

# Letters & - A Newsletter of Letters and Writings



ADDRESSO'SET PUBLICATIONS

Volume 1, Issue 4

December 8, 2011

## Ref: California Constitution Revision Commission

Franklin H. Ernst Jr., M.D. attended many of the meetings of the California Constitution Revision Commission. He wrote a "synopsis of observations" and many letters regarding the commission activities. Several thousand copies of these observations and letters were mailed to all elected officials in California. Copies were also sent to many government bureaucrats and taxpayers: March, 1996.

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March 28, 1996 (Revised)

ref : California Constitution Revision Commission

Constitution Revision Commission has been meeting for two years, but representation that this Commission has approved any revisions in written form is a **fraudulent misrepresentation**.

**NO MEETING MINUTES ADOPTED BY COMMISSION.** To date, Commission, itself as a body, has not seen in written form any of what it supposedly has been "adopting" the past three months. Whatever the Office or Officers of the Constitution Commission may be reporting to the public, to legislators is unilateral, is not reflected in any adopted Commission meeting minute records.

**Any Constitutional governance is in the wording of that document.** In fact, no meeting minute records of Commission meetings have been released by Chair for corrections, approval for almost a year.

**Goal of its unofficial (Commission?) "steering committee":** Get a Revised Constitution passed by 2/3rds of each house of legislature before 6/27/96 in order to get it on the 11/5/96 ballot.. **Then it would only take 50% +1 of the voters to pass it. Problem? The very extensive county administrative government level vote fraud.** See below.

Such a Revised Constitution does not have its own bill number (yet) even though deadline for all 1996 bills was 2/23/96. Several Constitution Amendment bills being heard in legislature now. Maybe the silent intent is to combine some into a Revised Constitution within another bill ("spot bill" procedure).

Several times this past year a Commission officer on the steering committee has asserted "**We need a hammer**. We need force (to get cities, counties, districts to "consolidate", change, eg boundaries)." That "hammer?" A **mandatory, appointed "Charter Home Rule Commission"** with its own autonomy in each County. Another layer of government planning over County and City affairs and boundaries; redefining of state, regional, local responsibilities for programs and services; which **districts to abolish** - consolidate eg schools, judicial, etc. They say "Voters would be allowed a vote on these changes but voter jurisdictions would be changed for the changes to be voted on." Future of Charter Cities? Looks up for grabs still !

### Special points of interest:

- Several times this past year a Commission officer on the steering committee has asserted "**We need a hammer**. We need force (to get cities, counties, districts to "consolidate", change, eg boundaries)." That "hammer?" A **mandatory, appointed "Charter Home Rule Commission"** with its own autonomy in each County.

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## ref: California Constitution Revision Commission

Another “hammer?” **Abolish elections** for a majority of our elected, voter-accountable statewide officers and Boards including education, instead consolidate those offices under the power of the Governor. Four statewide officers would still be elected: Governor, Attorney General, Treasurer, Secretary of State. Court Judges? **Local Boards of Education** would receive the “benefit” of more state supervision. Most of the **2/3rd vote requirements** would be done away with, eg general obligation bonds, passage of legislative budgets.

**Goal:** Further reduction in authority of elected representatives.

Without strong opposition from Californians to **protect our cities, our schools, counties, elected** offices, chances are good this revised California Constitution would be passed by the legislature. **It would mandate regional government planning for the entire state -- by appointees.**

At the 3/25/96 meeting, one of the new Commissioners came over to ask about my count of an item he'd voted against. He counted the item as defeated by show of hands. But Exec Dir instead announced **“10 to 5, it passed.”** I and another audience member agreed with the questioning Commissioner - item lost. My count was 7 to 9 against. This was not atypical of a series of personally observed events since the “revisions” items started coming up for “vote” to be “ADOPTED” beginning January this year.

### GOVERNOR'S STATEWIDE HAMMER OVER LAND USE?

The **“10 to 5, it passed”** item above? A **mandatory State(wide) Commission** to “give technical assistance (supervision) to the County Charter Home Rule Commissions.” Shades of Governor's Office of Planning and Research. We saw it as the **Governor's “hammer” over all regional, local government.**

**OATH OF OFFICE:** In February 1996 four replacement Commissioners were appointed; in March four more. **None took the required California Oath of Office.** Has this Oath of Office been abandoned by the “dysfunctional personality structures” in Sacramento? (See writer's 3/7/96 report to legislators.)

**VOTESCAM? To remember:** The County Administrative Officers (CAOs) of the 58 counties **“own”** the appointed county election departments where votes are “counted,” including for the 11/5/96 general election. See also in this regard “VOTESCAM”, Collier and Collier, 1992, Victoria House Press, NY,NY. Vote fraud is very extensive at the County government level.

California Association of Counties (CSAC) new Executive Director is the former Alameda County Administrative Officer. California Constitution Revision Commission Chairman names him as a member of **his** “planning group” for this Revised Constitution.

Story is that National Association of County Administrators (NACA) has been favoring these “County Home Rule Charter Commissions.” NACA boilerplate? Whose tune do they dance to?

California Constitution Revision Commission; 1201 “K” St, #1740; Sacramento, Calif 95814. Telephone: 916/322-4121 or 323-3919.

It is hoped this synopsis of the activities of the California Constitution Revision Commission gives clues where to look further and for what.

F H “Doc” Ernst Jr.

Another “hammer?”  
**Abolish elections** for a majority of our elected, voter-accountable statewide officers and Boards including education, instead consolidate those offices under the power of the Governor. Four statewide officers would still be elected: Governor, Attorney General, Treasurer, Secretary of State. Court Judges? **Local Boards of Education** would receive the “benefit” of more state supervision. Most of the **2/3rd vote requirements** would be done away with, eg general obligation bonds, passage of legislative budgets.  
**Goal:** Further reduction in authority of elected representatives.

# Volume 1, Issue 4

	sq mi x 1000	Coun ties	size sq mi	x 1 mill /county 1990	Per 100,000	Sen- ators	St Sen	Asmb- lymen	Asmbly- man	per 100,000	all St Legistra- tors/ 100,000	Legisla- tors/ 100,000		
Alab	50.70	67	757	4.045	60373	1.66	Alab	35	115571	105	38524	2.596	140	3.461
Alas	570.40	12	47533	0.550	45833	2.18	Alas	20	27500	40	13750	7.273	60	10.909
Ariz	114.00	15	7600	3.665	244333	0.41	Ariz	30	122167	60	61083	1.637	90	2.456
Ark	52.10	75	695	2.351	31347	3.19	Ark	35	67171	100	23510	4.254	135	5.742
Calif	156.00	58	2690	29.760	513103	0.19	Calif	40	744000	80	372000	0.269	120	0.403
Colo	103.73	63	1647	3.294	52286	1.91	Colo	35	94114	65	50677	1.973	100	3.036
Conn	4.80	8	600	3.287	410875	0.24	Conn	36	91306	151	21768	4.594	187	5.689
Dela	2.00	3	667	0.666	222000	0.45	Dela	21	31714	41	16244	6.156	62	9.309
Flor	54.00	67	806	12.938	193104	0.52	Flor	40	323450	120	107817	0.928	160	1.237
Geor	57.90	159	364	6.478	40742	2.45	Geor	56	115679	180	35989	2.779	236	3.643
Haw	6.40	4	1600	1.100	275000	0.36	Haw	25	44000	51	21569	4.636	76	6.909
Idah	82.75	44	1881	1.007	22886	4.37	Idah	35	28771	70	14386	6.951	105	10.427
Illin	55.60	102	545	11.430	112059	0.89	Illin	59	193729	118	96864	1.032	177	1.549
Indi	35.87	92	390	5.544	60261	1.66	Indi	50	110880	100	55440	1.804	150	2.706
Iowa	55.88	99	564	2.777	28051	3.56	Iowa	50	55540	100	27770	3.601	150	5.402
Kans	81.80	105	779	2.478	23600	4.24	Kans	40	61950	125	19824	5.044	165	6.659
Kent	39.70	120	331	3.685	30708	3.26	Kent	38	96974	100	36850	2.714	138	3.745
Louis	43.57	64	681	4.220	65938	1.52	Louis	38	111053	105	40190	2.488	143	3.389
Main	30.90	16	1931	1.228	76750	1.30	Main	35	35086	151	8132	12.296	186	15.147
Maryl	9.80	23	426	4.780	207826	0.48	Maryl	47	101702	141	33901	2.950	188	3.933
Mass	7.80	14	557	6.016	429714	0.23	Mass	40	150400	160	37600	2.660	200	3.324
Mich	58.11	83	700	9.296	112000	0.89	Mich	38	244632	110	84509	1.183	148	1.592
Minn	79.62	87	915	4.375	50287	1.99	Minn	67	65299	134	32649	3.063	201	4.594
Missippi	46.90	82	572	2.573	31378	3.19	Missippi	52	49481	122	21090	4.742	174	6.763
Missou *	68.90	114	604	5.117	44886	2.23	Missou *	34	150500	163	31393	3.185	197	3.850
Mont	145.60	56	2600	0.799	14268	7.01	Mont	50	15980	100	7990	12.516	150	18.773
Nebr	76.90	93	827	1.578	16968	5.89	Nebr	---	---	49	32204	3.105	49	3.105
Nev *	109.80	16	6863	1.202	75125	1.33	Nev *	21	57238	42	28619	3.494	63	5.241
N Hamp	8.97	10	897	1.109	110900	0.90	N Hamp	24	46208	375	2957	33.814	399	35.978
N Jers	7.42	21	353	7.730	368095	0.27	N Jers	40	193250	80	96625	1.035	120	1.552
N Mex	121.37	33	3678	1.515	45909	2.18	N Mex	42	36071	70	21643	4.620	112	7.393
N York	47.22	62	762	17.990	290161	0.34	N York	61	294918	150	119933	0.834	211	1.173
No Caro	48.72	100	487	6.630	66300	1.51	No Caro	50	132600	120	55250	1.810	170	2.564
No Dak	69.00	53	1302	0.639	12057	8.29	No Dak	49	13041	98	6520	15.336	147	23.005
Ohio	40.95	88	465	10.847	123261	0.81	Ohio	33	328697	99	109566	0.913	132	1.217
Okla	68.68	77	892	3.146	40857	2.45	Okla	48	65542	101	31149	3.210	149	4.736
Oreg	96.00	36	2667	2.842	78944	1.27	Oreg	30	94733	60	47367	2.111	90	3.167
Penns	44.82	67	669	11.882	177343	0.56	Penns	50	237640	203	58532	1.708	253	2.129
Rhode Is	1.05	5	209	1.003	200600	0.50	Rhode Is	50	20060	100	10030	9.970	150	14.955
So Caro	30.11	46	655	3.487	75804	1.32	So Caro	46	75804	124	28121	3.556	170	4.875
So Dak *	75.90	67	1133	0.696	10388	9.63	So Dak *	35	19886	70	9943	10.057	105	15.086
Tenn	41.22	95	434	4.877	51337	1.95	Tenn	33	147788	99	49263	2.030	132	2.707
Texas	261.90	254	1031	16.987	66878	1.50	Texas	31	547968	150	113247	0.883	181	1.066
Utah	82.17	29	2833	1.723	59414	1.68	Utah	29	59414	75	22973	4.353	104	6.036
Verm	9.25	14	661	0.563	40214	2.49	Verm	30	18767	150	3753	26.643	180	31.972
Virg *	39.60	95	417	6.187	65126	1.54	Virg *	40	154675	100	61870	1.616	140	2.263
Wash	66.58	39	1707	4.867	124795	0.80	Wash	49	99327	98	49663	2.014	147	3.020
W Virg	24.09	55	438	1.793	32600	3.07	W Virg	34	52735	100	17930	5.577	134	7.474
Wisc	54.31	72	754	4.892	67944	1.47	Wisc	33	148242	99	49414	2.024	132	2.698
Wyom	97.11	23	4222	0.454	19739	5.07	Wyom	30	15133	60	7567	13.216	90	19.824

CALIFORNIA NOW  
HAS THE LEAST  
AMOUNT OF ELECTED  
REPRESENTATION OF  
THE 50 STATES. AND  
THE LEAST AT THE  
COUNTY, LOCAL  
GOVERNMENT  
LEVELS.  
CALIFORNIA HAS THE  
FEWEST NUMBER OF  
ASSEMBLYMEN PER  
100,000 PEOPLE.

Average	70.76	62	2256	4.962	112407	1.24	Average	39	124661	109	46913	2.202	149	2.998
Average excluding Alaska (99% Fed)	60.56	63	1332	5.052	113766	2.14	* TOTAL#	St Sen	St Asm	St Sen + St Asm				
Total population 50 states 1990				248.1			* allstates	1934	5464			7398		

Dist Colu 0.07 1 68 0.607  
 \*Hawaii +1 "independent city"  
 \*Missouri +1 "independent city"  
 \*Nevada +1 "independent city"  
 \*So Dak +4 "independent cities"  
 \*Virginia +41 "independent cities"

\*\* We see here California NOW has the least amount of elected representation of the 50 states BOTH at the state level AND at the county, local govt level: Fewest assemblymen/100,000 residents - < 0.3; fewest county govts/100,000 - < 0.2.  
 \*\* Compared to NY (#49) by popul, Calif would have 248 assemblymen (plus sen) & 103 county govts. N Hamp-375 asmbly. Georgia-159 counties, Texas-254 cos.  
 Data: "Information Please" Almanac, Houghton Mifflin, NY & Boston, 1995.

Compiled by Franklin H Ernst Jr, P O Box 3009, Vallejo, Calif 94590 2/4/96

*F.H. Ernst Jr* 3-28-96

ref: California Constitution Revision Commission

COMMISSION MEMBERSHIP AND ATTENDANCE

See Chapter 1243, 1993 statutes, SB 16 (Killea). Convened May 3, 1994 by Governor Governor(G) 10, Senate Pro Tem(S) 5; Assembly Speaker(A) 5; by Statute(L) 3.  
 By statute membership of the Commission is 23:  
 22 Commission meetings held as of 3/25/96, including 7 two day mtgs

COMMISSION MEMBERSHIP AND ATTENDANCE	1994												1995												1996			
	May	Jun	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Oct	Nov	Dec	Jan	Feb	20	5--6	22	2E				
COMMISSIONERS																												
Hauck, Wm Chm(G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Benninghoven, D, V-Ch(A)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Arnn, Larry(A)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Babikian, George(A)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Bakar, Anne(S)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Baron, Andrew(S)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Brown, Craig (L)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Cabraser, Elizabeth(A)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Castillo, Patricia(G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Chu, Betty Tom(S)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Clark, William(G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Coleman, Lewis(S)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Erler, Edward(A)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Flournoy, Houston(G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Fox, Joel (G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Frates, Stephen(A)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Gould, Russell(L)(G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Grady, Robert (G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Harris, Kamala(A)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Heslop, Alan(G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Hill, Elizabeth (L)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Hunt, Gary (G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Isenberg, Phil(A)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Killea, Lucy(S)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Leonard, William(G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Pisano, Jane(G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Rider, Richard(A)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Robie, Judge Ron(L)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Tsang, Chui L(A)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Warren, Judge Roger(L)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Williams, Leon(G)	X	-	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Sum attend -->	22	-	15	17	17	15	16	16	12	13	19	-	12	13	15	-	10	-	6	-	12	-	12	-	18	-	19	20
MEETING MINUTE																												
RECORDS Released	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
FHE Jr attendance	O	-	O	X	O	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Each house of legislature will need 2/3rds of membership to approve a measure(s) for ballot.																												

# Volume 1, Issue 4

Here is the "Synopsis of Observations" by Franklin H. Ernst Jr., M.D. regarding the activities of the California Constitution Revision Commission. Several thousand copies of the following report were sent (via USPS, US Postal Service) to all elected officials in California. Copies were also sent to many government bureaucrats and taxpayers: March, 1996. This was before we used the internet / email.

Diplomat, American Board of  
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Psychiatry

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American Psychiatric Association

Synopsis of observations

March 7, 1996

## CALIFORNIA CONSTITUTION REVISION COMMISSION

Commission first met May 3, 1994, 21st meeting on 2/22/96; 7 were 2 day. Meeting date record at end.

Authority for the Commission is SB 16 (Killea), Chapter 1243 of 1993 California Statutes. Commission membership is 23. Governor appoints 10, Assembly Speaker appoints 5, Senate ProTem appoints 5, at-large by statute 3.

Legislative findings ("facts") for establishing the Commission were: "California budget process has become crippled by a complex entanglement of constraints ... The legislative process has at times become mired in gridlock. ... California's existing "system" of government is dysfunctional ..."

**"ADOPTED":** Partial list of purportedly "adopted" elements (Commission office - 916/322-4121)

**Mandated County "Home Rule Community Charter" Commissions:** A new (level) of appointed regional government - to remap county, city, district, land use(?) lines, reassign state-local fiscal and "program" responsibilities (under a new state general plan by governor?), etc. Voters would be permitted to approve.

On 4/7/95 (& X5 since) V-Chm Commission (Exec Dir League California Cities) "We need a hammer. We need force to make (locals restructure)." "We?" Not identified. Re "7000 governments in California is too many!" My notes show consultants less worried re number than Chairman and "steering committee."

**Other items:** Reduce vote to a majority for state general obligation bonds (see education "adopted"). Abolish most elected statewide offices. **Concentrate much more power in Governor.** Change 2/3rds requirement of legislature to a majority vote for state budget. Go to a "two year budget." Lengthen limits on terms. Legislative supervision over citizen initiatives. Shorten period from 30 days to 10 before a bill is heard, ie a "hurry up and get it passed (before any of public hears about it?)." State regulation of County (local) school boards & Co Supt of Education, ie state's "vested interest" in minors.

### **"MEMBERSHIP":**

Amendments or a Revised Constitution need 2/3 vote of the **membership** of legislature (Calif Constitution, Art 18). **Membership** is defined by legislature's own documents as the full 40 and full 80, ie approvals would require 28 Senate votes, 54 Assembly.

### **Other items:**

Reduce vote to a majority for state general obligation bonds (see education "adopted"). Abolish most elected statewide offices. **Concentrate much more power in Governor.** Change 2/3rds requirement of legislature to a majority vote for state budget. Go to a "two year budget." Lengthen limits on terms. Legislative supervision over citizen initiatives. Shorten period from 30 days to 10 before a bill is heard, ie a "hurry up and get it passed (before any of public hears about it?)." State regulation of County (local) school boards & Co Supt of Education, ie state's "vested interest" in minors.

## ref: California Constitution Revision Commission

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(No such standard was used by Commission. "Adoption" was by plurality of attending. A majority of membership was present at a majority (12) of meetings for which some records available.)

A Revised Constitution or Amendments once on the ballot, however, would merely require a majority vote. **Once on 11/5/96 ballot a revised constitution would be almost impossible to keep** from passing. This is because of rampant voter fraud present most County Election Departments and assistance in that by the League of Women Voters (VOTESCAM, Collier & Collier, Victoria House Press, NY, NY, 1992). County Election Departments prohibit any other public witnessing, taping, "sample vote counts" while counting votes.

The only reliable votes on Amendments or a Revised Constitution are those recorded in the legislature.

Despite Chair and Exec Dir to contrary, **Commission membership was set at 23 by statute.** Writer could not find authority in the statute for either of those two to amend that statute.

With 2 or 3 exceptions, none of the 30 to 50 votes by Commission on the proposals by Chm and steering committee were approved by 2/3rds of Commission membership. "Adoptions" were by plurality of attenders, by "split decision", some with up to 11 "aye" votes. Any representation that Commission recommendations were "wholeheartedly embraced" would be at variance with writer's observations.

### MEETING MINUTE RECORDS, ABSENCE OF

There have been no minute records of meetings to Commissioners for almost a year, last minutes were May '95. Wording of what a Commissioner was led to believe he voted for, often was not what's finally drafted. Writer observation: When Commission became fully staffed, minute records of meetings ceased.

Repeatedly in meetings writer heard Commissioners on seeing a draft of a past "adopted" item - "That isn't what I thought I was voting for." With the ever longer intervals without minute records of deliberations and oral phrasing of elements, obviously the "record keepers" have the upper hand. Without minute records a Commissioner's memory of deliberations might fade after 3 months, 9 months.

At one recent meeting Chairman was told "This is third time (something ) was not changed (in the draft)" to match what was voted on. Chairman apologizing "I'm sure no one here will suspect my motive." One laugh was heard. V Chairman did, however, take care of that, focusing his glare gun on laughter.

Writer's own records of 1/12/96 meeting show: 1) several elements (6) "adopted" by plurality vote of attending, not brought up again later; 2) eleven of Commission membership were in attendance.

Faxed "update" from Commission of 3/4/96 does not tell dates elements were purportedly "adopted." Without minute records at successive meetings Commissioners and public could easily be defrauded.

To date no revised section of Constitution has been seen in printed form by Commission Membership, let alone approved by them. But even before Commission had acted on revision proposals, the Office of the Legislative Counsel (legislature's lawyers) was apparently drafting constitutional amendments as if the elements had already been "adopted" by Commissioners.

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As of 3/7/96, 22 Constitutional Amendment bills had been filed since 1/12/96 Commission meeting; 10 Senate SCAs (#s 26 to 35) and 12 Assembly ACAs (#s 33 to 44). Legislative bill room - 916/445-2323.

Coincidence or not this volume is incredible. Some are probably other special interest, elitist programs.

## **DYSFUNCTIONAL? GOVERNMENT STRUCTURE OR PERSONALITY STRUCTURES?**

The disregard for the California Constitution oath of office (Art 20, Sect 3) is readily identifiable as a major if not the central problem of government. We can start with California Supreme Court's dysfunctional (mental reservations) decision to unilaterally "amend" that oath a few years back. Dysfunctional government structure or dysfunctional personality structures of those in government? Routine use of mental reservations and purposes of evasion to what one has declared himself to be committed to, that is diagnostic of a "dysfunctional personality" structure.

"Dysfunctional?" Constitution Commission Chairman's casual (contemptuous?) response to new Commissioners question on 2/5/96: "When are we going to take the oath of office?" Chair: "Oh that's not important. We don't bother about that. The secretary can get the paper and you can sign it before you leave."

Government gridlock? Checks and balances of Constitutional government? Legislation mired down? Purposes of elected representation? Potential for tyranny by legislature without constraints?

"Complex entanglements of constraints?" **I would certainly hope so!**

The out-of-sight Constitution Revision activities during Sept -Nov '95 and since? Reminds me of an iceberg. The Bay Area Council has been pushing regional (appointed) government in legislature for 35 years, here the "Home Rule Charter Commissions." It would be involved in the off-the-record activities as is other VERY BIG money. Bay Area Council? Fed Reserve Bank of SF, B of A, Wells Fargo, PG&E, Chevron. Irvine Company's Gary Hunt of Orange County spent a lot of time with Commission.

**California is** the sixth biggest economic power in the world. Elitists would like to take over (the running of) California as their private plantation. The numbers of "regional government operatives" active in and around this Commission has been major. How about Chair and Vice Chair's credentials?

## **ELECTED JURISDICTIONAL REPRESENTATIVE GOVERNING AUTHORITY**

Why not **an amendment for 300 Assembly Districts**, ie 1.0 assemblymen per 100,000 people? Still the lowest, but it would bring us closer to Texas at 1.066. More districts? With fewer people in a district it would lower a candidate's campaign costs to get known! 400 assembly districts? That would give 1.333 assemblymen per 100,000 and raise California to #46 of the 50 states for state representation of the people.

How about a permissive **amendment for public supervision of county vote counting**, paper ballots?

F H "Doc" Ernst Jr.

THE OUT-OF-SIGHT  
CONSTITUTION  
REVISION  
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SEPT -NOV '95 AND  
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MONEY. BAY AREA  
COUNCIL? FED  
RESERVE BANK OF  
SF, B OF A, WELLS  
FARGO, PG&E,  
CHEVRON. ...

ref: California Constitution Revision Commission

Here is the letter written on March 18, 1996. Copies of this letter were also distributed.

Diplomat, American Board of  
Psychiatry and Neurology Inc.  
Psychiatry

Franklin H. Ernst, Jr., M.D.

P.O. Box 3009  
Vallejo, California 94590  
707/643-6611

Life Fellow  
American Psychiatric Association

March 18, 1996

re: California Constitution Revision Commission

(See also enclosed 3/7/96 report to legislature)

First off we hear "This is too much to read!" Writer suggests "Try it. You might like it!"

The California Constitution now has 20 Articles. Article numbers go to 34. Article numbers 29 to 33 have been reserved for something unknown, 9 "repealed."

**"CONSPIRACY?"**

READERS ARE  
DIRECTED TO  
CALIFORNIA PENAL  
CODE FOR THE  
DEFINITION OF  
FELONY OFFENSE?  
ARE THE PEOPLE OF  
CALIFORNIA A  
PARTY TO BEING  
HARMED BY THE  
ACTIONS OF  
CALIFORNIA  
GOVERNMENTS?

**REVISION COMMISSION THEMES**

The central "revision" themes pursued by Commission apparatus have been a major centralization of controlling, appointing authority in the Office of Governor; reduction in and supervision of voter participation in government; abolishment of most statewide elected offices; add another layer of appointed government at the county - "regional" level; provisions for arbitrary redrawing of local jurisdiction (city, county) lines; removal of most of remaining 2/3rd vote requirements: for state budget, for bonds and taxes on private property. California's recently elected school champion Assemblyman? See ACA 38 (Baldwin).

**"CONSPIRACY?"** Readers are directed to California Penal Code for the definition of felony offense? Are the people of California a party to be harmed by the actions of California governments?

**PROCESS DESIGN OF COMMISSION APPARATUS**

In addition to "withholding" meeting minute records for almost a year, the Commission apparatus (staff and officers) made it clumsy to find successive meeting locations and potentially intimidating for out-of-towners new to Sacramento's "downtown asphalt jungle". There may have been two successive meetings in the same place. I don't remember. **Always** the "reasons" for location changes were plausible. Meeting place only changed once, that I know of, after final meeting notice was sent out.

The routine change of location for successive meetings certainly removed the chance for non-steering Committee members to stay concentrating on the subjects to come up. First they had to weave their way through a portion of Sacramento's asphalt jungle, hopefully to **find** and get into the building where the meeting was supposedly to take place. For myself dealing with the mentally ill on the town streets was pretty much like being back at work at Napa State Hospital in the "old days." For others it wasn't.



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## **Meetings were not consumer friendly.**

- a) The public community forum listed for end of day was, in fact, ignored by Chairman if possible.
- b) At the Sunnyvale meeting with 150 to 200 public in attendance, Chairman postponed convening the meeting for almost 2 hours. I'm sure he had his reasons.
- c) People who wanted copies of written materials presented to Commissioners were usually directed to a 3rd floor "museum" about a 1/2 mile from Commission office.
- d) Minutes of meeting proceedings have never been available to public in less than two meetings and now almost a year since last.
- e) In the 1996 meetings Chairman has made it clear to Commissioners and public attending that within the Commission there was a "we" who had been determining what would be revised, how those revisions would read. A close paraphrasing would be "And we want you (other Commissioners) to know about it now that we have worked it out. It's on today's agenda for (your action)."
- f) "Public Forums" conducted by League of Women Voters which I attended were the expected stylized, rigidly controlled, preventive of interaction, with a politically correct Commissioner if one showed up. The politically incorrect were interrupted while speaking, shut off as soon as possible, making sure to embarrass them if possible.
- g) "Public Hearings"? In October 1995? Look at the schedules for yourself - times of the week, locations. Distribution of notices much like distribution for the San Francisco Estuary Project hearings four years ago - widespread to a select mailing list of politically correct people, - to reduce the chances of politically incorrect views being brought up to make "trouble."

## **PUBLIC ACCESS TO COMMISSION INFORMATION**

Commission apparatus has exercised very close security on the release of information. For example writer's 3/14/96 request for the mailing address of a Commissioner had to be first cleared by the Exec Dir.

There was an absolute blanket of security over the time, location of the Commission's first meeting, including by Senator Killea's office staff. Writer's Assembly staff was unable(?) to give time and location of the 2nd meeting. Apparently "public" attending the first meetings were carefully screened, eg approved elitist media reporters? Were any public notices of Commission meetings published? What papers? What dates? Or didn't public meeting notification laws apply to Constitution revision deliberations?

Background materials, "consultant" report materials are sequestered 1/2 a mile from Commission office, across the Capitol common: California Research Bureau, 900 "N" St, 3rd Floor, Sacramento, 95814, 916/653-7843.

**THERE ARE NO KNOWN RECORDED COMMISSIONER VOTES** on any revised phrasing of elements of the Constitution which the Commission worked on, let alone "adopted." To date I have not seen any record of the dates on which revised elements were supposedly "adopted." Public has not been permitted to have a copy of the specific wording of an "adopted" item for revision in the California Constitution. Maybe the elitist media has a copy but not public-at-large.

**2/3rd VOTES BY COMMISSION MEMBERSHIP FOR ADOPTED ITEMS?**

**2/3rd VOTE REQUIRED BY MEMBERSHIP OF HOUSES OF LEGISLATURE!**

MEETINGS WERE  
NOT CONSUMER  
FRIENDLY.

## ref: California Constitution Revision Commission

### DYSFUNCTIONAL PERSONALITY STRUCTURES

**NOT DYSFUNCTIONAL GOVERNMENT STRUCTURES** is the problem in governments. This is in the matter of the **Oath-of-Office violations**; the use of privately held “mental reservations and purposes of evasion” to circumvent the OATH OF OFFICE. Oath of Office as taken by government officials includes “to support and defend” the two Constitutions **“without mental reservations or purpose of evasion”** - **this is** the problem for government.

**OATH OF OFFICE FOR COMMISSIONERS?** It would seem reasonable to this writer that the membership of the Constitution Revision Commission would take the California Constitution Oath of Office to adhere to the Constitution they are talking about changing at least until it was changed in the manner called for in the Constitution. The minutes of the May 3rd and 4th, 1994 meeting do not record any Oath of Office being administered to or taken by the Commissioners. “Personnel records” information, eg mailing addresses, yes. Oath no. At least 12 of original Commission membership would not necessarily have ever have taken that oath at a previous time. Revision Commission Chairman view of Oath?

**The focus of that first meeting instead** was on special interests, on studies by University of California Berkeley, Davis professors for “better” governing controls over people, “improvements” on techniques and strategies for tax fund distributions for “programs” (to pay various levels of government employees).

### MORE ON SOME OF COMMISSION PROPOSALS (See 3/7/96 report)

#### COUNTY CHARTER “HOME RULE” COMMISSIONS

This seems to be the center piece of the Revision effort. Proposal would provide for **Constitutionally mandated** County “Charter Home Rule Commissions.” Initially at one per county, each with its own authority **and autonomy** would be empowered to make its own deals with neighboring “Charter Commissions”, to combine their landed territories with other “Charter Commission” territories to form larger jurisdictional authorities (for themselves). These “Charter Commissions” would be appointed! By whom is not (yet) listed. Commission Chairman has been very specific that a majority of each of the (County) Charter Commission members would be **NON-ELECTED persons** (from the same county?).

“Charter Commission” authority would include revising city boundaries, revising taxing authorities, to remodel county boundaries, activities, services delivery, to decide which ones would continue to exist. Once these regional Charter Commissions were in place, would they have control of land use matters? That question has come up privately from many people, not answered by Commission steering committee.

**Spokane** recently voted down “Charter Commissions” as did **Arkansas**, in 1995. The status of the **Nebraska** struggle on this matter is not known to writer. Similar efforts are afoot in **Pensacola**, Florida. The gross, violent defrauding of voters in the **Miami-Dade County “Metro”** scandal of the ‘60s is known to many. Why not ask the background of the “charter” for the **Sacramento Area COG** (Council of Governments), how it was put in place, the vote (fraud?) for it about 20 years ago. Who led that pack?

**“WE NEED A HAMMER, WE NEED FORCE!”** These are the words of the Exec Director of League of California Cities and Commission V Chairman to describe “the need to force cities, districts, counties to consolidate” services, territories, jurisdictional authorities into regional (appointed) governing bodies.

THE “CHARTER COMMISSION” AUTHORITY WOULD INCLUDE REVISING CITY BOUNDARIES, REVISING TAXING AUTHORITIES, TO REMODEL COUNTY BOUNDARIES, ACTIVITIES, SERVICES DELIVERY, TO DECIDE WHICH ONES WOULD CONTINUE TO EXIST. ONCE THESE REGIONAL CHARTER COMMISSIONS WERE IN PLACE, WOULD THEY HAVE CONTROL OF LAND USE MATTERS? THAT QUESTION HAS COME UP PRIVATELY FROM MANY PEOPLE, NOT ANSWERED BY COMMISSION STEERING COMMITTEE.

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An additional “Charter Commission” wrinkle, as I recall is that somewhere else in the Commission’s oral proceedings was mention of other changes to also take place by then, ie what would constitute a voting jurisdiction for the purposes of particular changes in a local government’s boundary. Whose vote would count for what in this Revision proposal has been obscured by the non-release of written documentation of what Commission members may think they may have voted on!

**Whenever a matter was voted on by Commission and then later reviewed even in non-minute form almost routinely some Commissioner stated “This isn’t what I thought I was voting for. I’m against (not in favor of) this (as it was written).”**

**One sop** to go along with the Charter Commission proposal: the voters would be permitted “to vote on these” charters before they were put in place. Yeah! Yeah! Like in the Miami-Dade County “Metro Charter” vote fraud in the 60’s. There the voters were really ripped off. Estimated 75% of voters voted against it. Election (vote fraud) department there voted for it 60%. Election vote fraud department won. (See VOTESCAM, Collier and Collier, Victoria House Press, NY, 1992, especially also on participation by League of Women Voters in vote fraud.)

## **THIRTY-FIVE YEARS OF REGIONAL (APPOINTIVE) GOVT PROPOSALS**

The proposed “Charter Commissions” give the appearance of being similar if not identical to the Regional Government structures repeatedly introduced as bills over the past 30 to 40 years at the insistence of the BIG MONEY interests of the San Francisco based, Council on Foreign Relations directed, Bay Area Council. The difference is in attempting to use the California Constitution Revision procedure **to take over all of California** at the local level by appointed “planning bodies” who would supervise the locally elected policy-setting representatives. “Policy setting” and “planning” are close if not the same activity. The elected are elected to represent voters by debating and voting on these matters.

**COUNTY GRAND JURY SYSTEM:** The County Grand Jury system does not require Charter Commission tampering, “consolidating.” Actually there are not enough county grand juries. Current problems in system? Yes. They will be cleared up when the people are ready to clear them up.

## **CHARTER COMMISSIONS? A better license to tax and borrow without voter approval?**

The California Constitution Article 16, Sect 19 now seems to give **Charter** Cities and Counties an ability to levy new debt and/or assessments without any vote of the electorate being required if they decide (to dare the wrath of the voters), as long as the **plausible** reasons given are “public improvements.” Under provisions of this “revision” proposal all cities apparently would eventually become Charter (City, County) governments. Further? See also the bill ACA 38 (Baldwin).

## **REPRESENTATION compared to (the efficiency of) CENTRALIZATION**

There was talk to **reduce the number of California counties from 58 down to 10** (regions). This would be to centralize, to reduce the amount of accountable local elected govt. 3/7/96 report shows California now exists at a squalid, poverty level in COUNTY elected representation.

**FATE OF VOTER APPROVAL FOR CALIFORNIA JUDGES** under the “free wheeling” authority of “Home Rule Charter Commissions?” The question of how voters would retain their **vote for judges** in California did not come up but would seem germane in “regional remapping” considerations. Currently voters have the chance to unelect a judge, eg Rose Bird a few years back. What would happen to the elections of California judges under the proposed mandatory

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DIRECTED, BAY AREA  
COUNCIL.

## ref: California Constitution Revision Commission

“Charter Commissions?” Unknown, undecided, unwritten at this point. Up to the caprice of appointed “Charter Commissioners?” Up to who would have made the biggest campaign contribution to the biggest muscle most recently “elected” in the local “votescam?”

### GOVERNMENT GRIDLOCK

There is unhappiness in officials when **"GOVERNMENT GRIDLOCK"** is defined back to them as exactly what the **"checks and balances"** of constitutional government is about.

Other of those so-called government **"gridlock problems"** discussed in Commission included

- 1) Removal of 2/3 voter requirement for bonds, ie public debt secured by privately owned property.
- 2) The citizen initiative process. Citizen initiatives “need to be reviewed, cleared (first) by legislature.”
- 3) Voter recall and referendum processes “need to be tightened.”
- 4) Remove the 2/3 vote requirement for legislative budget approval. “A majority is good enough.”
- 5) Abolish most statewide elected offices. “Governor would know best what’s good for government.”

### NO DISCUSSION OF CONSTITUTION ARTICLES ALREADY VIOLATED BY JUDICIAL “SITUATIONAL (VALUES, CASE) LAW”

See especially Art 16, Sec 18; Art 20, Sec 3.

The government budgeted items permitted (encouraged?) by judiciary, never open for negotiation? **Annual “banker services”** costs - for “certificates of participation” (COPs), for redevelopment projects, others(?), ie “the bankers’ annual take.” How about an amendment highlighting that this non-voter approved debt load is a violation of oath of office by the dysfunctional personality structures initiating it, permitting it? The repeated bypassing of the intent and the content of Article 16, Section 18 of California Constitution by government officers in their **oath-violating**, privately held “mental reservations and purposes of evasion” is evidenced by their actions. Their violations of Constitutional oaths of office is at the very least a government embarrassment if not scandal. The Public Debt heaped upon the taxpayers within voting jurisdictions while prohibiting them a vote on the matters, encumbering their private property for “special interest” redevelopment projects and “COPs?” The permitters, the initiators and the instigators of these events are examples of the “dysfunctional personality” structures referred to the enclosed report of 3/7/96. In “Games People Play” these are some of the players in the repetitive instances of **the four-handed game “LET’S PULL A FAST ONE ON (JOEY) CALIFORNIANS.”**

The four hands are 1) “It” (here Californians), 2) “Instigator”, 3) “Initiator”, 4) “Permitter/Forbidder.”

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**SO FAR ANY ARTICLE OF THE CONSTITUTION TO BE REVISED FOR SUBMITTING TO THE VOTERS IS AMONG THE BILLS LISTED BELOW but...**

**Senate Constitution Amendment bills** introduced since 1/12/96 (see Senate Weekly History).

**SCA 26 (Thompson) on state budget;**

**SCA 27 (Leslie) on Initiatives and Referendums;**

**SCA 28 (Peace) on education;**

**SCA 29 (Kopp) on eradicate Board of Equalization, Franchise Tax Board, etc, reported amended;**

**SCA 30 (Haynes) adding something to Art 1;**

**SCA 31 (Haynes) on legislature term limits, state budget, bonds and “Charters”;**

**SCA 32 (Hayden) term limits for U C Regents;**

**SCA 33 (Thompson & Kopp) to abolish elections for many statewide offices inc State Supt Education,**

**SCA 34 (Marks) adding an element to Art 13;**

**SCA 35 (O’Connell) adding a section to Art 9.**

**Assembly Constitution Amendment bills** since 1/12/96 (see Assembly Weekly History).

**ACA 33 (Burton) state budget (amended after 1/12/96);**

ACA 34 (Conroy) term limits;

**ACA 35 (Kaloogian) abolish elections for many statewide offices;**

ACA 36 (Knight) juries,

**ACA 37 (Machado) add a section to Art 20, elections;**

**ACA 38 (Baldwin) local government and finance;**

ACA 39 (Morrisey) taxation exemptions;

ACA 40 (Mazzoni) school taxes;

**ACA 41 (Caldera) legislative supervision of initiatives;**

**ACA 42 (Poochigian) on “state functions”;**

**ACA 43 (Conroy) repeal public utilities commission, Article 12;**

ACA 44 (Ducheny) post secondary education.

**Telephone number of Legislative Bill Room: 916/445-2323.**

Find the local office of your **District Assemblyman and California Senator in the local telephone book.** Ask staff there for these bills. Bills probably be amended in next month or so. Get updated versions later.

## ref: California Constitution Revision Commission

### “DEADLINES”

**February 23, 1996** was deadline for Constitution Amendments to be submitted in legislature. It was apparently met for all Constitution elements, **with or without consideration by Commission membership**, while Commission membership still thought it was deliberating on those matters. Have Commission meetings merely been a cover, while heavyweights go ahead with own pre-decided program?

### June 27, 1996:

The deadline for the California Legislature to submit a measure(s) to the California Secretary of State for the November 5, 1996 ballot is June 27, 1996. It would seem some plan of action is afoot, not yet evident, to circumvent the usual and customarily expected series of legislative hearings including the public in deliberative considerations. It appears the legislature will ultimately be led to **vote for** or to **vote NOT-for** the submission to voters of either amendments or a Revised California Constitution at the 11/5/96 (VOTESCAM) General Election.

### TO GET A REVISED CONSTITUTION ON THE 11/5/96 GENERAL ELECTION BALLOT REQUIRES APPROVAL BY 2/3 VOTE BOTH SENATE & ASSEMBLY.

**Senate Membership** is 40, 2/3 is **28 votes required**; **Assembly** is 80, 2/3 is **54 votes required**.

**Described here and on 3/7/96, Commission apparatus designed a process completely successful in total exclusion of any valid public input to date.**

I don't know what the strategic plan of the "insiders" for this revision is. I would, however, look for a TEXTBOOK QUALITY "STYLE-SHOW" of **FRAUD IN LAW**. Super hurry-up and delay tactics. Commission hearing cancellations and very short notice of Commission hearings. Periodically elitist heavyweights and representatives closeted in "special interest conferences" in "key" legislator offices. Overlapping, simultaneous hearings by some Committees. Constitution bills concealed by Committee misdirection, "undesignated" Constitution Amendment bills, etc. The "spot bill", the hurry up "Conference Committee." Most all of this in order to go through the "legally" required motions of "open public hearings" and like a magician, still effectively keep the public from knowing what they are really doing.

Some of this is like the "public hearings" for Solano County's "Tri-City and County Regional Park and Open Space" when 10,000 acres of private land was removed from private control, transferred to government control without any compensation to owners, 1991 - 1994.

### **FRAUD IN LAW - FRAUD IN FACT**

Watching this Constitution Revision Commission process unfold I was reminded of the **fraud-in-fact** involved in the "adoptions" of 1) the **US 14th Amendment** ("slaves" became "U S citizens", bankers loans to government unquestionably secured) and 2) in the **US 16th Amendment** (IRS) and 3) in the **US 17th Amendment** (state legislatures disenfranchised of US Senators as **state** representatives).

**Further I was reminded of** March 9, 1933 when President Roosevelt heavy-handedly demanded Congress extend and amend the Oct 6, 1917 War and Emergency Powers Act to in-

SOME OF THIS IS LIKE THE "PUBLIC HEARINGS" FOR SOLANO COUNTY'S "TRI-CITY AND COUNTY REGIONAL PARK AND OPEN SPACE" WHEN 10,000 ACRES OF PRIVATE LAND WAS REMOVED FROM PRIVATE CONTROL, TRANSFERRED TO GOVERNMENT CONTROL WITHOUT ANY COMPENSATION TO OWNERS, 1991 - 1994.

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clude the people of the US as also being among the enemies (of the government). He made us subjects of the international bankers, confiscated our gold. Actually this was an overt act of treason (Art III, Sect 3 US Constitution: "(L)evying war against them ... or in adhering to their enemies, giving them aid and comfort.").

**FRAUD IN LAW?** Will either house of the legislature be permitted to openly debate the provisions of the proposed Revision of the California Constitution, let alone deliberate in Committee hearings?

**FRAUD IN LAW?** Will the content of revision provisions be suppressed via the "spot bill" process? Hidden in "undesignated SCA bills? Other tactics unknown to me in the legislature's "bag of magic act tricks?" Sole hearing on a revised constitution in one "Conference Committee" hearing? Legislative drama directors calling for confusions, hurry ups, diversions of member attention off the measure ?

## REVISIONS PROPOSED HERE AS ALTERNATIVES

**MORE ASSEMBLY DISTRICT MEMBERS:** To represent instead of rule (control) constituents!

California now has 80 Assembly Districts for 30 million people. This is 0.4 of an Assembly District per 100,000 people. **Squalid, poverty level representation, but ideal for ruling, (tyranny?)**. (See 3/7/96.)

**Compare California's meager 80 Assembly** members for 30 million residents to **Arkansas** with an Assembly of 100 members for 2.4 million, **Connecticut** has 151 in Assembly for 3.3 million, **Georgia** with 180 for 6.5 mill, **Missouri** with 163 for 5.1 mill, **New Hampshire has 375 Assembly members for 1.1 million residents.** **New York** has 150 Assemblymen. **North Carolina** - 120, **North Dakota** - 98, **Pennsylvania** - 203, **tiny Rhode Island** has 100 and **Texas** has 150 in its Assembly representing 17 mill.

**More assembly districts?** -- Better representation, **lower campaign costs** for candidates to get known, harder to fool the people. Even at 400 Assemblymen, California would still rank only 46th in the nation for state assembly representation, ie only 1.33 Assemblymen per 100,000 people. Objections to such a proposal will be raised by the special interests and the dysfunctional.

As it stands now it's almost impossible to get (re)elected to the California Assembly without becoming beholden to "special interests."

**VOTESCAM:** There are no constitutional protections for the ballot box. County election departments have total, complete, unverifiable command over the vote counting process. It includes the exclusion of and prohibitions against any public-at-large presence, exclusion of any public observers to witness, see, check, videotape, track the vote counting process. Election departments have **NO CHECKS AND BALANCES** to their absolute, dictatorial powers. Trust them ? On what basis ? To do what ? Who cuts their paychecks ?

Solano is no different from other counties. The instances of vote counting fraud are rampant, in California and in the nation's 3000 counties. Election departments are administratively under their County Administrators. Any VOTESCAM would be under the protection of the County (Parish) Administrator. County Supervisors? They should be instructed by public to protect the vote counting. Writer wonders about **National Association of County Administrators**, its hand in the transcontinental VOTESCAM operations. Hard to conceive of that Assn being in the dark about these "fast ones being pulled."

**VOTESCAM:**  
THERE ARE NO  
CONSTITUTIONAL  
PROTECTIONS FOR  
THE BALLOT BOX.  
COUNTY ELECTION  
DEPARTMENTS HAVE  
TOTAL, COMPLETE,  
UNVERIFIABLE  
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PRESENCE,  
EXCLUSION OF ANY  
PUBLIC OBSERVERS  
TO WITNESS, SEE,  
CHECK, VIDEOTAPE,  
TRACK THE VOTE  
COUNTING  
PROCESS.  
ELECTION  
DEPARTMENTS HAVE  
**NO CHECKS AND  
BALANCES TO  
THEIR ABSOLUTE,  
DICTATORIAL  
POWERS. TRUST  
THEM ? ON WHAT  
BASIS? TO DO  
WHAT? WHO CUTS  
THEIR PAYCHECKS ?**

**ref: California Constitution Revision Commission**

The International City Managers Association (USA) would privately know about them.  
**What about California State Assn of Counties (CSAC), 1100 K St, Sacramento?**  
Ask past Executive Directors about VOTESCAM.

People have been sold on instant results of an election but at the expense of being defrauded of their vote. Paper ballots may be slower BUT counting can be witnessed and verified. Reliable computer test sampling interspersed during mainstream vote counting? There's no way to control the number of networked terminals able to influence an operation like govt computerized vote counting that I know of.

**FULLY INFORMED JURORS** Provision in constitution for jurors to be "fully informed"; **properly instructed** that their job is to try both "fact" **and** "law." It would increase legislative accountability; remove monopoly of judiciary over "justice", reduce unilateral judicial "law." People would become more "self-governing." Many pieces of special interest legislation now passed by California would be "NULLIFIED" by fully informed juries. Corruption in the judiciary might decrease. "Bad" laws would get another look by the basic unit of 12 peers, biblically the number of "governmental perfection."

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"GOVERNMENTAL  
PERFECTION."

**Curt Pringle, as Assembly Speaker, controls key features of how, what the Assembly votes on & when.**

**Senator Bill Lockyer is manager of the California Senate.**

Will Californians be represented, "taken" or ruled when this "revision" measure comes up. Isn't Curt Pringle from Orange County? Irvine Company of Orange County is invested in a Revised Constitution.

**HISTORY OF THE CALIFORNIA CONSTITUTIONS**

**THE** CONSTITUTION of the CALIFORNIA REPUBLIC was first adopted by Californians in 1849. As a Constitutional Republic, California was admitted to the Union in 1850 as a state.

In 1879 Californians were conned into adopting a new **Constitution of the State of California**. This new Constitution "forgot" to specify the State's borders. Why? It was now a corporation (capital "S" for State). Corporations don't have geographic borders. And more revisions (con jobs?), eg 1962, 1966, 1970, 1972, 1974, 1976, etc. **NOW YET ANOTHER ONE, AGAIN!**

But the original Constitution is still there. It never was repealed.

F H Ernst Jr



## NOTES:

Meetings held in downtown Sacramento were attended mostly by government types, ie lobbyists and members of governor and legislature staffs. There were also usually up to a handful of us members of the public-at-large, plus whatever press may have come.

### PRESERVATION OF CONSTITUTIONAL GOVERNANCE?

Respect for the majorities in the masses, multitudes and also protections for the individual?

(Re Initiative remodeling) Professional writers of Constitution Initiatives were quite explicit - "Getting a (Constitutional) Initiative passed depends on HOW IT'S COUCHED", ie the language used to sell it to the voting public, to soften the impact of what the actual intent is.

Currently several of the Constitutional Amendment bills are scheduled for hearings in different Committees but each of these Senate bills is going to Senate Constitutional Amendments Committee (916/445-2802). Each Assembly bill looks to be going among other places to the Assembly Committee on Elections, Reapportionment and Constitutional Amendments, Chairman Bruce McPherson, Room 3093, tel 916/445-8496, Committee tel 916/322-5249.

Best I can tell, there are several "scenarios" which those calling the shots are considering. These include "spot bills", Conference Committee of both houses somewhere along the way, in addition to the usual, expected, probable Committee hearing procedures. Reference the "Conference Committee hearing" routine. In California those are public, if you hear about them let others know. If you know about them and get to those that you can attend, speak. Be visibly present. Written input put in two days ahead will have an effect on them.

From last year's work defeating the Alquist bill to get California approval for a federal "Conference of States", most know who is on the Senate Constitutional Amendments Committee and have their numbers, know about also sending (letter &/or fax) copies to Senate office of floor analysis.

Several vote abstentions by legislative analyst noted. Professional views frequently just seemed cut off.

September thru November 1995 no agendized meetings. Chairman and "steering committee" doing something else?

Typical of California officials? Such absence of good faith can undermine a constitutional government.

.... ABSENCE OF  
GOOD FAITH CAN  
UNDERMINE A  
CONSTITUTIONAL  
GOVERNMENT.

## ref: California Constitution Revision Commission

Commission Chairman Hauck is also reported as setting editorial policy in the corporate elitist, legislation shaper, "California Journal - StateNet" pair of services. Does it also have a cable TV outlet service ?

Re Sacramento Area (regional) Council of Government (COG) put in place about 20 years ago? Report has it former Sacramento Mayor Phil Isenberg still feels beholden to the energy then of the now Chairman of CCRC for getting it "adopted" then (by voters ?).

REVISION  
COMMISSION  
CHAIRMAN ..., ON  
AT LEAST THREE  
SEPARATE  
OCCASIONS THIS  
YEAR HAS  
MENTIONED THE  
USE OF THE "SPOT  
BILL" PROCEDURE  
TO PRESERVE THE  
FULL CONTENT OF  
THE COMMISSION'S  
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GOAL APPEARS TO  
BE FOR THE  
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DONE OUT OF  
SIGHT OF ANY BUT  
A FEW  
LEGISLATORS AND  
WITHIN THE  
PRIVACY OF THE  
LEGISLATIVE  
COUNSEL'S OFFICE  
(THE LEGISLATURE'S  
LAWYERS).

### SPOT BILL (ULTERIOR) PROCEDURE

This is a way a legislator can conceal the intent and ultimate content of a numbered bill. It is used to defeat the deadline for submission of a legislative matter. A "spot bill" will contain innocuous short and featureless content for example in order to get THE NUMBERED BILL through a majority of the hearing processes without attracting public attention. At some point the bill will be "amended", original content "gutted" and the originally intended measure will be substituted, eg an entire 100 page Revised California Constitution substituted into what was originally a one paragraph bill. This "amendment" (substitution) can take place all the way down to the last "Conference Committee" just before the final (third) vote of each house on the bill.

Intermittently since first meeting there have been a variety of "experts" to testify. As of February 1996 the recommendations to be made to the legislature (read Bion Gregory's Legislative Counsel's office) have apparently been firmed up.

### "SPOT BILL" procedure

Revision Commission Chairman William Hauck, on at least three separate occasions this year has mentioned the use of the "spot bill" procedure to preserve the full content of the Commission's Revised Constitution proposal. The goal appears to be for the legalize wording to be done out of sight of any but a few legislators and within the privacy of the Legislative Counsel's Office (the legislature's lawyers). The goal of the Constitution Revision Commission's "Invisible Steering Committee" appears to be the intact preservation of the proposal as a whole and with a minimum of exposure to its contents to the legislators at large, without any public legislative debate or consideration, instead for the final vote by each of the two houses of the legislature to be a "hurry-up to beat the deadline" vote to take place after a Conference Committee has finally brought out into view the intact non-debated revised Constitution. This, of course, can only be done by procedures which prevent disclosure of intent and content to the majority of the legislators and the people at large who might try to influence their representatives.

This "spot bill" procedure was used by Senator Maddy and Assemblyman Burton in 1993 with their "asset forfeiture and seizure" bills. In that instance each author's bill went through several amended versions finally ending up with exactly the same innocuous, uninformative wording. By identifying what was happening some of us were able then to persuade the legislators to hold off any precipitous "conference committee" meeting and vote to beat a "deadline."

Former Mayor R Lugar's Indianapolis is another example, How about the Sacramento COG regional government?

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## SHORTEN PERIOD OF “DELAY” AFTER BILL INTRODUCED

“emergency legislation” - 30 days is too long to wait for a bill to be heard, like the sponsor would not be able to urinate until his bill was heard.

At the present time there is a 30 day period after a bill is introduced in either house of the legislature before any hearings on it can take place. This gives a chance for the bill to be printed and listed in the legislative documents for its general content and intent. The 30 days gives both the unsuspecting legislator and those being represented at least a chance to learn what’s up in the way of proposed new restrictions on the behaviors of the people (purpose of laws, including taxes).

Proposal in the Revised Constitution is to cut the 30 days down to 10 calendar days, “before either house as a whole would vote on the bill.” Effectively this would do away with almost hearings, for example even allowing “Rules Committee” to assign a bill before it was even out in print.

Part of rationale given by the always plausible Senator Killea for shortening this interval between introducing a bill and first action on it was so that legislature would not have to wait so long to do its work and could adjourn and go home earlier. It was also as if legislative matters are a continuous matter of urgency if not emergency to get more new laws passed.

## STATE BUDGET PASSAGE

Currently the state budget needs to be passed annually by 2/3rds of the membership of each house.

Two thirds of the Assembly and two thirds of the Senate each also have to approve this Constitution Revision measure if it were to get on the 11/5/96 ballot. How many hours of Assembly and hours of Senate time are consumed in the budget matter in a year. Is the modification of the basic instrument for governing the entire state in need of less thought and deliberation by those whom we elect to regulate the affairs of California, the sixth largest economic power in the world?

The annual, **non-discussable** sums for “banker services”? In Vallejo, the top 1/3 of taxes is skimmed off at budget time for non-negotiable **banker services**. **Then public safety services come up.**

## “DYSFUNCTIONAL” PROBLEMS

The social problems caused by these dysfunctional personality members of society in office are legion. Government officers with the dysfunctional personality syndrome include the members of the California Supreme Court. These justices, on their own, changed the oath of office requirements specifically written into the California Constitution. Each of them have taken the California oath of office at various times in the past at least 6 times. But it just does not stick, count to them. The first time or so they took this oath was before they had any “judicial immunity.”

PROBLEMS in California government come not from “government gridlock”, “dysfunctional structure”, “fragmentation and duplication of services”, etc They come from the plausible mental reservations and plausible purposes of evasion of elected and appointed officers of government in California who do not adhere to their own oath of office as already contained in Article 20, Section 3 of the present Constitution. Each one has publicly, in front of witnesses, affirmed and publicly signed a contract with the people of California “I will support and de-

PROBLEMS IN CALIFORNIA GOVERNMENT COME NOT FROM “GOVERNMENT GRIDLOCK”, “DYSFUNCTIONAL STRUCTURE”, “FRAGMENTATION AND DUPLICATION OF SERVICES”, ETC THEY COME FROM THE PLAUSIBLE MENTAL RESERVATIONS AND PLAUSIBLE PURPOSES OF EVASION OF ELECTED AND APPOINTED OFFICERS OF GOVERNMENT IN CALIFORNIA WHO DO NOT ADHERE TO THEIR OWN OATH OF OFFICE AS ALREADY CONTAINED IN ARTICLE 20, SECTION 3 OF THE PRESENT CONSTITUTION.

## ref: California Constitution Revision Commission

fend (both the state and the federal constitutions and that) ... I will bear true faith and allegiance to (these same two documents) ... without any mental reservation or purpose of evasion ...”

The problems in California stem from the lack of good faith effort by the elected and other officers of the governments in California, from the corrupting mental reservations held by the government officers in California, from the purposes of evasion used by its officers in the governments. For example, the Presiding Superior Court Judge in Solano selected as his first choice for 1996 Grand Jury the known and identified chief of Vallejo City’s Housing Department.

Because three ACLU types in California objected to paragraph number two of the California oath of office (Art 20, Sect 3) and the U S Supreme Court said it was a California matter, the California Supreme Court members decided on their own to change the California Constitution. On their own, they decided to unilaterally amend the California Constitution without any vote of the voters, they amended it by their unconstitutionally sanctioned act of removing the requirement to subscribe and sign to the second paragraph of the Constitution oath of office. They “softened” the oath to make it more palatable, therefore not as binding.

### SENATE COMMITTEES

Senate Committees are a curious breed of state government animal. They are relatively independent from the Senators. Each has its own life, programs, agendas, offices, staffs and telephone numbers. The Senate Committee offices are separated from the Committee’s so-called “Chairman”, ie on another floor, in another building or across the street. The Senate majority leader assigns a Senator to “head” each Committee. It is difficult to tell in the legislature if a Senator assigned to be the Chairman of a Committee in fact has any control over the agenda of “his” California Senate Committee hearings.

### THESIS: THE “PROBLEM” OF THE 7000 GOVERNING BODIES

Of the estimated 7000 governing bodies in California some 500 are incorporated cities (487), 58 are counties. Each county has its cemetery, mosquito abatement, open space, open space and park, park, etc districts. Solano County’s current administrator has for the past 3 years been pushing to increase the number of JPAs - emergency services, communications, fire, regional park and open space, etc.

Vallejo, with 100,000 people, is not atypical. It has 24 landscape districts, some old benefit districts, some landscape and lighting, 2 Mello-Roos districts, a flood and sanitation, a recreation district. It is involved in 3 or 4 JPAs. It has a redevelopment agency, housing authority, finance authority. There is a unified school district. In all about 40 or 50 governing bodies.

At one of presentations about government bodies to Commission one of the consultants was quite clear that the so-called mushrooming of government bodies has been in the JPAs and landscape districts - over half - in the last two decades. And he did not consider this number of governing undue or view it with alarm despite the best efforts of Chair and Vice-Chair to egg him on in that direction.

THE PROBLEMS IN CALIFORNIA STEM FROM THE LACK OF GOOD FAITH EFFORT BY THE ELECTED AND OTHER OFFICERS OF THE GOVERNMENTS IN CALIFORNIA, FROM THE CORRUPTING MENTAL RESERVATIONS HELD BY THE GOVERNMENT OFFICERS IN CALIFORNIA, FROM THE PURPOSES OF EVASION USED BY ITS OFFICERS IN THE GOVERNMENTS.

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**ANTITHESIS:** Establish an additional set of government bodies, appointed, not accountable to any voters.

“... obligation ... without any mental reservation or purpose of evasion ...”

When a persons words are contradicted by his actions, when a person’s actions do not match his words this is a “dysfunctional personality structure.” When a person voices and signs this contract then turns right around to exhibit his mental reservations and purposes of evasion by his actions, when this oath taking and signing person shows his lack of true faith and lack of allegiance to these constitutions this is a dysfunction of his personality..

## INITIATIVE PROCESS

Writers of Constitution Initiatives as consultants were quite explicit - “Getting a (Constitutional) Initiative passed depends on HOW IT’S COUCHED”, ie the language used to sell it to the voting public, to soften the impact of what the actual intent is.

## OATH OF OFFICE

The California Constitutional oath of office (Article 20, Sect 3) should be taken in its full two paragraphs by both the elected and appointed Government officer until the second paragraph is repealed by voters from the California Constitution. The Constitution Revision Commission took NO HEED of the discrepancy between what the California judges have said officials in the state should take and what in fact is written in the California Constitution for officials to take and sign. “Dysfunctional personality” in the judiciary?

The requirement to swear to (affirm) the second paragraph of the oath was arbitrarily and unilaterally deleted by order of the California Supreme Court. This happened about 25 years ago after three Californians had objected to the second paragraph, took their cases up the appeals ladder to the U S Supreme Court. That body held the California oath was a California voter, state and constitution matter.

The problem therefore is not a dysfunction of the structure of the California Constitution. The problem lies elsewhere. If Court justices violate the Constitution that’s a violation of constitutional law.. We the people can, however, still dis-elect these officers when we are ready to under the present California Constitution. This matter DOES NOT NEED TO BE REVISED.

The corruption of the judiciary in keeping the County Grand Jury system under its firm thumb and control can be dealt with by the people when they are ready and become informed. The County Grand Jury system does not require any “Charter Commission” consolidating, any removing of the authority of county grand juries.

## FRAUD IN LAW

The way “spot bills” work in this instance is that (probably) already an innocuous non-controversial bill, probably a Constitutional Amendment bill has been quietly, if not silently introduced, one into each house of legislature. After 30 days this innocuous, featureless bill is “heard” by Rules Committee of the respective House.

Here’s where Curt Pringle comes into the act. He’s Chairman of Assembly Rules Committee and has kept John Burton on his Rules Committee as Vice Chairman. Burton was the previous “forever” Chairman of Rules Committee under Willie Brown. Both Pringle and Burton will know what the ulterior objective of the otherwise featureless “spot bill” is and KNOW IT BY ITS BILL NUMBER. They will know it as THE BILL to then send it on its (greased) way. Whether a

## INITIATIVE PROCESS

WRITERS OF  
CONSTITUTION  
INITIATIVES AS  
CONSULTANTS WERE  
QUITE EXPLICIT -  
“GETTING A  
(CONSTITUTIONAL)  
INITIATIVE PASSED  
DEPENDS ON HOW  
IT’S COUCHED”, IE  
THE LANGUAGE  
USED TO SELL IT TO  
THE VOTING PUBLIC,  
TO SOFTEN THE  
IMPACT OF WHAT  
THE ACTUAL INTENT  
IS.

## ref: California Constitution Revision Commission

Constitutional Amendments Committee hears it either publicly or it is only listed for legalities on a "consent calendar," is problematic. After that there will be the quick two votes in the respective house of origin.

The Senate will go through the same exercise of only a very few members knowing which bill is the Senate "spot bill" for the same purpose and similarly grease its path pu to the very last and then the "hurry up, **hurry up, hurry up, hurry up**" procedure, like Pres FDR March 6, 7, 8, and 9, 1933.

In the case of the California Legislature such secret planning to harm the public by preventing legislative information from becoming public prior to deliberation and then a vote on matters affecting the entire system of governance for all the people of California - this is a serious matter. Under the California Penal Code such secretive planning and carrying out of actions with this ulterior motive in such a concealed manner which could result in harm to so many is called and defined as "conspiracy."

IN THE CASE OF THE CALIFORNIA LEGISLATURE, SUCH SECRET PLANNING TO HARM THE PUBLIC BY PREVENTING LEGISLATIVE INFORMATION FROM BECOMING PUBLIC PRIOR TO DELIBERATION AND THEN A VOTE ON MATTERS AFFECTING THE ENTIRE SYSTEM OF GOVERNANCE FOR ALL THE PEOPLE OF CALIFORNIA - THIS IS A SERIOUS MATTER.

## FRAUD IN LAW

At this point there is a possible short cut which the fraud intent insiders might use. If the innocuous constitutional amendments coming out in each of the two houses were to be worded identically alike then the Speaker of the Assembly and Senate President Pro Tem could direct the formation of a "Conference Committee" prior to a third (final) vote in either house. In this way there would be even lees chance of a "leak" about what's really intended. It would be in the much less publicized Conference Committee setting that the "innocuous" Constitutional Amendment is "amended" AND instead the wording of the REVISED CONSTITUTION would be substituted as a measure to be voted on for the final and only vote, let alone any daylight being shined on this Revised Constitution before it goes onto the ballot for a mobocracy vote for the free bond money for the democracy. This set of steps is to take advantage of the fact that the (innocuous form of the) numbered bill has already previously been through the "necessary" form of "Committee" hearings and the same numbered bill has been through the form of its first two votes in each house of the legislature without anyone becoming aware of the actual intent until the last possible moment.

## NUMBERS

Texas has 254 counties for 267,339 sq miles = 1052 sq mi/county

California has 58 counties in 158693 sq miles = average of 2736 sq miles/county

Texas now has almost 3 times as much elected representation by area as California.

New York population is 20 mill in 62 counties = average of 322,580 people/county.

California has 25,000,000 in 58 counties = average of 432,034 people/county.

New York has more local elected representation than California by county population.

## RECOMMENDED READING

1) Get your own copy of US and California Constitution book available by calling office of Senator Lockyer, Sacramento - 916/445-6671 and ask for one to be sent to you. AND at least open the cover.

For Example California Judiciary decided to change the constitutional oath requirements for elected and appointed officers about 20 years ago, see Article XX, Sect 3 for the real Constitutional Oath. I thought the Constitution was what regulated the judiciary. Apparently they don't think so.

2) Get yourself on mailing list to receive notices of California Constitution Revision Commission meetings, agendas and "complete minutes of meetings." Given telephone is 916/322-4121, number I use is 916/323-3191. Address CCRC, 1201 K Street, #1740, Sacramento, Calif.

3) Copy of a cover sheet by Richard McDonald of Canoga Park re de facto or de jure state, citizen of California state of United States. Before 1866 there were no citizens of the United States.

## BEHIND THE SCENES ACTIVITIES

(This writer then identified intense behind the scenes activity of the State County District Attorney's Association and the Attorney General Office: to influence legislators to pass a bill severely adverse to the U.S. Fourth and Fifth Amendments. We countered this by writing and hand delivering to each of the individual State legislator's office then; in the midst of this pushing by the Association of County District Attorneys and calling it " .... " )

## REMOVED

The American Federation of Federal, State County and Municipal Employees (AFSME) representative on the Revision Commission consistently voted the Union line, had little understanding of what a republic, with its protections for both the people at large and protections for the (rights of) individual via elected jurisdictional representation is about.

## THE PLAGUE

The "Forums" conducted in the state by the League of Women Voters.


I did attend one of those "forums" in Fremont on 4/24/95, same date as the Vallejo Taxpayers Association meeting last month. The 5/3/95 meeting in SF was cancelled without notice.

## PUBLIC RECORDS

Commission staff (\$200,000 per year plus) have been relieved of the duty of keeping the records for public review and accessing.

THIS WRITER THEN  
IDENTIFIED INTENSE  
BEHIND THE SCENES  
ACTIVITY OF THE  
STATE COUNTY  
DISTRICT  
ATTORNEY'S  
ASSOCIATION AND  
THE STATE  
ATTORNEY  
GENERAL OFFICE:  
  
TO INFLUENCE  
LEGISLATORS TO  
PASS A BILL  
SEVERELY ADVERSE  
TO THE U.S. FOURTH  
AND FIFTH  
AMENDMENTS.

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## ref: California Constitution Revision Commission

### GUEST SPEAKERS

Guest speakers were varied, predominately academic, mostly friendly to concept that California government structure needs "streamlining" to remove "government gridlock" and for purposes of more efficient governing. One San Diego woman professor on the agenda last February saw through the aims of the senior directors of the Commission. She was not asked back.

The most outstanding speaker for me heard so far has been A Alan Post, former Legislative Analyst. His approach was common sense, inspired confidence. His successor to position of Legislative Analyst is the competent, Elizabeth Hill who wrote "Making Government Make Sense" for the legislature and others.

Commission has heard the varieties of Amendment proposals offered recently, eg by Kopp, Keene, Alquist, etc. I don't have the outlines of their individual proposals in mind.

A Parliamentary government for government has been discussed, as has a unicameral legislature. Rarely are the liabilities and handicaps of these other forms presented with the clarity that the Commissioners are instead led to believe any other system would be preferable to what we have.

It is hoped this synopsis of the California Constitution Revision Commission activity gives you clues where to look further and for what.

F H "Doc" Ernst Jr

DYSFUNCTIONAL  
GOVERNMENT  
STRUCTURE OR  
DYSFUNCTIONAL  
PERSONALITY  
STRUCTURES OF  
THOSE IN  
GOVERNMENT ?  
ROUTINE USE OF  
MENTAL  
RESERVATIONS AND  
PURPOSES OF  
EVASION TO WHAT  
ONE HAS DECLARED  
HIMSELF TO BE  
COMMITTED TO,  
THAT IS  
DIAGNOSTIC OF A  
"DYSFUNCTIONAL  
PERSONALITY"  
STRUCTURE.

**"Mastery of the universe is proportional to the symbols man has by which to represent his universe."**

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