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Via digital means and via FAX [(916) 642-8979] this date the Senate Standing Committee on Energy, Utilities and Communication and senior staff thereof.

April 19, 2021

The Hon. Erika Contreras
Secretary of the California State Senate
State Capitol, Room 3044
Sacramento, CA 95814

Re: Violations of Due Process rendering further
Committee legislation, regardless of subject matter or
merits, in violation of the Bagley-Keene Open
Meeting Act and in violation of California and federal
Constitutions.

Dear Secretary Contreras -

The scholarship which we share teaches that the founders of our Constitution were skeptical of the character traits of humankind, though not equipped with modern psychological labels. Yet it was very well understood in 1787, as modern university studies have repeatedly confirmed, that there resides in the typical human psyche the ever-ready latent potential for descent into obsessive focus on the obtainment and exercise of power over the lives of others. Beria, for example. We are all familiar with the rapid outcome of the Stanford Prison Experiment.

Illustrative is a Cal study in 2014 (Keltner and Piff, the Proceedings of the National Academy of Sciences) in their team achieved traffic behavior assessment of right of way violations by drivers of expensive cars versus cheap cars drivers. The expensive car drivers violated right of way about 41 percent of the time and the cheap car drivers about 7 percent of the time. The beat goes on. Try being poor for awhile.

An additional underlying factor and repeated theme since Eddington's 1919 lecture to the Royal Academy reporting proof of the photon, and thus Relativity, is that philosophical norms based on the theoretical construct of the soul are often since sequestered from allegedly scientific dialogue despite Einstein's well known position to the contrary, leading to wide acceptance of moral relativity.

Responsively it is suggested that appreciation of Paul J. Steinhardt's published mathematical disproof of Inflation in Cosmology should give thoughtful pause to those who persist in the mythology that all has been disclosed by science, with so many of those voices coming from people more talented in other fields.

However we define this one with our respective cultural labeling, everyone seeing this early knows that there's a voice inside telling us to do the right thing. Maybe for all of us that is just a polar star, striven for but real hard to achieve. As Kermit sang, 'it isn't easy being green.'

I believe that everybody who sees this letter on or before April 19, 2021, has held that spark alive inside that the moments would come when the right thing would be done, come hell or high water. Well, here's the moment.

A core value in the preservation of individual rights, including as set forth in our Bill of Rights, is not celebration of the rights of the individual to say and assemble as she wishes, **but rather the more globally important value that it is only through the protection of individual rights that the excessive ascendancy of the authoritarian mind set is controlled.** Thus, Due Process is central to democracy.

The essence of democracy is the continuing participation of the people in governance of their affairs. Everybody reading this on the early side has sworn to protect our Constitution, which here involves Due Process.

The road to hell being paved with political ideals, it is appropriate that we honor, and that this Senate please immediately honor, the many laws long set in place in order to keep at least moderate rein on the tendency of teams of persons in position of high control to instinctively take steps to further their team's goals while increasing stature for the advocate within the involved team effort.

In the cauldron of the last year steps have been taken to reduce direct contact potential with people acting wild, thus the fences around government. These have now grown, entirely without technological justification, to fence out the public from engagement with the decisions of our Senators.

Prior to the recently installed strangles on the Constitutional rights of the people to participate and contribute to the democratic process, every early reader of this letter shares memories as to how Senate Committee work was always handled in the Senate prior to the choke hold the current rules have placed on the participation of the people in governance. There have always been leading proponents, including for Bills from Senator Dodd and every other Bill. In the past, always, the public had and exercised the individual and collective rights to comment before Committees on the merits of legislation. This has never been about the number of 'yeah,' or 'nay,' votes

which show in a room; rather this is the right of the public to educate the Senate as to the substance and reasons for their views. If possible, each speaker was given three minutes, if the number of speakers were too great, sometimes down to two.

We have all had our roles in those prior exercises in democracy, sometimes even speaking parts, but showing up in person with a button counts, too. However, real democracy doesn't reducing citizen input to a 30 second statement or reducing citizen input to an allowed 100 hundred characters of text. Nor does democracy include allowance that the selected lead opponent to a Bill will be selected by the Committee before which such "opposition," will next take place.

The perimeter fencing is sadly understandable given the riots which trashed even the downtown Democratic offices to say nothing of the jewelry and clothing stores and broken windows all down the Mall. However, carefully managed stroll through camera monitored access could be encouraged to manageable numerical standards so that the people can visit their stove. My deepest concern here is not the galvanized fence but rather galvanized First Amendment and Due Process snuffing policies which now strangle democracy in California.

The current system has abrogated the procedural access to governance rights of the people including as those rights are protected under the Bagley-Keene Open Meeting Act, through Due Process violations by effectively, convenient to the corporations who cookie cut legislation into the system, through trouncing citizen participation, including through 30 second time limits delivered by digital maze with a 100 character submission limit, for one example, so that access to governance has been cut off from public involvement. We can all do Zoom. Please clean this up.

The only victors from this modern Star Chamber approach are those who write and financially support huge Bills which would otherwise be subject to the public's scrutiny. The current First Amendment limitations imposed by the Senate on public comment preclude expressive and detailed public input on each and every Bill. This document is supplied as OBJECTION to any further Senate Committee approvals of any Bills, regardless of content or intent, until these access to democracy limitations have been corrected. Everybody who reads this early has by now repeatedly engaged in Zoom or similar meetings involving large groups. This illustrates that there is no meaningful burden upon the governance process which can reasonably justify the occlusion of constituent input from the current rules, this is a Compelling State Interest situation, and the Senate's current rules are not compelling.

Very truly yours,



Harry V. Lehmann

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Fax Confirmation

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Job	Date	Time	Type	Identification	Duration	Pages	Result
269	4/19/2021	8:56:14AM	Send	19166428979	2:33	3	OK

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