

THE MEXICAN "AMPARO" AS A SUPPLEMENTAL REMEDY FOR THE REDRESS OF CITIZEN GRIEVANCES IN CALIFORNIA—JANUARY 1967, INSTITUTE FOR LOCAL SELF GOVERNMENT, CLAREMONT HOTEL BUILDING, BERKELEY, CALIF., RANDY H. HAMILTON, EXECUTIVE DIRECTOR

"Administrative tyranny is self-generating. Inevitably, each new program arms administrative agencies with more money, more authority, new rules and regulations extending over wide areas of citizen activities."—Sam Ervin, U.S. Senator, 1966.

"... when complaints are freely heard, deeply considered and speedily reformed, then is the utmost bound of civil liberty attained that wise men look for."—John Milton, 1608-74.

PREFACE

In October, 1965, the Board of Directors of the Institute for Local Self Government authorized a study of the redress of citizens grievances in California's urban areas. In April, 1966, under a grant from the Stern Family Fund we commenced research and related activities to inventory procedures for dealing with citizen grievances. The major emphases of the project are—

An inventory of present practice (or lack of practice) in seventeen cities over 100,000 population and twenty of the state's largest counties as well as significant procedures elsewhere in the state;

An analysis of shortcomings and successes as a basis for defining new procedures and the draft of suggested ordinances and administrative reorganizations;

The promotion of recommendations through conferences, publications and the normal channels of communication to the constituency of the Institute (elected and appointed officials of local government in California).

The effort is directed toward easing an increasingly sore spot in urban areas arising from the grievances felt by many people as a result of the action, or inaction, of government agencies. The dominant motif of "go fight city hall" is indicative of a lack of effective methods for redressing grievances. This makes for frustration, bitterness and unrest which, in turn, causes troublesome administrative situations for local government and creates an atmosphere that adds to the already monumental difficulties of establishing effective improvement and service programs. The project brings to bear serious, systematic, concerted attention to a major governmental problem in the belief that the ultimate recommendations and solutions proposed for local governments in the nation's most populous state will not only be of assistance in California but be visible enough to provoke national notice.

This publication deals with the Mexican Amparo, one process for the redress of citizen grievances which should be considered as California gropes for methods to redress citizen grievances, the lack of which may create vexing and socially disruptive situations for local government. It is the second publication of the project's series, the first being *A Preliminary Inventory of Selected Administrative Procedures for the Redress of Citizen Grievances in California Urban Areas*, the Institute, September, 1966.

INTRODUCTION ³

A hallmark of public administration in this century has been the extension of government responsibility for the provision of new services and engagement in new functions. The growth of new services and responsibilities has added large new dimensions of local administration which directly affect the lives and property of the individual in a manner and on a scale not previously prevalent. An increasingly large number of discretionary decisions are being made (or are not being made) by local government affecting the rights and interests of citizens.

³The background material for this publication is from a working paper by attorney Manuel Ruiz, prepared for the Conference on the Redress of Citizen Grievances in California, Los Angeles, September 1966. The Conference was conducted by the Institute for Local Self Government as part of its research and allied activities under a grant from the Stern Family Fund. The Institute of Governmental Studies, University of California, Berkeley, was session co-chairman. The additional material was prepared by the staff of the Institute for Local Self Government from supplemental research, and correspondence with Dr. Filipe Tena Ramirez, former Judge of the Supreme Court of Mexico.