

CF GRAND JURY RP 1/14/88

## Is Grand Jury 'a useless instrument?'

### Councilman's remark stirs hornet's nest

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Past and present grand jurors are up in arms over remarks made by Santa Cruz City Council member Michael Rotkin that the Grand Jury "is a useless instrument."

Rotkin made the statement at a meeting of the library board Monday night. Library board chairman Hal Morris had threatened to request a Grand Jury investigation of the city-county dispute over funding for the county's public library system.

In urging the library board, successfully, not to call on the Grand Jury, Rotkin labeled the Grand Jury a "useless instrument" and said the City Council had "ignored them many times in the past."

County Supervisor Robley Levy also discouraged the board from calling in the Grand Jury, but did not make any derogatory comments about the body of leading citizens, which is supposed to investigate poor management and abuse of power in local government.

Mary Ann Jensen, a member of the Association of Past Grand Jurors, said she was furious about Rotkin's comments.

"The Grand Jury is a watchdog for the cities," Jensen said. She said the association would probably take steps to communicate its displeasure to Rotkin, but would not say what those steps would be.

She did say the current Grand Jury "is already taking steps," but would not elaborate further.

Grand Jury Foreman Stewart Davis said he had not yet conferred with other Grand Jury members, but that the jury "could subpoena Mr. Rotkin to talk to us, so that he can tell us how to do a better job."

Davis said the next meeting of the full Grand Jury would take place next Thursday.

Tom Sprague, another current grand juror, also said he was disturbed by Rotkin's statements.

"I think those kind of remarks basically prove that a lot of people don't know what the Grand Jury does," Sprague said.

Sprague said the basic job of the body is "to investigate government and report to the public."

Sprague said many people didn't know the Grand Jury's function.

"We had a booth out at the fair last year, and it was amazing, the number of people who didn't know what we did," he said. "To be frank, I was not really aware of what the Grand Jury did until I was selected and went to a seminar."

But Rotkin, a lecturer in community studies at UC-Santa Cruz, indicated that it's his knowledge of the Grand Jury, rather than ignorance, that troubles him.

"The general problem with the Grand Jury is they're an elitist group," Rotkin said. "They are not selected in a democratic way. Their class and racial bias makes them such that I don't see them as a representative body."

The names of potential grand jurors are selected either through random drawings of the names of registered voters and holders of driver's licenses, as with jurors for court trials, or through being nominated by a Superior Court judge.

All those selected — about 150 people — are then questioned by the jury commissioner and a

grand juror to see if they are qualified for the position, said jury foreman Davis. Thirty people are selected to serve on the jury, with six representatives from each of the five county supervisorial districts, Davis said.

Rotkin charged that the process was biased, however.

"The people who through

complex, which was overcrowded.

Rotkin said the Grand Jury made a report stating that the city needed to build or buy a new police headquarters, so the police department could be housed under one roof.

The Grand Jury, Rotkin alleged, failed to interview any City Council members, the city

has been challenged by election loser W.J. "Bill" Fieberling. Fieberling's claim was upheld by the state appellate court in 1986; Weed has appealed to the state Supreme Court, whose ruling is expected soon.

Fieberling charged that 472 votes for Weed were cast by UCSC students who had illegally registered in university precincts rather than in the precincts where they lived.

Rotkin said the Grand Jury had helped initiate the complaint against Weed.

"On a technicality, they made a serious attempt to disenfranchise a large portion of the student body," Rotkin said.

He said the Weed case showed "political bias in a Grand Jury that is supposed to be apolitical."

And, said Rotkin, when the jury is not showing political bias, it is "coming out with findings obvious to every person," such as a report critical of the county Planning Department.

"The Grand Jury doesn't make anything happen. It's a very ineffective body," Rotkin said.

He concluded, "I would consider it a great honor to be the subject of an attack by the Grand Jury."

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random lottery get calls don't get selected to serve," Rotkin alleged. Rather, judges' nominees have the edge, as do people known to the county's powers that be, he said.

"The Grand Jury is very much a political tool that reflects a political, conservative bias," Rotkin said.

Rotkin cited as an example of a "useless" Grand Jury report one made last year when the city of Santa Cruz moved some police officials to rented space across the street from the main police station in the City Hall

manager, or the police chief when making its investigation.

To suggest buying or building a new police headquarters "showed no concern for the cost to the taxpayers," Rotkin said.

Rotkin, one of the council's four-member liberal majority (conservatives hold three seats), also complained that the Grand Jury should not have become involved in investigating the election of progressive council member Jane Weed, whose 145-vote victory in 1983