

One possibly unexpected effect of the liberal reforms ending winner-take-all primaries is that no candidate is likely to go to the convention with a majority of the delegates' votes needed for nomination. A winner who used to get all of California's votes in the primary will now have to share them with his rivals.

What this means is that for the first time in generations the Democrats are apt to have a "brokered" convention in which the leaders of the major blocs of delegates will get together to decide who gets the nomination.

Then the delegates will confirm the selection.

Unruh said the situation may be made to order for Brown.

The presidential talk is heard more softly inside the governor's office than in the legislators' suites upstairs. Some of the governor's aides seem to be flabbergasted that the idea is under consideration.

"He has to prove himself as governor first," said Gray Davis, Brown's executive secretary. Davis added that not many have succeeded in that difficult task.

"When I go down the hall, I make it a point to look at the pictures of ex-governors on the wall," Davis said. "It's sobering to realize how few names I recognize."



By Stephanie Maze

Jesse Unruh listened when the gesturing Governor Brown paid a visit to the state treasurer's office

One political figure — term with a shattered administration. "Brown is either going to be one of the greatest governors in the history of California," the political observer said, "or he's going to be the second coming of Culbert Olson." (Last of three articles)

Ancient

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