

The benefits that would result from the creation of new judges in the court system to perform Amparo functions would tend to offset the ineffectiveness of the present varied procedural processes (or lack of them). Our constitution, of course, fixes neither the number of courts in the federal system, the number of judges on the Supreme Court or in the federal judiciary; these being prerogatives of Congress.⁸⁸ Amparo would not do away with present grievance procedures and mechanisms, but would simply supplement them for more effectiveness by permitting the flexible interposition of a restraint against violation of individual guarantees.

The goal of equity is no different today than it was when Aristotle defined it to be the elimination of injustices that may arise from the very generality and universality that is the greater virtue of the law.⁸⁹ The difficulty is that our system of common law, by insistence on precedent and by other characteristics forecloses its utilization when applied to administrative regulations.

The complex of local agencies, commissions, governments and districts in California's urban areas and the conglomerate of State and Federal agencies and instrumentalities has made of urban affairs within these United States a crazy quilt of cross-currents and jurisdictional lines. Procedures for the redress of citizen grievances which must insure due process of law should be considered for lodgement in Federal Courts where they most properly belong in today's condition. The citizen needs an equilibrating counterweight to the administrative state which has brought with it a series of fundamental transformations that have not yet been accorded jurisprudential recognition. In fulfillment of the individual freedoms in the federal constitution, it is imperative that possible administratively-caused grievances be redressable in quick, inexpensive, available manner.

We need institutions which will provide an investigating and justice-dispensing function, receiving and uncovering citizens' complaints. The goal is to cease forcing citizen complaints into an adversary proceeding that pits little man against big government. The reason why citizens "can't fight city hall" is because of the one versus one concept, with one of the ones holding all the trumps. The citizen needs his own protector against administrative acts so that it is no longer the individual against the government agency but the collectivity functioning through its own protector: the public interest mobilized against possible bureaucratic despotism.

The basis for setting our course already exists and need only be supplemented by a bold approach. The Amparo process, predicated on the Mexican experience, ought to be considered, evaluated and possibly adapted. Its applicable features make it ideal to prosecute the individual's case as one involving the public interest. It could easily be incorporated into our processes for the redress of citizen grievances in urban areas.

We need to give formal constitutional recognition to our distinct system of administrative law, endowing it with appropriate controls and suitable redress procedures and then fitting it into the legal order. Amparo processes as a supplemental remedy could well temper the armor against administratively-caused citizen grievances. Its distinctive assets are many, not the least of which are: (1) the maintenance of the *status quo ante*, (2) the unnecessary of considering each case as a possible precedent under the doctrine of *stare decisis*, (3) the absence of "presumptive conclusion" insofar as an agency's findings are concerned within concepts of due process of law, (4) the summary nature of the remedy and its assured early hearing by priority status on the court calendar, (5) its applicability to all agencies and levels of government, without exception.

As a final thought, there is room for contemplation of the Amparo process within the framework of the recent spate of Supreme Court decisions concerning individual rights and constitutional guarantees in criminal proceedings. The unduly heavy concentration of Spanish surname defendants in whose behalf the Court has in many ways imposed difficulties on the law enforcement profession may lead one to speculate on how beneficial for all concerned, the accused and society in general, Amparo processes would have been as a method to redress possible citizen grievances involving impingement of constitutional rights in criminal proceedings from apprehension through trial.

⁸⁸ United States Constitution, Article I, Section 8(9), Article III, Section 1.

⁸⁹ See esp. *Nicomachean Ethics*, Book V 4(B), etc.