

## How issues stand after one week:

Times Olympia Bureau

OLYMPIA — During its first week of business the 1972 special session of the Legislature indicated its concern about its image.

Both Republicans and Democrats showed conciliatory moods approaching such tough issues as redistricting and open committee hearings.

At week's end, this is where some of the major issues stood:

### Redistricting

The Legislature is under court order to reapportion congressional and legislative districts on a one-man, one-vote basis. Otherwise the courts will start to do the job February 25. Legislators gave themselves 14 days, during which no bill other than redistricting could be given final approval in either the House or Senate.

A federal judge Friday turned down a request that the Legislature be ordered to do nothing else ahead of redistricting.

There were almost daily Republican-Democratic negotiations. Both sides said there was progress. Most legislators want to get the job done.

Congressional- and legislative-redistricting bills were introduced. If agreement is reached, the agreement language can be tacked onto those bills. The outlook is brighter than before. The odds on redistricting being accomplished may be about even.

### Economic recovery

As expected, Gov. Dan Evans made a strong appeal for his Jobs Now and Washington Future programs during his state-of-the-State speech.

His financing proposal: Extend the sales tax to gasoline. That would set up about \$36 million for the short-run Jobs Now program — perhaps 13,300 new jobs. That money also would cover financing costs of a \$500 million Washington Future bond program to create a growing number of jobs in this decade.

Evans said the cost would be only 25 cents a week a motorist to turn the economy upward. It's worth it, he said. Support and opposition cross party lines. Senator R. R. (Bob) Greive, Seattle Democrat and Senate majority leader, is leading the effort for the governor's package in the Senate. But it has bipartisan opposition in both houses.

The outlook is uncertain. The governor is trying to generate citizen support.

### Unemployment compensation

The House thwarted a move to set up a stop-gap unemployment-compensation program. It would have given unemployment checks to longtime jobless who won't qualify for the 13 weeks of new federal unemployment pay until January 30.

Many Democrats think a further 13 weeks of unemployment pay (maximum: \$75 a week) will be needed before the year ends. They probably will push for a program to take effect at the end of the federal one.

There is sharp opposition. Unemployment compensation can't be strung out endlessly, say opponents.

### New tax policy

The subject is tax reform. But none of its advocates call it that because, under the name of tax reform, one package failed badly in 1970.

Last week the Committee for a New Tax Policy agreed on new principles: There should be a graduated net-income tax on individuals and corporations, elimination of the sales tax on food and drugs, and major reductions in taxes on business.

Thus the state would move off a reliance on property taxes.

A bill embodying those features will appear next week. Legislators are uneasy about proposed constitutional limits on taxes. That takes away future flexibility. But it may be the only way to win voter approval.

No one thought it would be approved in this brief session. But a surprising number of legislators hear surprising support for it. Evans said it could be "the sleeper" of this session.

### Legislative, political reform

The House, in a historic act, cracked open the door of secrecy: All its committee meetings now will be open to the public.

The open-government issue began bubbling a year ago. The political heat rose through the year. Some year-ago foes of openness led the charge to open doors of House committees. There was overwhelming Republican and Democratic support.

This week pressure will be on the Senate to follow suit. Evans proposed a startling code-of-ethics bill for public officials. It would require wholesale financial disclosure by public officials and spouses.

There was no early action on another inevitable issue: legislation which would require candidates to disclose all contributions and spending. A hearing will be at 7:30 p. m. Thursday in Room 431 of the House Office Building.

### Women's rights

Heading growing pressure for women's rights, the Judiciary Committees of the House and Senate will hold hearings on several women's-rights measures at 7:30 p. m. Tuesday in Room 431 of the House Office Building.

### Institutions

There were charges that penal institutions were in bad shape, that prison-reform programs were a failure at the state penitentiary, and that there was a serious narcotics problem inside the walls.

Senator Fred Dore, Seattle Democrat, held a hearing at which the warden and some inmate-witnesses offered convincing testimony to the contrary.

They said reforms — particular a furlough program — show encouraging signs. They added that the drug problem is exaggerated — no worse than on campuses, in high schools or on city streets. They said the real problem is to get an adequate medical staff and treatment programs, improvements which can be brought only by a better budget.

### Joint hearings

To speed action on bills, House and Senate committees are holding several joint hearings. They include the following:

Tomorrow, 7 p. m., House Hearing Room 2 — No-fault auto insurance.

Tomorrow, 8 p. m., House chamber — Environmental matters, including discussion with the Department of Ecology and Ecological Commission.

Tuesday, 1:30 p. m., House chamber — The Jobs Now and Washington Future bill package.

Tuesday, 7:30 p. m., House Office Building Room 431 — Equal management of community property and other women's-rights bills.

Thursday, 7:30 p. m., House Hearing Room No. 2 — Puget Sound fishing.

# Open meetings: House 'goes public,' but will Senate?

By RICHARD W. LARSEN  
Times Political Writer

OLYMPIA — "Open the doors. Let the people know." Heeding such urgings, the House of Representatives took momentous action this past week — opening its committee meetings to the press and public, even the historically cloistered Rules Committee.

The new rules of operation were passed along to the staid Senate, which is expected tomorrow to begin anguished debate about opening all its committees.

Most Senate committees already are open. A notable exception: the powerful Rules Committee.

The victory for House advocates of openness came more decisively and easily than expected.

"It's beautiful," exulted John Rabel, Seattle Republican, one of the articulate leaders of the freshman crop of legislators.

He recalled that a law enacted less than a year ago forbids virtually all units of government from making decisions in private.

"We passed open meetings for everyone else," said Rabel. "I think the Legislature would have been embarrassed not to abide by the same philosophy itself."

Rabel, Representatives Donn Charnley and James McDermott, both Seattle Democrats, and other freshmen known as "The Seattle 10" noisily attacked secret committees in the House a year ago.

"It's very gratifying," said McDermott. He said the Republican majority may now want openness because Democrats can control the House next year.

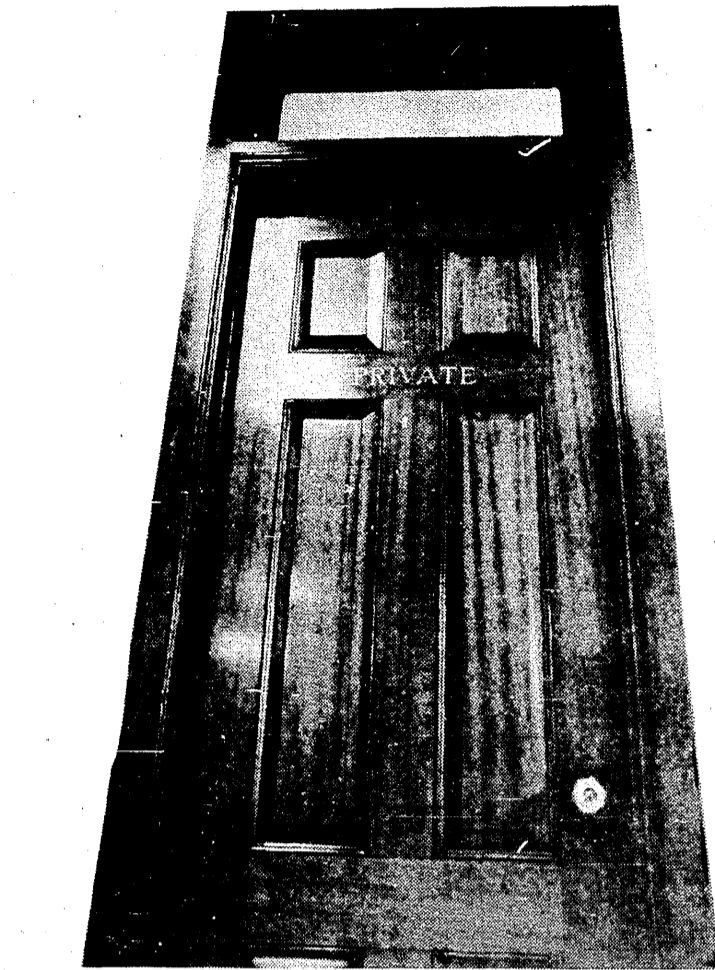
Representative G. K. (Jeff) Douthwaite, Seattle Democrat and one of the "10," contended they were the major force in causing the victory this year.

But more veteran legislators had been banging away at the closed-door issue for years — men such as Gary Grant, Renton Democrat.

This week, probably because it's an election year and voters prefer open government, many legislators switched from earlier opposition to the issue.

Tom Copeland, Walla Walla Republican, and speaker pro tem, always before believed in some closed committee sessions. Legislators have the right to make some quiet, private decisions about measures, away from the scrutiny of lobbyists and the press and other groups, he said.

But Copeland came out



boldly for open committee meetings this week.

**THE YOUTHFUL** speaker of the House, Tom Swayze, Gig Harbor Republican, had worked hard to prime the issue. Under his shepherding, the concept had been approved by the Legislative Council.

Swayze said citizens dislike reports that a bill they're interested in died mysteriously in some secret committee session.

When the open-meetings battle was fought in the House a year ago, Democrats almost unanimously went for it. This time nearly all Republicans were aboard, too. The vote was 90 to 5.

All five "no" votes came from Eastern Washington lawmakers.

The new rules alter the operation of conference and free conference committees. Those panels work on bills which have passed both the House and Senate in differing forms.

In the past such bills often have been altered drastically.

In the frantic closing hours of a legislative session, they have been pushed through both houses. At times legislators said they hadn't the faintest idea what some of those conference bills contained.

The new rules limit such committees to resolving only those differences stipulated in advance by the houses.

And no vote can be taken in the House until legislators have had 24 hours to study a conference-committee report.

**Beginning next year,** under the new rules, senators and House members jointly may sponsor bills. If the Senate agrees to that, it could significantly smooth out and quicken the Legislature's operation.

The rules changes were greeted with mixed feelings in the Senate. Senators were expected to vote on them Friday. But action was postponed until, probably tomorrow.

Senator Sam Guess, Spokane Republican and a stern conservative, is openly hostile.

In one interview this past

week, Guess said closed committee meetings are where elected representatives of the people make their decisions. He said he objected to pressures which could come from "rabble."

It was an embarrassing word. Guess later explained he meant that in a historical sense — leaving decision-making to the masses in past years, produced anarchy, he said.

"Representative government is the placing of trust in legally elected representatives," Guess said. "It does not mean that the elected person wants to make decisions with... uninformed people looking over his shoulder and watching his every move."

**WILL THE SENATE** approve openness?

"The Senate will not adopt it," Guess said.

But Senator Robert Bailey of South Bend, an important and respected leader of the Democrats, said, "I think it might just go this time. It's hard to say..."

## Unsure officials are talking less

By SHELBY GILJE

"Gee, half of us are here already," joked one member of a public board to another at a party. "We'd better disperse or we'll be charged with holding a public meeting without the public."

Now a cliché, that remark has been making the rounds since the 1971 legislature passed the state's Open Public Meetings Act. And a number of public officials are wondering where the ridiculous and sublime begin and end.

As A. L. Newbould, Seattle city corporation council, interprets the new law, you can take a City Council member to lunch, but don't take five or more, especially if you are trying to influence a Council decision.

**BUT THE CITY COUNCIL** has not yet asked for Newbould's opinion on the subject.

His rationale for interpreting the new law is this:

"If a private individual is requesting a zoning change, he wouldn't take the council out to lunch. Then why should public agencies or companies?"

Newbould sees nothing in the new law, though, that prohibits council members from getting together to drink coffee and informally discuss city business.

"But if these discussions are to help frame a decision, they must be open," he adds.

Newbould prefers the title of Florida's law to that of Washington. Florida calls its open-meetings act the "meeting - in-the-sunshine law." That saves a lot of questions, Newbould says.

Ed Sands, director of the King County Planning Department, said the new open meetings law has not caused much change among county agencies.

"We were open to begin



with. We have to be," he said.

But Sands said there have been some "pretty grotesque interpretations of the new law."

"Sometimes you get to wondering if you can even talk to your regular staff without inviting the public in," Sands said.

**Seattle City Council members Jeanette Williams and Tim Hill lament the loss of that they call the "1116 meetings."**

The so-called "1116 meetings" actually dwindled off before the open meetings law went into effect. But the discussions of the law probably pushed the sessions into extinction as well as Council differences.

The City Council and representatives of the media used to convene for coffee and off-the-record discussions in room 1116 of the Municipal Building, a kind of conference room and supplies center.

"Sometimes hot words were exchanged in 1116, but I miss the opportunity to 'let my hair down' and talk informally," Mrs. Williams said.

Councilman Hill, an attorney, said resumption of the "1116 meetings" may not be possible under the new law.

But he said there still should be a place for preliminary discussion and reaction to proposals.

Both Hill and Mrs. Williams see "nothing magic about the Council chambers" and believe the austere, formal auditorium atmosphere often cuts off useful discussion.

"The corollary to that, of course, is the occasion when a Council member uses the formal atmosphere to speak to citizens or to the press," Hill said.

**HILL ADDED THAT** he makes it a point to tell the press when the council is invited as a whole to have lunch with a lobby group trying to influence a decision.

Councilman John R. Miller, also an attorney, disagrees with Hill and Mrs. Williams on the 1116 meetings. He wants everything open.

Miller said that when potential real-estate transactions are discussed in closed sessions, "the word still gets around."

"The insiders know, the prices still go up," Miller says.

Mrs. Williams noted that even after the public-meetings law became effective, attendance at the previously

closed budget sessions remained sparse, with the exception of the one concerning the public library.

"We had 28 budget sessions, with a grand total of 65 citizens attending, if you counted all the meetings," she said.

Among the 65 was Paul W. Lock, who often monitors city affairs. But the City Council was mighty reluctant to open its budget hearing, said one city hall source.

Councilman Liem Eng Tuai said elimination of the 1116 meetings has contributed to the Council's split and its seeming inability to elect a president this past week.

"Maybe a few of us might sneak out to lunch together now, but you never really get a chance to talk to everybody at one time except under formal conditions. Now we don't even talk about not agreeing!" Tuai said.

Tuai scoffs at the idea of "a conspiracy developing among nine people with such diverse points of view."

James R. Ellis, attorney and president of the University of Washington board of regents, believes in the principle of the open-meetings law.

"Decisions and the pertinent debate preceding them should be before the public so people know the 'why' of a decision," Ellis said.

"But if we go beyond that and say all preliminary discussions (should be included) it makes it difficult for people to communicate."

"Human beings need to try ideas out on one another without finding themselves on the front page of a newspaper as their irrevocable posture."

**THAT PLACES PERSONS** who are not trained at public speaking and debate at a great disadvantage, Ellis said.

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## Did Council votes violate new law?

By SHELBY GILJE

The Seattle City Council may have violated the new open-meetings law last Monday when it took three secret ballots for Council president.

The Council will vote again tomorrow, but in an open voice vote, as a result of advice given by the City Law Department after an inquiry by The Times concerning an attorney general's opinion.

Council members are to continue voting in an attempt to reach the required five-vote majority to elect a president.

After hearing the Law Department's recommendation, Councilman Sam Smith said he would ask the Council to vote openly to avoid a possible law suit under the open-meetings law.

In a November, 1971, opinion on the new open-meetings law, Attorney General Slade Gorton said that a secret ballot would not follow the spirit of the new act.

Gorton, contacted in Yakima on Friday where he was addressing a bench-bar-press meeting, said he had read of the secret ballots.

"But frankly I had not thought about it in the context of my November opinion," Gorton said with a chuckle.

He did have advice for Council members, however. "I think they should talk with their Law Department," Gorton said.

He said that although Council members did not elect a president during their secret balloting, that does not deprive a court of jurisdiction if a suit is brought against the Council for violating the open-meetings law.

**THE 44-PAGE** formal legal opinion answered 20

questions asked by several public officials, including State Representative King Lysen, 31st District Democrat, to whom it was addressed.

A member of the attorney general's staff said the opinion had a broader circulation around the state than usual.

The staff member said that attorney general's formal opinions always are sent to each county prosecutor. In this case the opinion also was sent to city attorneys in the 100 largest cities, as well as daily and weekly newspapers and numerous public officials.

John Harris, assistant corporation counsel for Seattle, confirmed that his office received the opinion.

But Harris said that since Gorton's opinion outlawing secret ballots is based on the open-meetings-law preamble, the City Council may or may not have violated the law.

**ON THE** question of secret ballots Gorton's opinion said:

"The open-public-meetings act states that 'the people insist on remaining informed so that they may retain control over the instruments they have created.'"

"A secret ballot would defeat the accountability of individual members of the governing body to the public since their vote would be an 'anonymous' vote. We would therefore conclude that a secret ballot is not permissible and would note that this conclusion is in accord with the opinion of the Florida attorney general's opinion issued on March 3, 1971."

**GORTON'S** opinion also included a statement on liability under the new law. Section 12 reads:

"Each member of the governing body who attends a meeting of such a governing body where action is taken in violation of any provision of this act applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of \$100..."

Before balloting began Monday, Councilman Bruce Chapman, one of the two new members, moved that voting be by voice rather than secret paper ballot.

Council Members John R. Miller, Liem Eng Tuai and Phyllis Lamphere agreed with Chapman.

But Councilman Wayne Larkin said the Council "traditionally" has taken a secret ballot when selecting its president.

Sam Smith, Tim Hill, George Cooley and Jeanette Williams agreed with Larkin, and the Council took three secret ballots.

(Council to ballot openly tomorrow in a second effort to choose a president. C 2.)

## Opinion asked on tax relief

OLYMPIA — (AP) — Senator Fred Dore, Seattle Democrat, has asked Attorney General Slade Gorton and Christopher Bayley, King County prosecutor, whether more county residents may be eligible for the same property-tax relief given North Seattle residents earlier.

Dore asked the two the same questions:

Whether residents in Auburn, Kent, DuVal, Bellevue, White Center and West Seattle are entitled to the same relief given by the State Supreme Court to 27,500 North End taxpayers and secondly, if an order to rebill the citizens could be issued without a lawsuit.

## More . . .

More about the special session of the Legislature is on C 2.