

# Hahn Gets Legal Backing in Bid To Upset Vote on Vote Counter

If two written legal opinions concerning the delegation of authority prepared by Edmund G. Brown as Attorney General of California are correct, then Edmund G. Brown as Governor of California could not delegate to a subordinate the right to vote for him as a member of the California Commission on voting machines and vote tallying devices on an application seeking approval of the Norden electronic tallying device.

Such is the gist of a preliminary legal opinion prepared by the office of Harold W. Kennedy, Los Angeles County Counsel, at the request of Supervisor Kenneth Hahn.

KENNEDY labeled his opinion to Hahn as a preliminary opinion in order to give Attorney General Stanley Mock the opportunity of reviewing the puzzling situation. The problem is confounded by the fact that Mock's office had issued an opinion on the same subject in July, 1959 which substantiated the two earlier opinions prepared when Brown was Attorney General.

The Norden electronic vote counting device was approved for use in any California county by the Commission at a meeting on Jan. 12.

MEMBERS OF the Commission are the Governor, the Attorney General, and the Secretary of State.

Both the Governor and the Attorney General were represented at the Commission meeting by subordinates who voted for their principals.

The vote on the application for approval of the Norden device was as follows:

Governor Brown (vote cast by Robert McCarthy) — Yes.  
Secretary of State Jordan — Yes.

Attorney General Mosk (vote cast by an assistant attorney general) — No.

THUS THE controversial electronic vote counter was ostensibly approved by the Commission on a split 2-1 vote. Hahn, in requesting County

Counsel Kennedy to review the circumstances leading to the approval of the device, contended that he believed that such delegation of power and responsibility on the part of the Governor and the Attorney General was illegal and represented government by "remote control."

He pointed out that neither Governor Brown nor Attorney General Mosk had personally inspected or tested the device before having their votes (cast by proxies) recorded.

IN THE concluding paragraphs of his six page written opinion, County Counsel Kennedy declares:

"It seems to us, therefore, that the three opinions to which we have referred necessarily result in the conclusion that the appointment of Mr.

McCarthy to take the place of the Governor was unauthorized, and that therefore his vote could not be counted, resulting in only one vote in favor of the approval of the vote tabulating devices."

THE OPINION continued to the effect that even if it had been proper for Mr. McCarthy to have represented and voted in place of the Governor there would then be a violation of another section of the law which states in part:

"... Not more than one such officer shall be represented by such a deputy at any meeting or session of a board, commission, committee or other governing body..."

Since two of the State's constitutional officers were represented by deputies (assuming that Mr. McCarthy acted as a deputy and that this were permissible) then the appointment of one of the deputies would have been in violation of the law, the report indicated.

Hahn has strongly opposed the Norden electronic vote tallying device on the following grounds:

1. The County subsidized the development of the device
2. The County will have to purchase four or five additional devices at a cost of \$500,000 each in order to speed up the counting of election returns.
3. THE USE of the device threatens the sanctity of the ballot and vote counting procedures which have served as a cornerstone of American democracy by:

1. Possibility of the system being sabotaged or rigged.
2. Handling of the ballots at counting centers away from the polls and the increased possibilities of election returns being lost or stolen.
3. Consolidation of precincts — which would double the area of each precinct, thus making it more difficult for people to vote.

The Norden device was originally "sold" to the Board of Supervisors on the basis it would save \$1 million each election. This could be done only by consolidating precincts, Supervisor Hahn emphasized.

# Bubonic Plague, Black Death of Middle Ages, Crops Up Once More

By ROY O. GILBERT, M. D., County Health Officer

Bubonic plague, known as the Black Death in the middle Ages, is a disease that does not seem to belong in this century or on this hemisphere.

Be that as it may, it was again in the news last week when 25 cases were reported in a South American city and, if this seems a safe distance away, it is only necessary to recall that a fatal case of plague occurred in Ventura County as recently as 1956.

Since a reservoir of the infection exists in the small wild rodents that are chiefly found in the western half of the United States, the potential danger of infection remains.

IN SO FAR as is known, bubonic plague made its first appearance on the African continent in the year 1346. From there the disease was carried to Europe, and about half of the people were subsequently stricken and most of them died. Many weird explanations were given in medieval times for this merciless illness, but by the middle of the 17th Century it was known that rats played a key role in spreading the disease and maintaining the infection.

It was not until 1894, however, that the cause of plague (the infective organism *Pasteurella pestis*) was discovered, and 3 years later it was recognized that the rat harbored and the rat-flea transmitted this disease agent.

THE LAST noteworthy outbreak of human plague in the United States occurred in Los Angeles in 1924, at which time there were 40 cases of the disease that resulted in 35 deaths. The majority of these cases were pneumonic plague, the name given to the infection when it involves the lungs of the sick person.

Control of plague is now accomplished through a sanitation program that includes the extermination of infected rodents and fleas. Public health officials consider that an outbreak of the disease was aborted among the population of Dakar in 1944 by an intensive

program of rat-killing and an abundant application of DDT.

IN MODERN city areas a control program is not difficult, but in rural sections the task becomes formidable if not downright impossible. Control then depends on the reduction of the number of wild rodents and this would include the slaughter of such small animals as squirrels, rabbits, porcupines, beavers, and gophers, as well as rats and mice. The chief disease carrier among the small wildlife in this country seems to be the squirrel.

The direct spread of the disease from wild animals to man is rare and is not considered a major health threat. As cities encroach into hitherto unsettled regions where the plague is endemic in the small wildlife, however, there is danger of the infection spreading to domestic rodents in urban areas. This is one of the many reasons for the vigilance maintained by the Los Angeles County Health Department in rodent control.

INDIVIDUALS who venture into wild areas are risking infection when they handle any sick or dead animals that are found, while children who chase and catch small wild animals are taking the same risk. Chances are good that if such an animal can be caught, it is sick.

It is indeed fortunate that most of the cases of bubonic plague that do occur today may be cured by modern drug therapy, that is, if medical attention is obtained in time. In untreated cases a mortality rate as high as 90 per cent has been reported, but with chemotherapy the overall mortality has been reduced to between 5 and 10 per cent.

BARRING some total disaster, plague will never again decimate the population as it once did in the centuries of long ago. This does not, however, eliminate the possibility of the occurrence of occasional outbreaks or isolated cases of the disease, even in such sanitation-conscious countries as this one.



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