

Press-Herald

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Secrecy Given a Boost

The battle for the public's right to know is one of continuous fighting, and as in any battle, it is not surprising that ground is lost on occasion.

The latest blow to this right comes in a decision handed down by the Third District Court of Appeals, when it modified a preliminary injunction issued by the Superior Court of Sacramento County. The preliminary injunction held that meetings of the board were to be open to the public except for statutory exceptions in the case of personnel, or national security.

In the appellate decision, which was sought by the board of supervisors, Judge Leonard Friedman modified the original injunction by stating "it shall not prevent the Sacramento County Board of Supervisors from consulting privately with the county counsel or other attorney representing the board under circumstances in which the lawyer-client privilege conferred by the California evidence code may lawfully be claimed."

In all other respects, the provisions of the Brown Act, adopted by the state legislature to insure the public's right to know, and amended after adoption to make it stronger than the original act, was upheld.

But the crux of the decision is that it will tolerate future secret sessions not only of the board in Sacramento County, but to other local government boards as well, by making it impossible for newsmen and other interested members of the public to attend what the legislature intended to be open meetings.

Judge Friedman, in reaching this conclusion after some 25 pages of argument, invoked laws relating to the lawyer-client relationship, laws which were passed long before the Brown Act came into being.

What newsmen fear now is that the Friedman decision may be used as a device for permitting local government boards to close meetings on the basis that they are being conducted on a lawyer-client relationship, but at which, other matters of public interest will be discussed.

Local government agencies have been reluctant to accept provisions of the Brown Act since its adoption, and many of them circumvent provisions requiring open meetings by holding so-called unofficial sessions at meeting places other than the official site for holding such meetings.

This occurred in the instant case, when the board held such an unofficial session at the Elks Club in Sacramento with its counsel, executive, director of social welfare, and members of the Sacramento Central Labor Council.

The question being discussed was the strike of Sacramento County social welfare workers, and whether or not the strike was to be supported by the Central Labor Council.

Reporters were denied admission to the meeting, whereupon they sought and obtained the injunction prohibiting such "rump" sessions in the future which they alleged in their complaint was threatened.

Thus fundamentally, the court action represents a piece of legal trickery to thwart the will of the people as expressed through their legislative representatives. In good conscience, there are few if any local board meetings important enough to deny the public knowledge.—HCM

Opinions of Others

The newspaper, as a communications media, is a symbol of the American heritage of freedom of speech. Most papers strive to present factual news and not gossip, slander or rumor . . . readers can be certain . . . papers work at being fair and open-minded.—Campbellsville (Ky.) News-Journal.

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(Messages for state officers may be addressed to them at the State Capitol Building, Sacramento, Calif. 95814.)

Daddy!



HERB CAEN SAYS:

Charlie Stardash Claims He Lost Culture Imports

Behind the scenes of journalism: A recent column of mine appeared in the San Francisco Chronicle with the mysterious legend "Pick up stardash"—a printer's instruction that shouldn't have been there—printed at the bottom. Anyway, I'm just as happy since it inspired some diverting reader reaction. Bob Keen: "Some of my best friends are hitch-hikers but I say let Stardash walk." Whitey Green: "Did your shopping list get attached to the column?" Frank Ricci: "Pick up stardash? Is that like sock it to me?" And finally: "I don't know who tipped you off, but I was arrested and a sizeable quantity of culture I was bringing in was confiscated." (Signed) Charlie Stardash, 007439, Cell Block 13, San Quentin.

Report From Our Man In San Francisco

Steve Jaffe responded: "A mother is someone who gets sick eating cauliflower to show you how good it is." Head of the class.

Query from Mark Wright: "I saw a hippie wearing a button reading, 'My Mother Was a Test Tube.' If so, what do you think she got for Mother's Day?" A Bunsen burner. Next question.

The Kraut: Her sense of rhythm is strictly spastic. Her singing voice sounds like Peter Lorre taped at the wrong speed. She stands with her arms akimbo and hands pressed to her thighs, like an old-time band vocalist. And yet . . . and yet, she's Marlene Dietrich, and during her currently-touring one woman show, recently seen in S.F., she succeeds (at 65) in evoking the depravity of Berlin in the late 20s, the hint of liaisons with famous old men, the naughty childishness of Hollywood in the '30s—all overlaid with camp high enough for a Sierra Club marker. She inspires all the oxy-morons: icy warmth, innocent guile, cynical sentiment, and when she finishes, the audience arose to cheer and pelt her with flowers. They probably went into her backstage refrigerator where, one suspects, she dwells between appearances, sipping Moet & Chandon and laughing mirthlessly.

Caendid Camera: Fine old sign on the door of the Dublin saloon on Market: "If we are closed just slide your money under the door." Outside gilt-edged Granat's Jewels on Grant Ave., a scavenger giving his steak sandwich to a hippie girl, explaining: "Kid, that fur coat you're wearing is rattier than the one in my truck." . . . An old-time postal employee, explaining why our hippie postmen are working out so well: "Dogs won't bite 'em."

Further wisdom from the kiddies: Mr. and Mrs. R. A. Hicks took their nine-year-old son, Greg, to S. F.'s fine French restaurant, Le Trianon, for dinner, and anxiously awaited his reaction to their excellent cookery. After a few minutes, Greg nodded: "I can tell this is a good place, all right." Mrs. Hicks: "How?" Greg: "No gum."

Morning Report:

Revolutions make good reading but are damn poor for planning a vacation. This goes even for attempted revolutions.

The mass strikes in France have played havoc with American tourists. There was plenty of hotel space in Paris for a change, but what good is a firm reservation for an adjoining room for the children if your plane might land in Brussels? The American tourist is a hardy creature. Traveling at home has made him that way. Blocked in France, he turns to Italy, where the experts promise trouble any day now. And if not Italy, he is assured the French syndrome may show itself in Spain or Germany.

No, Americans in great number may stay at home this long, hot summer. The advantage being that he at least will be able to understand the language of the rioters here.

Abe Mellinkoff

SACRAMENTO SCENE

State's Gun Control Law Among Best, Reagan Says

By HENRY C. MACARTHUR
Capitol News Service

SACRAMENTO—So much discussion concerning tighter gun laws developed as the result of the Kennedy assassination that it was only logical Gov. Ronald Reagan should be asked at a press conference whether the state of California needs stricter gun control legislation, and his answer contained a lot of common sense on the subject.

He said this state already has probably the best gun control laws of any state in the union, but admitted there are certain areas in which loopholes can be closed in keeping guns from people who shouldn't have them.

"Always improvements can be made," he declared, "and there is one that could be made at the federal level with regard to a better control with regard to mail order guns."

The governor would not ban purchase of mail-order arms, but suggested a provision to have them purchased by way of a licensed dealer in California so that on a national level, the state could force conformity to its own stringent laws.

In addition, the governor's comment on gun laws brings

home the whole point of the current controversy. He said:

"What is needed is better use of the laws we already have," a comment which is not only more than reasonable concerning gun laws, but also a good many of other laws as well.

As an example, he said the courts have largely ig-

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On the Sacramento Scene

nored a law in California that increases the penalty quite severely in case of crimes where the suspect is carrying a gun at the time of the crime, whether he uses the gun or not.

"The idea is," Reagan said, "that if a man is carrying a gun at the time of committing a crime, one must assume he has in mind using the gun, and therefore he should pay the added penalty."

The courts, he pointed out, have not used this clause in the laws as much as it should be used.

Reagan was asked if there was "a certain hysteria" in the legislature over gun control law.

He said he was concerned,

whether anyone wanted to call it hysteria or not, that all over the country there is a tendency to look for easy answers.

"I'm concerned that somehow people will focus their attention on this one facet, and ignore a great many other things that could be done, and a great many other causes for the violence that's sweeping our land," he declared.

"I think we should be paying far more attention to court decisions that have added the permissiveness we have in our land, and that is a kind of simplification in leading the public down the road to believe that all that's needed is better control of guns."

"Any legislation which will aid the wrong person getting the gun is valuable and we certainly should look at it."

"But too much of the legislation that's proposed will have no effect on the potential criminal at all. It is just going to make it more difficult for the law-abiding and so no useful purpose is served."

At least, should the governor receive any useless gun bills from the legislature, it would appear his attitude will be temperate.

ROYCE BRIER

U. S. Traffic Continues To Exact a Deadly Price

Traffic accidents in the United States caused more deaths than the Vietnam war, and week-by-week mortality exceeds present war deaths over 2-1. The spread is even greater in traffic injuries over battle wounded.

Total traffic casualties exceed that of any other country, but deaths per car are higher in Japan and several European countries. These have fewer operating cars, and roads are narrower and lack controls of the American freeway.

This obvious statistic is not contained in an annual booklet published by the Travelers Insurance Company, but the booklet is a mine of information disclosing the nature of the traffic hazard in the nation.

Deaths last year reached 52,200, a slight decrease from 1966, but injuries reached a startling figure of 4.2 million. Tables reveal a sharp increase of fatal accidents involving young drivers. In 1950 drivers under 25 involved in fatal accidents were 27 per cent of the whole, in 1967, 33 per cent.

The figures amply estab-

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of the World

lish that whatever adults are doing about their driving habits, they have failed with the young. Streets and highways do exactly what a war does—kill a higher proportion of those in the 18-24 age bracket.

Of total traffic deaths, 21,

000 or 41 per cent involved collision. But 64 died from hitting a fixed object, and deaths to pedestrians and cyclists exceeded 10,000.

About half of the 9,500 pedestrian deaths resulted from crossing between intersections, but 1,800 died from crossing against a signal or where no signal exists. Walking a rural highway is hazardous, costing 1,340 lives last year.

Does your boy fancy a motorcycle? Then his hazard rises by half. Travelers tables said that though motorcycles constitute slightly over 2 per cent of registered vehicles, they were involved in 3.3 per cent of fatal accidents. The fatal motorcycle count last year was 2,150.

We tend to think of bad weather as increasing traffic hazards, but 87 per cent of all traffic fatalities occurred in clear weather, and only 11 per cent in rain or snow. Fog has a good record, possibly because it slows down all but idiots. But apparently wet roads (when it isn't raining) are deceiving, for they account for 9,400 deaths.

Mid-week driving is the safest, and Saturday and Sunday the most dangerous, accounting for 20,000 deaths, but this is due to the larger number of cars operating.

Fifteen per cent of drivers in fatal accidents are women, whereas 40 per cent of licensed drivers are female. But the ratio is misleading, because we don't know how many miles are driven annually by each sex. It is no surprise that 39 per cent of all accidents are caused by speed.

The time of day is equally important. Twilight and early night driving are bad, but the worst hours are midnight to 6 a.m. Though far fewer cars are abroad than in daylight, this six hours takes 22.5 per cent of the lives. The period was more dangerous in 1967 than in 1966.

Almost 4,000 children under ten were killed last year.

Quote

A worker fired for an ordinary mistake is eligible for benefits, but an employee discharged for deliberate or grossly negligent acts will not receive unemployment benefits.—Robert W. Sigg, chairman of the state's unemployment insurance appeals board.

PORNAGRAPHY WINS

Popular Proposal to Curb Smut Killed in Committee

Despite the urging of Governor Ronald Reagan, members of the Assembly criminal Procedure Committee dumped a proposal by Senator Robert J. Lagomarsino (R-Ojai) designed to keep smut from the hands of children.

Senate Bill 124 (Lagomarsino), the anti-pornography bill identified as part of the Governor's program, would have provided strict penalties for dealers in pornography, as well as making it nearly impossible for children under 18 to get their hands on hard-core pornography.

Harry Wood, a constitutional lawyer familiar with the effects of state legislation in light of Supreme Court rulings, told the committee the bill would not be declared unconstitutional in supporting testimony.

A prominent psychiatrist-lawyer, Dr. Walters, introduced testimony declaring that hard-core pornography, especially sexually deviant acts luridly described or pictorially represented, led children, in the turmoil of adolescence, to other acts of violence—namely arson.

He told the committee that there was definitely a connection between pornography and many forms of violent, or aggressive, adolescent behavior.

Main opposition to the bill came from librarians, who said the onus was placed on them as to what they should give to adolescents, and they were not capable of either knowing what each volume contained in the way of pornography, or of determining whether the person asking for a book was "capable" of handling it.

Another opposing group was the American Civil Liberties Union. Its representative told the committee of Sweden's repeal of all pornography laws and an alleged drop in sex crimes, as well as the general "unworkableness" of the measure.

Governor Reagan, upon hearing of the defeat of the bill in committee, urged the committee to reconsider its action and give the administration-sponsored legislation the support necessary to bring it to a vote of the full house.

"As you know," he said, "I have expressed a deep concern about the permissive attitude which seems to be increasingly pervading our society."

"Passage by the legislature will rightly return to parents much greater control over what their children read by stiffening the punishment against smut peddlers who show absolute no concern for the best interests of our youth but

are guided solely by the enormous profits such material can bring.

"The decision we make here in Sacramento will be of lasting importance," he added, "for it can guarantee that the will of the people is truly reflected in the law-books of our state."

Senator Lagomarsino, who presented the bill to the committee Tuesday evening, expressed disappointment over the committee's action.

"My bill carried the names of 51 legislators as co-authors, including half the Senate and 31 members of the Assembly. It received only six no votes on the Senate floor."

"It passed every committee before which it was presented, until last night. Its support was broad-based and bipartisan."

"To have five members of the Assembly Criminal Procedure Committee deny the Assembly an opportunity to vote on this measure is very unfortunate. I can only hope the people will make their will known to their legislators."

The bill had received support from many major newspapers, as well as the League of California Cities, the District Attorneys' Association and the Peace Officers Association and the administration.