Study J-1010 October 21, 1993

First Supplement to Memorandum 93-55

Trial Court Unification: General Issues (Judge Patrick's Monograph)

Memorandum 93-55 discusses some of the general issues involved in trial court unification. The memorandum notes that the Commission has been asked to make recommendations to the Legislature not addressed to the wisdom of trial court unification but to its implementation. Nonetheless, an understanding of the general concerns that have been raised will be useful to the Commission in formulating proper implementing measures.

Attached to this supplementary memorandum is a monograph by Judges Charles L. Patrick of the San Diego Municipal Court attacking the concept of trial court unification. Judge Charles appeared in opposition to SCA 3 at the joint hearing of the Senate and Assembly Judiciary Committees in San Diego on October 8.

We have reproduced Judge Patrick's monograph here as background. It is a good recent compendium of the types of concerns that trial court unification causes.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary

TRIAL COURT CONSOLIDATION - PANACEA OR PANDEMONIUM?

BY

JUDGE CHARLES L. PATRICK
SAN DIEGO MUNICIPAL COURT

Introduction

For the last 40 years, California's trial courts have essentially been organized within each county as follows: a single Superior Court (although there may be branch courts in the larger counties) of unlimited jurisdiction, and one or more districts each having an additional court of limited jurisdiction. These latter courts may, in particular counties, be all Municipal Courts, all Justice Courts, or some of each.

During the past 20 years, there have been several proposals to consolidate or "reorganize" the Superior, Municipal and Justice Courts into a single trial court of unlimited jurisdiction. Each has met defeat.

In 1991, the Legislature enacted a court funding bill package which required that each trial court in the state submit to the Judicial Council a plan for "coordinating" the work of the courts. In 1992, Senator William Lockyer introduced a proposed Constitutional amendment (SCA 3) which is anticipated to be on the ballot in 1994. If adopted, it would combine the trial courts into a single "district court." This article will attempt to provide a historical perspective, present the arguments given by advocates of consolidation, and to demonstrate the shortcomings of such reorganization plans in contrast to the supposed advantages.

Organization of California Trial Courts

Prior to 1950, California law provided for a hodgepodge of limited jurisdiction trial courts. Counties could contain a myriad of such courts, each with different subject matter and/or monetary jurisdiction. These included Municipal Courts (two different types), Township Justice Courts, City Justice Courts (both "Class A" and "Class B"), Police Courts, and City Courts.

In 1950, the voters passed a constitutional amendment to establish the present system of dividing limited jurisdiction courts within each county into Municipal Court districts and Justice Court districts.[1] As the population of the state has increased, the number of Justice Court districts has steadily declined, with only 47 one-judge Justice Court districts remaining as of August 1, 1993 (two of whose judges sit only part-time; in addition, some of the remaining 45 are required to assist other courts in order to fill out their full-time positions). There are now 91 Municipal Court districts having a total of 623 judges authorized as of the same date.[2]

Essentially, the Municipal and Justice Courts have civil jurisdiction in cases where the amount in controversy does not exceed $25,000.00. The Superior Court has jurisdiction over civil matters in excess of that figure, as well as all probate and domestic relations cases regardless of the monetary amount involved.

---

[1]Article 6, section 5 of the California Constitution provides that districts with a population of less than 40,000 have a Justice Court, and that they have a Municipal Court if the population is above that figure.

[2]The source for these figures is the Judicial Council of California, Administrative Office of the Courts.

In criminal matters, the Municipal and Justice Courts have full jurisdiction over all misdemeanors and infractions. In felony cases, they handle the initial arraignment, hold preliminary hearings to determine probable cause, and accept guilty pleas, with the Superior Court having jurisdiction to conduct trials and for further proceedings after a guilty plea in the lower court (recently enacted legislation allows sentencing to take place in the court where the plea was entered). In addition, the Superior Court has sole jurisdiction to hear juvenile matters.

Previous Consolidation Attempts[3]

Beginning in 1970, there have been numerous efforts to establish a single trial court in California. Assemblyman James A. Hayes of Long Beach introduced bills in each of three successive legislative sessions — 1970, 1971 and 1972 — which were intended to accomplish full trial court consolidation. Each proposal included a constitutional amendment as well as implementing statutes. None of these bills were passed by the Legislature. The same fate awaited an additional similar proposal by Senator Gordon Cologne in 1971, as well as a 1972 legislative package sponsored by a committee appointed by Supreme Court Chief Justice Donald Wright.

In 1973-74, the Legislature considered two additional consolidation plans. One by Assemblyman Larry Kapiloff was similar to the earlier proposals, while the other by Assemblyman Fenton would have permitted the Legislature to consolidate all courts in one or more "contiguous counties," which presumably could have meant that some, or all, counties could have had single trial

---

[3]Appreciation is extended to Alden J. Fulkerson, Esq., of San Diego for his generosity in providing voluminous materials dealing with the history of these efforts.

courts or even that the entire state could have had a single combined court. Again, both proposals were rejected by the Legislature. In 1975, Assemblyman Fenton reintroduced his scheme, which was once again defeated.

A report was issued in 1975 by a committee formed by the Legislature to study the structure of the Judiciary. Called the Cobey Commission, it was headed by Court of Appeal Justice James A. Cobey. It recommended a single trial court in each county, consolidation of all appeals in the Court of Appeal, elimination of appeals in traffic and small claims cases, and funding of all courts by the State. In 1976, and again in 1977-78, legislation authored by Senator Alfred Song to accomplish these recommendations was defeated.

Finally, a constitutional amendment by Assemblyman Larry Stirling was approved by the Legislature and placed on the general election ballot in November 1982. It would have given each county the option to unify its trial courts, and authorized the Legislature to establish by statute the exact format of such unified courts. However, it was defeated at the polls.

Recent Proposals

In late 1990, a task force was formed by the State Bar to again take up the issue of unifying the state's trial courts. Three members, including the chair, were from the Bar's Board of Governors, and also sat on the Board Committee on the Administration of Justice (BCAJ). The other three members were judges (two Superior Court and one Municipal Court) who were selected by BCAJ Chair John M. Seitman of San Diego.

In a report prepared for the Board of Governors' meeting of March 7, 1991 (hereafter referred to as BCAJ report[4]), the task force summed up its tentative findings. As to the central issue of unification, the consensus was that it should continue to be explored. It was understood that any unification would have to be accomplished by constitutional amendment together with implementing legislation, but that prior to formulating concrete plans, experimental programs should be conducted in various areas of the state.

Included among tentative conclusions as to major issues were that all judges of the courts being unified would be considered to be of the same class; that all clerks working in court-related functions (whether previously employed by the County Clerk or the Municipal Court) should be unified under the new court's control; that the general relationship of trial courts to the Judicial Council/Administrative Office of the Courts should remain the same (with questions as to the election and function of presiding judges, and whether there should be sub-county or multi-county districts for administrative purposes being left to local option), and that there should not be full state funding for trial courts. Other issues (such as whether unification should be optional or mandatory, the handling of appellate proceedings, the structuring of specialized departments, and geographical boundaries) remained open.

A memorandum dated November 28, 1990, titled "Pros and Cons of Unification," which is included in the BCAJ report, gives insight

---

[4]The BCAJ report will be referred to extensively, in that it is the most recent comprehensive effort of which this writer is aware which attempts to examine the ramifications of trial court consolidation.

into the sorts of assumptions upon which the momentum for the impetus toward unification appears to rest. The difficulty with many of these assumptions is that they are either wrong, or simply misleading. As an example, the memo makes the statement that ". . .the present system of separate judicial districts....often involves the costly and unnecessary duplication of having separate court clerks, process servers, jury commissioners, and others."[5]

However, it is not stated why court consolidation is required in order to effectuate consolidation of such functions. For a number of years, San Diego County has had a single Jury Commissioner and a single Marshal to provide all services within their respective areas of responsibility for all courts in the county. Concerning clerks, there is no demonstrated basis for assuming that a unified court will require any less clerical support for the same number of judges. And, for Municipal and Justice Court Judges becoming Superior Court Judges, substantial additional numbers of court reporters would presumably be required. Thus, the memo failed to show how unification of courts would produce significant savings as to non-judicial personnel.

Similarly, the memorandum states that " . . . separate trial courts for handling felony and misdemeanor criminal cases results in inefficiency in administration . . ." and that this is " . . . essentially maintaining two court systems to handle a single caseload. Unification would eliminate this inefficiency."[6] It is not stated in what manner this is inefficient, or how unification could in some manner alleviate this perceived inefficiency. Further, the statements are rather puzzling, in that

---

[5]BCAJ report, page 15

[6]Ibid., pages 17-18

existing Municipal/Justice Courts are the site for all proceedings through trial in misdemeanor cases, while the Superior Court has appellate jurisdiction.

As to felonies, the implication that there is a duplication of effort as to the function of the Municipal/Justice Court and the Superior Court in their handling of the different phases of such cases appears to rest on a misconception. There must be a preliminary hearing in the Municipal or Justice Court for all felony cases not presented to a grand jury[7] (with the Superior Court having trial jurisdiction), and it would seem that the existing pretrial opportunity in Superior Court to test the magistrate's ruling (or the Grand Jury's indictment)[8] should still be required. As noted by the 1975 Cobey Commission[9], it would be inappropriate for such a review to be conducted by a member of the same court. It surely is undesirable to put that additional burden on the Court of Appeal. Thus, there are logical reasons for the separate jurisdictions. The mechanism for efficient combined handling of criminal cases is now in place, and no deviation from the present two-tiered trial court system would appear to be appropriate.

The "Pros and Cons" memo goes on to proclaim: "When a matter is transferred between court systems because the lower level of court is not empowered to dispose of the entire case, duplication, expense and delay are the inevitable result."[10] Some statistics are then cited as support for this statement. However, all they

---

[7]Fifth Amendment, U.S. Constitution

[8]Penal Code Section 995

[9]BCAJ report, pages 19-20

[10]Ibid., page 18

show is that the number of bind-overs from Municipal to Superior Courts has increased over the last decade. This is hardly a surprise, given the general increase in crime and the resultant ballooning of court filings. Thus, it is difficult to conceive of this truism being used as an argument to justify court consolidation.

The heavy emphasis in the BCAJ report on achieving "efficiency" through larger courts is disturbing. For one thing, there would seem to be some optimum number of judges (10? 40? 70?) who can most effectively work together in a reasonably efficient manner according to the caseload in a defined geographic area. A judicial complement substantially more numerous than the optimum becomes unmanageable (since all judges of a particular court are responsible to the same electorate and are legal equals), and thus less efficient rather than more so. In addition, provision for all trial court judges to be members of a single county-wide court would seem to be contradictory to recent court decisions concerning dilution of minority voting rights.

More important, efficiency should not be the only goal of courts — and probably not even the major one. If it were, much "progress" could be accomplished by such changes as restricting (or eliminating) the right to a jury trial in civil cases and minor criminal offenses, doing away with the suppression of evidence in criminal cases, and placing strict limitations on appeals. However, too much emphasis on efficiency can result in a lessening of the ability to achieve the far more important goal of reaching just results through fair trials — and fostering a public perception that this is being accomplished on a regular basis.

The memo cites with apparent approval the 1975 conclusions of the Cobey Commission regarding appellate procedures (see under "Previous Consolidation Attempts", supra). It is stated that in a unified system, appellate procedures can be greatly simplified in that " . . . there would be no appellate department in the unified Superior Court" because of the problem of judges reviewing the work of their colleagues on the same court. Accordingly, " . . . appeals from misdemeanors and all civil appeals, regardless of the amount in controversy, (would) be taken to the Court of Appeal." To reduce the workload, " . . . decisions of the Courts of Appeal (would) not be required to be in writing . . . " and appeals from traffic and small claims cases would be eliminated.[11] These changes would seem a high price to pay for appellate "simplification."

In reality, this is nothing more than a device to transfer a significant workload from the Superior Court to the Court of Appeal, and to eliminate appeals in some cases. Although it might help alleviate congestion in the Superior Court, there is no real analysis of the resultant impact on the Court of Appeals. However, even if this is a meritorious idea, it is not explained why trial court consolidation is required for its accomplishment.

Under a category called economic benefits of unification, the memo cites a claim by a member of the Los Angeles County Board of Supervisors that " . . . if the same judge who presided over the preliminary hearing could sentence the defendant without having the transcript of the hearing prepared, the county would save two million dollars annually."[12] This is a rather extraordinary

---

[11] Ibid., page 20

[12] Ibid, page 21

statement, considering that: (1) it is fairly rare that a guilty plea is entered immediately following a preliminary hearing (which is the only thing that would obviate the necessity of preparing a transcript of a hearing which establishes probable cause); (2) absent a guilty plea, guilt is not determined at a preliminary hearing, and there is thus no occasion for a sentence to be imposed following its completion; and (3) the preparation of a preliminary transcript is entirely unrelated to the issue of sentencing, since there is no requirement in the usual case for the sentencing judge to consider its contents.

The memo cites as another economic benefit the claim that unification would promote " . . . having a professionally-trained court administrator, and a presiding judge, in each trial court, responsible for management policies."[13] Why is it assumed that courts do not presently have such administrators and presiding judges? And for courts not so blessed, what feat of magic is going to be performed by unification to suddenly produce such people?

The BCAJ report goes on to state (without any supporting data) that " . . . if some of the smaller, outlying courthouses are closed, savings can be gained since it would be less expensive to run one large courthouse than to maintain several small, independent ones."[14] This is in total conflict with an earlier statement in the same memo, wherein it was said: "Opponents . . . argu(e) that new facilities will have to be constructed to house the unified courts. However, a study of this

---

[13] Ibid., page 28

[14] Ibid., page 21

issue found no factual support for the claim that unification requires large initial outlays for construction."[15]

Does anyone believe there are any large courthouses around which contain empty space sufficient to house the additional judges, clerks, bailiffs, court reporters, and other support personnel to be brought in from those smaller, outlying courthouses which would now be abandoned? What about housing all the prosecution and defense attorneys and their staffs who would have to move to central offices, as well as the Sheriff's/Marshal's personnel? How about the enlarged central jails which would be required? Isn't it likely that higher land and building costs in the presumably more metropolitan locations of such centralized courts would offset any supposed savings in closing down the other courts? What of the economic impact on the private attorneys who established their offices near those now-to-be-closed courthouses, and the effect on the citizens of the communities and their law enforcement agents — who, being deprived of their local courts, would now have to commute to the "centralized" courthouse?

In addition to the economic impact on those smaller communities, there is also the loss of readily available judicial services to its citizens. Many more people are directly impacted by the "little" cases heard in Municipal and Justice Courts (traffic tickets, small claims, unlawful detainers, etc.) than by the "big" cases in Superior Court. The former would quite likely be swallowed up and sloughed off in a one-court system (or shunted to an administrative proceeding somewhere in some new bureaucracy).

An example of this occurred a number of years ago in San Diego County, where the City of Chula Vista lost its one-judge Municipal

---

[15] Ibid., page 17

Court in a merger with the larger San Diego district. Thereafter, Chula Vista's judicial needs were met only partially by a single rotating judge from San Diego serving three months at a time, hearing no jury trials (and precious little else of substance). As a consequence, many Chula Vista victims, witnesses, civil litigants, jurors, police officers, attorneys, and defendants had to leave their community to have their judicial business transacted. This was finally resolved in 1974, when a new, full-service, enlarged South Bay Municipal Court was established which included other suburban communities.

This points up a major drawback to the various proposals for court "reorganization" — they totally overlook the human element, and they ignore how the individual components of our court system may be disrupted by ill-conceived "efficiency" measures. For example, it is apparently believed that judges — and their support staffs — can be freely transferred from one court site to another as the caseload fluctuates, with no loss in efficiency. Some proponents of consolidation speak openly of eliminating "arbitrary" jurisdictional and geographical boundaries of trial courts. However, elimination of such geographical boundaries may run afoul of the provision of the Sixth Amendment to the U.S. Constitution which requires that a jury in a criminal case be chosen from the district "previously ascertained by law" in which the crime occurred.

One must ask — are judges, their clerks, bailiffs, court reporters, and other supporting staff-members so fungible that they may be plugged in here and there, possibly on a daily basis, according to the vagaries of fluctuating caseloads at courthouses which may be separated by many miles (even in different counties)?

Is the judicial slogan of the future to be "Have robe, will travel?" Surely it cannot be contended that court efficiency could possibly remain at a high level under the potential of morale-busting conditions such as these!

Court "Coordination"

The passage of the 1991 trial court funding bills[16], with their requirement of the preparation of court "coordination" plans, added yet another wrinkle to this complex question. The legislation mandated that each trial court in the state submit a plan to the Judicial Council for coordinating the efforts of the courts within each particular county (or possibly, even to include the courts of more than one county).

Although the Council was directed to formulate the standards for these plans, the statute required consideration of, among other items, the following: (1) use of blanket cross-assignments allowing all judges to hear all types of cases even though they are within the jurisdiction of other courts; (2) sharing of support staff within a county or across county lines; (3) assignment of all types of cases, for all purposes, to judges at the time of filing, regardless of jurisdictional boundaries; and (4) the unification of trial courts within a county "to the maximum extent permitted by the Constitution." In addition, the plans as a whole had to be "designed to achieve . . . statewide cost reductions" for trial courts of at least 3% for the 1992-1993 fiscal year, and an additional 2% for each of the following two years. The timetable

[16]AB 1297 and AB 54, enacted as emergency legislation which took effect immediately on passage.

provided that the original plans had to be submitted by March 1, 1992, and annually thereafter.

In some counties, coordination has taken the form of combining the staffs of the clerks' offices. In others, the emphasis is on cross-assignment of judges to hear cases of each of the participating courts. Although early reports have been favorable, it must be remembered that while experimentation can provide valuable insight, it is also a mistake to assume that any results achieved by so-called pilot projects or court coordination plans are necessarily transferable to a permanent trial court unification. This is because one of the greatest virtues of existing cooperative efforts between Municipal and Superior Courts — their flexible nature — would instantly disappear upon full unification.

In San Diego County, the El Cajon Municipal Court pioneered in the initiation of such efforts in the mid-70's — a plan for coordination that still endures today. Essentially, this 10-judge court does the sentencing for all felony pleas in its court, hears all domestic relations cases filed within the judicial district, and handles occasional criminal and civil Superior Court trials when the Superior Court judges (who occupy the same courthouse) have an overload of cases. This is by virtue of the annual blanket assignment by the Chief Justice of all the Municipal Court judges to sit as Superior Court judges. Thus, no "consent" of the parties is required, with the applicable provisions of the Code of Civil Procedure being the only means by which such judges may be

disqualified.[17] The Superior Court judges assigned to the same court facility similarly handle overload cases from the Municipal Court.

In early 1991, after years of informal cooperation, the 28-judge San Diego Municipal Court entered into a written agreement with the Superior Court. The 1992 revised version of the agreement (which remains in effect) provides that a certain number of Municipal Court judges (it has never been less than three), on a rotating basis, sit as full-time Superior Court judges, each for three months, hearing both civil and criminal trials (and handling no Municipal Court matters). In addition, two judges are assigned for what is presently a total of eight days per week accepting pleas in felony cases in the mornings as Municipal Court judges, and doing the subsequent sentencings in the afternoons while sitting as Superior Court judges. Additional Superior Court civil and criminal trials are assigned to available Municipal Court judges (who all serve pursuant to the blanket assignment) on an ad hoc basis. In return, Superior Court judges conduct preliminary hearings on felony cases when called upon by the Municipal Court.

That these cooperative efforts work is, in large part, because they are voluntary, they are flexible, and the workload can be shifted to meet the varying caseloads. The above-mentioned written agreement, for example, runs for one year at a time and can be modified or cancelled on 90 days notice at the option of either

---

[17]Note: the BCAJ report (at page 15) erroneously states that the drawbacks of such voluntary, cooperative programs as in El Cajon include the necessity of obtaining the consent of the parties, limitations in the nature and duration of such plans, and restrictions as to the types of cases included. Nearly 20 years of experience in the "El Cajon experiment" has shown each of these to be untrue.

court — otherwise it automatically renews. Once a scheme for unification is locked into place — with all the administrative, procedural and substantive problems which this would entail — the advantages of simple, flexible cooperation are abandoned forever in exchange for an ever-larger court bureaucracy.

Present Status

At its meeting on March 7, 1991, the State Bar Board of Governors decided that instead of proceeding at that time to urge full-fledged consolidation, it would instead put the emphasis on seeking the establishment of so-called pilot projects in several different counties. The announced intent was to assemble statistics and to test various unification theories prior to the formulation of specific unification proposals.

However, the State Bar's go-slow approach seems now to have been overwhelmed by the Legislature's insistence on immediate action. Rather than await the outcome of a reasonable period of experimentation under the wide variety of coordination plans adopted, or any conclusive demonstration of financial savings, the Legislature has raced ahead pell-mell with SCA 3 (which passed the State Senate without a dissenting vote and is, as of this writing, pending in the Assembly).

Far from being a detailed proposal as to how such a unified trial court would be organized, SCA 3 is disarming in its simplicity (providing only that the courts of this state shall consist of a Supreme Court, Courts of Appeal, and a "district" court). Although it would establish such a district court within each county, the Legislature would be permitted to split such

courts into "branches," to designate judges who would serve in more than one such court, or to combine courts into "circuits."

The author, Senator Lockyer, in a July, 1993 speech to the San Diego County Judges' Association, insisted that the legislation must not be "weighted down" with any specifics. Rather, he proposed to merely remove what he called the "technical impediment" to consolidation (the provisions of Article VI of the State Constitution) with SCA 3, allowing the Legislature to provide the details later. In view of the rather thinly-veiled antipathy displayed by many legislators toward judges since the term limitation initiative was upheld by the Supreme Court, one wonders how much trust should be put in the Legislature to do it right.

This agenda runs counter to the tentative conclusions reached by the Judicial Council's Joint Standing Advisory Committees of Presiding Judges and Court Administrators, chaired by Superior Court Judge Roger K. Warren of Sacramento (who, pursuant to that court's coordination plan, currently sits as Presiding Judge of both the Municipal and Superior Courts). In a draft report released for comment on July 23, 1993, the committee (without formally approving consolidation) set forth a number of questions which would have to be satisfactorily resolved before consolidation could be considered. It was recommended that any decision to support SCA 3 would be conditioned upon passage of satisfactory implementing legislation.

Conclusion

The bottom line is that proposals for change — whether labeled unification, consolidation, reorganization, or coordination — rest upon assumptions that bigger is better, that centralized control is

desirable, that efficiency is the predominant goal, and that any claimed potential increase in efficiency justifies tinkering with our present court system, regardless of its impact on the individuals involved. However, it appears that little real thought has gone into determining what is the optimum size of courts — that is, how many judges can be effectively managed by a single co-equal presiding judge.

A real danger in the legislative-mandated coordination plans is the requirement for significant cost reductions. Apparently, it is assumed that all of the anticipated changes can be made, all of the judicial efforts coordinated, all of the cases tried faster — for less money. There seems to have been no anticipation of the very real possibility that more management of resources, more shifting of cases and personnel, more court reporters and technology, and potential enlargement of court-related facilities to handle larger staffs at central locations may, in fact, wind up costing more money.

Seemingly ignored in the discussion of economic "benefits" of unification are the significant increased costs which would be engendered. The newly-elevated 670 Municipal and Justice Court Judges would presumably now receive the same pay as the present Superior Court judges — an increase of nearly 6 million dollars annually. In addition, the future retirement pay of these judges, and all their future replacements, would similarly be increased (since retirement pay is fixed as a percentage of the salary of a sitting judge of the class of which the retired judge was a member). Also, there would be an as yet uncalculated "start-up" cost for every court in the state in replacing court forms, stationery, signage, court seals and stamps, etc. (since all courts

would be changed to "district" courts under the present proposal). Finally, there would be additional election costs, since district court judicial elections would be county-wide (not the smaller jurisdictions presently represented by Justice and Municipal Court judges).

Also, insufficient consideration is being given to the diverse needs of different areas of the state. It would be foolish to attempt to impose the same type of court structure in all geographic areas of the state regardless of local conditions. Unless these and the many other questions as to the impact of court unification on judicial administration can be determined with a reasonable degree of certainty, the public will be far better served by efforts spent in improving the present court system — not by expending valuable resources in pursuing sweeping changes without any clear understanding of the consequences.

Finally, it must be noted that the required imposition of coordination plans conditioned upon and in conjunction with the funding of trial courts implicitly signals a tremendous threat to the independence of the judiciary. When judges, faced with overwhelming caseloads in inadequate facilities, first acquiesced in the transfer of responsibility for funding of the courts from the counties to the state, they may very well have triggered the beginning of the end of their status as members of a co-equal branch of state government.

The next step — allowing the legislature to flesh out the shape of the newly-unified trial court after passage of a "bare-bones" SCA 3 — would be even more dangerous. Since any court consolidation constitutional amendment must be approved by the electorate, it is to be fervently hoped that the voters can be

educated as to the tremendous long-range impact of such a step. The primary danger lies in the efforts of proponents to characterize the proposal as a simple cost-saving measure.