



California Fair Political Practices Commission

June 21, 1988

Norman Rolfe
2233 Larkin Street, No. 4
San Francisco, CA 94109

Re: Our File No. I-88-171

Dear Mr. Rolfe:

We have received your letter urging the Commission to adopt a standard that a public official who is the paid employee of an organization has a conflict of interest if his or her employer takes a position on a matter before his or her public agency. You believe that a public official in that situation will be influenced by personal economic considerations, such as potential loss of employment or disapproval from his or her employer, if the official votes contrary to the employer's position. Accordingly, you believe that the official should be automatically disqualified from participating in the matter before his or her agency.

The Political Reform Act (the "Act")^{1/} provides that a public official has a conflict of interest in any governmental decision which foreseeably and materially affects the official or any member of his or her immediate family in a manner distinguishable from the effect on the public generally. (Section 87103.) The Commission already has adopted a regulation which applies to the situation with which you are concerned. Regulation 18702 provides that the effect of a

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

governmental decision is material if it will significantly affect the official. It further indicates that it is reasonably foreseeable that the effect will be significant if there is a nexus between the governmental decision and the purpose for which the official receives income. (Regulation 18702(b)(3)(B).)

Thus, under Regulation 18702, the fact that the official's employer is a non-profit or for-profit entity is not relevant. If the employer has provided income to the official of \$250 or more during the 12 months preceding a decision, it is reasonably foreseeable that the decision will materially affect the employer.

I know that you are concerned about the application of this regulation described in our recent Chin Advice Letter, No. A-88-091 (copy enclosed). That letter does provide, as described above, that it is reasonably foreseeable that a decision will materially affect an employer if there is a nexus between the decision and the purpose for which the employee/official receives income. However, it also holds that disqualification is not required if the effect of the decision on the employer is no different from the effect on the public generally.

The Commission cannot ignore the statutory requirement that an effect on an official's economic interest must be different than the effect on the public generally before a conflict of interest exists. It is important to remember that the Act itself only covers specific types of financial conflicts of interest. We often hear that officials should be disqualified from voting on matters affecting close friends or affecting the financial interests of their adult children. The Act does not cover these situations, and unless and until it does, the Commission is powerless to take any action to declare these situations to involve conflicts of interest. The issue you are concerned with is quite similar.

In your June 15 letter, you have raised an additional issue. You maintain in that letter that Mr. Chin provided our Legal Division with inaccurate factual material which formed the basis of the Chin Advice Letter. Specifically, you believe that this factual material led to an erroneous conclusion that the "public generally" rule applied to Mr. Siracusa's situation.

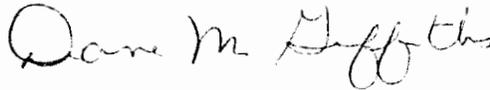
When the Commission provides written advice, it does not act as a fact finder. The advice given only applies to the facts as stated in the advice letter. If facts are inaccurately stated by the requester in a manner which affects the outcome of the advice, the advice does not provide the requester with any protection in subsequent enforcement proceedings. (See Section 83114.)

Norman Rolfe
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As noted above, the Legal Division is not in a position to act as fact finder in this matter. We cannot determine whether your version of the facts or Mr. Chin's' version is more accurate. If you believe that you have evidence that the "public generally" rule does not apply, please forward it to Chris Heard, Enforcement Division Counsel.

Thank you for your interest in the Commission. If you have any questions regarding this letter, you may contact me at (916) 322-5901.

Sincerely



Diane M. Griffiths
General Counsel

DMG:ld:88171

Enclosure

cc: Chris Heard

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JUN 21 3 36 PM '88

2233 Larkin St. #4
San Francisco, CA 94109
June 18, 1988

Ref.: FPFC GC-88/30
A-88-091

Diane M. Griffiths
General Counsel
Fair Political Practices Commission
428 J Street Suite 800
Sacramento, CA 95814

Dear Ms. Griffiths:

Here is some additional information to that contained in my letter of June 15, 1988 on the referenced matter.

If you were to ask now, Santa fe Pacific Realty would probably say it is no longer opposed to the Caltrain extension to downtown San Francisco (i.e. - its position changed), and Mr. Siracusa would probably point out that he finally did vote for it at the Metropolitan Transportation Commission (after speaking out against it at earlier MTC meetings).

Is this coincidence?

Or is it further evidence of a nexus and an interest distinguishable from the public in general?

Very truly yours



Norman Rolfe

JUN 17 4 55 PM '88

2233 Larkin St. #4
San Francisco, CA 94109
June 15, 1988

Ref.: FPFC GC-88/30
A-88-091

Diane M. Griffiths
General Counsel
Fair Political Practices Commission
428 J Street Suite 800
Sacramento, CA 95814

Dear Ms. Griffiths:

I am writing you because I have been told you are the acting executive director of the Fair Political Practices Commission (FPFC), and the matter I am writing about will require some coordination between Enforcement and Legal Divisions of the FPFC and perhaps the resolving of differences between them. A recent advice letter of the Legal Division appears to conflict with past opinions of the FPFC and the intent of the Political Reform Act of 1974.

I am asking for a review of that recent advice in the light of new information that I will convey to you by this letter. The opinion in question was influenced by a misrepresentation of the facts by one of the parties to the matter. No one should feel any shame or loss of face by saying that the advice in question was based on incorrect information and therefore a review of that advice is in order.

Please refer to my complaint against Angelo Siracusa dated February 14, 1988, no. GC-88/30. My complaint refers to a specific matter that was before the Metropolitan Transportation Commission (MTC). The Bay Area Council (BAC), Mr. Siracusa's employer, has taken a position on that matter. Please also refer to the letters of Francis Chin (MTC Counsel) to Diane Griffiths dated February 29, 1988 and Diane Griffiths by Kathryn Donovan to Francis Chin dated March 30 1988 (copies in FPFC file A-88-091). Most of the points raised and arguments made by Mr. Chin were irrelevant to my complaint. Mr. Chin also misrepresented the roles of Mr. Siracusa and BAC in this matter. I believe Ms. Donovan was led astray by this.

Please refer to Opinion A-81-032. The letter from Diane Fishburn to Linda Best dated August 21, 1981, pages 1 and 2, states "If a person is paid to promote or advocate the policies or position of an individual or group, he or she may not then participate in a governmental decision which draws into consideration that policy or position", and "There is an inherent appearance of conflict as well as an actual conflict when an official is being paid to promote or represent certain positions, on the one hand, and on the other,

she is being called on to determine public policies and positions in the same area." Ms. Donovan states that the nexus test applies to Mr. Siracusa's situation. She then excuses this conflict of interest by saying BAC is not distinguishable from the public at large. I think she was misled because Mr. Chin misrepresented BAC's role in the Bay Area.

Excerpts from the BAC 1985-86 Annual Report are attached as Appendix A. Please note the parts that are highlighted. BAC (The Council) itself states that it represents the perspective of the highest-level business leaders and that its efforts are always framed by a program of action and advocacy. Its officers, other than Mr. Siracusa - a paid staff member, are all top executives of corporations that are among the largest in the Bay Area. Essentially all its directors are top executives of the top Bay Area corporations, and its membership is essentially those corporations.

Title 9 of the Government Code, The Political Reform Act of 1974, is in existence because of the Political Reform Initiative passed by the voters at the June 4, 1974 election as Proposition 9. The "Yes" argument for Proposition 9 in the California Voters Pamphlet for that election states: "Big money unduly influences politics: big money from wealthy individuals and wealthy organizations. ... On... transportation programs, and every major issue, the voice of the citizen/taxpayer is seldom heard above the demands of the big moneyed interests". The argument decries that situation and urges a "Yes" vote to remedy it. (See Appendix B). Government Code Section 81003 says "This title should be liberally construed to accomplish its purposes". Government Code Section 81001, Findings and Declaration, and the aforesaid voters pamphlet make it clear that the purposes of the drafters of this initiative were to reduce, if not eliminate, the influence of "the big moneyed interests". The Bay Area Council falls in that latter category.

To say that the Bay Area Council is indistinguishable from the public at large strains credulity. To attempt to place the Bay Area Council on the same footing as the rank and file citizenry of the Bay Area does violence to the purposes of the law. It is a perversion of its intent. The intent of the framers of the initiative was to draw a distinction between wealthy organizations, such as the Bay Area Council, and the general public.

I urge you to be true to the intent of the framers of the Political Reform Initiative. It is clear that Mr. Siracusa has a nexus in this situation, that he and the Bay Area Council are distinguishable from the public generally, and that he is in a conflict of interest situation.

There is more.

As I stated, my complaint refers to a specific matter, namely, the proposed extension of the Caltrain line to Downtown San Francisco. BAC has taken a position on the proposed extension. Caltrain is

the commuter rail service operated between San Francisco and San Jose by Southern Pacific Transportation Co. on its tracks for the California Department of Transportation and three local agencies. Southern Pacific Transportation Co. is a subsidiary of Santa Fe Southern Pacific Corp.

Another Santa Fe Southern Pacific subsidiary, Santa Fe Pacific Realty (SFPR), is now planning a land development known as Mission Bay. The Caltrain line goes through this development area and its future existence and location have a bearing on this project. SFPR has in the past proposed moving the line's terminal to a location at the edge of the project area that would probably preclude a downtown extension of this line and has other disadvantages. The proposed downtown extension would affect design and possibly development potential of parts of the area. See attached newspaper column (Appendix C) for additional background on this.

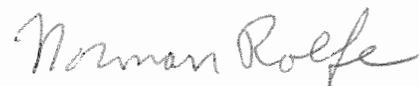
Please refer again to the excerpts from BAC's 1985-86 Annual Report (Appendix A). Note that among its officers and directors are the Treasurer of Southern Pacific Transportation Co., a retired Chairman of Southern Pacific Co., and the Vice-Chairman of Santa Fe Southern Pacific Corp.

This is additional evidence of a nexus of BAC and Mr. Siracusa and an interest that is distinguishable from the public generally.

I can anticipate an argument that if my reasoning were carried out, no business person could serve on any commission. There is no danger of that. San Francisco passed its first conflict of interest law in the early 60's (I believe). One of the arguments used against it was that any person of substance would of necessity have dealings with the City that would be a violation of the proposed law, and the City would not be able to find anyone of substance to serve on its commissions, boards, etc. One of the opponents of the proposed law made the ringing statement "If you pass this law, we'll have to do all our recruiting at Third and Howard". (Third and Howard was the crossroads of Skid Row at that time.) The law was passed, and the City has had no trouble finding persons of substance without conflicts of interest to serve on its commissions, boards, etc.

In closing, I again urge you to be true to the intent of the framers of the Political Reform Initiative and find that Mr. Siracusa has a conflict of interest.

Very truly yours



Norman Rolfe

F P F
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2233 Larkin St. #4
San Francisco, CA 94109
May 5, 1988

Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Dear Commissioners:

I am writing to urge you to adopt as a standard that a paid employee of any organization who sits on a board or commission has a conflict of interest if that board or commission considers a matter on which that organization has taken a position.

That person's vote will be influenced by personal economic considerations. If he/she votes contrary to the position of his/her employer, he/she would be in danger of losing his/her job. Even if the person was not discharged, he/she would be placed in a bad position vis-a-vis his/her employer. Losing one's job is a very real economic consideration. So too is the possibility of displeasing one's employer. Therefore, that person's vote is influenced by his/her personal economic interest.

Also, the possibility of losing one's job, or at the very least displeasing one's employer, distinguishes the effect on that person from the effect on the public generally.

It makes no difference if that organization is for profit or not for profit. What does matter is whether the person in question receives \$250 or more per year from that organization. If the source of that income has taken a position on a matter before the board or commission on which that person sits, that person has a conflict of interest.

Adopting the standard I advocate in the first paragraph of this letter will truly comply with the intent of Government Code Section 87103(c) and I urge you to take the necessary action to do so.

Very truly yours



Norman Rolfe

cc: Roger Brown
Chris Heard

BUSINESS LEADERSHIP FOR THE REGION

BUSINESS BRANCH
SAN FRANCISCO PUBLIC LIBRARY
530 KEARNY STREET
SAN FRANCISCO, CALIFORNIA 94108

The Bay Area Council is a business-sponsored organization involved in public policy issues that affect the economy and the quality of life in the nine-county San Francisco Bay region.

Created in 1945, the Council helped pioneer a regional approach to planning and development in the Bay Area. Over the years, it has been in the forefront of action on issues ranging from economic development and transportation to jobs and the environment.

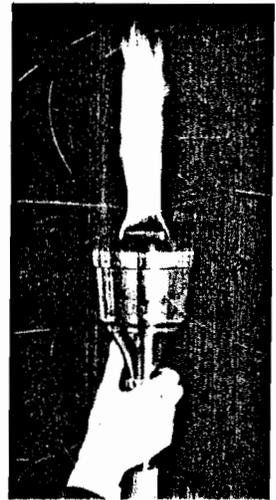
Its agenda changes, as the Bay Area changes, to focus on a limited number of issues critical to the region's future. The Council's 1986-87 program centers on growth, transportation, housing, and employment training.

In each issue area, the Council works to have a positive, lasting influence on public policies. Its efforts in research, analysis, education, and communication are always framed by a program of action and advocacy. It becomes involved only when and where it can make a difference.

Besides representing the perspective of the region's highest-level business leaders, the Council is the vehicle through which business works with others—including government, labor, academic institutions, technical consultants, and citizen and environmental groups—on issues that affect the entire region.

Its mission is to be a catalyst for action, concentrating on collaboration, coalition-building, and partnership with other organizations as the most effective means to that end.

The Bay Area Council was created more than forty years ago to embody the idea of enlightened business leadership in this region. That flame still burns today. ♦



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The Council has the participation of the Bay Area's highest level of business and community leadership—a reflection of the corporate community's commitment to help shape positive, forward-looking public policies for the region. With the guidance of 1986-87 Chairman George M. Keller (pictured), chairman & CEO of Chevron Corporation, the Council will continue to be a catalyst for action on important issues.

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Kaiser Foundation Health Plan

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International, Inc.

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A. R. WHITEMORE, Vice President,
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• Past Chairman

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HARRIET B. LEVY, Manager,
Employment Training Panel Project
Administration

Administration

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Manager

MARCIA V. NORRIS, Assistant to the
President

JACK GREEN, Financial Manager

RICHARD L. FLATT, Administrative
Assistant

THE BAY AREA COUNCIL MEMBERSHIP

- 10
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Alumax Inc.
Alza Corporation
American Airlines
American President Companies, Ltd.
Amlac, Inc.
Amplex Corporation
Arthur Andersen & Co.
Applied Materials, Inc.
Guy F. Atkinson Company
BP Alaska Exploration Inc.
Bain & Company
Gerson Bakar & Associates
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The Bank of California
Bank of San Francisco
Bank of the Orient
Bank of the West
Barclays Bank of California
Basic American Foods
Bay View Federal Savings
Bay West Development Company
Bechtel Group, Inc.
Bedford Properties, Inc.
Blackhawk Corporation
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Blue Shield of California
David D. Bohannon Organization
Booz, Allen & Hamilton, Inc.
Boyden Associates, Inc.
Breuners
Brobeck, Phleger & Harrison
Bronson, Bronson & McKinnon
Burke Industries, Inc.
CP National Corp.
CPS, A Commercial Real Estate Company
California & Hawaiian Sugar Company
California Casualty Insurance Group
California Federal Savings
California First Bank
California State
Automobile Association
California Water Service Co.
Central Bank
Cetus Corporation
Chevron Corporation
Citicorp ITSAI, Inc.
Citicorp Savings
Clearprint Paper Company, Inc.
The Clorox Company
Coburn Banker & Company
Computerland Corporation
Consolidated Capital Companies
Consolidated Freightways, Inc.
Construction Industry
Advancement Fund
Continental Development Corporation, Northern California Division
Continental Maritime of San Francisco, Inc.
Contra Costa Council
Contra Costa County Private Industry Council
CooperVision, Inc.
Coopers & Lybrand
Cresap, McCormick and Paget
Crosby, Healey, Roach & May
Professional Corporation
Cushman & Wakefield of California, Inc.
Leo A. Daly Company
Dean Witter Reynolds, Inc.
Del Monte USA
Deloitte Haskins & Sells
Di Giorgio Corporation
Diamond Shamrock Thermal Power Company
Dinwiddie Construction Company
Dodge & Cox
Dow Chemical Company
Dreyer's Grand Ice Cream, Inc.
Duffel Financial and Construction Company
East Bay Municipal Utility District
Edgar, Dunn & Company
Embarcadero Center, Ltd.
Emporium-Capwell Company
Equitec Financial Group, Inc.
Ernst & Whitney
The Fashion Institute of Design, and Merchandising
Federal Home Loan Bank of San Francisco
Federal Reserve Bank of San Francisco
Field Research Corporation
Fireman's Fund Insurance Companies
The First Boston Corporation
First Interstate Bank of California
First Nationwide Bank
Foote, Cone & Belding West
Franklin Resources, Inc.
The Gap Stores, Inc.
Genentech, Inc.
General Electric Company
Gensler & Associates
Genstar Corporation
Gilmore Steel Corporation
Glendale Federal Savings
Golden Gate Disposal Company
Goldman, Sachs & Company
Great Western Financial Corporation
Grosvenor International
California Ltd.
Grubb & Ellis Company
Grupe Development Company, Northern California
Frank B. Hall & Co.
Harbor Bay Associates
Hardison Komatsu Ivellich and Tucker
Hare, Brewer & Kelley, Inc.
Heidrick and Struggles, Inc.
Heller, Ehrman, White & McAuliffe
Hellman & Friedman
Herrick-Pacific Corporation
Hewlett-Packard Company
Hexcel Corporation
Hibemia Bank
Hogland, Bogart & Bertero
Homart Development Company
Homestake Mining Company
Hyatt Regency San Francisco
I. Magnin and Company
IBM Corporation
Industrial Indemnity Company
Jackson, Tufts, Cole & Black
Jardine, Emmett & Chandler, Northern CA Insurance Brokers, Inc.
Johnson & Higgins of California
Reynold C. Johnson Co.
KMG Main Hurdman
KPIX-TV
KQED, Inc.
Kaiser Aluminum & Chemical Corporation
Kaiser Cement Corporation
Kaiser Foundation Health Plan, Inc.
Keyser Marston Associates, Inc.
Lane Publishing Co.
Leshar Communications, Inc.
Leslie Salt Company
Levi Strauss & Co.
Lewis and Mayne, Inc.
Lincoln Property Company
Lincoln Property Company N.C., Inc.
Arthur D. Little Inc.
Lockheed Missiles & Space Company
Lone Star Industries, Inc.
Longs Drug Stores, Inc.
Lucky Stores, Inc.
The Lurie Company
Macy's California
Marcus & Millichap
George M. Mardikian Enterprises
Marin Independent Journal
Marine Terminals Corporation
Mason-McDuffie Real Estate, Inc.
Matson Navigation Company
McCann-Erickson Inc.
McCown DeLeeuw & Co.
McCutchen, Doyle, Brown & Enersen
McGraw-Hill Book Company
Regis McKenna Inc.
McKesson Corporation
McKinsey & Company, Inc.
Robert A. McNeil Corporation
Measorex Corporation
Memorex Corporation
Merrill Lynch Capital Markets
Mervyn's
Metropolitan Life and Affiliated Companies
Milton Meyer & Co.
MicroPro International Corporation
Robert Mondavi Winery
Montgomery Securities
Morris Plan Company of California
Morrison & Foerster
Morrison Homes Corporation
Mother's Cake & Cookie Co.
National Automobile Club
Neiman Marcus
Newhall Land and Farming Co.
Nielsen, Hodgson, Parrinello & Mueller
Nolte & Associates
Norris, Beggs & Simpson
Nossaman, Guthner, Knox & Elliott
Nut Tree
Nutech, Inc.
Oakland Chamber of Commerce
Orrick, Harrington & Sutcliffe
Owens-Corning Fiberglas Corporation
Owens-Illinois, Inc.
PBQ & D, Inc., Engineers
PMI Group of Companies
Pacific Gas and Electric Company
The Pacific Lumber Company
Pacific Telesis Group
Pacific Union Company
Paine Webber Incorporated
Peat, Marwick, Mitchell & Co.
Peninsula Insurance Associates, Inc.
Peninsula Times Tribune
Perini Corporation
Pettit & Martin
Pillsbury, Madison & Sutro
Edward Plant Company, Inc.
Plantronics, Inc.
Ponderosa Homes of Northern California
Port of Oakland
Potlatch Corporation
Price Waterhouse and Company
Ralanelli & Nahas
Raychem Corporation
Redwood Shores, Inc.
Relmer Associates
Reynolds & Brown
Rhodes-Jameson
Rosenberg Capital Management
Rouse & Associates
Russell Reynolds Associates, Inc.
Ruth and Golang, Inc.
Safeco Title Insurance Company
Safeway Stores, Inc.
Salomon Brothers
San Francisco Business Times
San Francisco Chamber of Commerce
San Francisco Chronicle
The San Francisco Examiner
San Francisco Federal Savings and Loan Association
San Francisco Hilton
San Francisco Marriott
San Jose Chamber of Commerce
San Jose Mercury News
San Mateo County
Development Association
San Mateo Times Newspaper Group
Santa Fe Southern Pacific Corporation
Schlage Lock Company
Charles Schwab & Co., Inc.
Security Pacific National Bank
See's Candy Shops, Inc.
Shaklee Corporation
Shapell Industries of Northern California, Inc.
Shea Homes
Shell Oil Company
Skidmore, Owings & Merrill
Sobrato Development Companies
Society of Industrial Realtors
Spectra-Physics, Inc.
SRI International
Standard Building Co., Inc.
Standard Realty and Development Co.
Stanford University
Morgan Stanley & Co., Inc.
Sumitomo Bank of California
Sunset Development Company
Sutro & Co. Incorporated
Swig Weller & Dinner Development Co.
Swinerton & Walberg Company
Syntex Corporation
System-Danner Corporation
Tel-Plus Communications, Inc.
Terranomics Development Company
J. Walter Thompson West
Touche, Ross and Company
Townes, Perrin, Forster & Crosby
Transamerica Corporation
Tri-Valley Growers
The Tribune
Tudor Engineering Company
Turner Construction Company
UNOCAL, Northern California Division
URS Corporation
US Sprint Communications Company
UTV of San Francisco, Inc. (KBHK-TV)
Union Bank
Union Carbide Corporation
United Airlines SFOVG
United States Leasing International, Inc.
Chemical Systems Division of United Technologies
University of California
Utah International Inc.
Varian Associates, Inc.
WSI Builders
Watkins-Johnson Company
Wells Fargo Bank, NA
Westamerica Bank
Western Kraft Paper Group
Westin St. Francis Hotel
Westinghouse Electric Corporation
Whirler-Patti
Wiley & Ham
Wiley, Bennett Company
The Winchester Group
Wine Institute
Wolf Session Battery
Woodmont Companies
Arthur Young and Company
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Doug MacInnes (p. 4, bottom of pp. 5, 7, 9, and 11, p. 5 ct. 1)
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Martin Studios (p. 3)
Paul Merrill (p. 5 ct. 1)
Thomas Lee (p. 7, 1 and ct. 1)
Hackensack Business Park (p. 7 ct. 1)
Circora Corporation (p. 9, p. 15)
Jack Green (p. 9 ct. 1)
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Argument in Favor of Proposition 9

VOTE FOR HONESTY AND INTEGRITY IN CALIFORNIA GOVERNMENT!

VOTE "YES" ON PROPOSITION 9, THE POLITICAL REFORM ACT OF 1974

It is time the people of California put an end to corruption in politics. It is time politicians are made directly responsible to the people—not to purchased demands of special interests. It is time to open wide the doors of the state capitol, of county boards, and of city halls so that we may all look inside. It is time for political reforms which can only be accomplished by Proposition 9.

THE PROBLEM:

Big money unduly influences politics: big money from wealthy individuals and wealthy organizations. In politics, these powerful interests—whatever their party—usually have one goal: special favors from government. In California, corporations receive large tax breaks from the state. Companies contracting with local government often contribute to the campaigns of local officials. From city councils to the state legislature, oil companies, land developers, and other powerful interests sit down with our elected officials to write new laws. And the cost of state and local government continues to climb.

Who pays for this? You, the taxpayer, of course. On energy issues, tax policy, transportation programs, and every major issue, the voice of the citizen/taxpayer is seldom heard above the demands of the big moneyed interests.

THE REASON FOR THE PROBLEM:

Why do powerful interests continue to dominate?

Because the business of politics is usually conducted in secret. Because in Sacramento lobbyists can provide secret favors to help pass new laws. Because candidates for office must seek increasing amounts of special interest money to meet skyrocketing campaign costs. Because public officials can increase their personal incomes by making government decisions which affect their own financial holdings. In California politics, money speaks.

THE SOLUTION:

Your "YES" vote on Proposition 9!

YOUR "YES" VOTE WILL:

1. **Limit spending** for statewide campaigns.
2. **Require full disclosure** of anyone contributing \$50 or more to a campaign.
3. **Stop sizable anonymous and cash contributions** to campaigns.
4. **Prohibit lobbyists** from giving campaign contributions and expensive gifts to politicians.
5. **End conflicts of interest** by stopping all state and local officials from voting on matters in which they have a personal financial stake.
6. **Enforce the law** by establishing a tough, nonpolitical commission to investigate, subpoena, levy fines, and seek criminal penalties for violators.

YOUR "YES" VOTE WILL ENACT A LAW:

1. Written by constitutional and political experts.
2. Circulated in 53 counties by nearly 10,000 voters who collected over 500,000 signatures of California residents to place this on the ballot.
3. Which can only be amended by two-thirds vote of the Legislature.

We three signers urge you to speak out for good government. Vote "YES" on Proposition 9.

JOYCE A. KOUHAL
*Los Angeles County Energy Commission
Director, People's Lobby, Inc.*

RICHARD B. SPOHN
*Attorney
Coordinator, Ralph Nader's California Citizen Action Group*

MICHAEL H. WALSH
*Attorney
Chairman, California Common Cause*

Rebuttal to Argument in Favor of Proposition 9

The argument favoring Proposition 9 is a good example of gross exaggerations. We do not have "The Problems" in California the proponents set out. If we had such problems, you would have read of scandal after scandal in the newspapers. The truth is, there have not been such scandals in California. Maybe Proposition 9 is needed on the East Coast, but not in the West. This is not to say every single person elected to public office is perfect, but out of three to four thousand from School Boards, City Councils, Boards of Supervisors, and the 120 Legislators, the number is literally one out of several hundreds and we have the laws to prosecute these few.

Powerful interests do not dominate California elected officials. It is absolutely misleading for the proponents of Proposition 9 to so assert.

This measure is an over-kill. Its effect will be to discourage honest men and women from running for public office. If the good people won't run, we will not have decent candidates to choose from. Then the quality of government and politics in California will really go down.

If a man or woman elected to public office is going to be dishonest, neither this Proposition nor a dozen others will make such a person honest. Politics in America is a whole lot better today than it was 50 or 75 years ago. Faith and trust by the public is still needed as it has always been needed.

Vote NO on Proposition 9.

Senator CLARK L. BRADLEY
14th Senatorial District