INTRODUCTION TO CALIFORNIA GOVERNMENT AND POLITICS



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Introduction to California Government and Politics

Steven Reti

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Program Page



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Preface



Figure 1: Preface (Pixabay license; Alexandra_Koch via Pixabay)

Welcome to *Introduction to California Government and Politics*

This book is an introduction to California politics for students dipping their toes into the fascinating world of political science for the first time. Learning about politics is as much about learning about oneself as about our state and nation. Hence, this book helps students understand their political values, ideologies, partisan attachments, and beliefs about many political issues. Second, it adopts an inquiry-oriented approach to California politics, sharing debates among political scientists for each topic under investigation and asking students to develop their own evaluations about how our political system works. Third, this book invites students to add their voices to California politics by participating in multiple ways to address the challenges of California politics and policymaking in the twenty-first century.

The organization of this book follows the format of standard political science textbooks. The first chapters introduce the fundamental questions of politics and apply them to California, the following chapters explore the many ways that Californians participate in politics, and the third section examines the structure and function of the three branches of government in Sacramento and local governments. The book concludes by introducing public policy analysis. California faces many challenges, and how we address them makes for some fascinating case studies, helpfully added by our students each semester!

This book is updated with more recent data and case studies on a regular basis (most recent update: January 2026).

This book greatly benefited from the support of the Open Educational Resources Initiative of the Academic Senate for California Community Colleges. In particular, the critical reviews and suggestions by Professors Brooke Collins (College of the Canyons), Alana Jeydel (Fresno City College), and Jessica Scarffe (Allan Hancock College) were very much appreciated. Thanks also to our project facilitator, Professor Suzanne Wakim (Butte College). Moreover, the encouragement of Professors David Andrus and James Glapa-Grossklag of the College of the Canyons has been very motivating, as always.

Enjoy this exploration of California politics!

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1.1: Welcome to the Study of California Politics



Figure 1.1.1: California's State Seal (public domain; Zscout370 via Wikimedia)

Learning Objectives

- To introduce political values that we will use to study California politics.
- To analyze contemporary political ideologies and parties.
- To compare representative and direct democracy.
- To distinguish among rival arguments regarding who rules California.
- To identify how political systems theory organizes our study of California politics.

Introducing California Politics

Politics is important because it addresses two fundamental questions that every group must address: what should be done and who should decide. It can be very confusing, but the subject has an underlying logic underlying the daily barrage of news, rhetoric, and name-calling. This book concisely explains California politics and shows you how to participate.

California politics involves three significant dimensions. It is first a matter of values, selecting the principles we believe are essential. Second, it is a matter of constitutional engineering to create and continue to improve upon a government system that can promote our values. Third, it is a matter of policy; the government's actions should put our principles into practice. Naturally, there are both agreements and disagreements regarding each of these dimensions.

Studying politics is not only valuable to understand California better, but it is also helpful to understand ourselves. What political values matter most to us? What ideology should we adopt? What are our points of view about how California is governed? What policies do we favor? This book is an academic work and a primer on how to be political. It thoroughly explains the concepts, theories, and methods of political science used to study California politics. Each chapter includes questions asking you to consider your opinions and engage in further inquiry.

In this chapter, let's discuss these central questions of politics. First, we will introduce how political values and ideology shape our viewpoints. Then, we will introduce some primary debates among political scientists that animate the study of many different aspects of California politics. Last, we will introduce systems theory to organize our study.

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1.2: Political Values

Three Political Values

What matters in life? What are the keys to happiness? At the individual level, we may value good character, ambitions achieved, pleasures enjoyed, a life full of family and friends, and perhaps faith and virtue. However, politics is about the collective striving for values; approximately forty million Californians decide explicitly, informally, or absent-mindedly what is essential, what matters more, and what matters less. Thus, let us begin by asking what principles matter most to us.

We may not be aware of the principles that motivate us in our everyday lives. However, we may observe people, for example, watching how they treat others or spend their money. Then, we can infer principles. This person spends her day caring for her mother, showing that the love of family matters. Another spends hours perfecting an athletic skill, seeking physical excellence. A third is always shopping, loving to accumulate material possessions. Similarly, at the political level, we may observe the actions of forty million Californians and infer what matters to us as a state.

Naturally, there are so many political phenomena to observe and analyze. Often, we may infer that multiple values are present. Three are most evident: liberty, equality, and order. Each of these values has various definitions, and any particular political issue may not involve all three. Let us consider each of them and apply them to current policy debates.

Liberty, or freedom, is commonly defined in two ways. The first is negative liberty: freedom from interference, especially government interference. This version is rooted in John Locke's philosophy and other social contract philosophers. The individual possesses autonomy and should be free to make their own decisions unless they interfere with the freedom of others. The second is positive liberty, which is found in the writings of philosophers such as Jean-Jacques Rousseau and Karl Marx: when individuals find greater freedom by doing that which is good as defined by a collective philosophy. For example, a religion may prohibit certain behaviors to help individuals free themselves from moral failings.

A law may take away negative liberty and add positive liberty. In 1986, California began requiring everyone to wear seatbelts in automobiles. This law takes away negative liberty by telling us what to do. Still, it gives us positive liberty by making it more likely that we will survive an accident to enjoy the freedom of another day.

Equality is a second crucial political value, which may be defined in multiple ways. Drawing on the ideas of John Locke and others, the notion of intrinsic equality argues that every person, being human, is equal and hence has equal rights. For example, although there are dramatic differences in achievement among us, each person casts a single vote at the polling place. After this fundamental premise, we can distinguish between equality of opportunity and outcome. The first advocates a "level playing field" without discrimination based on personal attributes such as race, ethnicity, and gender. For example, federal and state laws prohibit employment discrimination. The second, equality of outcome, favors everyone receiving the exact result or condition. For example, everyone is assigned a desk in a classroom, or perhaps in the future, everyone receives health care.

A third value is order. Our moral judgments evaluate the legitimacy of public policies. There are many examples of the value of order. Belief in a particular economic ideology, such as capitalism or socialism, informs our opinions about economic policies such as the minimum wage, tax rates, or welfare. Our religious beliefs may cause us to object to public policies upholding certain personal freedoms. Many people perceive obeying the law as good in itself. On the other hand, when Dr. Martin Luther King, Jr. and other civil rights protestors engaged in nonviolent civil disobedience, their sense of order led them to violate civil law to promote a higher law.

When considering an issue, values may harmonize or conflict. For example, equality of opportunity and negative liberty enhance each other. Let everyone pursue their dreams without government interference. On the other hand, equality of outcome is likely to clash with negative liberty because providing equal provisions of goods and services will require higher taxes and more regulations. The classic tradeoff is between negative liberty and order. We want to do what we wish, which may clash with existing laws. For example, homeless people may seek temporary shelter by camping in parks and other places where this is prohibited. The case study (For Your Consideration: Driving the Homeless Out of Echo Park) illustrates this conflict in values.

For Your Consideration

Driving the Homeless out of Echo Park

A few miles north of downtown Los Angeles lies Echo Park Lake, a reservoir with a mile-long path around it surrounded by grass and trees. It is a place for nearby residents to play ball, have picnics, rent swan-shaped paddle boats, or walk. However, as the homelessness crisis worsened in Los Angeles County, the park began to fill with tents and other makeshift shelters, with approximately 200 people crowding out the usual park visitors. The City of Los Angeles did not enforce the "no camping" regulations.



Figure 1.2.1: Echo Park (CC BY-SA 4.0; Alaiben via Wikimedia)

With sanitary conditions declining and reported crimes increasing, the residents in the surrounding neighborhood of Echo Park complained, arguing that they could no longer safely use the park. In late March 2020, city workers from several agencies notified everyone making the park their home that they would have to leave. They were offered shelter at hotels paid for by the city. Ultimately, the police had to forcefully evict those who remained, sparking street protests by homeless advocates. By May, the park was fenced off, renovated, and reopened with the resolution that the city would enforce the "no camping" regulation.

Two years later, the UCLA Luskin Institute on Inequality and Democracy issued a report about what happened to the 183 people placed on the official Echo Park Lake placement list by the Los Angeles Homeless Services Authority (A. Roy et al.). Seventeen were found to have been placed in long-term housing, six died, and the status of the rest of the former residents of the park was unknown. In August of 2022, the city removed the fencing. Service providers and security patrols continue to ensure that unhoused people receive help so that tent encampments do not return to Echo Park ('6 months").

Considering this case study, what political values are evident? The first question is how, as a society, do we provide for housing? Is this addressed through the free market, that is, people are responsible for themselves, buying or renting? Is this addressed through public housing with units provided by the government? Is there a middle ground under which the government subsidizes rents? All three types of economic order are undoubtedly present in the state; the question is, what balance among the three do we prefer? As the price of housing increases in California with the stock of public and subsidized housing in short supply, advocates for people experiencing homelessness in Echo Park argue that residing in the park is a reasonable short-term solution to help address the housing crisis.

Second, the Echo Park camp raises questions of liberty: should people have the freedom to camp where they please? If homeless people are free to camp in the park, does that infringe upon other people's liberty, namely local residents, to use the park for recreation? If so, whose liberty matters more? This is also a matter of equality: do people without housing have as much right to be in the park as local residents? And, drawing upon the concept of positive liberty, perhaps the homeless are best treated by providing them with homes, even if they prefer not to leave the park.

> What do you believe? If you were a member of the Los Angeles City Council in March of 2020, would you have favored removing the homeless people from the park?

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1.3: From Political Values to Political Ideologies and Parties

Developing Your Political Ideology and Partisanship

Return to the first significant political question that every society must ask: What should be done? Political values address this question. How much liberty do you wish? How much equality? How much order? Some people consistently favor one value more than another, and others try to find a middle ground. For example, with issues regarding negative liberty, you may find yourself consistently favoring non-interference by the government, or you may be concerned with rising poverty and want more government interference across various social issues. Perhaps in some areas of policy, you want much more government interference; in others, you want people to be left alone. As you consider the variety of your political opinions, a certain consistency in your thinking will likely emerge. This is your political ideology.

To characterize your political ideology, ask yourself, “What role do you want the government to have in society?” Although there are many kinds of policies, we can identify your political ideology if we select two significant areas: social policy and economic policy. Examples of social issues include abortion and same-sex marriage. Examples of economic issues include taxation, the budget, and environmental regulation. The liberal believes in more government intervention in the economy, including more taxing and spending, but wants less government intervention in social affairs such as abortion. The conservative is the opposite, wanting less government intervention in the economy, with lower taxes and less government spending, but is willing to have the government intervene to regulate personal behavior such as abortion regulation. Libertarians want more freedom in all areas; socialists are the exact opposite, wanting consistent government control. In the middle are the moderates, who seek to balance liberal and conservative ideologies. Of course, you can be more moderate or extreme within each quadrant of Figure 1.3.1.

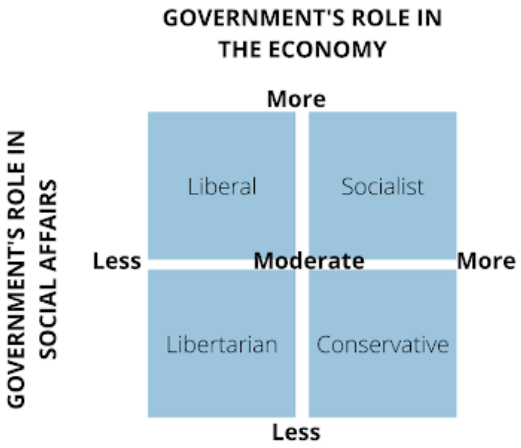


Figure 1.3.1: Political Ideologies (CC BY 4.0, Alexa Johnson)

Once you have determined your political ideology, it is a small step to identify the political party you would prefer. Today, just about all liberals join the Democratic Party, and just about all conservatives join the Republican Party. There is a small Libertarian Party, but there is no explicitly socialist party on our ballot. However, the Peace and Freedom Party and the Green Party have some socialist positions. The evolution of parties in this state will be discussed in greater detail in subsequent chapters.

If you register to vote, you may choose to define yourself as a member of a political party or select “no party preference.” California has a top-two primary system where all candidates are on everyone’s ballots, and the top two winners (regardless of party affiliation) go on from the primary (usually in March) to the general election (November). The one exception is with the U.S. presidential race, in which one or more parties may require you to be registered as a member to vote in their presidential primary (for example, the California Republican Party limits primary voters to registered Republicans). Thus, because you likely care about the U.S. presidential race, it still makes sense to register for a party.

Now that you have a better idea of who you are politically, compare yourself to other Californians. According to a December 2025 survey (Baldassare), about 32% of Californians call themselves liberal, 42% moderate, and 26% conservative. Approximately 46% of likely voters registered as Democrats, 25% as Republicans, 27% as independents, and 2% with a minor party, including the American Independent Party, the Green Party, the Libertarian Party, and the Peace and Freedom Party. More about these parties in a later chapter!

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1.3.1: Developing Your Political Philosophy- A Closer Look

Choices

How should you approach politics? Should you think about each political issue individually, or should you categorize yourself as liberal, conservative, Democratic, or Republican? In this section, let's consider each approach's pros and cons and examine some of the political science that provides guidance about these choices.

There are three choices to make:

1. Develop opinions about issues based on your values. Do not seek to categorize your opinions as comprising a particular ideology.

2. After developing your opinions, categorize yourself as having a particular ideology, such as conservative or liberal.

3. After developing your opinions and identifying your ideology, find a home in a political party and characterize yourself as having a partisan identity, such as Republican or Democrat.

Choice 1: Political Viewpoints Without Ideology or Party

The first choice invites you to treat each issue *sui generis,* as unique and distinct from every other issue. Do the following: consider the relevant values for each issue you may wish to consider. Apply them to the issue and then develop your opinion. For example, consider your belief about borrowing money. If you believe that a person should be careful to borrow money only when necessary, perhaps you would like the government also to spend no more than it collects in revenues, unless it is needed to respond to a national crisis, such as a war. Developing opinions does not have to be a solitary endeavor; you can discuss your opinions with friends and family as you might deliberate about a particular personal dilemma.

There are two advantages and two disadvantages to this approach. First, there is a cognitive clarity to considering each issue individually. Every issue has its own unique set of characteristics arising in particular times and circumstances. For example, consider the virtues and vices of taxes and spending using the specific context, needs, and political demands of the moment. Second, the specificity of the issues helps us better come to agreements with others. We can listen to how each of us understands an issue, reflect on the values in common, and come to an appropriate course of action.

However, this choice does have its problems. Is it wise to focus on issues individually rather than seek a more general approach to politics? Aren't we likely to actually have an implicit general approach to politics anyway, and we should simply be more aware of our own thinking? Secondly, politics is very much a social activity; how do we organize politically to mobilize people to favor candidates, parties, or issues if we reject any broader brushstrokes to characterize our identities?

Choice 2: Adopting An Ideology

The second choice asks you to categorize or label yourself with a political *ideology*. Ideology refers to a world-view regarding politics, establishing a descriptive, analytical, and evaluative framework for understanding politics and your place in the political world. Underlying this choice is the question of whether you like to categorize or label yourself in any area of life. Some types of categories seem ascriptive or fixed; you are a particular nationality, race, ethnicity, etc., But then in many ways these categories resemble labels and beg the question of what does it mean to be...an American, to be African-American, Latino, Asian etc., or to be a Christian, or a Jew, etc.? Nevertheless, other categories are more adopted or perhaps achieved as a designated role; professor, student, engineer, nurse, etc.

Because we can choose our ideology, we may treat political ideology as an achieved category, the result of thinking and generalization about ourselves. Drawing on the discussion in the previous section of this chapter, do you have a consistent set of political values that you apply across many issue areas? Consider different issues and see if your beliefs have an internal consistency. For example, perhaps as you think about the minimum wage, taxes, and government regulations, you would prefer the government to be less intrusive. You may realize that, at least with regard to economic issues, you are a conservative. Use an online survey to help categorize yourself, such as Idealog.org, the Pew Research Center political typology quiz, and Political

Compass.

Is this how most people learn who they are, through thinking about their viewpoints and completing surveys? Political scientists have asked voters how they decide issues, and only about 20% actually use ideological terms such as liberal and conservative to help them make judgments. Instead, voters often consider the benefits and costs of particular platforms and positions, the nature of the times, or simply no issue content at all, such as evaluating the personal attributes of candidates (Lewis-Beck et al).

Yet recent Gallup polls show that most Americans identify themselves as liberal, conservative, or moderate. So, how do we develop our ideologies? Perhaps the adoption of an ideology is not an individual effort at all, but is instead far more ascribed to us by our social circumstances. A mosaic of demographic factors (family, class, location, heritage, etc.) teaches us how to think, value, and vote. We may not be explicitly aware of these influences or understand our own thinking because we've passively absorbed so many attitudes and issue positions over time.

Two advantages become evident upon adopting an ideological approach. First, you can see the forest for the trees, the big picture. Just about everything can fit together in an overarching view of the world: what is, and what should be done. An ideology becomes a tool when you confront new issues. If you believe that the government's role in the economy should be small, then you will greet a new tax proposal with skepticism. Second, common labels create the basis for social bonding; groups form to work together to elect candidates, promote agendas, and mobilize voters.

However, ideology has its drawbacks. Cognitively, imposing an ideological lens on a new issue may distort details and be a poor guide for policy prescriptions. Perhaps, a reflexive attitude against taxes may not be practical in a given situation. It can become too rigid, substituting dogma for analysis. Second, our ideological labels may alienate us from each other. Announce that you are a liberal or a conservative at a social gathering and see how many friends you make. Perhaps half the party reacts negatively to you. On the other hand, if you don't use ideological labels and just grumble about taxes or pollution, popularity may come your way!

Choice 3: Joining a Party

We categorize ourselves as members of parties in both an informal and formal way. Informally, a party is just an identity, like a religious identity without necessarily joining a specific house of worship, or who you consistently root for in a particular sport. Formally, though, when you register to vote, your party registration determines which party ballot you receive (state and national elections are a two-step process in which voters, in party primary elections, choose among candidates within their parties, and then the winners of each party primary run against one another in a second general election in November). Treat joining a party rationally: after determining your issue positions and selecting an ideology, choose the party that most closely fits your ideology.

There are two problems with this approach. Is it accurate to characterize joining a party as a rational choice? Are we explicitly considering preferences when we register to vote? For political scientists, the choice is more accurately characterized as party identification, a lifelong attachment learned from family, and that is likely to be passed on to the next generation. The strongest predictor of your party affiliation is that of your parents (Jennings and Niemi).

There is another problem with selecting a party as a vehicle to promote a particular set of issue positions and ideologies. We are assuming that a party will remain consistent in its ideological approach. However, what if a party is nothing more than an organization that helps its members attain and retain elected office (Downs)? Then, issue positions have no intrinsic value to parties, and they will often shift positions to attract voters. Loyalty to the party and the candidates of the party becomes the primary purpose of parties. Consequently, rather than reflecting your opinions, parties are persuading you to adopt issue positions as a strategy to win elections. You are not thinking independently.

Nonetheless, there are two advantages of joining parties. First, to fully participate in all elections, one has to be a member of a party. However, California and several other states allow non-party members to vote in most, but not all, primary elections. Second, if one takes an idealistic standpoint, parties remain a potent vehicle to elect candidates who want to implement one's policy preferences.

The disadvantages of joining a political party are also evident. Parties may be part of a larger problem, groupthink. Instead of actually pondering the issues, you may be quite passive in your approach. First, for better or for worse, your opinions are shaped by how family, friends, and media socialized you, and then they are manipulated by party leaders to gain your support. Parties no longer represent your values or interests over time; they become vehicles for the ambitious to obtain office. Secondly, like ideology, party membership may alienate us from others. Would you marry someone from a different party? According to a survey by the Institute of Family Studies, only 21% of US marriages are between individuals who don't share the same party

affiliation.

Conclusion

In short, it's complicated. We can develop opinions idealistically, connect them with ideologies, and select the party that best suits our viewpoints. On the other hand, political science has taught us that our beliefs may be less a matter of choice than of circumstances; and the primary goal of parties may be just to win, diminishing their fidelity to consistent policy positions. Nevertheless, while recognizing the limits of ideology and party, the very act of reflecting on our viewpoints, their origins, and how we want to organize them helps us learn more about ourselves. Ironically, recognizing our limitations gives us greater freedom to alter our personal and political circumstances.

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1.4: Debating Who Governs

Who Should Rule?

Let us go from debating what should be done—addressed by our political values, ideologies, and parties—to considering who should decide what should be done. The ancient Greek philosopher Aristotle categorized governments in terms of whether the one, the few, or the many governed. He then considered the virtues and vices of each form and argued that the ideal system is a mixture of all three. Modern political philosophers, such as Karl Marx, argued that we should examine the underlying power dynamics that sustain a formal constitutional structure and ask, "Who really rules?"

The central historical controversy regarding the formal rules and organization of California government is about the balance between representative and direct democracy. Under representative government, the people elect leaders to the state legislature and executive branch who make laws for them. Under direct democracy, the people seize much of this power through the initiative, referendum, and recall processes. To what extent do we trust representatives compared to our fellow citizens to make wise public policies?

The framers of the U.S. Constitution, such as James Madison, believed representatives to be wiser, worrying that the people were often ignorant and emotional. The Progressives in California, who amended the California Constitution in 1911 to allow for more direct democracy, decried representatives as corrupt, arguing that they were the puppets of special interests such as the Southern Pacific Railroad and the oil companies. They believed that a growing educated urban middle class could exercise a wise check on Sacramento politicians (see Chapter 2).

The second debate among political scientists is the question of who really rules. Yes, we have competitive elections that are fairly administered. Yes, we have three branches of government that can check and balance one another and reasonably strong constitutional protections of our civil rights and civil liberties. While just about everyone acknowledged the need for reform in many areas, there are dramatically different perspectives on the power structure behind the constitutional system of representative and direct democracy.

There are three schools of thought. These schools of thought are more like arguments or perspectives rather than theories. The traditional approach is *majoritarianism*; government is "by the people." Leaders are accountable to voters in elections. Most people can and do vote in competitive elections among parties or candidates with diverse points of view. Civil liberties and civil rights may not be perfect, but they provide enough protection for us to characterize California as ruled by the people.

The second approach is called *pluralism*. Pluralists believe that while the people still have a say, primarily organized interests run California. These organized interests include labor unions, large businesses, and influential citizen groups. They propel candidates into office, and their support is crucial for bills to survive the legislative process. Groups mobilize their members and persuade the electorate to support their positions.

The third argument is more cynical; it is called *elitism,* the idea that the government reflects the will of wealthy people. A political class has concentrated power in society and manipulates the electorate to stay in power. The rules of the game are "rigged," for example, drawing legislative districts to ensure that politicians are reelected. The expense of campaigns keeps poor people out of the political process. The constitutional system is simply a way to co-opt the people so they do not revolt.

Political scientists argue about who really rules: the majority, the special interest groups, or the elite. As we study each aspect of California government, we will marshal evidence for each position, and you can decide for yourself. As participants in the political system, the question is important: why bother voting if the elite are actually in charge? Is it better to join an interest group to make a difference? Perhaps the elite may sometimes make better decisions than those who may become an unthinking mob.

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1.5: Organizing the Study of California Politics

Systems Theory

So far, in this chapter, we have examined political values and how they shape political ideologies and party positions. Then, we introduced debates about who should decide policy, considering direct and representative democracy and their underlying power structures. As we study politics, we observe so many phenomena that it is helpful to organize our study of politics further.

Political scientists use systems theory as a better way to organize their inquiries. Systems theory conceptualizes a subject of study as including three parts: inputs, an exchange mechanism, and outputs. Many areas of life are systems, such as the human body's functions, the lake's ecology, or the sale of cheeseburgers at a local restaurant. Politics is a system composed of the people, linkage institutions, policymaking institutions, and policies. Linkage institutions, such as voting, parties, interest groups, and campaigns, connect the people (as represented by political culture, beliefs, and ideologies) to policymaking institutions, including the legislative, executive, and judicial branches that make laws that impact us. See Figure 1.5.1.

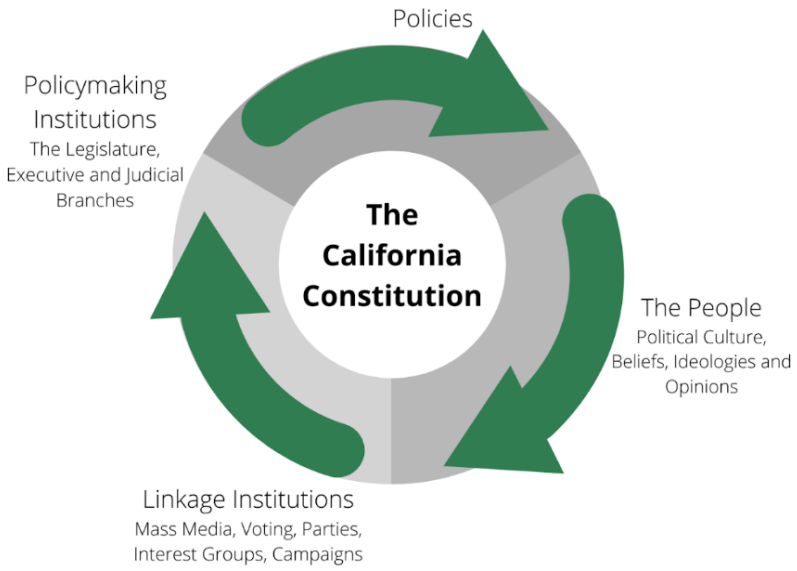


Figure 1.5.1: The Political System (CC BY 4.0, Alexa Johnson)

Using systems theory, we can study how political phenomena interact, how the parts of the system create the whole, and how the whole system impacts the parts. For example, whether we vote is based on our confidence in our abilities to understand politics and on our confidence that our votes make a meaningful difference. Political parties organize our thoughts, organize elections, and organize legislative politics. Effective leaders both follow and lead public opinion.

This text is organized according to systems theory. First, we will study the rules that organize the system: the California Constitution and federalism. The California Constitution organizes the relations among people, policymaking institutions, and policies. Federalism, established by the US Constitution and national law, situates California politics within the larger American context. Key court cases and laws about civil liberties and civil rights will also be discussed. Second, we will study how we actively involve ourselves in politics, developing our public opinion, voting, and joining interest groups and political parties. Third, we will examine policymaking institutions and focus on how to address current issues and challenges facing our state.

I welcome you to our study of California politics.

For Further Inquiry

1. Many excellent websites investigate contemporary California politics and policy. Survey two sites: Calmatters.org and the Public Policy Institute of California. Select one issue of interest to you. Evaluate the tradeoffs among political values when considering what is best to do regarding the issue. Consider liberty, equality, and order, considering how you define each value.
2. To ascertain your political ideology, find an online survey that will accurately pinpoint your political ideology after you answer quite a few questions. For example, the Pew Research Center survey is a good one. See their accompanying articles about political ideology, too. You will notice that they identify several more specific typologies than those discussed in this chapter. Do you believe that the survey accurately defined your ideology?
3. Go to the California Secretary of State's voter registration page to register to vote in California. You may also pre-register to vote if you are sixteen or seventeen. This will make you automatically able to vote when you turn eighteen. The deadline to register to vote is fifteen days before an election. However, you may vote with a provisional ballot on the day of the election, after which your residency is verified before your vote is counted. Did you find the process easy? How could it be improved?
4. Go to the Secretary of State of California website and examine some of the proposed ballot measures that proponents are promoting throughout the state. Some may be at the stage where signatures are being gathered by petitions. Others may have cleared this hurdle and be ready to be put on the ballot. Do you believe they belong on the ballot, or would they be better addressed by the legislature or judges? You may also want to look at some of the historical propositions for comparison.

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2: CALIFORNIA CONSTITUTIONAL DEVELOPMENT

2.1: Introduction

2.2: The Constitution of 1849

2.2.1: The Impact of the Constitution of 1849 on Native Americans

2.2.2: The Impact of the Constitution of 1849 on African Americans

2.2.3: The Impact of the Constitution of 1849 on Chinese Americans

2.3: The Constitution of 1879

2.4: The Progressive Reforms

2.4.1: The Impact of Economic Growth on California Politics

2.4.2: Impact of Constitutional Developments on Women

2.4.3: Reform under the Progressives

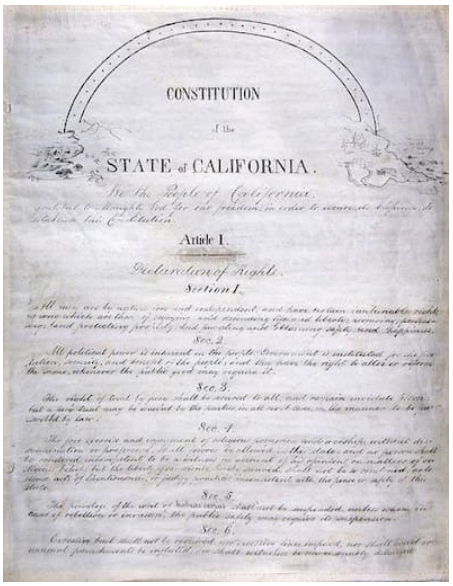
2.5: For Your Consideration: What is Your Constitutional Philosophy?

2.6: Summary- Making Sense of California Constitutional History

2.7: Works Cited

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2.1: Introduction


CONSTITUTION

of the

STATE of CALIFORNIA.

We the People of California

Article I.

Declaration of Rights.

Section 1.

Sec. 2.

Sec. 3.

Sec. 4

Sec. 5.

Sec. 6.

Figure 2.1.1: A photo of the original California Constitution from 1849 (public domain; Zscout370 via Wikimedia)

Learning Objectives

- To describe how the Constitution of 1849 established the basic framework for state government.
- To analyze the impact of the Constitution of 1849 and the political events of this era on Native Americans and African Americans.
- To examine how the events of the 1870s, in particular, increasing prejudice against Chinese Americans, led to the replacement of the Constitution of 1849 with the Constitution of 1879.
- To analyze the political reforms of the Progressive Era in California, including the fight for women's suffrage.
- To evaluate California's constitutional history with regard to the question of who rules.

Introduction

Novelist William Faulkner wrote, "The past is not dead. It's not even past." The choices that we make today are framed and constrained by the past. Just as we better understand ourselves by learning about family history, we better understand California politics by studying its history. Let us focus on California's constitutional development in this chapter.

A constitution is an act of political creation. People join together in a social contract to create a political community. A constitution establishes the organization of government, its powers, and the rights and responsibilities of the people. It provides the foundational answers to such questions as who should rule and what political values should be promoted. Using the standards for democracy asserted by Abraham Lincoln in the Gettysburg Address in 1863, do we actually have a "government of the people, by the people, and for the people?" Or do we invite some, but not all, to the political table? Our study of California constitutional development examines how the 1849 and 1879 Constitutions and the Progressive reforms following the 1910 elections shape our institutions and policies.

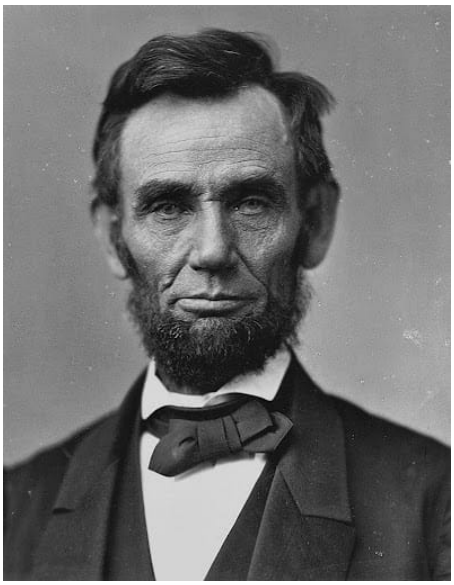


Figure 2.1.2: Abraham Lincoln (public domain; FMSky via Wikimedia)

The timeline (Figure 2.1.3) shows the critical shifts in California's constitutional development in the modern era, beginning with thousands of years of Native American history followed by the comparatively brief Spanish and Mexican periods. In 1769, the first Catholic mission in California was established in San Diego. Only two generations later, in 1821, Mexico achieved independence, but its control of California was short-lived. After the Mexican-American War, American control of California began with US occupation in 1846. The origins of today's political system started with the state of California's first Constitution, the Constitution of 1849. This Constitution created California as a distinct political community within the United States. Thirty years later, discontent with political corruption and anti-Chinese prejudice led to the Constitution of 1879, our current governing law. Then, a generation later, further dissatisfaction with corruption led to the election of Governor Hiram Johnson followed by the Progressive reforms of 1911, adding direct democracy to our representative system. These three constitutional developments shape California's government and politics. Let us examine each one.

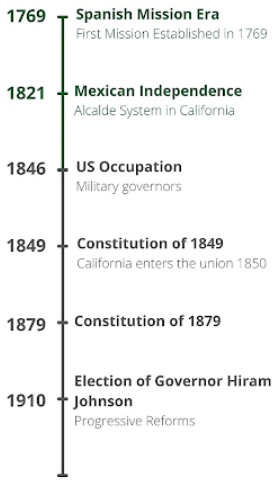


Figure 2.1.3: Timeline of Constitutional Change (CC BY 4.0; Alexa Johnson)

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2.2: The Constitution of 1849

> "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy." (Article 1 of the California Constitution)

The Origins of Our State Government

It was 1849. The Mexican War has ended, and American troops occupied California. Most people believed that the state would join the United States. The military governed California as temporary administrators using existing California laws originating from Mexico. General Bennett Riley, the military governor, called for a constitutional convention to meet in Monterey on September 1 (Saunders 450).



Figure 2.2.1: Colton Hall, now a museum, Monterey, California (CC BY-SA 3.0; McGhiever via Wikimedia)

At Colton Hall, forty-eight delegates debated a constitution that the California people would then ratify. Most delegates arrived in California recently, and only eight were Latino. Delegates wanted to write a constitution based on American law by following the example of other U.S. states. Any vestige of Mexican law would be an exception.

They began the California Constitution with a Declaration of Rights that closely followed the U.S. Bill of Rights and the declarations of rights of other state constitutions to protect civil liberties. Slavery was not allowed. There was little conflict about this. Abolitionist sentiment in California was high, and the Convention was dominated by miners who did not want to compete with southerners bringing enslaved people to the goldfields (Broussard).

The second Article of the Constitution discussed voting rights. There was agreement that all white males, Americans, and *Californio*s (Mexicans that remained in California) should have the right to vote. *Californio* delegates wanted to follow Mexican customs and allow Native Americans the right to vote. However, the majority rejected this motion, so it was referred to the future state legislature, where it failed.

The following articles established a government of three branches—legislative, executive, and judicial—emulating other state governments. As in many other states, the governor and other executive officers are elected directly by the people. Additional articles mandated the creation of local school systems, reduced California's size dramatically by fixing California's eastern border near the Sierra Nevada Mountains instead of in present-day Utah, and created local elections for tax assessors. The delegates debated and agreed to retain the Mexican civil law of allowing women to retain sole ownership of property acquired before or during the marriage.

On October 12, 1849, the delegates signed the Constitution. California voters ratified it on November 13, 1849, albeit with a low turnout, with 12,061 in favor and 811 opposed (Saunders). The U.S. Congress accepted California into the union on September 9, 1850. The Declaration of Rights and the organization of the government into three branches remain the foundation for California government today.

Let us go beyond the organization of government established by the Constitution of 1849 and examine how the Constitution impacted Californians. Many prospered, but by the 1870s, economic turmoil led to calls for a new Constitution. Moreover, this era was marked by racial prejudices against Native Americans, African Americans, and Chinese Americans.

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2.2.1: The Impact of the Constitution of 1849 on Native Americans

The Collapse of the Native American Population in California

The population of California dramatically increased after 1849. At the end of the Mexican War, there were about 150,000 Native Americans and 12,000 non-Native Americans, with a majority of the latter, *Californios,* ranching and farming what was once considered a distant and quiet province of Mexico. After admittance to the US, the US census records the following (See Table 2.2.1.1):

Table 2.2.1.1: Population Growth in California

Census Year	Population of California
1850	92,597
1860	379,994
1870	560,247
1880	864,694

Source: US Census

During this time, Native American tribes suffered steep declines in populations through murder, starvation, disease, and displacement. By 1870, only about 30,000 survived (Madley 659). Essentially, as the non-Native population increased by 600%, the Native American population decreased by 80%. Coercive labor practices often exploited California Indians.

We are accustomed to thinking in terms of freedom and slavery, free states and slave states. California is a free state, according to the Compromise of 1850. The reality of labor relations is historically quite a bit more nuanced. The variety of legal and informal ways that California coerced Native Americans shows that forms of forced labor and indentured servitude that resemble formal slavery were still very much present during this period.

Historically, the Spanish and then Mexican law forced many Native Americans to work as agricultural labor, often using a “debt peonage” system; they had no choice but to work to pay what they owed to the *rancheros* (Madley). The US military governors continued Mexican practices while awaiting constitutional change. *Rancheros* could hold Native Americans as labor unless they chose to release them to another employer: “All Indians must be required to obtain employment and not permitted to wander about an idle and dissolute manner, if found so doing, they will be liable to arrest and punishment, by labor on the Public Works, at the discretion of the Magistrate” (Madley 633).

White militias supplied more agricultural labor by attacking Native American villages and pressing prisoners into servitude. Authorities usually paid no heed to the atrocities of kidnappers and killers. The murder of parents to sell their children into slavery was commonly reported in the early 1860s.

In 1847, California instituted a statewide pass system for employed Native Americans. Those who objected, such as the United States Indian Affairs Commissioner Edward Beale, could do little without support from local authorities. Every Native American had to show a certificate regarding who was employing him, and an unemployed Native American needed to acquire a passport.

The *New York Herald* recounted a correspondent sent to report on the gold rush in 1848 describing an Ohlone Indian "...kept in a kind of slavery and bondage by the rancheros, and often flogged and punished. Their {sic} performing all the drudgery and heavy labor, leaves but little demand for laborers of white complexion" (Madley 638).

Upon statehood, the California legislature denied Native Americans the right to vote and legalized Native American convict labor. When convicted of minor crimes such as vagrancy, Native Americans would be forced into the service of a white employer. Impressment was usually around harvest time. "Los Angeles had its slave mart," attorney Horace Bell wrote. A Native American could not testify against a white man if he questioned his servitude.

In 1865, the Thirteenth Amendment to the US Constitution banned slavery and indentured servitude. When Governor Henry Haight persuaded the legislator in 1867 to allow Native Americans to testify in court, they could now testify against kidnappers, giving them more protection from forced servitude. California did not formally abolish convict leasing until 1937 (Madley 661).

In 1850, the US government negotiated eighteen treaties in which Native Americans relinquished claims to land in exchange for 8.5 million acres of reservation land. The California legislature attacked the treaties as taking good land from whites, and they were defeated in the US Senate in 1852. Although much smaller reservations were set aside by the federal government over the next several decades, they were far too small to sustain large numbers of people. In summary, one of the foundational acts of this state was Native American genocide (McWilliams 53).

For Your Consideration

History is both a record of what happened in the past and a subjective understanding of our heritage, a story we tell ourselves about who we are and how we came to arrive at the present. Much of history-telling is explicitly told to students from a young age. History is also taught to the public in the form of government memorialization. We explicitly or implicitly ennoble, ignore, or villainize historical figures with the names of our streets, schools, and public buildings, the monuments we commission, with state and local holidays, and with parades, festivities, and commemorations.

Since the beginning of the modern-day civil rights movements of the 1960s, there has been a more significant effort to teach honest history. Our textbooks are much more inclusive than they were in earlier periods. However, public history has often lagged behind these efforts. In the last few years, monuments to historical figures that elicited widespread admiration, such as to Father Junipero Serra, are now more controversial as the actions of the people that they memorialize are being questioned for their ethics (See, for example, this analysis of Father Serra.)

With regard to Father Serra, he is, on the one hand, a Catholic saint; on the other hand, as the one who is most often credited with spreading Catholicism in eighteenth-century Spanish California with the mission system, he is criticized for helping to conquer, enslave, and decimate Native American tribes up and down the coast of California. There are monuments to Father Serra in many places in California. What would you do if you were on a city council and residents came to you asking for his monument to be removed? How would you decide?

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2.2.2: The Impact of the Constitution of 1849 on African Americans

Racism in post-1849 California

How were African Americans treated during this time? One might think that California would not have the racism of other states. After all, the first Spaniards to settle in Los Angeles in 1769 had mixed Native American and Spanish heritage (Moss 222). The 1849 Convention banned slavery (Grodin et al. 12). Moreover, as part of the Compromise of 1850, California entered the Union as a free state. It might follow that African Americans would enjoy economic opportunities and liberties promised "to all men" by the Declaration of Rights in the 1849 California Constitution. Sadly, this was not the case.

First, the Convention of 1849 is better characterized as anti-slavery *and* anti-African American. Miners were worried that African Americans brought here by their owners either as enslaved people or as contract labor would be used to work gold claims and thereby push out white miners. Thus, the Convention debated a motion to ban all African American immigration but thought better of it because this might impede joining the Union (Grodin et al.12).

Second, part of the Compromise of 1850 that brought California into the Union included the Fugitive Slave Act. States were obligated to find and enslave African Americans who escaped from southern states. The California government even passed its own Fugitive Slave Act in 1852. The first governor, Peter Burnett, preferred that all Black people be removed from California (Wee). Nevertheless, enslaved people sued for their freedom in California courts. One of the most famous cases was that of Biddy Mason, brought to California by Mormon settlers. When they wanted to return to Texas, Mason fled and then persuaded a state court to free her in 1856. She went on to work as a midwife in Los Angeles, and as she invested in real estate, she became quite wealthy. Mason helped establish the First African Methodist Episcopal Church of Los Angeles in 1872 ("Bridget 'Biddy' Mason").



Figure 2.2.2.1: Portrait of Biddy Mason (CC BY-SA 4.0; Levy Clancy via Wikimedia)

Third, African Americans did not have the same rights as whites. Suffrage was reserved for white men. Like Native Americans and Chinese Americans, they could not testify in court if the case involved white defendants or plaintiffs. Four "Conventions of Colored Citizens" (1855, 1856, 1857, and 1865) met to consider African American rights and petitioned the state government to overturn discriminatory laws. In 1863, with Republicans controlling the state government, African Americans won the right to testify.

However, when Democrats were in control of the statehouse and the Courts, African American rights languished. The Sacramento legislature rejected the Fourteenth Amendment (ratified in 1868 nationally) and the Fifteenth Amendment (1870). State courts ruled that school segregation was constitutional (*Ward v. Flood,* 1874), as well as segregated public accommodations such as streetcars. No laws protected African Americans from employment and housing discrimination. In short, for the relatively small

population of African Americans in California (4,000 in 1860), the Constitution of 1849 was a set of rights for white men, with only some piecemeal civil rights improvements during this period. Jim Crow was alive and well in California (Hudson 2020, chap. 1).

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2.2.3: The Impact of the Constitution of 1849 on Chinese Americans

Prejudice against Asians

How shall the immigrant be treated? More specifically, how should the non-citizen be treated under the law? Suppose a nation professes to establish that people possess natural rights. Are these rights extended to the immigrants it invites to labor in its fields, dig in its mines, and lay track across the mountains for the transcontinental railroad? The delegates at the 1849 Convention pondered this question when confronted with whether to adopt the following amendment:

> "No **member** of this State shall be disenfranchised, or deprived of any of the rights or
>
> privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.
>
> Mr. Botts moved to strike out the word "member" and insert "citizen...
>
> ...Mr. Norton suggested the word "inhabitant....
>
> Mr. Hastings: ...Whether it is designed or not, the adoption of this section of the bill of rights would secure to certain classes, Indians and Africans (if Africans are ever introduced here,) precisely the same rights that we ourselves enjoy...The word "inhabitant" would not be proper. Indians are inhabitants but do not enjoy those privileges in any portion of the United States; they are disenfranchised.
>
> ...Mr. Botts withdrew his amendment" (Report of the Debates of the Convention of California 35-36)

This exchange shows the intent of the majority of the delegates. The Convention defined the scope of equality, democratic participation, and natural rights as only applying to those groups in California considered citizens, leaving the Native American, Black, and Chinese residents with few legal protections.

As Chinese immigrants arrived in California in the late 1840s, they found that the new Constitution gave them few rights. Fleeing the war and disruption of the Taiping Rebellion and hearing of the "Gold Mountain" in California, Chinese immigrants arrived in California to find their fortune. Many were able to make their way across the Pacific by promising to work for mining companies in exchange for the cost of their passage. By 1852, about ten percent of the non-Native population in California were Chinese. Angry with the competition from these Chinese miners working to pay off their tickets, non-Chinese miners lobbied the California legislature in 1852 to pass a foreign miners' license tax of $3 a month, about 50% of what a miner earned a month. This tax was only levied on Chinese and Latin American miners.

Over time, Chinese immigrants settled in California cities and towns. Because only white people could become naturalized according to the Naturalization Act of 1790, the Chinese could not protect themselves through the vote. In 1854, in *People v. Hall,* the California State Supreme Court ruled that Chinese people could not testify in court "either in favor of, or against a white man." In 1863, Chinese children were excluded from public schools ("California Anti-Chinese Legislation, 1852-1878").

The railroad kings (Collis P. Huntington, Leland Stanford, Charles Crocker, and Mark Hopkins) organized the Central Pacific Railroad to build the western half of the transcontinental railroad in the 1860s. They recruited 30,000 Chinese laborers from California and China to clear the rock, build the trestles, and lay the track across the Sierra Nevada and through the desert until the line joined the Union Pacific track at Promontory, Utah, in 1869.

As the 1870s began, Chinese Americans benefited from the Reconstruction-era federal laws. Federal courts ruled that the Fourteenth Amendment applied to non-citizens: San Francisco could not cut off male inmates' queues (waist-length hair braid). Discriminatory taxes, such as the miners' tax, were abolished because they violated the Civil Rights Acts of 1870, which allowed the federal government to enforce the Fourteenth Amendment.

However, anti-Chinese attitudes remained severe in California, fueled by prejudice, as more Chinese immigrants came to the state. The worst manifestation of this prejudice occurred on October 24, 1871, when a mob of five hundred murdered nineteen residents of Los Angeles's Chinatown in reaction to the injury of a police officer and the death of a white man who had come

to his aid (“Forgotten Los Angeles History”). When California plunged into a recession after the Panic of 1873, many California whites blamed rising unemployment, low wages, and generally poor business conditions on the Chinese Americans’ willingness to accept low wages either individually or as part of China’s immigrant labor contract systems. Anti-Chinese public demonstrations in California and harassment and intimidation of Chinese Americans became very common.

Many Californians believed that wealthy interests used Chinese immigrants to keep laborers poor. Led by Dennis Kearney, the Workingmen’s Association of California was formed in the summer of 1877. It aimed its wrath at two foes: the monopolies and the Chinese. The party’s slogan was “The Chinese must Go!” This rallying cry led to various discriminatory measures at the Constitutional Convention of 1878-1879. Without the vote, Chinese Californians did not have the political power to help protect themselves from discrimination (Rawls and Bean, pp.191-97).

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2.3: The Constitution of 1879

A New Constitution

Recall the central principles of American constitutional thought: the Lockean social contract based on natural rights and the Madisonian notion of countervailing political power by separating powers and checks and balances among government branches. These fundamental concepts, narrowly defined to fully apply only to white men, motivated California's constitutional reform in the 1870s. The logic was straightforward: just as one branch of government can check another, the government should grow in power to check corporations, especially the railroads.

Nationally, it was a time of ferment and activism. As the country was modernizing, farmers found themselves at the mercy of predatory railroad companies who exercised monopoly power over fares for freight costs. The National Grange of the Order of Patrons of Husbandry (the Grangers) helped pass laws in several states to regulate railroad rates and establish railroad commissions. California small farmers wanted to do the same to limit the power of the Central Pacific (which controlled some 85 percent of railroad tracks) to set freight prices. Moreover, farmers bore a disproportionate share of the tax burden because much of the land held by railroads and banks was exempt from taxation (Lustig 50).

The United States tumbled into a recession after the Panic of 1873, a banking crisis that led to the nationwide collapse of many banks and thousands of businesses, with the consequence that unemployment dramatically rose. In the largest city in California, San Francisco, Kearney's Workingmen's Association grew rapidly, blaming the Chinese for the sudden high unemployment of their heavily Irish immigrant members. At every meeting, they shouted: "The Chinese must go!" The party quickly spread across the state, putting political pressure on Sacramento to call for a constitutional convention to address the perceived problems of monopoly, unfair taxes, and Chinese immigration.

One hundred fifty-two delegates met in Sacramento in the fall of 1878. One hundred twenty were elected, three per senatorial district, and the remaining thirty-two were at-large delegates. Fifty-one were from the Workingmen's Party, with the remaining majority being Democrats and Republicans. Their intent was straightforward: they believed that the legislature created by the 1849 Constitution failed to safeguard the rights of California workers and small farmers. Therefore, the Convention must step in and directly add laws to the Constitution to address needed policy reforms.

The Convention successfully passed several reforms, creating a Board of Equalization to equalize tax rates across the state and a railroad commission to check the monopoly power of the Central Pacific to set rates. Workers' rights included an eight-hour day for public employees, limits on convict labor, and the abolition of debtor's prison. Then the delegates turned on the Chinese, writing an entire article of the Constitution (Article XIX) to persecute one group:

> "No corporation now existing or hereafter formed under the laws of this State, shall, after the adoption of this Constitution, employ directly or indirectly, in any capacity, any Chinese or Mongolian...No Chinese shall be employed on any State, county, municipal, or other public work."

The Convention delegates knew that the anti-Chinese language in the new Constitution violated federal law, especially the Fourteenth Amendment. They argued at the Convention that the federal government should not have jurisdiction over this issue because the "reserved powers" set forth by the Tenth Amendment allow California to discriminate (Willis 635). It is unsurprising, however, that federal courts quickly overturned the enforcement of Article XIX (Scheiber). Then, as the Jim Crow years began nationally, opponents of Chinese immigration successfully pressured the US Congress to ban almost all Chinese immigration with the Chinese Exclusion Act of 1882.

The Convention ended on March 3, 1879. Railroads, mining interests, and water and gas companies spent three million dollars trying to defeat the Constitution's ratification at the polls. However, on May 7, the voters ratified the new Constitution, 77,959 to 67,134 (Lustig 61).

If the purpose of the new Constitution was to control private power, it was clear that its policy reforms were failures. A state constitution does not operate within a vacuum; it is a creature of national political and legal forces. The Central Pacific Railroad (merged with the Southern Pacific in 1885) gained political control over the railroad commission. The US Supreme Court declared that corporations were legally to be considered "people" and, therefore, possessed property rights that limited government regulations over them. The desired reforms of the 1870s would not be accomplished until the Progressive era, a generation later

(Rawls and Bean 198-200).

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2.4: The Progressive Reforms

Direct Democracy Reforms the 1879 Constitution

After the Constitution of 1879, several trends propelled California toward adopting many of the nationwide reform efforts that historians collectively characterize as Progressivism or the Progressive era. First, California's rapid population growth, economic development, and incorporation into the national economy established the preconditions whereby progressive ideas gained a following in California. Second, just as California's politics reflected national trends, the gender politics within the state also reflected the more prominent national struggles regarding this issue. Third, the Constitution of 1879 provided a historical precedent for progressives' open-ended reforms of California politics. When social and economic forces in opposition to the railroad grew in strength, the Progressives succeeded. Let's examine each of these trends.

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2.4.1: The Impact of Economic Growth on California Politics

Prosperity and Reform

Between 1880 and 1810, California's population nearly tripled.

Table 2.4.1.1:*Population Growth*

Year	CA Population
1880	864,694
1890	1,213,398
1900	1,485,053
1910	2,377,549

Source: U.S. Census

Until the early 1900s, the California economy primarily focused on agriculture and mining. With the transcontinental railroads inexpensively connecting California to national markets, California became much more integrated into the national economy. Agricultural production began with wheat and livestock and, increasingly, by the late 1880s, many kinds of fruits and vegetables. Farms were large "factories in the field," employing thousands of laborers who migrated from farm to farm up and down the state. Manufacturing in California lagged behind the rest of the country until World War I (Rhode 11).

Nationally, the late nineteenth century became known as "The Gilded Age," when bankers and industrialists dominated politics by controlling Congress with bribery and political favors. The federal government helped exacerbate this oligarchic system by giving vast amounts of land to the railroads to develop transcontinental and intrastate lines. These bequests included prime farmland along each line, making the railways the largest private landowner in California. The "Octopus," as the Southern Pacific was called by its critics, controlled the state legislature through bribery and favors (Rawls and Bean 232). Although it mostly ensnared the Republican establishment (dominant nationally), party affiliation did not matter so much as simple loyalty or patronage to the railroad.

Just as the federal planning and funding of the railroad created the "Octopus," national trends were its undoing. The Progressive movement in the early 1900s had many incarnations; one manifestation was the presidency of Theodore Roosevelt, who ran his campaigns and his presidency (1901-1909) on a progressive Republican platform to oppose the power of monopolies and political machines. In California, Progressives were intent on promoting more popular control of government using mechanisms of direct democracy and the regulation of monopolies by government bureaucracies. Progressive demands were similar to those voiced by populists in the 1870s; the difference was that twenty years of California growth had created a much larger middle and working class with much more electoral clout.

The three elements of direct democracy, the initiative, the referendum, and recall, were first added to the charter of Los Angeles in 1903. Then Lincoln-Roosevelt Republican leagues sprang up statewide to oppose the old Republican machine. By the end of the decade, Hiram Johnson was touring the state as the progressive Republican gubernatorial candidate touting reform, namely to "kick the Southern Pacific Railroad out of politics" (Rawls and Bean 261). Governor Johnson would introduce significant reforms to the California government after his election in 1910.

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2.4.2: Impact of Constitutional Developments on Women

The Slow Growth of Women's Rights

The thread of women's rights history in nineteenth and early twentieth-century California began at the Convention of 1849 when there was a short debate among delegates regarding whether inheritance laws should follow Mexican precedent or shift to American practices. Under Mexican law, a woman retained ownership of property acquired before marriage and gained community property acquired during the marriage. In contrast, American law at the time made men the sole owner of women's property acquired before marriage. The lack of community property statutes also meant that a woman had to assert claims to property in probate court if she were widowed and there was no will. The Convention of 1849 opted to retain the Mexican system, perhaps out of deference to existing practices and to attract women to emigrate to California (Schuele 170). However, over the next several decades, subsequent laws and court cases undermined this constitutional provision. They brought California inheritance laws in line with standard practices in the rest of the US. Efforts to improve women's property rights were already underway nationally, and in 1872, a new civil code in California allowed women to have control of property acquired before marriage.

The national struggle for women's suffrage began with the Seneca Falls Convention in 1848 and did not succeed nationally until the Nineteenth Amendment to the US Constitution was ratified in 1920. The struggle for suffrage also occurred within each state. The territory of Wisconsin was the first to give women the right to vote in 1869. The California Woman Suffrage Society was founded a year later. Petitions by suffragists to Sacramento legislators received press attention. Laura de Force Gordon's testimony in 1870 before a senate committee was reported favorably with the words, "None could deny the eloquence of this lady..." (Shuele 179). However, proposals for suffrage were defeated. One small success occurred in 1874, with women gaining the right to be elected to school boards and to become superintendents. By the late 1870s, women's rights groups were not as well-organized, and as a consequence, there was no strong effort to lobby for suffrage at the Convention of 1878. The issue was briefly debated and rejected.



Figure 2.4.2.1: Clara Shortridge Foltz. (public domain; Scewing via Wikimedia)

The Convention of 1879 improved the status of professional women. Supported by the California Bar Association, women's rights advocates Laura de Force Gordon and Clara Shortridge Foltz persuaded the legislature in 1878 to allow them to join the Bar. Then, at the Convention, they successfully secured and broadened this change to include a provision stating that no person is disqualified from "any lawful business, vocation, or profession on account of sex" (Schuele 192).

As California grew in population and developed economically and socially, women's clubs formed in many parts of the state. Many of these clubs went beyond social roles to support civic and political reforms, including helping to alleviate poverty, prohibit alcohol, and promote women's suffrage. Women's clubs successfully pressured the Republican Party to support suffrage in 1894.

During a time of intense party competition, Republicans viewed suffrage as a way to attract more support. In 1896, the majority Republican legislature placed a referendum on the ballot for the enfranchisement of women. Suffrage groups campaigned hard throughout California for its passage, but the measure failed. Voters, especially in San Francisco, were afraid that the enfranchisement of women would mean greater success by the temperance movement to limit or ban liquor.

Disappointed and demoralized, the women's clubs retreated from the suffrage fight for several years. However, California was rapidly changing, and by 1905, the conjunction of a rejuvenated suffrage movement with the rapid growth of the Progressive wing of the Republican party led to success. Suffragists, such as Lillian Harris Coffin of the California Club, adopted an explicitly party-oriented strategy of working to secure the endorsement of suffrage by all political parties, which, with the exception of the Republican Party, they were able to achieve in 1906.

In 1908, delegates to the Republican Party state convention again rejected women's suffrage and did not adopt the Lincoln-Roosevelt League progressive reforms. The suffrage and progressive movements now had a common cause to work together; both advocated for "good government" and new policies to address the ills of modern-day society, and both opposed the machine politics that foiled reform efforts and disenfranchised women. When progressive Republican Hiram Johnson won the Republican nomination for governor, he promised that suffrage would be one of the reforms brought before the California people by referendum.

Suffragists did not limit the campaign for suffrage to their middle-class supporters. They contacted unions, such as the Woman's International Union Label League, and worked hard for labor issues, especially the eight-hour day. In return, labor unions lobbied the state legislature in 1911 to support the suffrage referendum and mobilized the male working class.

On October 10, 1911, the progressives led by now Governor Johnson placed twenty-three proposed amendments before California voters to break the corruption of machine politics. Among them was Proposition 4, women's suffrage. It passed by a margin of two percent; its victory narrowly won with more working-class support than in 1896 (Gullet chap. 4).

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2.4.3: Reform under the Progressives

Governor Johnson's Agenda

On January 3, 1911, Governor Johnson set out his reform agenda in his inaugural address. He argued that the purpose of government is to achieve the good of the people as directed by the people. Too often, since the Constitution of 1879, private interests have defined the public policy interests of the California government. For the government to live up to the ideals of American democracy, the Governor and his progressive coalition sought changes in three areas: first, in the electoral arena, the people should have more of a role in selecting candidates through primaries. Second, the role of the people to directly propose and make laws should be expanded through the addition of three mechanisms of direct democracy: the initiative, the referendum, and the recall. Third, the government should actively regulate private interests, especially those with monopoly power.

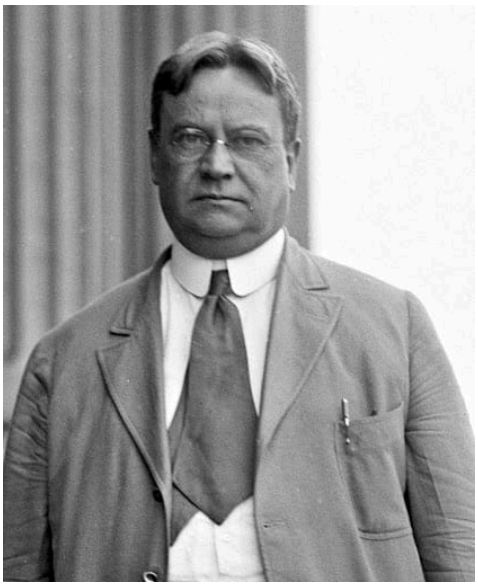


Figure 2.4.3.1: Governor Hiram Johnson (public domain; Flamehorn via Wikimedia)

Under the Constitution of 1879, the legislature had the power to submit changes to the California Constitution through the referendum process. On October 10, 1911, the Progressives submitted twenty-three amendments for the approval of Californians in the special election. Of note are the following (Statement of the Vote of California, 1911):

1. Direct Primaries: Selection of party nominees for general elections by voters themselves
2. Women's Suffrage
3. Voters can directly place initiatives and referenda on the ballot
4. Voters can recall public officials
5. The legislature can create a system of workers' compensation insurance
6. The state railroad commission can regulate companies as public utilities

In his inaugural address, Governor Johnson stated:

> "I do not by any means believe the initiative, the referendum, and the recall are the panacea for all our political ills, yet they do give to the electorate the power of action when desired, and they do place in the hands of the people the means by which they may protect themselves."

The Progressive Reforms of 1911 ended the power of the Southern Pacific Railroad to control California politics. Advocates of direct democracy argued that the legislature itself needed to be checked and regulated by the people through the initiative, the referendum, and the recall. Each device has specific procedures:

Table 2.4.3.1: Progressive Reforms of 1911 (Rules regarding the Initiative, Referendum, and Recall, Source: Secretary of State of California "Ballot Measures")

Mechanism of Direct Democracy for Statewide Elections	Procedure
The Initiative	*Initiative Statute*: Placed on the ballot by a petition signed by 5% of the voters in the last gubernatorial election. The initiative passes by a simple majority of voters. *Initiative Constitutional Amendment*: Placed on the ballot by a petition signed by 8% of the voters in the last gubernatorial election. Passes by a simple majority of the voters
The referendum	*Popular referendum*: voters repeal an existing law, same procedure as an initiative *Legislative referendum*: measure approved by ⅔ of the legislature and then by a simple majority of the voters (already present in the Constitution of 1879)
The recall	12% of the number of voters in the last gubernatorial election must sign the petition, a simple majority of voters to recall

The Progressive reforms of 1911 added direct democracy to the Constitution of 1879. It allows the people to make policy directly to circumvent the state legislature and Governor. In the 1912 to January 31, 2024 period, 2,147 initiatives were circulated. Of the 396 that qualified for the ballot, 137 were approved, 54 of which were constitutional amendments ("Secretary of State of California Ballot Measures Summary Data").

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2.5: For Your Consideration: What is Your Constitutional Philosophy?

Introduction

Imagine that you learn that when you wake up tomorrow morning, you will have no memory of who you are. Perhaps your doctor tells you news of some obscure neurological problem, or maybe you fear some ancient curse will befall you. You want to leave a note to yourself to quickly erase this amnesia so you can continue with your life. What would you say to your future self? What would be important? Who do you love? What are your values? What matters? Where is the kitchen?

Now, imagine that instead of a single person, we wish to continue the identity of a group of people over many generations. Babies are born, young people grow up, age, and die, but the group remains the same. How could this feat be accomplished? Would there be some master book that everyone memorizes, a set of cultural practices taught to the next generation, or a set of rules that are enforced? And if one generation changes the rules, rewrites the book, or alters the rituals, will the group still have the same identity? How much change is allowed before we can say that we are no longer the same as the previous generation?

This is the dilemma of any group, whether that of a culture, a nation, or a state, such as California. How much change is appropriate? How does a state pass its ways on to the next generation? Drawing on the earlier sections of this chapter, I would like you to develop your own philosophy of constitutional change. How much change is acceptable and what kinds of change do you prefer? Let's review the formal and informal processes of state constitutional change to help you develop your opinion.

There are different opinions regarding the acceptability of political change. The conservative approach is to be foundationalist—to conceive of a set of fundamental principles that are enshrined in a constitution and establish the structure and process of government, civil liberties, and civil rights. These foundations should define our lives. All laws, government practices, and rights must conform to these foundations; and only in rare circumstances, requiring near unanimity, should there be any change. Policy changes should not be present in a constitution, but should simply be the substance of laws passed by the government. This foundationalist depiction is consistent with conservative preferences with regard to the US Constitution: stick with precedent, and follow the same ways of interpreting the Constitution.

Returning to the story above about forgetting who you are, you might leave yourself a list of the most significant principles that you care about—treating others kindly, working hard, and being honest—with the hope that your future self would keep this philosophy in mind as they approach each hour of the new day. They wake up, read the list, and treat others with kindness in all sorts of situations that simply can't be predicted the night before.

Thus, for foundationalists, the Constitution functions like the keel of a sailboat. The keel is the long fin below the water that provides stability and support. Without it, even a mild storm would swamp and overturn the boat. In the same way, the state constitution provides the fundamental organization of government, including how the different parts of government will interact, such as the legislative, executive, and judicial branches. It establishes the basic civil liberties and civil rights that we as citizens of California rely on to define our roles. The superstructure of the sailboat—the hull, the cabin, masts, etc.—must be constructed to be consistent with the keel. So if we want to change the keel, we must proceed with utmost caution, for the entire sailboat may founder.

The Framers of the US Constitution made formal constitutional change difficult. Two-thirds of the states are required to call a Constitutional Convention, a step that has never been taken. Instead, hundreds of constitutional amendments are proposed by senators or members of the House of Representatives, and they require a two-thirds majority to pass in both houses, in which case they must still be ratified by three-fourths of the states. As a result, only twenty-seven amendments have been added to the US Constitution. In the place of constitutional amendments, other strategies have changed the nation, such as new laws like New Deal legislation under President Franklin Roosevelt and court cases expanding the scope of civil liberties and civil rights since World War II. For instance, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 profoundly impacted the nation. Yet each new court decision or legislation must be tested against the words of the US Constitution.

In contrast, in California, there is no sharp divide between the California Constitution and legislation; instead, one primary arena for changes in law is amending the Constitution. It is as if, in our story above, at the national level, you gave yourself the Constitution to read so that you would understand who you are as an American, but if you were Californian, a far longer

Constitution with blank pages for your future self to write on would be your gift to your future.

Let's review the many ways that the Constitution can be changed through current processes with the aim of helping you to develop your opinion on what is best—a more foundationalist approach to the California Constitution like what we have at the national level or the more anti-foundationalist approach that we have today in California that serves the demands and needs of the present. A more foundationalist approach would prioritize stability and adherence to established principles, while an anti-foundationalist approach would be more flexible and responsive to current needs. At stake is the deeper ethical question of whether you perceive rules and principles as objective—true and unchanging—or more malleable, relative to the values and preferences of the people living at a given time and place.

Changing the California Constitution

What are the sources of constitutional change? We can divide them into formal and informal methods. The formal methods include actual amendments to the Constitution. The informal methods include changes in the interpretation of the state law by the state and federal courts or changes in the interpretation or enforcement of constitutional procedures, rights, and liberties by state or federal executive authorities.

"We, the people of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution."

So the 1849 California Constitution begins, first setting out a Declaration of Rights, then the legislative, executive, and judicial branches, plus a few more miscellaneous provisions. Modeled after the New York and Iowa state constitutions, it bears a familial resemblance to the US Constitution, emphasizing a republican form of government, three branches of government with the separation of powers, checks and balances, and provisions for civil liberties. With an eye toward joining the Union, the state constitutional framers banned slavery. Amendments to the Constitution required a majority vote of both houses of the legislature, followed by approval of the next elected legislature with a majority vote, and finally ratification by the people with a majority vote. This rather difficult process resulted in only three amendments added to the California Constitution in 1856, 1862, and 1871 ("The California Constitution of 1849," California Secretary of State). The legislature could also call for a new Constitutional Convention through a similar process, which is how they convened the Constitutional Convention of 1879.

The delegates of the 1879 Convention made it far easier for the legislature to amend the Constitution, only requiring a two-thirds majority of the legislature, followed by submission to the people. Any revision of the Constitution through a convention had to be initiated by the legislature. Then, in 1911, amendments were added to the California Constitution allowing for the people to amend the Constitution or pass new laws through the initiative process (described earlier in this chapter), bypassing the state legislature altogether. The consequence has been the proliferation of amendments to the Constitution; it has been amended over five hundred times ("California Constitution"). For example, the Constitution of 1879 begins with a California Declaration of Rights that states in Section 1:

"All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."

In 2022, Californians drafted and approved Proposition 1, which added to this section:

"The state shall not deny or interfere with an individual's reproductive freedom in their most intimate decisions, which include their fundamental right to choose to have an abortion…"

In short, the California Constitution today reflects the values and prejudices of mid-nineteenth-century America, plus the contemporary concerns of majorities who can pass constitutional amendments by gathering the requisite signatures of 8% of registered voters, followed by simple majorities of the electorate. Revisions of the Constitution, defined as broad changes to the legislative procedures and powers of the branches of government, must originate with the legislature. The Legislature may call for a constitutional convention (which must be approved by the people), but since 1879, there has not been a majority in the Legislature willing to do so; perhaps because of the drastic nature of such a move, the outcome on state politics is hard to predict. Note that governors have no formal authority when considering initiatives, amendments, or legislative referenda; their signatures are not part of the process. Hence, direct democracy methods are a way to circumvent gubernatorial power.

There are two other sources of constitutional change in California that arise not from actually changing the Constitution but from changing the interpretation of the Constitution or its enforcement. State policies are embedded within a larger federal framework. The Ninth Amendment of the US Constitution safeguards rights that are not necessarily stated in the US Constitution, and the

Tenth Amendment protects the power of states to have jurisdiction over areas of policy not delegated to the US government. These amendments and the general role of the courts in interpreting state law according to state and federal law give judges significant power. For example, in *Pruneyard Shopping Center v. Robins* (1980), the US Supreme Court upheld the California Supreme Court's extension of freedom of speech onto private property. High school students had set up a table in a private shopping center to distribute literature supporting Israel, and the Court ruled that the shopping center could not limit their activity based on the California Constitution and the Ninth Amendment of the US Constitution.

The relationship between the federal and state governments can also dramatically change how constitutional provisions and civil rights and liberties are enforced. In 2025, the Trump Administration used the US Civil Rights Act of 1964 to protect the rights of Jewish students at the University of California to study in a harassment-free environment. This is in marked contrast to prior years, where universities were emphasizing the rights of protestors to freedom of speech even when it was offensive to other students (Associated Press).

In summary, constitutional change can occur both formally through amending the Constitution or less formally through changes in enforcement by the executive branches or judicial branches at the state or national level. The question remains: first, how much change do you believe is good in a constitutional democracy? Second, do you prefer formal constitutional change through new amendments to the California constitution or informal change through new interpretations by judges and executive officials? The constitutional aspect of our political systems advises stability, continuity, maintaining foundations; the democratic aspect recommends flexibility and responsiveness to political needs and public opinion. What do you think is best?

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2.6: Summary- Making Sense of California Constitutional History

Returning to the Question of Who Really Rules

As the founding document of California, the Constitution of 1849 established the state's territory, government, and a set of rights for its citizens. Its origins lie at a time when the oppression of Native Americans was severe, and although California was nominally a free state, slavery and indentured servitude were still present. The Constitution of 1879 created a new constitution during an era of populist revolt against business monopolies. This Constitution also reflects the social context of the time with its prejudices against nonwhite Californians and other ethnic groups, as well as the prevailing sexism of the late nineteenth century. It utterly failed in its efforts to limit the power of monopolies. It would take the Progressive reforms of 1911 to tackle the goals set out some thirty years earlier. California continues to use direct democracy to channel new social demands into law. Formally, the trend of constitutional reform has been from a representative form of government to a hybrid form that includes both representative and direct forms of democracy.

There are several dynamics regarding the question of who really rules California. Recall the debate is among those who say that we have an elite running the state versus those who argue that the people govern democratically, with a middle position occupied by pluralists who emphasize the role of groups. An alternative argument is that all three dynamics are at work, with their relative influence varying with the times. Considering California's historical development, a rather exclusive elite wrote the Constitution of 1849, but then it was ratified by the public, although suffrage was not universal. The dominance of railroad interests in state politics also reinforces the elitist view of who rules.

On the other hand, as the state has grown, large social movements have significantly changed state politics. Dennis Kearney's Workingmen's Party in the 1870s, the Progressive Party in the early 1900s, and the suffrage movement show the influence of ordinary people. Pluralism matters in state politics, with the efforts of groups often ratified by the people through initiatives and referenda, illustrating the crucial role of majority rule. Hence, the impact of all three dynamics is evident.

For Further Inquiry

1. The story of Biddy Mason is fascinating. In the last few years, there has been a revival of attention about her life. A memorial park in her honor presents her biography. . Research her history and the history of African Americans in the Los Angeles area in the late nineteenth century. What have you learned?
2. Locate a copy of the California Constitution and compare its Declaration of Rights to the US Bill of Rights. What do you notice? What explains the difference? Which do you prefer and why?
3. Four generations ago, women fought for the right to vote. Go to this online photography exhibit of the movement's history. What do you notice? How are there similarities with the civil rights movements of today?

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3: THE IMPACT OF FEDERALISM

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3.1: Introduction



Figure 3.1.1: The American and Californian Flags (public domain; via pxhere)

Learning Objectives

- To analyze the critical constitutional issues regarding federalism.
- To describe the historical development of federalism.
- To develop our own opinions regarding three case studies about federalism.
- To develop our own political philosophies about federalism.

Introduction

Federalism matters. Walk down the street and arrive at a crosswalk. The ramp at the end of the sidewalk allows a disabled person to make their way across the intersection more easily due to the 1990 Americans with Disabilities Act enforced by the federal government. Go to a bar anywhere in the United States; you better be twenty-one. Congress could not mandate a national drinking age without running afoul of states' reserved powers, but they made it a prerequisite for states to receive federal highway funds in 1984. Are you gay or lesbian and want to get married? For a time, states could decide for themselves if they wanted to have same-sex marriages or accept them from other states. Then, in 2015, the US Supreme Court (*Obergefell v. Hodges)* directed that all states license marriage as a union between two people. These examples show the impact of federal laws on the states.

Yet, there are many areas where state laws dominate. Want to smoke marijuana legally? It is legal in many states for medicinal purposes, with a smaller number allowing recreational smoking. How about firearms? Where can you walk down the street carrying a loaded handgun in a holster? Open carry is permitted in many states but not in California, except in a few rural counties that only allow it with a permit. Then, there are all the laws governing abortion. In the more liberal states, there is no required waiting period, no need for parental notification if the mother is underage, and the state government will pay for the abortion if the mother cannot afford to do so. However, go to a conservative state, especially in the South, where there are few abortion clinics, waiting periods, and counseling are required, and no state aid is available. The point is that where we live matters. Laws vary by state because states have their own political cultures and traditions. The question is, to what extent should there be uniformity across the country? How "united" should the United States be?

In short, the concept of federalism may initially seem like a dry legalistic topic. However, federalism is fascinating because it is an intrinsically political topic regarding who should rule over what aspects of our lives: the states or the federal government. Let us review the critical constitutional issues and the history of federalism. Then, three case studies will help you develop your own points of view.

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3.2: Constitutional Issues

Federal-State Relations and the US Constitution

We might expect that the Constitution would provide clear rules regarding federal-state relations. However, the Constitution is often considered an "invitation to struggle" (Corwin 201) because there is so much ambiguity about the relations among its parts. For example, Article I, Section 8 sets out the expressed powers of the U.S. Congress, but then clause 18 of this section, the Necessary and Proper Clause, allows Congress to extend its influence. Congress has the power:

> To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Consider the expressed powers enumerated in clauses 12 and 13: Congress can create an army and a navy. If Congress can create an army and a navy, can it create an Air Force? A Space Force? With the Necessary and Proper Clause, these expansions of power are constitutional. However, at the time of the Constitution's ratification after the 1787 Philadelphia Convention, many states demanded the addition of a Bill of Rights to stop the federal government from intruding on individual rights and the traditional powers of state governments. Hence, the Tenth Amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

States have reserved powers, meaning that states have jurisdiction in all areas of law unless the Constitution has expressly given control to the federal government.

However, the constitutional evolution of federal-state relations did not stop with its ratification. The federal government has gained much more power as the Supreme Court has required that states incorporate the US Bill of Rights into state law as mandated by the Fourteenth Amendment added in 1868:

> No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Table 3.2.1 summarizes the most important parts of the Constitution that establish the relationship between states and the national government.

Table 3.2.1: Constitutional Clauses Regarding Federalism

Constitutional Clause or Amendment	Impact
Article I, Sec. 8, clauses 1-17: the Expressed Powers	Article I, concerning the organization and powers of Congress, establishes the enumerated powers of Congress.
Article I, Sec. 8, clause 18: The Necessary and Proper Clause	Congress has additional "implied" powers not necessarily specified in Article I if they are necessary and proper to exercise one of the expressed powers
Article IV: The Full and Faith Credit Clause	States shall "recognize" each other's laws and legal decisions, but Congress may regulate these relationships

Constitutional Clause or Amendment	Impact
Article VI: the Supremacy Clause	The Constitution is the supreme law of the land
The Ninth Amendment	While the Constitution and the Amendments set out explicit rights, other rights are "retained" by the people
The Tenth Amendment	Powers that are not given to the federal government by the Constitution are "reserved" to the states.
The Fourteenth Amendment	States cannot make laws that deprive their citizens or any persons in their jurisdiction of their rights as Americans or deny them the "equal protection of the laws."

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3.3: Debating Who Should Be in Charge- Three Types of Federalism

Conceptualizing Changes in Federal-State Relations

The Constitutional parameters that established the relations between the states and the national government and among the states gradually evolved. For analytical purposes, political scientists categorize them into three kinds of federalism. The first is dual federalism; the states and the national government have separate responsibilities based on a clearly delineated view of the federal government's expressed powers and the states' reserved powers. This type dominated from the Constitutional founding to the Great Depression of the 1930s. For example, the federal government managed interstate commerce, and states managed elementary and high school education. The second is cooperative federalism, marked by the dramatic increase in federal control over state and local affairs as our country fought the Great Depression and the Cold War and tried to achieve various national goals such as civil rights and civil liberties. An example of the daily impact of cooperative federalism is the Supplemental Nutrition Assistance Program (SNAP), which provides money for food to tens of millions of Americans.

As the federal government increased in power, conservatives became alarmed by the growth of the central government and advocated greater state power. Beginning in the late 1960s, with the election of Republican President Richard Nixon, states started to share in decision-making regarding federal programs. The result was "new federalism," the third type of federalism that blends dual and cooperative varieties. One example is welfare reform. In the 1990s, states were allowed to develop some of their own welfare programs using federal funding. Another example discussed later in this chapter is the Affordable Care Act (often informally called Obamacare), which allows states quite a bit of latitude regarding health care programs and coverage.

All three kinds of federalism are very much present today (see Table 3.3.1). States still control many policies, the federal government controls others, and then there are many areas of policy that are explicitly shared between the two levels of government.

Table 3.3.1:*Types of Federalism*

Type of Federalism	Definitions	Examples	Origins
Dual	State and the federal government have distinct responsibilities with separate programs, financed independently.	Federal level: foreign policy State-level: state licensing for occupations, barbers, teachers, attorneys, etc.	1789 (implementation of the US Constitution)
Cooperative	The federal government directs policy, paying for programs for states.	Federal Level: SNAP (food assistance)	1933 (Roosevelt Administration)
New	The federal government pays for programs; states can design programs for their residents.	Welfare Reform: Temporary Assistance For Needy Families (CalWORKs in California)	1969 (Nixon Administration)

Analyzing the State of Federalism Today

Do you ever people-watch? For example, sit on a park bench and watch couples walk by, and study their body language, wondering

about what each partner thinks about the other, just by their posture, smile, or perhaps a sparkle in their eyes. Transfer this same sort of curiosity to observing the relationship between the states and the national government. See how each is reacting to the other, the policy changes, the posturing, and the rhetoric. We observe many dynamics in the mid-2020s, with the advent of the second Trump Administration. Just as it is difficult to generalize about a relationship from watching only a few interactions between people in a park, conclusions that we can make about current federal-state relations will also be tentative. Many of these changes discussed below would be best described as ongoing efforts, subject to changes by the president or rejection by courts. Four strands of federalism are evident so far.

First is the Trump Administration's skepticism about the efficacy of big government and the effort to reduce its size by trying to slim down or even eradicate whole departments and return some government responsibilities to the states. Mr. Trump invited financier and entrepreneur Elon Musk to head the effort of a newly created Department of Government Efficiency (DOGE) to cut regulations and spending and reduce the number of federal employees. As of June 2025, according to the Bureau of Labor Statistics, 59,000 federal jobs will have been lost (Hsu). Mr. Trump issued an executive order declaring that the "Department of Education's main functions can and should be returned to the states." ("Improving Education Outcomes"). Those that could not, such as the administration of student loans, would be assumed by other departments. The President has also argued for returning disaster management and mitigation entirely to the states by abolishing the Federal Emergency Management Agency. Yet after devastating floods killed over one hundred people in central Texas in July 2025, the President changed his mind (Allison).

The second strand is the exact opposite: the Trump administration is making great efforts to centralize control of policy and remove or reduce existing state authority or responsibility. This is especially evident in policy areas that are a high priority for the Administration. For example, the Trump Administration doubts the wisdom of rapidly changing to electric vehicles and is more sympathetic to the use of traditional gasoline fuels. Hence, Trump signed a joint resolution by Congress to end California's ability under the Clean Air Act of 1970 to define its own pollution standards (Friedman). If this section of the Clean Air Act were to be revoked, California would be unable to reach its goal to end the sale of gasoline-powered cars by 2035.

A third strand continues with the effort of centralizing policy at the federal level and is distinct because of the use of the tool of conditioning grants-in-aid to state policy changes. The Trump Administration threatens to withhold grant money for health, education, welfare, transportation, and many other programs unless the state changes policies in policy areas that have been prioritized by the Trump Administration. These include banning Diversity, Equity, and Inclusion (DEI) initiatives to promote civil rights and affirmative action policies in schools, colleges, and universities, reducing civil rights for transgender individuals, and ending state and local policies that provide benefits to undocumented immigrants. For example, after the fires that destroyed two Southern California neighborhoods (Altadena and Pacific Palisades), Mr. Trump threatened to condition disaster aid on California requiring voters to show identification cards at polling places (Trump's Threats).

After a transgender athlete won medals at a California state and field championship, Trump posted on Truth Social (Echelman):

> "A Biological male competed in California Girls State Finals, WINNING BIG, despite the fact that they were warned by me not do so. As Governor Gavin Newscum fully understands, large scale fines will be imposed!!!"

The Trump Administration withheld more than five billion dollars in education grants in an effort to ensure that school districts complied with the Trump Administration's anti-DEI and anti-transgender policies. Aid was released following the filing of another lawsuit by states and pressure from Congress (Mervosh).

All of these efforts by the Trump Administration have yielded a fourth strand of federalism: a cycle of action and reaction between the federal government and the states, with federalism becoming a very active arena for policy conflict between Democrats and Republicans. As of July 2025, California, either on its own or in concert with other states, has filed thirty-six lawsuits against the Trump Administration. These lawsuits uniformly argue that the Trump Administration is threatening the reserved powers as set out by the Tenth Amendment of the US Constitution. For example, California objects to Mr. Trump tying transportation dollars to requiring state law enforcement authorities to participate in immigration raids. It also objects to the end of federal government health insurance coverage under the Affordable Care Act for gender-affirming care. (Zinshteyn).

Given our observations of federal-state dynamics, how do we generalize about the general character of contemporary federalism and its underlying causes? In some ways, there is continuity with the past. The federal government's use of its financial resources to change society is the hallmark of cooperative federalism. In the past, its purpose was for liberal causes—welfare, health care, civil rights, etc.—now federal activism is being used to promote the priorities of the Trump Administration. The Trump Administration uses all available tools—grants, mandates, preemptions, etc.—to change American society in specific ways. Political scientists are generalizing about Trump's policies as creating a new type of federalism: "transactional federalism," defined as simply using the tools of federalism to further a partisan agenda rather than adhering to general principles regarding how states should interact with the federal government (Dichio).

One might argue that politicians have always used federalism to promote their interests and that today's federalism is simply a reflection of the party polarization that is gripping our nation. Nonetheless, the fundamental principle for the creation of federalism at the 1787 Convention was to find a just balance between state and national power—for each state to have a degree of autonomy within a common American home. We can return to the metaphor of watching couples walk by at the park and wonder if they have successfully negotiated the right balance between "I" and "thou," between individual autonomy and the unity of love or marriage. In the coming years, we shall gain a better understanding of the consequences of 'transactional federalism."

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3.4: You Decide- Case Studies in Federalism

Imagine you are a policymaker deciding each of the following policy issues. A crucial question is how much freedom local and state governments should have. Think about your responsibilities based on your particular role in each of the following case studies, and then decide what you will do. Each section concludes with a discussion of what actually happened.

Case Study One: Shall all California high school students be required to take an Ethnic Studies Course?

You are the governor of California. The California legislature passed a bill mandating all high school students complete a one-semester ethnic studies course. The course emphasizes the history and culture of four groups: African Americans, Asian Americans and Pacific Islanders, Latina/o/x Americans, and Native Americans. Should you sign the bill?

Advocates for the course argue that traditional social studies do not sufficiently address multicultural history, leaving students ignorant of our state's rich heritage. They also say that ethnic studies help students have more pride in their own histories, improve general academic performance, increase intercultural understanding, and contribute to a more educated citizenry better able to understand the challenges we face as a diverse society.

Opponents of the course favor teaching multicultural history, but they are concerned that the course omits many other groups, such as Armenian and Jewish Americans. Additionally, they are worried that the curriculum may overly emphasize oppression as a theme and demand that white students confess their "privilege." They argue that existing social studies courses already use a multicultural approach. At best, the class should be an elective.

Under dual federalism, the state government establishes the public school curriculum. Your choices are to sign the bill and make ethnic studies a requirement or veto it. You will be expected to justify your actions in your signing statement or veto message. What will you do and why?

What Happened?

In 2020, Governor Newsom vetoed the ethnic studies bill ("Veto Message"). Newsom expressed support for an ethnic studies curriculum, pointing out that he had already approved a bill requiring the course for California State University students. However, he asked that the curriculum be revised so that it "achieves balance, fairness and is inclusive of all communities." For the next several months, the State Board of Education revised the curriculum and included the experiences of many more ethnic groups. In 2021, a bill reflecting these changes made its way through the California legislature, and Governor Newsom signed it into law (Fensterwald).

Case Study Two: Shall all states be required to license marriage as between two people?

You are a U.S. Supreme Court justice. You are one of nine responsible for deciding whether the laws and practices of government are constitutional. It is 2015. The case before you is regarding marriage. Shall states be able to define the nature of marriage as a union between only a man and a woman, or should the U.S. Supreme Court tell states that they must offer marriage licenses to any two people?

Traditionally, the states have defined the nature of marriage. States respect the legitimacy of the marriage contracts of other states under the Full Faith and Credit Clause of the U.S. Constitution (Article IV). There are precedents for the Supreme Court to intervene. In the nineteenth century, the Court ruled that marriage shall be monogamous in all the states (*Reynolds v. United States*, 1878), outlawing a man having multiple wives. More recently, the Court ruled that a state ban on interracial marriage was unconstitutional based on the Fourteenth Amendment's equal protection clause *(Loving v. Virginia*, 1967).

There are also precedents for the Supreme Court about gay rights. In 1986, the Court affirmed the right of a state to ban homosexual relations (*Bowers v. Hardwick*). It then reversed this decision in *Lawrence v. Texas* (2003), with the majority arguing that the right to privacy includes a right to consensual sex between two people.

State laws about marriage were rapidly changing beginning in the mid-1990s. Some states legalized same-sex marriage; others defined marriage as only between a man and a woman. A few had a middle ground of "civil union" that gives states, but not federal, marriage rights to same-sex couples without using the word marriage. The U.S. Congress passed the Defense of Marriage Act (1996), permitting states to refuse to recognize same-sex marriages from other states.

California voters passed Proposition 22 in 2003, which defined marriage as only between a man and a woman. The California Supreme Court declared this proposition unconstitutional because it violated California equal protection laws. Then California voters passed Proposition 8 in 2008, which added an amendment to the California Constitution, again defining marriage as solely between a man and a woman. The drama continued with gay rights advocates turning to the federal courts, which ruled Proposition 8 unconstitutional. Meanwhile, similar messes were brewing in the rest of the country with a mishmash of laws and conflicting Court rulings causing legal and practical confusion.

Now, let's move forward to 2015. The Supreme Court has consolidated several cases from multiple federal appeals courts to focus on whether the states shall be required to legalize same-sex marriage. The question before us is also very much a question regarding federalism. Shall the federal government impose its will on the states regarding marriage? If so, this nation-centered approach is an example of cooperative federalism. Alternatively, the Court may defer to the states and let their legislative or judicial authorities resolve the matter, an example of dual federalism.

Advocates for requiring states to license same-sex marriages make two arguments based on the Fourteenth Amendment and prior Court cases that provide the precedents for promoting privacy and equal protection of the law. First, lesbian and gay people are entitled to equal dignity before the law. Dignity means that states respect the autonomy and privacy of two people of the same sex to marry. The due process and equal protection clauses of the Fourteenth Amendment provide this fundamental right to dignity concerning marriage. Second, particular costs burden gays and lesbians and their children if marriage is limited to heterosexual couples. Health insurance and family leave may be inaccessible. Hospital visits and next-of-kin medical decisions are off-limits. Property laws leave partners destitute in the event of the breakup of relationships. Marriage gives the children and spouses in same-sex families the same rights as those in heterosexual unions.

Opponents of same-sex marriage make two general arguments, one substantive and the other procedural. First, they argue that states have traditionally defined marriage as between a man and a woman. It is in the child's interest to receive care and financial support from both their mother and father. Hence, the institution of marriage is central for one generation to raise the next. Second, procedurally, opponents argue that the Supreme Court should not have jurisdiction over this matter. Instead, elected officials, whether at the state or the national level, are the proper authorities to address this question. The Supreme Court should avoid establishing fundamental rights not clearly enumerated in the Constitution.

You are a Supreme Court justice. Redefining marriage will force all states to change their laws to increase liberty and equality. On the other hand, retaining the absence of a federal definition of marriage respects dual federalism. It leaves the states to address the issue through the democratic process, allowing for a diversity of choices among the states. How will you rule?

What Happened?

In 2015, in *Obergefell v. Hodges,* the U.S. Supreme Court ruled 5-4 to legalize same-sex marriage. The majority decision, authored by Justice Anthony Kennedy, argued that the Fourteenth Amendment requires that same-sex marriage be protected under law to extend equal dignity, or marriage equality, to the same-sex couple:

"No union is more profound than marriage, for it embodies the highest ideal of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were. As some of the petitioners in these cases demonstrate, marriage embodies a love that may endure even past death. It would misunderstand these men and women to say they disrespect the idea of marriage. Their plea is that they do respect it, respect it so deeply that they seek to find its fulfillment for themselves. They hope not to be condemned to loneliness, excluded from one of civilization's oldest institutions. They ask for equal dignity in the eyes of the law. The Constitution grants them that right."



Figure 3.4.1: The White House, the day after the *Obergefell* decision in 2015 (public domain; A1Cafel via Wikimedia)

Chief Justice Roberts, in one of the dissenting opinions, argued that the Supreme Court was exceeding its jurisdiction with its decision, that elected officials rather than justices should decide this issue:

"If you are among the many Americans—of whatever sexual orientation—who favor expanding same-sex marriage, by all means celebrate today's decision. Celebrate the achievement of a desired goal. Celebrate the opportunity for a new expression of commitment to a partner. Celebrate the availability of new benefits. But do not celebrate the Constitution. It had nothing to do with it."

After the Supreme Court decision, a single policy for all Americans applied: states must allow same-sex couples to marry, and they will enjoy the same state and federal rights and benefits as opposite-sex couples. The marriage contract and all other marriage-related laws changed to reflect the new view about our fundamental rights as Americans.

Case Study Three: Should the Affordable Care Act be repealed?

It is 2017. You are a Republican member of the United States House of Representatives representing the 25th district of California (in 2022, this district, encompassing the Santa Clarita and Antelope valleys, was renamed the 27th district as part of the redistricting process). The 25th district is what political scientists call a swing district, meaning that the district is evenly divided between Democrats and Republican voters, with candidates winning with less than 55% of the vote. In 2016, you won reelection with 53% of the vote ("California's 25th Congressional District Election"). However, the Democratic presidential candidate, Hillary Clinton, won the district by 50.3%, suggesting that some voters engaged in split-ticket voting, voting for both Republican and Democratic candidates ("Presidential Election in California").

The President, Mr. Trump, is a Republican. One of Mr. Trump's central campaign platforms was to repeal the Affordable Care Act (the "ACA") passed under his predecessor, President Obama. You must decide whether to vote to repeal the ACA, which will improve your support among Republicans, especially the President, or reject the repeal to avoid alienating yourself from moderates and Democrats in your district.

Some background about the Affordable Care Act and the arguments by supporters and critics will help you decide this issue. The ACA is often called "Obamacare" for short because President Obama's central campaign platform in 2008 was to help Americans with health care by improving existing health insurance coverage and expanding coverage to reach uninsured people. It was quite a political battle to push it through a very polarized Congress. When it finally passed in 2010, Obamacare had become the most significant change in healthcare policy in more than a generation. It also represented a substantial shift in the relations between the federal government and states. Some aspects of the ACA expand national power, hence representing a deepening of cooperative federalism. Other parts allow states to set their own policies, representing a deepening of new federalism.

The reach of the federal government increased in many ways. Some of the most significant were: first, employers with fifty or

more full-time employees were required to provide health insurance; second, individuals were mandated to buy health insurance and received subsidies from the federal government if their income was up to 400% of the poverty level, and third, insurance companies had to cover preexisting conditions and preventative care. In addition, the ACA preempted, or displaced, state health insurance regulations and hence is an example of cooperative federalism where the national government takes control over a policy area and mandates changes in state policies.

However, aspects of the ACA gave states some freedom to implement the law and are therefore consistent with new federalism. First, states were allowed to create state health insurance exchanges for their residents to buy private insurance. If they chose not to, their residents would have to buy from the federal health insurance exchange. As of 2024, twenty-two states and Washington D.C. have set up their own exchanges, including California (CoveredCalifornia.com). The state exchanges allow states to have greater autonomy. Second, the ACA expanded Medicaid, the existing public health insurance plan for low-income people established in the 1960s, to cover people who make up to 133% of the federal poverty level. However, because both the federal and state governments fund Medicaid, the U.S. Supreme Court ruled (*National Federation of Independent Business v. Sebelius*, 2012) that states were not required to expand Medicaid eligibility. Hence, eligibility and income requirements for Medicaid vary from one state to another. These variances in ACA policies and programs among the states illustrate the signature characteristic of New Federalism: giving states flexibility based on state political preferences (Health Reform).

Now, we return to your dilemma as a representative. Should you vote to abolish and replace the Affordable Care Act with the American Health Care Act? Most prominently, this 2017 bill ends the expansion of the Medicaid program and income-based subsidies, saving the federal government hundreds of billions of dollars but causing approximately fifteen million people to lose coverage.

Advocates of replacing the ACA are motivated by ideological and partisan reasons. Ideologically, conservatives are skeptical of further government involvement in the healthcare sector of the economy. Seeing health care as an optional consumer product, individual consumers, businesses, and health insurance companies should not be subject to government coercion. Historically, states have been in control of their insurance markets. The ACA undermines state autonomy. Second, for many years, the health care debate has become intensely partisan, with this issue having a prominent role in the platforms of each party. Republicans had invested much importance in defeating President Obama's program. Mr. Trump promised he would succeed in this regard when other Republicans had failed.

Supporters of the Affordable Care Act argue that millions more Americans have health insurance coverage; health insurance coverage is better, and, in the long term, these improvements will lead to a healthier population. Further, they argue that the federal government's appropriate role is to devise a program that provides affordable health care for all. It has long been noted that the U.S. spends far more per capita with far worse health outcomes than other countries and is the only high-income country without some form of universal health care ("U.S. Health Care from a Global Perspective"). The ACA is a significant step to remedy this situation.

Public opinion is split along ideological and partisan lines in your district and the country. However, given that more people in your congressional district voted for Hillary Clinton than Donald Trump, it is likely that a vote in favor of repeal will make you less popular. On the other hand, if you vote to keep the ACA, you will likely be ostracized by Republicans in Congress and publicly criticized by the President, making it harder for you to accomplish anything else. Will you vote to repeal and replace Obamacare?

What Happened?

This case study has assigned you the role of Representative Steve Knight. He was elected in 2014 to represent California's 25th district, encompassing the Antelope and Santa Clarita valleys and a portion of Simi Valley. Representative Knight chose to vote with the Republican majority. The vote was intensely partisan and highly visible. Along party lines, the bill passed the House, 217-213, but then a similar bill failed in the Senate, 49-51. Nevertheless, the Affordable Care Act survived.

As a representative, Mr. Knight found that he was in an increasingly difficult position. As a Republican in a swing district, he tried to chart a moderate course. Still, because of the increasingly polarized nature of party politics and the shift of the Republican party to the right, this was increasingly difficult. As a result, in 2018, Knight was defeated by his Democratic opponent.

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3.5: Summary- Developing Your Philosophy about Federalism

Reflecting On Your Own Viewpoints

A cynic may argue that philosophy is simply a rationalization for self-interest. The wealthy glorify conservatism and the poor favor state help. A philosophy of federalism may be similar: we may merely favor that level of government that will provide what we want. If the cynic is correct, then constructing a general philosophy of federalism is, at best, irrelevant. However, such cynicism flies in the face of the framers of the US Constitution, who set out arguments for the value of federalism based on fundamental principles. For example, if we read the *Federalist Papers*, James Madison argued that federalism discourages tyranny and supports pluralism and liberty.

Thus, let us set out a premise that philosophy matters. Let us assume that our philosophies help shape our attitudes and opinions, which in turn direct our actions. Therefore, our beliefs about federalism are worth considering. I suggest three principles that are helpful in constructing a federal philosophy (Table 3.5.1):

Table 3.5.1:*Three Guiding Principles*

Principle	Consideration
Unity	Should all Americans comply with the same policies and have the same rights and responsibilities?
Diversity	To what extent should local and state differences in needs and wants cause differences in policies, rights, and responsibilities?
Democracy	What balance between state and national control allows for the best democratic deliberations, considering questions about representation, rights, and policy effectiveness?

Consider the three case studies discussed in this chapter: an ethnic studies requirement, marriage rights, and health care reform. Each outcome presents an implicit preference for a particular federal philosophy. In the first case, it is up to the state to decide on the ethnic studies curriculum, a type of dual federalism. Do you agree? Presumably, the state government is best at responding to demands for a new class. However, could we not argue that this class is needed just as much in other states and should be a national policy? On the other hand, the demographics of each state vary, so perhaps the substance of an ethnic studies curriculum would also change, and it might be best left to people within each state to deliberate among themselves about the nature of such a course.

Marriage equality falls under the category of debating about rights. Do you prefer rights to be defined at the state or national levels? Since the civil rights movements of the 1950s and 1960s, the trend has been to nationalize rights, to argue that we have rights as Americans, and hence unity is far more critical than diversity. Moreover, the trend has been for an activist Supreme Court to step in often and define these rights, although the US Congress has also provided landmark legislation. The deliberation about same-sex marriage in this country was relatively quick, lasting from the mid-1990s until the *Obergefell* decision in 2015. In that time, the scope of the decision shifted from the state to the national level. As a result, same-sex marriage became a matter of federal authority, a form of cooperative federalism. States no longer have leeway; they must follow national policy.

The third example represents the most nuanced. Unlike an issue such as marriage equality, which is mainly dichotomous (either yes or no), the extent and nature of health care policies allow for a blend of national and state laws, characteristics of new federalism. In this country, unlike left-wing democracies, we don't conceive of economic needs as rights, so if a state chooses not to provide health insurance, we don't usually argue that the state has violated the *rights* of people experiencing poverty. Perhaps, if we lean politically more toward the left in the future, there would be a greater nationalization of social policies. In the meantime, a balance of unity and diversity as principles has yielded Obamacare with policy decisions occurring at both state and national

levels.

What do you believe? When do you want the national government to decide policies, when do you want the states to choose, and when do you want decision-making to be shared? Consider your opinions about the three case studies discussed in this chapter. Consider other issues. What is your federal philosophy?

For Further Inquiry

1. Throughout the pandemic, I was struck by the disparities among the states regarding the efforts to reduce the spread of the coronavirus. I visited my elderly father in Arizona; about half of the customers at the local Safeway have masks on; when I went running in Santa Clarita, many bicyclists, off essentially by themselves, were wearing masks. It's pretty apparent that politics mattered. Some states required face coverings in stores; others did not. It's also the political culture; some people perceived a mask as an unwarranted infringement on liberty, and others just saw it as one's duty during a crisis. In your opinion, was federalism a hindrance or a strength in fighting the pandemic?
2. Survey the current news using your favorite media. Select a particular policy issue that is currently being debated. Ask yourself who is debating the issue. Is the scope of the debate at the local, state, or national level or at more than one level? Do you believe the issue is best considered at the level you observe? Reflecting on your opinion regarding the particular issue, how does your consideration help you better understand your own political philosophy?

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4: PUBLIC OPINION IN CALIFORNIA

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4.1: Introduction



Figure 4.1.1: The Preamble of the US Constitution (public domain; Bluszczokrzew via Wikimedia)

Learning Objectives

- To consider the appropriate role of public opinion in the political system.
- To analyze how to study California public opinion.
- To survey the opinions and ideologies of Californians and consider theories about their origins.

Introduction

In a constitutional democracy, we expect the people to occupy the center of the political stage. We make our demands, the government listens, and public policy changes. Yet, as you know from the study of the US Constitution, our system shields much of government from the people because the Framers feared that too much popular involvement might result in mob rule. Over the course of the nineteenth and twentieth centuries, however, the public's role in political affairs grew. Voting rights were dramatically extended multiple times. The Seventeenth Amendment of the US Constitution (1913) allowed for the direct election of Senators. In California, the Progressives argued that greater involvement in politics by the people is an important check on potential government corruption, so the California Constitution was amended to include tools of direct democracy.

While in this country, public opinion provides the foundation for constitutional democracy, in other countries, dictators have often manipulated public opinion for their own purposes. Americans have also worried that they may also be manipulated by many forces of modern-day mass society, such as the media, political parties, or big business. Attitudes about the proper role of public opinion often depend on whether we believe the public is wise and well-informed enough to make good decisions.

In this chapter, let's first develop our positions regarding the actual role of public opinion in our political system and our beliefs about what role it should ideally have. Several quotations will help you better understand your thinking. Then, after considering how to study public opinion, let's characterize Californians' public opinion and ideologies. Finally, we will examine how the origins of public opinion are studied.

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4.2: What should be the role of public opinion in the political system?

How much Influence should the People have?

Here are five quotations. Consider the message of each quote about how public opinion is depicted. Which one(s) do you agree with?

***Quotation One*:**

> "I sometimes wonder whether in this respect a democracy is not uncomfortably similar to one of those prehistoric monsters with a body as long as this room and a brain the size of a pin: he lies there in his comfortable primeval mud and pays little attention to his environment; he is slow to wrath—in fact, you practically have to whack his tail off to make him aware that his interests are being disturbed; but, once he grasps this, he lays about him with such blind determination that he not only destroys his adversary but largely wrecks his native habitat" (Kennan 66).

***Quotation Two*:**

> "The voice of the people is the voice of God" (translated from the Latin, *Vox Populi, Vox Dei*).

***Quotation Three*:**

> "The individual is foolish, the multitude, for the moment, is foolish, when they act without deliberation; but the species is wise, and when time is given to it, as a species it always acts right" (Edmund Burke).

***Quotation Four*:**

> "Masses are rude, lame, unmade, pernicious in their demands and influence, and need not be flattered but schooled" (Ralph Waldo Emerson).

***Quotation Five*:**

> "The masses are absolutely being manipulated by those in power" (Louis Farrakhan, from "Excerpts of Interview...").

A little background about each quotation may be helpful to consider each quote. The first is by George Kennan, a famous American diplomat stationed in the Soviet Union. In 1946, he warned the Truman Administration that the US must be prepared to "contain" or limit the influence of the Soviet Union. He worried that American democracy was not disciplined enough to sustain a long-term policy because public opinion was so fickle. Kennan wrote many diplomatic histories after he retired from the government. He preferred that foreign policymaking be delegated to diplomats and not be subjected to public consideration.

The second quotation is a famous Latin phrase used many times over the centuries. If you believe the people are like God, the government should closely follow public opinion. The third quotation is from a speech by Edmund Burke to his fellow members of the British Parliament in 1782 expressing his skepticism of democratic reforms. He believed that representatives should act as trustees by deliberating in elected legislatures about what was in the best interest of their constituents rather than simply echoing the demands of the people who often did not know what was best for themselves.

The last two are both very pessimistic. Emerson, an American transcendental poet, believed that an educated elite must teach the public to possess sound opinions. Otherwise, the people cannot be trusted. Finally, Farrakhan is a leader of the Nation of Islam. He argues that public opinion should not be trusted because it simply reflects indoctrination by racist forces.

So, consider your point of view. Do you agree with some of these quotations more than others? What influence does public opinion have on the government now? What influence should it have? Why?

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4.3: How to Study Public Opinion

Understand Polls

About forty million people in California from many different walks of life live in an incredible diversity of communities. How can we successfully understand so many opinions? Many academic inquiries about public opinion use surveys to ask people about their positions. How valid are people's responses? They may not want to be truthful, or perhaps their views change. Are we capturing the intensity of people's beliefs? Firmly held beliefs held by a minority may be far more influential than widespread beliefs that motivate little or no action.

These are some of the challenges of the study of public opinion. After World War II, political scientists addressed these challenges by developing public opinion surveys that are administered in scientific ways so that we may understand their validity. Three characteristics should be evaluated. First, have the pollsters randomly selected the respondents from the defined population(s) we wish to study? Random, or probability, sampling means that each respondent has an equal chance of being selected from a population for questioning. Data from reputable polling organizations are best to follow because their sampling techniques will be more likely valid and published for our consideration as part of the survey. Be wary of ones that do not clearly explain how respondents have been chosen. They are likely to be for entertainment only.

Second, a scientific survey will clearly display its sampling error. This statistical measure of the probability difference between the sample and the population is based purely on a mathematical calculation. A good survey has a margin of +/- 3% or less, meaning that if there is a difference in responses of six points or less, we cannot say that the two groups have different opinions. It is also essential to note how the survey randomly selected respondents. For example, a few years ago, if a survey was randomly selected only from landlines and not cell phones, the sample would likely skew toward an older population.

Third, we must study the wording of the survey questions. Are the questions effectively addressing the issue that we want to study? Are they going to be understandable? Are the response choices fair or biased? If we are comparing surveys over time, have words changed in meaning?

Here is an example of a scientific poll from the Institute of Government Studies at UC Berkeley regarding whether California should retain the death penalty. Five thousand thirty-six registered voters, including subgroups, were selected randomly to respond to an internet poll, with a random sample of +/- 2.5%. Respondents were asked:

"The legislature is considering placing a constitutional amendment on the 2022 statewide election ballot asking voters to formally abolish the death penalty as a punishment for certain crimes in California. If you were voting today, how would you vote on the constitutional amendment to abolish the death penalty in California?"

Tables 4.3.1, 4.3.2., 4.3.3, and 4.3.4 show the responses by subgroup. Registered voters who identified themselves as Democrats or as liberal were far more likely to favor the repeal of the death penalty. Voters living in coastal counties were somewhat more in support of this proposed amendment than voters living in inland counties. Women and younger people were also somewhat more likely to favor the repeal.

Table 4.3.1: Opinion about the Death Penalty by Party Registration

Registered Voters	Repeal the Death Penalty	Keep the Death Penalty	Undecided
All Voters	44	35	21
Democrats	63	19	18
Republicans	12	68	20
No Party Preference	43	31	26
Minor Parties	29	41	30

Table 4.3.2: Opinion about the Death Penalty by Political Ideology

Political Ideology	Repeal the Death Penalty	Keep the Death Penalty	Undecided
Strongly conservative	12	69	19
Somewhat conservative	19	62	19
Moderate	33	37	30
Somewhat liberal	64	17	19
Strongly liberal	83	7	10

Table 4.3.3:Opinion about the Death Penalty by Region

Region	Repeal the Death Penalty	Keep the Death Penalty	Undecided
Los Angeles County	49	28	23
San Diego County	41	42	17
Orange County	36	44	20
Inland Empire	34	43	23
Central Coast	41	31	28
Central Valley	35	44	21
San Francisco Bay Area	54	27	19
North Coast/Sierras	44	34	22

Table 4.3.4:Opinion about the Death Penalty by Gender

Gender	Repeal the Death Penalty	Keep the Death Penalty	Undecided
Male	41	40	19
Female	46	31	23

Now, consider the validity of this poll. Respondents were randomly selected using state records of registered voters. Since the poll asks about a proposed referendum, selecting registered voters rather than all adults makes sense. However, all California adults are not the target population. We know that registered voters are typically a bit more conservative. If registration increases between the time of this survey and election day, its validity will be weakened.

Second, consider the question that is asked and the possible response. The strength of asking about the death penalty is that nearly everyone will likely understand the issue because of its relative clarity and prevalence in the media. The question wording may be confusing because the poll asks if the respondent favors repealing the death penalty rather than just asking if they favor or oppose it. It is also likely that if the survey question were more complex to consider more choices such as "life imprisonment without possibility of parole" as an alternative, then support for the death penalty would decrease.

The challenges of studying Californian public opinion go beyond just survey design. An additional challenge is the relative lack of statewide surveys. General surveys about opinion are often conducted nationally by national polling organizations such as Gallup and Pew. Many other academic institutions and polling organizations provide a constant stream of public opinion data. In California, very few polling organizations concentrate only on state and local public opinion. The most prominent are the Public Policy Institute of California and UC Berkeley's Institute of Government Studies. Newspapers and television stations will also conduct surveys, which are usually associated with predicting electoral outcomes. Election-year surveys have value but are not often designed to investigate underlying beliefs. Moreover, the party-driven mass politics, advertisement blitzes, and the immediacy and drama of the campaign limit the scope and depth of these polls.

In summary, political scientists use surveys to learn about public opinion, but they must be evaluated critically for their validity. Moreover, systematic and regular surveys of California public opinion over the long term are limited. Instead, surveys often present a series of snapshots about public beliefs, attitudes, and opinions that give valuable, although incomplete, understandings.

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4.4: Characterizing Contemporary Public Opinion in California

How Polls Depict California Views

If we consider surveys like snapshots, which ones best represent our opinions about politics? Let us consider a few key economic and social issues, general ideological beliefs, and partisan trends as a way to develop our portrait of Californians. Here are a few polls to inductively create out picture.

Support for the Affordable Care Act

In 2010, the US Congress passed the Affordable Care Act, commonly called Obamacare. The law continues to be a subject of debate in many states. In California, there is strong support for it, according to this May 2021 poll by the Public Policy Institute of California (PPIC):

"As you may know, a health reform bill was signed into law in 2010, commonly known as the Affordable Care Act, or Obamacare. Given what you know about the health reform law, do you have a favorable or unfavorable opinion of it?"

Table 4.4.1: Support for the Affordable Care Act

Opinion	All Adults	Democrat	Republican	Independent	Likely Voters
Favorable	60%	86%	22%	59%	60%
Unfavorable	30	9	70	34	35
Don't Know	10	5	7	7	5

Support for LGBT rights

Support for protecting the LGBT community from discrimination is strong. Consider another May 2021 PPIC poll focusing on a proposed federal law to provide the LGBT commwith unity more civil rights protections (Baldassare):

"Existing civil rights laws currently protect people from discrimination in the areas of housing, employment, and public accommodation. The 2021 Equality Act would add sexual orientation and gender identity to these laws. Do you support or oppose the 2021 Equality Act?"

Table 4.4.2: Support for LGBT Rights

Opinion	All adults	Dems.	Reps.	Ind.	Men	Women	Likely Voters
Support	71%	88%	41%	64%	65%	76%	70%

Opinion	All adults	Dems.	Reps.	Ind.	Men	Women	Likely Voters
Oppose	22	10	48	27	27	18	25
Don't Know	7	2	11	10	8	5	5

Support for a Path to Citizenship for Undocumented Immigrants

There is overwhelming support for providing a way for undocumented people to become citizens. Consider the following March 2021 PPIC poll (Baldassare):

"Would you favor or oppose providing a path to citizenship for undocumented immigrants to the US if they met certain requirements including a waiting period, paying fines and back taxes, and passing criminal background checks?"

Table 4.4.3: Support for Path to Citizenship for Undocumented

Opinion	All Adults	Dem.	Rep.	Ind.	African-Amer.	Asian-Amer.	Latinos	Whites
Favor	85	93%	68%	81%	92%	79%	92%	80%
Oppose	13	6	31	14	8	16	7	17
Don't Know	3	1	1	5	-	5	1	3

Let's turn to how Californians perceive their ideological identifications and partisanship (Baldassare, December 2025).

Would you consider yourself to be politically:

Table 4.4.4:Ideological Self-Identification

Ideology	Percentage
Very liberal	14
Somewhat Liberal	20
Middle of the Road	40

Ideology	Percentage
Somewhat conservative	16
Very conservative	9
Don't Know	1

When Californians register to vote, they choose to register as a party member or select "no party preference." As of November 2025, registration was as follows:

Table 4.4.5: Registration by Party

Party	Percentage of Californians
Democrats	44.93%
Republicans	25.22
No Party Preference	22.60
Other	7.24

("Elections CDN: CA Secretary of State")

These surveys are a small sample of polls that allow us to make some generalizations. First, many issues are marked by substantial differences of opinion driven by divergences among liberals, conservatives, and moderates. Second, these divergences push us into different parties, with more Californians identifying as Democrats than Republicans. Many choose not to identify with any party, suggesting that party identification is weak or absent. Minor parties (discussed in a later chapter) receive little support. Third, even though opinions are often polarized, there are many areas of widespread consensus.

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4.5: Explaining Public Opinion

The Origins of our Views

Now that we have characterized some general trends in California public opinion, our next consideration is about their origins. Political science draws on sociology and psychology to develop a research program to address this question. Sociologists understand people as social animals whose thoughts and actions are best understood as shaped by our environment. Hence, our opinions emerge from our interactions with others. This process of learning about politics is called political socialization. Agents of socialization, such as family members, friends, and the media, show us how to understand the political world.

A central premise of political science is that our opinions will be self-interested. To understand why a particular group prefers one policy or another, we should understand how the group will gain. We don't even need to inquire about people's thinking. For example, as income increases, opposition to taxes will increase, as wealthier people will not want to pay more. Lower-income people will favor more government welfare. Students will want more financial aid for college, etc. Of course, the problem with this approach is that we can only engage in limited inferences about a group's opinions from its place in society. Moreover, we are not just members of single groups; our thinking has many influences, and our views may be more complex than a simple economic logic allows. For example, even if I am poor, I may favor low taxes, hoping that when I am wealthy someday, the government will not take so much of my money.

Enter the role of political psychology. Political psychologists seek to use the tools of psychology to understand how people understand and evaluate politics. Instead of inferring opinions from social identity, psychologists gather evidence of how people think through more complex survey questions and open-ended interviews. One prominent approach is cognitive theory, which argues that people organize information using complex cognitive schemas or "mind maps" (Kuklinski 233). We add new information to existing understandings, and if this new information does not necessarily fit with our existing schema, we will likely doubt it. Therefore, public opinion develops from a complex web of social and psychological dynamics. An example from the study of California public opinion illustrates the sociological and psychological approaches.

In the spring of 2021, as the coronavirus pandemic began to wane, families faced a critical educational dilemma. As school partially reopened for in-person instruction, should children return to the classroom or remain at home for online instruction? There was a distinct difference of opinion based on race and ethnicity. According to a USC national poll, 60 percent of Black and Latino parents kept their kids home compared to 30 percent of white parents ("What's Behind the Racial Divide"). This was reflected in the opposition of urban school districts to fully reopening. For example, the Los Angeles teachers' union accused the state government of perpetuating structural racism by promoting a premature reopening before vaccines could be widely administered and COVID-19 infection rates could go down (Mays). In the meantime, rural and suburban districts in California made in-person instruction more widely available, with higher student attendance rates (Jones).

It is not difficult to explain racial and ethnic disparities in opinion. Black and Latino voters were far more concerned about getting sick from the virus and losing work or being unable to pay for necessities (see Table 4.5.1). A UC Berkeley Institute of Government Studies Survey (DiCamillo) showed the following:

"Voters who report the following as "very serious" or "somewhat serious" problems for themselves or their families due to the coronavirus - overall and by race/ethnicity (among California registered voters)

Table 1:Racial and Ethnic Differences of the Impact of the Coronavirus Pandemic

Concern	Total	White	Latino	Asian/ Pacific Islanders	Black	Native American
Getting Sick from the Virus	66	59	79	66	71	57

Concern	Total	White	Latino	Asian/ Pacific Islanders	Black	Native American
Not being able to get medical care	45	34	65	44	43	61
Losing a job	40	28	63	39	44	43

In 2020-21, mortality rates caused by the coronavirus were the highest on a per capita basis among Black and Latino residents of California. Therefore, it is reasonable to expect differences in opinions based on differences in ethnic experiences and consequent policy differences among school districts with different demographic populations. Our explanation is based on inference rather than actually investigating people's thinking. It is fundamentally sociological.

Now let's turn to political psychology. To continue with our discussion of coping with the coronavirus pandemic, as the vaccine became widely available in the spring of 2021, public health officials made great efforts to vaccinate as many people as possible. However, vaccination rates varied a great deal based on many factors, including education, income, region of the state, and accessibility of the vaccine. An additional factor that emerged is vaccine hesitancy. Many people were not planning on getting the vaccine for various reasons, including concerns for its safety and efficacy.

In California, among all racial and ethnic groups, African Americans were most hesitant to receive the vaccine (Baldassare May 2021):

Table 4.5.2:*Racial and Ethnic Differences in Vaccine Hesitancy April 2021*

Vaccination	All adults	African Americans	Asian Americans	Latinos	Whites
Already had vaccine	39	36	46	29	46
As soon as it is available	26	15	35	31	20
A few weeks after	6	2	4	10	3
A few months after	9	18	2	7	9
A year or more after	7	11	9	11	6
Won't get vaccine	12	18	4	12	16

One factor that is hypothesized to be causing higher levels of vaccine hesitancy among African Americans is the higher level of distrust in health care in general. This distrust is caused by structural discrimination based on race and income (Bazargan). African Americans report lower levels of trust in physicians, worry more about lack of privacy, and are more concerned that they may be the victims of harmful experiments. Studies that show contemporary racial bias in patient treatment show that this distrust is not only the result of historical legacies but remains a current problem. Thus, investigating respondents' underlying trust in the healthcare system is necessary to understand attitudes about the vaccine. This requires the use of political psychology to understand public opinion.

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4.6: Summary

The Continuing Dynamism of Public Opinion Research

The study of public opinion remains a very dynamic field. Significant debates exist about how much influence public opinion should have on policymaking. There are many challenges regarding how to properly study public opinion, with the survey remaining the central tool for research. Public opinion research at the state level is far more limited than at the national level. However, we know that most Californians hold liberal points of view and are more likely to identify with the Democratic rather than the Republican party. The origins of opinions, ideologies, and partisanship lie with our socialization and the political psychology surrounding our opinion formation.

For Further Inquiry

1. Survey the Public Policy Institute of California website and one of the public opinion surveys that interest you. Using what you have learned in this chapter, do you find the survey results valid scientifically?
2. What agent or agents of socialization have most influenced the development of your political views? Discuss.

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5: VOTING IN CALIFORNIA

5.1: Introduction

5.2: How to Vote

5.3: Why Californians Vote

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5.1: Introduction



Figure 5.1.1: Go Vote! (public domain; California Secretary of State)

Learning Objectives

- To describe how to register to vote.
- To explain why people vote.
- To evaluate to what extent voter turnout is important.
- To analyze current controversies about voting.

Introduction

There are many ways to participate in politics. The most common form is voting. This chapter will describe how to vote, analyze why people choose to vote, and evaluate to what extent voter turnout is important. Voting laws remain a subject of significant contention that deserves our close attention.

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5.2: How to Vote

A Multi-Step Process

If you are eighteen, a US citizen and resident of California, and not currently serving a state or federal prison term for a felony, you can vote. First, register to vote using the California Online Voter Registration system. You will be asked for your California driver's license (or California identification) number and the last four digits of your social security number. If you do not have one of these documents, a voter registration form will be mailed to you (also available at many government offices). Register to vote at least fifteen days before an election. If you miss this deadline, you can complete the conditional voter registration process and vote with a provisional ballot at a polling place (vote centers or polling place addresses are available on the county registrars' websites). Your vote will be counted once your eligibility has been verified. If you are sixteen or seventeen, pre-register to vote, and you can vote when you turn eighteen. Re-register if you move or if you want to change your party affiliation.

When registering to vote, you will be asked to declare your party affiliation, or you may choose "No Party Preference." California has a "top-two primary system," meaning every voter receives the same ballot. The top two candidates go on to the general election regardless of party affiliation. Except for the US presidential primary races, it doesn't matter what party affiliation you declare on the registration form. A party may only legally restrict voting to its members for the presidential primary. For example, the California Republican Party only allowed registered Republicans to vote in its presidential primary in 2020. Thus, you may wish to register for your preferred party if you want to choose a presidential candidate in the primary ("Elections and Voter Information").

Once registered, you will receive a sample ballot and a voter information pamphlet by mail (two to five weeks before the election). Next, everyone receives their mail-in ballots, which you can return by mail, or if you prefer, you may vote at a vote center or polling place. Counties offer early voting up to ten days before the election. Regulations regarding early voting and polling place locations vary by county, especially regarding whether the county participates in the Voter's Choice Act system.

In 2016, the California state government passed the Voter's Choice Act (VCA), creating a new voting model for counties to join voluntarily. Several counties piloted the program in 2018, with more counties joining in 2020 (including Los Angeles County). For the 2024 elections, a total of twentiy-nine counties in California (out of fifty-eight total) have adopted the the Voter's Choice model. Instead of neighborhood polling places, the VCA included:

1. Every voter is mailed a ballot that can be returned using the postal service, drop boxes, or at vote centers.
2. Vote Centers allow voters to vote in person regardless of where they live in the county. They also verify voter registration and provide for same-day registration.
3. Early voting is available ten days before Election Day at the Vote Centers.
4. Each country establishes an "Election Administration Plan" to ensure that language minority and disabled communities can vote. (California Secretary of State Voter's Choice Act).

As mentioned previously, once registered, you will receive a sample ballot in the mail two to five weeks before each election and a voter information pamphlet describing all the races. The sample ballot lists where you must vote in person and how you can request a mail-in ballot. In-person voting regulations vary by county. Traditionally, county registrars arrange for neighborhood polling places such as schools and fire stations. A voter must vote at their designated polling place unless they request a mail-in ballot as an alternative. Counties offer early voting, but the regulations vary from place to place.

For the 2020 elections, the California state government changed the regulations again in response to the pandemic. To reduce exposure to the coronavirus, all voters received vote-by-mail ballots. Depending on the county, they could mail the ballots or drop them off at vote centers or neighborhood polling places. In subsequent elections (2022 and 2024), all California voters have continued to receive mail-in-ballots (California Secretary of State Voter's Choice Act).

The justifications for the VCA are several. First, it is argued that a consolidated system of vote centers, open for an extended period, boosts voter turnout for people who prefer to vote in person but find the one-day time frame a barrier (Stein and Vonnahme). Second, the consolidated centers are much easier to manage than neighborhood locations, reducing labor costs. The centers have instant access to voter rolls, reducing the need for provisional ballots. Presumably, the consolidated centers will be more secure as fears of electoral hacking and manipulation remain relevant, even if they are largely unsubstantiated. Third, the VCA, which emphasizes voting by mail and vote centers open to all people in a county, makes voting easier to accomplish (McGhee).

In California, in-person voters do not need to show an identification card (such as a driver's license) unless they are voting for the first time and have registered using a voter registration form without including a driver's license (or identification number) and social security number. After voting in person or using a vote-by-mail ballot, voters can verify that their ballots have been counted using an electronic tracking system. In short, the registration and voting process is relatively easy, especially with just a little planning on the part of the voter.

Why isn't voter turnout higher if voting can be accomplished with such relative ease? Or, perhaps one might ask, why is turnout as high as it is? Table 5.2.1 shows the data from recent statewide elections.

Table 5.2.1:Voter Turnout in California

Election Date	Eligible Voters	Turnout	Percentage
2012 Presidential Election	23,803,577	13,202,158	55.47%
2014 Midterm election	24,288,145	7,513,972	30.94%
2016 Presidential Election	24,875,293	14,610,509	58.74%
2018 Midterm Election	25,200,451	12,712,542	50.45%
2020 Presidential Election	25,090,517	17,785,151	70.88%
2022 Midterm Election	26,876,800	11,146,820	41.47%
2024 Presidential Election	26,912,931	16,140,044	59.97%
2025 Special Election	27,211,051	11,584,393	42.57%

("Election and Voter Information")

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5.3: Why Californians Vote

Explanations for Voter Turnout

Why do some people choose to register and vote, and others, equally eligible, reject participating in the electoral process? Generally, political scientists focus on two variables regarding the social psychology of voting. First, to what extent do people feel confident about their ability to understand and successfully engage in voting? Second, to what extent do people believe that their vote counts, that elections actually matter? The first variable is internal efficacy, and the second is external efficacy. According to the research, the higher the score on these subjective estimates, the more likely they will vote.

The logic of the impact of internal efficacy on turnout is straightforward. Drawing on an economic decision-making model, the lower the cost of voting, in terms of time needed to educate oneself, make choices, and actually vote, the more likely a person will vote. The cost of voting will be high in terms of time and effort for someone unfamiliar with the issues of each local and state election. For example, we expect relatively younger people to have lower internal efficacy as they are just beginning to learn about local and state politics and perhaps have recently relocated. The data show this lower turnout.

Who is Likely to Vote? Table 5.3.1 and 5.3.2 show the relationship between the impact of ideology and age on turnout (Baldassare).

Table 5.3.1: Political Ideology and Voter Turnout (2020)

Political Ideology	Likely Voter	Not registered
Liberal	37	30
Conservative	33	31
Moderate	30	38

Table 5.3.2: Age and Voter Turnout (2023)

Age	Likely Voter	Not registered
18 to 34	18	37
35 to 54	32	44
55 and older	50	18

(Baldassare)

The correlation between external efficacy and voter turnout is also straightforward. The more substantial the belief that the political system responds to voters, the greater the likelihood of voting. Multiple factors influence external efficacy. How much confidence do voters have that the voting technology will accurately tabulate their voters, free from error or fraud? Even if the voting system is sound, do the rules of the game alienate the citizen from the government? For example, the winner-take-all system for the U.S. presidential electoral college vote (Nebraska and Maine are exceptions) means that voters of the minority party in a state may feel disenfranchised.

A similar conclusion may be reached by voters who are in legislative districts (local, state, or national) that are perceived to have been drawn to favor one party (gerrymandering), leaving the minority party members feeling that it is hopeless to vote since their candidates are unlikely to win. Once candidates are in office, voters may perceive that politicians are so trapped in the rat race of campaign fundraising that they have little time for them.

A 2015 Public Policy Institute of California poll showed that lack of confidence in the political system was the primary reason people did not register to vote (Baldassare). One might expect Californian voters to have greater faith in direct democracy as a way to check the legislature and sidestep problems caused by special interests in Sacramento and gerrymandered electoral districts. A 2013 Public Policy Institute poll of California voters found two-thirds of Californians are somewhat or very satisfied with direct democracy. However, majorities also worried that special interests were controlling direct democracy.

This survey showed that majorities favored direct democracy reforms that allow for greater deliberation and transparency. This would include the legislature working with initiative sponsors, the legislature being able to amend initiatives after they passed, and greater deliberation about initiatives, including volunteer-only signature gathering, televised debates, and independent commissions to evaluate and give recommendations to voters ("Reforming California's Initiative Process").

To summarize, the voter uses a cost-benefit calculus regarding the choice to vote. The enforcement of voting rights and the successful implementation of efficient procedures for voting provide the basis for promoting high turnout. Then, the subjective evaluations of our abilities (internal efficacy) and how responsive the political system is to our vote (external efficacy) will impact turnout.

This suggests that a variety of public policies may increase turnout. First, when the efficiency of voting (e.g., vote by mail, accessible vote centers with same-day registration) is improved, more people will vote. Second, an educational system that socializes the youth to understand politics and mobilizes them to vote through pre-registration should help. Third, electoral reforms, such as ending gerrymandering, may improve external efficacy and lead to higher voter turnout (California).

For Your Consideration

Think of someone you know who is eligible to vote. Do you believe they voted? Consider some of the characteristics of likely voters (Tables 5.3.1 and 5.3.2) and why people say they do not vote shown in Table 5.3.3. Then, if possible, ask the person you are thinking about whether they voted and why they did or did not vote. To what extent is what you found consistent with the survey data?

Table 5.3.3:Why Registered Voters Don't Vote, 2015

Reason	Percentage
Lack of Interest	36
Time, schedule constraints	32
Confidence in Elections	10
Process Related	9
Other	10

(Baldassare)

To What Extent Should Voter Turnout Matter?

Most political scientists would argue that increasing voter turnout is good. We celebrate the fact that 70% of Californians voted in 2020, a jump of 15% from the previous presidential election. We lament that it might only be 35% in a midterm election, or if a county or municipal election was held in an odd year, we might only have 10 % or 20% of the electorate voting. A celebration of higher turnout may be based on two arguments.

First, voting is good in itself. In a constitutional democracy, the people are sovereign, and voting is a way for the people to exercise their power. Hence, the more people who vote, the better. Regardless of how people vote, just the act of voting is to be applauded, enhancing the political system's legitimacy. Moreover, it is also good for the individual citizen. We are better people by

reflecting on and participating in civic life. Voting is an act of altruism, like serving on a jury or donating blood. It builds character.

Second, voting has instrumental value. Government policy should reflect the people's demands, and the function of elections is to identify the most salient demands and hold elected officials accountable for addressing them. The higher the turnout, the more an election reflects the diversity of opinion. If there are distinct differences of opinion based on income, education, or other demographic characteristics, increasing turnout should better communicate the needs of previous nonvoters to the government. These two arguments—that increased voter turnout increases political legitimacy and improves policy representation in a constitutional democracy—suggest that, as a society, we should introduce reforms that enhance turnout. The question, of course, is what sorts of reforms are appropriate.

To help us consider this issue, let's conceive of a spectrum of policies about voter turnout that we could place along a continuum of participation, from laws that suppress the vote to laws that protect the right to vote, laws that incentivize voting by encouraging voters to exercise their voice, to the extreme of mandating that everyone votes with penalties for those who do not (Figure 5.3.1).

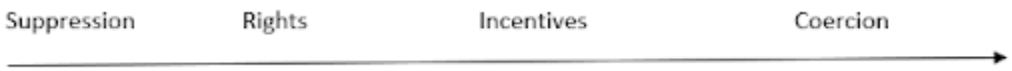


Figure 5.3.1: Spectrum of State Policies Regarding Turnout (CC By 4.0; Steven Reti)

At the far left, a political system devoted to the suppression of the vote might allow only a small share of the total population to vote, and it may limit which offices can be popularly elected or what kinds of policies may be subject to direct democracy. Voter suppression was the norm in the United States from its founding until the Voting Rights Act of 1965. One may argue that voter suppression continues today with efforts to reduce electoral competition through gerrymandering or other ways to make it more difficult for people to vote.

Second, a political system devoted to rights might seek to legislate and safeguard universal suffrage for everyone. The best examples are the successive amendments and voting rights laws passed at the national and state levels. Currently, debates about rights include if and when former felons may regain voting rights or if the voting age should be reduced further to allow teenagers to vote.

Third, a political system already devoted to rights might incentivize voting. Much of this is through the educational system and the social system. We encourage young people to vote; state law allows workers time off to go and vote (although they can't take the whole day off!), and civic groups and the media praise the act of voting as virtuous.

Fourth, a political system might recognize voting as so vital that it requires almost everyone to vote and imposes penalties on people who don't. One might argue that elections are the only way for the government to reflect the people's will accurately; hence, requiring the expression of that will should be coerced. This may seem rather strange. However, there are precedents. States mandate jury duty but provide waivers for people who cannot serve for reasons of health or ability. Many other democratic countries, such as Australia, require citizens to vote, and when they do not, a fine is imposed. If something is so important, why not simply mandate it?

Should we be free not to vote? Compulsory voting is not a popular idea in this country. Perhaps Americans value giving people the freedom not to participate. Requiring the expression of opinion, even through a secret ballot, may violate the First Amendment. Secondly, would the quality of voting suffer in the pursuit of increasing the quantity of voting? Would more voters be making poor decisions? The virtue of an act may also diminish if it is required.

Considering this range of possible policies, from suppression to coercion, suggests that our focus on only one statistic, voter turnout, is incomplete. We want increased voting to be voluntary and thoughtful. The choices must be meaningful for the voters, a real competition of ideas and candidates. The citizens' right to vote must be safeguarded, and the citizens' ability to have the information necessary to make good choices must also be promoted. Voting rights deserve protection; electoral laws can make voting more accessible (such as how the Voter's Choice Act provides more time and ways to vote). Voters must commit to educating themselves: considering the issues carefully, determining what is right to promote constitutional values, and thinking about what is best for the public good and not just what is in their self-interest. In other words, voting is part of the practice of citizenship.

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5.4: Considering Current Controversies

The Fight for Voting Rights

We might think that there would not be any controversies about elections in a country with a 230-year history of democracy. We would be wrong. Americans have argued and continue to argue about many issues: Who should have the right to vote? What regulations are reasonable, and which are just efforts to disenfranchise people for, perhaps, partisan gain? Who should decide, the states or the federal government? A little historical discussion provides some necessary context for understanding current controversies.

The Elections Clause of the US Constitution establishes that the states and the federal government shall share the responsibility of holding national elections. States are primarily responsible for conducting the electoral process, but Congress establishes uniform procedures for federal elections. For example, Congress sets the date for the Presidential general election and requires that states conduct district rather than at-large elections for representatives. The US Constitution states:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators (Article 1, Sec. 4, clause 1).

The expansion of suffrage occurred at both the state and the national levels. For example, states individually removed property requirements for voting in the pre-Civil War era. A few states (New York, New Jersey, and Pennsylvania) extended suffrage to Black men before the Civil War. The nationalization of voting rights begins with the Fifteenth Amendment to the Constitution, which provided that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Unfortunately, states and local governments often passed laws undermining the Fifteenth Amendment. After Reconstruction ended in 1877, many states passed discriminatory laws that effectively removed minorities and many poor whites from voting. These included literacy tests and poll taxes. The era of "Jim Crow," as it came to be called, disenfranchised most African Americans in the South.

In the 1950s and 1960s, Jim Crow became illegal when the civil rights movement, led by organizations such as the National Association for the Advancement of Colored People, the Southern Christian Leadership Conference, and the Student Nonviolent Coordinating Committee, successfully persuaded the US Congress and the US Supreme Court to make the fight for equal rights a federal responsibility. The Voting Rights Act of 1965 was the most significant legislation expanding suffrage at this time. Congress passed this landmark legislation at the urging of President Johnson after the events of "Bloody Sunday" in Selma, Alabama when state troopers attacked peaceful civil rights marchers. The law begins, "An Act to enforce the fifteenth amendment to the Constitution of the United States...."

One hundred years after the end of the Civil War, the enforcement of voting rights for all people, regardless of race and color, led to a dramatic increase in voter turnout. The Act had real teeth. Section 2 stated:

> "No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any Citizen of the United States to vote on account of race or color."

Voters could now go to federal court and have state and local laws overturned. An additional tool to prevent discriminatory practice was Section 5. States with a history of discrimination (voting tests in place in 1964 and less than 50% turnout in 1964) could not change voting laws without "preclearance" from the US Department of Justice. The Voting Rights Act had a revolutionary effect on suffrage. Black voter turnout immediately increased, although it was not until the end of the twentieth century that African American turnout was near that of white voters. In the 2008 and 2012 elections, African-American turnout exceeded white voters (U.S. Census Bureau).

The fight for universal suffrage had been purchased by removing significant authority from local and state governments. Naturally, this would cause resentment and lead to efforts to reclaim authority from the federal government. In 2013, in *Shelby County v. Holder*, Alabama successfully argued before the US Supreme Court that Section 5, the Voting Rights Act preclearance procedure,

was unconstitutional because it treated states differently based on fifty-year-old data and practices. States could now pass voting and electoral laws without needing authorization from the US Justice Department.

In 2021, the US Supreme Court further limited the impact of the Voting Rights Act of 1965 in *Bronivich v. Democratic National Committee*. The case focused on interpreting Section 2 of the Voting Rights Act of 1965. How was discrimination to be determined: whether there was an *intent* to discriminate or if there was just a disparate (unequal) *impact* on different ethnic or racial groups? Arizona had passed new electoral laws, such as one prohibiting "ballot harvesting" or allowing non-family members to collect and deliver ballots. Arizona argued that there was no discriminatory intent, only an effort to increase electoral integrity. Voting rights groups argued that the law imposed a more significant hardship on Native Americans, many of whom lived on reservations in rural areas far away from mailboxes and postal services. Therefore, the Arizona law should be ruled unconstitutional because of the unequal racial impact.

The Court ruled in favor of Arizona. Voting regulations that had no racist intent but had a racially disparate impact were now constitutional. Lower courts should examine the totality of circumstances, weighing the need to safeguard confidence in the electoral process against the increased inconvenience experienced by voters.

Voting regulations are receiving much political attention in the wake of the 2020 elections. President Trump's arguments that there was voter fraud that contributed to his electoral defeat have led to many Republican-leaning states passing restrictive voting laws such as limiting vote-by-mail ballots, reducing early voting, and increasing identification requirements. On the other hand, more Democratic-leaning states continue working toward making voting more convenient.

In 2021, the House of Representatives, controlled by a thin majority of Democrats, passed sweeping voting rights legislation and many electoral reforms (HR 1). They include national automatic voter registration, uniform regulations for early voting, replacing legislatively-drawn electoral districts with ones drawn by citizen redistricting commissions, campaign finance reform, and returning preclearance for states that experience many allegations of voter disenfranchisement. Conservatives argued that these efforts amount to a federal commandeering of state responsibilities, favoring, instead, the responsibility of states to ensure fair and free elections. The bill died in the Senate in 2022.

The likelihood is that there will be no new national plan to address voting rights. Instead, state policies will diverge more than in the immediate past, although no one is arguing that states will return to the severity of Jim Crow-era disenfranchisement. More Democratic states will continue to liberalize voting regulations; more Republican states, seeking to address voter concerns about fraud, will do the opposite. In California, more counties are adopting the Voter's Choice Act for the 2022 electoral cycle, making voting more convenient for millions.

Another significant electoral reform in California is the California Voters Rights Act of 2002 (CVRA). The focus of this Act is to encourage locally elected bodies to be ethnically and racially representative of the people they represent. In particular, the concern is that the rights of voters based on race, color, or language to influence the outcome of an election are diluted by at-large elections (where representatives are elected in city-wide ballots).

Residents can use the CVRA to sue local governments, asking that a city switch from at-large elections to district elections. District elections may better reflect neighborhood demographic composition or the general demographics of an entire city. Under the threat of lawsuits, many city councils, school districts, and special districts are rapidly changing their electoral systems. By 2022, at least 88 cities in California changed to district elections. A survey of governments that have replaced at-large with district elections shows increased minority representation (Richomme). The pandemic delayed implementation, but this change will continue in the coming years (League of California Cities).

In summary, voting rights continue to be a very significant issue. Conservatives worry about voter fraud, liberals about voter suppression. In California, the trend is toward making voting more accessible and reforming the drawing of electoral districts to represent all ethnic and racial groups better. However, many of these reforms depend on a federal judiciary to rule that California reforms are consistent with federal law.

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5.5: Summary

The Centrality of Voting

Voting is the most common form of democratic participation and is at the heart of constitutional democracy. The state of California has implemented many reforms to make voter registration and voting itself more convenient. Nonetheless, at least one-third of eligible Californians choose not to vote. Indeed, individual factors such as learning about the election and mastering the mechanics of voting can have an influence. However, there are also more underlying widespread doubts about whether the government can and is willing to respond to our demands. Alienation from voting has long been a cause of reduced turnout. In the last few years, debates addressing low voter turnout have been complicated by allegations that easy access to voting leads to fraud. Efforts to protect election integrity may have an unequal impact on different demographic groups, leading to the unintended consequence of decreasing confidence in democratic decision-making.

For Further Inquiry

1. The Public Policy Institute of California has the most comprehensive polling data on voter participation in California. Investigate the latest polls about voter turnout in our state.
2. The League of Women Voters has provided voter education for decades. Research the latest information about upcoming elections. You can type in your voting address and see your ballot.

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6: POLITICAL PARTIES

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6.1: Introduction

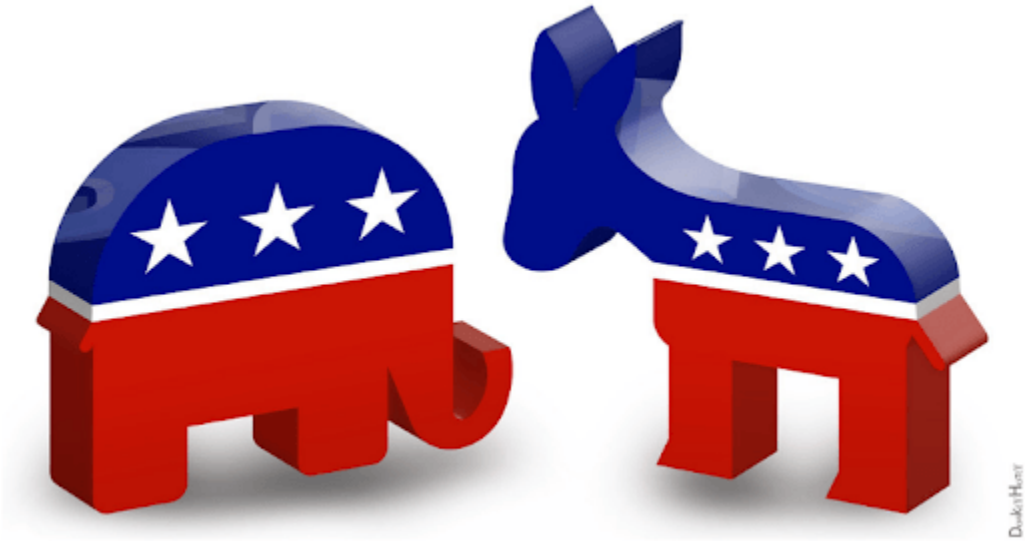


Figure 6.1.1: The Republican Elephant and the Democratic Donkey (CC BY 2.0; DonkeyHotey via flickr)

Learning Objectives

- To describe the parties on the California ballot, including the choice of "No Party Preference."
- To examine how parties organize politics by considering their roles in the electorate, as party organizations, and in the legislative process.
- To evaluate different perspectives regarding whether political parties are good for California politics.

Introduction

Republican! Democrat! Red vs. Blue! Then there are the minor parties: American Independent, Green, Libertarians, Peace and Freedom... In this chapter, we will describe the parties on the California ballot, considering their platforms and who is likely to register for each one. We will analyze the role of parties in the political system and consider different perspectives on the value of parties.

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6.2: Parties on the California Ballot

The Choices among Parties

There are dozens of political parties in the United States. Given the freedom of association guaranteed by the First Amendment, anyone can start a party, and voters can write candidates' names on their ballots (Here is a list of many of these parties). However, to be listed on the ballot by the Secretary of State, California law requires that a political party qualify by voter registration or petition. The voter registration method requires .33% of the registered voters to complete registration affidavits and write in the new party's name (for March 2024, 72,978 voters). These cards are distributed and collected by the new party and delivered to each county's election officials. This must be done 154 days before a primary election or 123 days before a presidential general election. Secondly, a new party may collect signatures by petition equal to 10% of the people who voted in the last gubernatorial election (based on the 2022 gubernatorial election, 1,114,662 voters). These petitions must be submitted to county officials 135 days before the primary or general election ("Political Party Qualification").

Once qualified, a party maintains its status on the ballot by retaining at least 0.067% of the total number of registered voters and having at least one of its candidates for statewide office receive 2% of the vote, or it can retain .33% of the total number of registered voters before the next election. Let's investigate the six political parties and the "no party preference" category on the California registration application.

As of November 2025, the Secretary of State's office estimated that there were approximately 27,211,051 eligible voters, of which about 84.87% are registered (see Table 6.2.1):

Table 6.2.1: Registration by Party Preference (2025)

Registered Voters	Democratic	Republican	No Party Preference	Minor Parties/Other/Unknown
23,093,051 (84.87% of eligible voters)	10,376,887 (44.93%)	5,824,749 (25.22%)	5,219,152 (22.60%)	1,672,486 (7.24%)

Of the minor parties, registration data showed very small percentages of Californians registering for minor parties (see Table 6.2.2):

Table 6.2.2: Minor Party Registration (2025)

Minor Parties/Other/ Unknown	American Independent	Green	Libertarian	Peace & Freedom	Other/ Unknown
1,672,486 (7.24%)	939,695 (4.07%)	113,209 (0.49%)	232,855 (1.01%)	148,494 (0.64%)	238,233 (1.03%)

The trend in statewide voting registration is straightforward: Democrats are gaining registered voters, Republicans are losing them, and the number who express no party preference is almost the same as the Republican Party (See Table 6.2.3). The American Independent Party is the most popular of the minor parties, probably because voters mistakenly think they are registering as independents.

Table 6.2.3: Trends in Voter Registration

Party	1996	2000	2004	2008	2012	2016	2020	2024
Democratic	47.2%	45.4%	43.0%	44.4%	43.7%	44.9%	46.1%	45.83%
Republican	36.4%	34.9%	34.7%	31.4%	29.4%	26.0%	24.2%	24.95%
No Party Preference	11.3%	14.4%	17.7%	19.9%	20.9%	24.3%	24.0%	22.07%

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6.3: Selecting a Party under the Top-Two Primary System

Party Choices

When Californians register to vote, they select a political party or choose "no party preference," which is essentially registering as an independent. Until recently, party registration mattered much more because California had a closed primary held usually in June to select the candidates for the general election in November. A registered party member received a party ballot with only candidates from their party running for each office. The candidates from each party that received the most votes went on to the general election in November. A typical general election race was then a runoff among the winning candidates from each party.

In 2010, Proposition 14 shifted the primary election to become more candidate-centered and eliminated the less popular candidates from the general election ballot. At the time, Governor Arnold Schwarzenegger promoted this proposition to reduce partisanship by encouraging primary candidates to shift toward the center of the political spectrum to attract more voters. Under this system, everyone receives the same ballot for most races, regardless of their party registration or whether they expressed "no party preference." The top two candidates from the primary go on to the November runoff. They may be the top Republican and top Democrat. However, there might be a runoff between two people of the same party or perhaps with candidates not identifying themselves with any party.

Two exceptions exist to the top two primary systems: the presidential primary and the selection of political party central committee members for each county. The latter generates little attention. Voters care far more about the presidential race.

The presidential primaries are still a closed or modified closed primary election, depending upon the choice of the party, because the US Supreme Court has ruled that the right to freedom of association guaranteed by the First Amendment gives parties control over who votes in their primary races for president (*California Democratic Party v. Jones*, 2000). In 2020, the Green, Peace and Freedom, and Republican parties opted for closed primaries, allowing only registered party members to vote. On the other hand, the American Independent, the Democratic, and the Libertarian parties opted for modified closed primaries, allowing "no party preference" registered voters to vote. The parties decide whether to opt for a closed or modified system before each presidential election. With mail-in-ballots, the no party preference voters have to request a new ballot by mail or go to a vote center or polling place to vote. The Secretary of State communicates to voters before the primary elections regarding what they must do.



Figure 6.3.1: Steps to Vote in the Presidential Primary in 2020 (public domain; CA Secretary of State). Voters registered as "no party preference" were free to vote in the primaries of the American Independent, Democratic, and Libertarian Parties. They were told that they must reregister as Republicans, Greens, or Peace and Freedom members if they wish to vote in the primaries for these parties. These rules remained the same in March 2024.

In short, party registration has no practical consequence except for the presidential primary. However, given the importance of the presidential race and the need to get the correct ballot in time to vote, it makes sense to register for a preferred party in advance.

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6.4: The Menu of Qualified Parties

Characterizing California Parties

Party politics in California follows national trends. In the 1850s, most Californians were against slavery, which helped the Republicans (the GOP or Grand Old Party) organize as a new party. In the postbellum period, Republicans dominated state politics following national trends. In 1910, under the leadership of Governor Hiram Johnson, Progressive Republicans led constitutional reforms to add direct democracy. However, when the country underwent a Democratic realignment during the 1930s, most Californians also registered as Democrats. Nonetheless, because one of the Progressive reforms allowed politicians to register as candidates in more than one party primary (cross-filing), the Republican Party maintained its dominance of state politics.

"Moderation is best. Avoid all extremes." Governor Goodwin Knight's motto (1953-1958) nicely summarized Republican strategy in the 1940s and 1950s (Putnam). Republicans presided over an era of rapid government expansion as the state coped with dramatic postwar population growth. The "neo-progressive" policy approach of pragmatic, moderate, and activist government, reinforced by the cross-filing system allowing a candidate to run in both Republican and Democratic primary races, encouraged candidates to pursue moderate policies to attract more voters.

Republican Governor Ronald Reagan (1967-1975) continued the Party's relatively moderate course and attracted many more voters with his anti-tax and "law and order" rhetoric, echoing Republican President Richard Nixon's relatively mild policy approach at the national level. Most Californians, attracted by a mix of economic and social conservatism, also voted for Reagan for President (1981-1989) and his successor George H.W. Bush.

The popularity of the Republican Party in the state faltered in the 1990s when it shifted more to the right with a solid anti-immigrant push led by Governor Pete Wilson to pass Proposition 187 in 1994. This Republican-sponsored referendum required state officials to report undocumented people to federal authorities and deny all social services to them, including schooling for their children. While this proposition passed with a large majority, in the long term, it alienated the growing number of moderate and liberal voters in the state. Since the late 1990s, California Republican representation in Sacramento and Washington D.C. has dwindled without any statewide victory since Arnold Schwarzenegger's election as governor in the recall election of Democratic Gray Davis in 2003.

The California Republican Party platform emphasizes economic and social conservatism, including lower taxes, less business regulation, vigorous enforcement of immigration laws, gun rights, and pro-life policies. It opposes strong environmental regulation, affirmative action, and LGBT rights.

Historically, California Democrats trailed Republicans in organization and influence. Divided in their support for the Confederacy during the Civil War, the Party suffered from decades of poor organization. It was not until 1959 that Democratic Governor Pat Brown ushered in a new era of Democratic influence. The two major parties became quite competitive for the rest of the century. By the 1990s, as the Republican Party became more conservative, Democrats gradually gained more seats in the state legislature. By 2018, the Democrats had supermajorities in both houses, meaning they had enough votes to meet the two-thirds majority to raise taxes or potentially override a governor's veto. Additionally, all the elected officers of the state executive branch were Democratic, and most California representatives in Washington were Democratic.

The Democratic Party of California's platform is economically and socially liberal. The Party promotes "economic opportunity" and "economic justice." Democrats pursue expansive government programs to help Californians address many social, economic, educational, and environmental challenges. The platform supports equality and diversity for all residents, extending and enforcing more civil rights.

Minor parties on a ballot are often called "third parties" because one comes in third place. A minor party typically represents a narrow slice of the ideological spectrum. A dedicated activist group of "true believers" receives a tiny fraction of the vote from a loyal following, election after election. The goal of the true believer is to make a statement rather than win. However, if a minor gains more support, a larger party will often adopt some of its messages to "steal" some of its votes. For example, the Republican Party may adopt a strongly anti-government message of a far-right party. The Democratic Party may adopt a left-wing party's environmental or social platform. Thus, a minor party performs a Sisyphean task. As soon as it gains popularity, its supporters are co-opted by a larger party, and it returns to relative obscurity.

In California, the minor parties qualified for the ballot originated in the political struggles of prior decades. The Peace and Freedom Party emerged from the anti-Vietnam War protests of the 1960s, the American Independent Party from Southern segregationist George Wallace's backlash against integration in the 1960s, the Libertarians as part of a neoconservative backlash against the Republican Party, and the Green Party from the environmental movement of the 1970s. Let's examine each of these minor parties (national election data is from Ballotpedia and state data is from the California Secratary of State).

The Peace and Freedom Party

In the late 1960s, the Democratic Party fractured over the issue of the Vietnam War. President Johnson and his heir apparent for the Democratic nomination, Hubert Humphrey, favored continued support of the South Vietnamese government in its struggle against communism. Many more liberal Democrats favored withdrawal. In California, there was enough support for the antiwar position for a new party, the Peace and Freedom Party, to qualify for the ballot in January 1968. The presidential candidate was Eldridge Cleaver, a civil rights activist. However, California did not list his name on the ballot because he would not be 35 by the time of the inauguration. As the campaign of 1968 unfolded, many Democrats broke with the Johnson and Humphrey pro-war position, including Robert Kennedy and Eugene McCarthy. Kennedy was assassinated on the night of the California primary in June, and Humphrey went on to win the nomination. Eldridge Cleaver received .38% of the California vote in November (Statistics of the Presidential and Congressional Election).

In the 1970s, the PFP could not maintain its status on the ballot in other states due to low popularity. However, the California PFP consistently garnered enough support to stay on the ballot until 1998, when it fell below the 2% threshold. It regained its status in 2003 and remains on the ballot, fielding left-of-center candidates.

The Peace and Freedom Party is "committed to socialism, democracy, ecology, feminism, and racial equality." It commits itself to various socialist positions about state, national, and global positions ("PFP"). In 2020, labor activist Gloria La Riva ran as the PFP nominee for US President. She was also the nominee of the Party for Socialism and Liberation. She favored many standard socialist positions promoting economic equality, workers' rights, stopping racism, and respecting treaties with Native Americans. La Riva received .05% of the national vote and .03% of the California vote (Federal Election Commission and "California's Gubernatorial Election"). In 2024, community organizer Claudia de La Cruz earned .1% of the national vote and .5% of the California vote.

The American Independent Party

At about the same time the Peace and Freedom Party emerged, Southern segregationist Governor George Wallace of Alabama left the Democratic Party. He established his independent candidacy to run for President. The American Independent Party (AIP) formed in California and successfully gathered enough signatures to qualify Wallace for the California ballot. Wallace received seven percent of the California vote in 1968. The Party has been active in California ever since, but it was sometimes subsumed under other national minor parties, most recently the Constitution Party. Although its roots lie in Southern segregationism, its platform today focuses on promoting very conservative economic and social positions. Its manifesto begins, "We believe in liberty and justice for all under God. We want to keep America independent and safe. We will protect the family, marriage and work. We believe in individual responsibility and free enterprise..." In 2020, The AIP Presidential Candidate, Rocky de La Fuente, received .06% of the vote nationally and .3% in California ("General Election" and FEC). La Fuente was also the Reform Party and Alliance Party candidate.

Based on the number of people registering as members of the AIP, it is the third-largest party in California. Given its far-right positions and low support of its candidates, it is easy to suspect that voters are erroneously registering as AIP members when they intend to register as "no party preference." A *Los Angeles Times* poll of AIP members partially confirmed this suspicion: 58.9% of respondents were unaware that they had registered for a political party rather than as an independent ("Are You an Independent Voter...").

In 2024, the American Independent Party nominated Robert F. Kennedy, Jr. as their presidential candidate. The choice of Kennedy raises many eyebrows because his policy positions are far more liberal than the Christian, free market ideas of their platform. On the other hand, Kennedy brought a great deal of attention to the AIP (and he doesn't have the trouble of having to qualify for the California ballot, an expensive effort given the petition requirements.) Kennedy received .5% of the national vote and 1.2% of the California vote.

The Libertarian Party

In 1971, the Libertarian Party (LP) was established by conservatives concerned that the Republican Party under President Nixon was no longer the party of small government. Nixon instituted price controls in response to inflation, removed the currency from the gold standard, and supported most of the social welfare programs established by Democrats. The Party was influenced by Ayn Rand's philosophy of objectivism, popularized by her many science fiction books such as *Atlas Shrugged*. The LP organized state and local party organizations quickly as the country became more conservative in the 1970s. By 1980, the LP was on the ballot in all fifty states and received about 1% of the vote.

The platform of the Libertarian Party (LP) begins, "As Libertarians, we seek a world of liberty: a world in which all individuals are sovereign over their own lives and are not forced to sacrifice their values for the benefit of others..." The Party appeals to both liberals and conservatives. The LP emphasizes personal liberty regarding sexuality and drug use and emphasizes the same for gun rights, free enterprise, and taxation. In 2020, the Libertarian presidential candidate Jo Jorgensen called for dismantling social security and replacing it with individual retirement accounts, stopping construction of the border wall, and ending state mask mandates to fight the pandemic. Jorgensen received 1.1% of the California presidential vote and 1.18% nationally. Its central organizing principle is minimizing the role of government in society. In 2024, the party selected Chase Oliver as their presidential candidate. He is committed to personal freedom and small government. Oliver received .4% of the national vote and the California vote.

The Green Party

Just as other minor parties have grown out of social movements, the Green Party has its roots in the environmental movement that achieved widespread support in the 1970s as Americans realized the impact of industrial civilization on the natural environment. The Greens first organized in Minnesota in 1984. In part, they emulated the development of Green parties in Europe. The organizing conference of the Greens proclaimed a set of principles that continues to guide their policy positions. They include ecology, sustainable economics, democracy, nonviolence, and social justice. By the late 1980s, state parties were forming around the country. In 1992, the Greens qualified for the California ballot. The Party received its most notoriety in 2000 when its Presidential candidate, Ralph Nader, garnered enough popularity (2.74% of the national vote) to help shift the electoral college vote to Republican George Bush. By then, it was on the ballot in 43 states ("Early History...").

In 2020, environmentalist and labor activist Howie Hawkins ran for President as the Green Party nominee. Among other positions, he favored Medicare for all, the "Green New Deal," and a $20 minimum wage. The Green Party received .5% of the vote in the California general election for President and .26% nationally. In 2024, Jill Stein (who previously ran in 2012 and 2016) returned as their presidential candidate with a similar platform. She received .6% of the national vote and 1.1% of the California vote.

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6.5: The Sociology of Parties

Sociological Snapshots

Political scientists conceptualize party membership as a long-standing identification that we learn from our families as part of our political socialization. In this view, we don't act as individuals, researching and evaluating party platforms in terms of our personal interests and ethics. Instead, party membership becomes rooted in history; for example, the impact of the Civil War and the Great Depression shaped the partisanship of subsequent generations through the family transmission of partisanship. The Civil War pushed many northern and western states toward the Republican Party and southern states toward the Democrats. The popularity of President Franklin Roosevelt's New Deal programs and leadership during World War II motivated many more Americans to vote Democratic. Then, beginning in the 1960s, many southern whites abandoned the Democratic Party because they opposed the Party's pro-civil rights policies. Younger southern whites today may not share their parents' segregationist views, but they have been socialized by where they grew up to become Republicans.

This theory of political socialization lumps people together in various demographic groups who are buffeted by historical forces and pass on political viewpoints to subsequent generations. An alternative approach in political science has supplemented the sociological analysis of party identification, the rational choice theory of politics (Downs), which centers the explanation of party identification on the short-term economic calculations by the voters.

Consider an economic theory of party preference. Begin with the premise that voters have distinct opinions. Parties are vote-seeking organizations that use their party platforms to attract supporters, like businesses seeking customers with advertisements. The voters then support the party that promises their preferred policies. If the party delivers, then they are reelected. Seminal events in American history, such as the Civil War and the Great Depression, fade in importance. Instead, voters focus on their own material success. They ask: which party will help the state economically flourish, reduce crime, provide good schooling, and achieve many other necessary policies? The short-term rational calculus is far more relevant than long-term political socialization.

Considering these two theories, Tables 6.5.1, 6.5.2, 6.5.3, 6.5.4, and 6.5.4 provide some socio-demographic snapshots of California's two major parties and independents. The numbers for minor parties are just too small for large-scale survey research.

Table 6.5.1: Political Ideology of California Likely Voters 2023 (Baldassare)

Political Ideology	Republicans	Democrats	Independents
Conservative	72	10	22
Moderate	24	30	46
Liberal	4	60	32

Table 6.5.2:Income and California Likely Voters 2020

Income	Republicans	Democrats	Independents
Under 40000	22	32	20
40000 to 80000	29	26	28
80000 or more	49	42	52

Table 6.5.3: Age and California Likely Voters 2023

Age	Republicans	Democrats	Independents
18 to 34	9	22	21
35 to 54	29	30	36
55 and older	61	48	43

Table 6.5.4: Gender and California Likely Voters 2020

Gender	Republicans	Democrats	Independents
Men	53	41	59
Women	47	59	41

Table 6.5.5: Race/Ethnicity and California Likely Voters 2020

Race/Ethnicity	Republicans	Democrats	Independents
African American	1	9	5
Asian American	10	16	17
Latino	13	26	20
White	72	46	54
Other/Multiracial	3	4	5

The distinctions between Republicans and Democrats are relatively straightforward. Republicans are older and more likely to be white, male, and wealthier than Democrats. These California distinctions parallel national trends. Republicans support their party because of its consistent pro-business platform, emphasizing less regulation and lower taxation. This foundation lies in a nineteenth-century *laissez-faire* philosophy. Older voters are also more likely to support social conservatism. Historically, Democrats gained more support in California as the working class grew with factory jobs. Then, as the population became more multicultural in the last few decades, Democrats gained more support because of their solid support of civil rights legislation.

We can only draw so many conclusions based on this demographic data. First, many electoral outcomes are caused by short-term factors. For example, we know from voter turnout data that the demographic groups that have historically voted Republican are more likely to vote. So, if turnout surges across the whole voting population, we can expect a shift toward Democrats and independents. Elections are often won at the margins; a change in a few percentage points based on immediate or temporary voter impressions can alter which party controls the government.

Second, what do we know about the 24% of Californians who registered to vote without expressing a party preference? Political scientists know from national studies of voters that people who call themselves independents are “leaners” toward one party or the other regarding their voting behavior. Thus, it is not surprising that a 2018 Public Policy Institute poll found that 43% of California independents leaned toward the Democratic Party, 29% toward the Republican, and only 28% toward neither of the two parties. Independents have an unfavorable view of both parties (58% unfavorable rating of Democrats and 69% unfavorable rating of Republicans). Ideologically, however, their issues stances fall between Democrats and Republicans, expressing more moderate viewpoints on immigration and climate change than Democrats and more liberal views than Republicans (Baldassare).

The presence of one-fourth of the electorate that has little party allegiance leads to some interesting dynamics. First, a candidate must be mindful of these centrist voters to win statewide support. Second, given the independent’s anti-party stance, politics may become quite volatile. Their relative skepticism of established parties may lead to direct democracy campaigns—initiatives, referenda, and recalls—that can catch on like wildfire and overturn the status quo. Third, given the relatively moderate nature of these voters, there may be room for one or the other of the major parties to gain quite a bit more support by heading more toward the center of the spectrum. Or, perhaps even more radically, a new party might develop that seeks to mobilize the center. The top-two primary system and the rules of a recall election, where the contender with the most votes can win once the electorate has rejected the incumbent, may allow savvy candidates to mobilize these moderate independent voters.

It may be wise to consider both the social and individual factors that determine party preferences. As voters, we think about both historical and contemporary issues. In a time of rapid change, a successful party must provide both continuity for voters and a promising path to the future.

For Your Consideration: How has Political Polarization Affected You?

Since the 1990s, American politics, including here in California, has been marked by growing political polarization. It's all about red v. blue, Republican v. Democrat with fewer people in the center, and compromise often in short supply. Moreover, political scientists have noted that this polarization is in the few decades marked by what is called *affective* polarization

as well as *epistemic* polarization. That is, partisans don't just agree to disagree about viewpoints and ideologies; they actively dislike the opposing party. Driven by partisan media on cable TV and social media and party leaders and politicians who raise money and increase votes with negative campaigning, polarization becomes driven by emotions rather than by reason. Affective polarization is then exacerbated by recurring differences in how party members understand the world: Is climate change real? What is the nature of gender? Who actually won the 2020 election? This epistemic polarization causes a breakdown in communication between Democrats and Republicans (Kleinfeld). The gulf has become so wide that partisanship has become a key factor in dating and marriage choice. For example, a 2020 study showed that among Republicans, only 6% are married to Democrats and 22% are married to Independents. Among Democrats, only 6% are married to Republicans and 19% are married to Independents (Fisk and Fraga).

So has political polarization affected you personally? Think of your own political socialization. Did you grow up talking about politics? What were you taught about people that did not have the same viewpoints as your family? Has polarization today caused problems in your life? How have you sought to address or avoid these problems?

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6.6: How Parties Help Organize California Politics

The Role of Parties in the State Political System

Political scientists often say that in comparison to other representative democracies, parties are relatively weak in the United States. They point to the fact that we have candidate-centered elections, meaning that candidates choose to run for office rather than being selected by party leaders. For local and county elected offices, by law (with its origins in the Progressive era), elections are nonpartisan. Parties do not formally organize the proceedings of city councils or county supervisors. Moreover, we have thriving mechanisms of direct democracy. Initiatives and referenda are often nonpartisan, focusing on how particular issues should be addressed. In California, the top-two primary makes registering for a specific party less critical (except for the vote for president), and hence, one-fourth don't even bother expressing a preference.

Despite these facts, political parties still have significant functions in the political system. Political scientists focus on three roles: how parties organize the electorate, their role as mediating institutions between voters and the government, and how parties organize the state legislature. These three roles are called: party-in-the-electorate, party organizations, and party-in-government.

The party organizes the electorate by creating coherent points of view and platforms for the voter to understand and support, essentially creating teams of rivals to manage the complexity of politics in a mass democracy rationally. Voters participate in the political system as party members, identifying with one party or another. Even defining themselves as "independents," voters think in terms of parties.

Parties are brands that are crucial to attaining office. Choose the wrong brand and political ambition is likely foiled, especially if a candidate embraces a third party. However, a candidate still personalizes his candidacy within the brand. For Democrats, the division is often between "progressives" who hold more dogmatic positions (not to be confused with early twentieth-century Progressives) on issues and "moderates" who are willing to compromise with Republicans to achieve common aims. For Republicans, the division after 2016 is between those who support President Trump and those who may be "RINOs" or "Republicans in name only" because they are too moderate to be worthy of conservative respect. Voters find their choices shaped by these internal party divisions. In turn, the relative electoral success of the different approaches within each party will then cause elected officials to shift their positions.

Second, party organizations don't formally select candidates, but the local and state party committees do endorse their favorites. They also help party members devise coherent platforms, promote the party, and strategize about elections. Each party has a state central committee, and county central committees that party members elect. Caucuses and committees meet to plan programs and positions on various contemporary issues. At biannual state party conventions, these party officials approve party platforms; candidates give speeches, and network with one another (for the latest, see the California Democratic and California Republican Party websites). The minor parties have similar organizational structures, although their organizations are not as well-developed across the state.

Third, the parties help organize the California state legislature and the legislative process. The Democrats hold a majority in both the State Assembly and the State Senate, and thus, the Democrats ultimately pick the political leaders of the chambers. The Speaker of the State Assembly and the President pro Tempore of the State Senate are both Democrats. The chairs of all committees are also Democrats. The Democratic leadership is in charge of which bills reach the floor for a vote. In recent years, the number of Democrats has grown so much that their supermajority (two-thirds) now can override a governor's veto or pass a revenue (tax) bill.

In short, political parties are central to the conduct of California politics. Parties organize our thinking, elections, and government lawmaking processes. Of course, there are exceptions, such as with initiatives and local elected offices. The question is whether the role of parties has been good for our politics.

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6.7: Are Parties Good for California?

What Role should Parties have in our Political System?

There are different viewpoints about whether parties help or hurt a constitutional democracy. The Framers of the US Constitution warned of the dangers of parties. In 1796, President George Washington issued his Farewell Address with much advice for our young country. It is well worthwhile to read this extended quotation about parties:

> ". . . I have already intimated to you, the danger of parties in the state, with particular reference to the founding them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party, Generally.
>
> This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments more or less stifled, controlled, or repressed; but in those of the popular form, it is seen in its greatest rankness and is truly their worst enemy.
>
> The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissention, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual: and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of is own elevation, on the ruins of Public Liberty.
>
> Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely ought of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise People to discourage and restrain it."

Parties divide us and, most insidiously, can do so along geographic lines. Parties beguile our thinking, encouraging emotion over reason and public-mindedness. Finally, parties may lead to despotism as we embrace the leader of one faction over another. Therefore, from the Framers' point of view, parties ought to be discouraged.

Washington's warnings did not stop the development of parties. Divisions among the Framers led to the formation of parties. Party politics came to drive American politics, directing our political ideologies, campaigns, electoral processes, and legislative politics.

By the mid-twentieth century, the viewpoint of most political scientists was the exact opposite of Washington's. E.E. Schattschneider's often-quoted statement epitomizes the modern attitude: "Modern democracies are unthinkable save in terms of political parties." Parties serve as important linkage institutions connecting the people to the government. Parties are essential mediating institutions that help overcome the problems of mass democracy by channeling politics into organizations that interact constructively in the electoral and legislative arenas.

Perhaps a middle ground between the Framers' fears and Schattschneider's optimism is best. Governor Hiram Johnson believed that special interests, especially the Southern Pacific Railroad, had corrupted parties and state politics. The Progressives promoted reforms to reduce the power of parties and allow the people to control them. Major reforms included the following:

1. Primary elections: instead of party leaders selecting candidates, anyone qualified can choose to run, and it is up to the people to discern the best candidate (passed by legislative referendum, 1909).
2. Nonpartisan elections (local races, such as for city councils and school boards).
3. Ballot reforms:
   a. The secret ballot (originating in Australia and thus often called the Australian ballot) was instituted in California in 1891.
   b. The office block ballot—shows all the candidates running for each office.
4. Civil Service Reform: The party patronage system ("the spoils system") in which the party in power doles out jobs to supporters is replaced by the California State Civil Service System in 1913 under Governor Johnson.
5. Direct Democracy: the referendum, the recall, and the initiative allow the people to change officeholders and policy directly and sidestep parties entirely (Peterson, King).

The Progressives were realists. Parties are necessary for a modern democracy but must be limited in power and made to reflect popular demands rather than only narrow special interests. As with many aspects of politics, crafting the appropriate role for parties in California remains essential.

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6.8: Summary

The Centrality of Parties

The menu of six parties on the California ballot provides the voter with a range of political choices. Each party has distinct party platforms, and in today's polarized political climate, dedicated supporters are readily distinguishable by ideology and a range of demographic characteristics. The parties provide crucial functions for the political system, organizing political viewpoints, electoral contests, and the legislative process itself. However, Californians have a rich tradition of reform to limit the power of parties in our politics.

For Further Inquiry

What is your party preference? Review the statements of purpose of each qualified political party published by the Secretary of State. What do you like and dislike about each party? You may wish to re-register.

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7: INTEREST GROUPS

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7.1: Introduction



Figure 7.1.1: MeToo Movement Protesters(CC BY-NC-ND 2.0; by Meredith Nutting via Flickr)

Learning Objectives

- To analyze how interest groups attract members and how they seek to influence public policy.
- To evaluate the role of interest groups in the political system.
- To analyze and evaluate current campaign finance regulations.

Introduction

There are many ways to make a difference in California. For many people, voting may be too solitary an activity—a ballot received in the mail, a consideration of the contests over a cup of coffee, and then a walk to the mailbox. Rather alienating! The political parties offer another way to become involved. Still, the scope of the contests, the wide breadth of the issues, and the focus on helping to satisfy someone else's political ambition may not be your cup of tea, either.

There is a third way of becoming involved in politics. Think about a cause that you care about. Maybe it is work-related, and you want to improve career opportunities in your field. Perhaps you care about civil rights, an environmental issue, or a charitable cause to help people with particular health challenges. You may have been personally affected by a tragedy, such as a school shooter or a drunk driver, and want to dedicate yourself to reducing the probability of such a trauma affecting other people. Next, look for a group that is dedicated to the cause. There are often student chapters of various organizations on campus or in the local community. Interest group participation allows you to learn much about a particular issue, network with others who share similar interests, and work to accomplish specific goals that will make you proud.

You may wish to join a civic group primarily focusing on helping community members, such as supporting women choosing STEM careers. Maybe you can arrange for mentors of students and peer tutoring. Political involvement might be limited to working with educational administrators to provide more support services for women. On the other hand, you may join a group with a particular public policy goal, for example, a statewide group seeking the governor's immediate recall. The focus is immediate: gather enough signatures and organize a successful campaign. This group is less about helping members and more about short-term results.

Regardless of the type of interest groups, they all seek to change public policy. Business and labor groups organize about fundamental economic issues such as taxation, regulation, working conditions, and pay. Citizen groups lobby about environmental, civil rights, gun rights, fighting crime, and social and religious concerns such as abortion. Occasionally, interest groups will trigger broader social movements that sweep the state, demanding change and upending politics as usual.

This chapter will analyze how political scientists study interest groups and apply these methods to understanding California groups. How do groups organize change public policy, and what are their effects on the political system? We will examine campaign finance reform as a case study to regulate interest groups.

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7.2: How Groups Organize

The Role of Interest Group Entrepreneurs

In the business world, Americans love entrepreneurs. Create and market a new product, and you may become wildly successful while receiving social admiration. In the political world, another kind of entrepreneur fuels progress. This is the political or policy entrepreneur who creates an interest group to fight for a cause. Their genius lies in persuading and organizing people to work for policy change. Historically, think of the abolitionists, the suffragists, the Prohibitionists, and in the post-World War II era, the civil rights organizations, the environmentalists, and the conservative groups fighting for traditional values. Let's examine how interest group entrepreneurs attract members to their causes.

A political entrepreneur has a vision of a better future and perceives the opportunity and the means to take advantage of the opportunity to change public policy. Leaders use three incentives to attract new members. First, persuade prospective members of the legitimacy of the cause. This is often done by linking the cause to other important values, such as larger American ideals. Second, appeal to material interests. Perhaps the cause itself is material: a tax cut, a new benefit, a college scholarship, canceling student debt. Or maybe an interest group provides an incentive to join, even something relatively small such as store discounts, t-shirts, or coffee cups. Third, provide social opportunities, what political scientists call solidary incentives. People love to make new friends as they are working for a common cause. Create a sense of belonging by welcoming people not just as contributors but as group members dedicated to a common cause.

Interest groups that provide a significant material benefit will have an easier time organizing people. In contrast, a citizen group whose members are working toward a more general benefit for the whole country, such as civil rights or environmental protection, must overcome the free-rider problem. It is all too human to want to gain the benefit from the hard work of an interest group without contributing to the cause. Effective interest groups can overcome this issue by organizing strategies that mobilize people to join.

Easier access to communication with the development of social media and savvy interest group entrepreneurship have been valuable tools for organizing many more interest groups. Project Vote Smart maintains partial lists of California interest groups.

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7.3: What do Interest Groups do?

Direct and Indirect Lobbying

Interest groups seek to change public policy. There are two strategies to achieve this: direct and indirect lobbying. Interest groups directly lobby when they pressure government officials to make policy changes. They are indirectly lobbying when they seek to influence public opinion to be more sympathetic to their cause with the long-term goal of changing public policy. Of course, interest groups may have many other purposes. Many groups form to help their members with any number of issues. For example, a group may provide social and economic support for its members and interact with the political system only as necessary. Consider all the information, counseling, financial help, and social support people fighting cancer gain by joining the American Cancer Society. This group's political lobbying for more research and healthcare funding is only part of its mission.

Groups may directly lobby by meeting with legislators to sponsor or amend a bill. Legislators may ask interest groups to send members to testify at committee hearings to provide insight into a particular public policy challenge. Second, they may also meet with bureaucrats from executive department agencies who are drafting regulations. A third route is litigation. Many groups seek public policy goals through lawsuits that will force public policy changes.

By law, interest groups cannot give campaign contributions to candidates in exchange for votes. However, it is in the interest of groups to help candidates who are likely to further their agenda in the future. With sympathetic legislators in place, a group knows it will be far more successful at lobbying. Thus, money doesn't buy votes; it buys access to lawmakers who are more willing to listen. Ultimately, however, an interest group will have more influence if it is popular with the legislator's constituents.

Interest groups engage in indirect lobbying when they seek to influence public opinion in their favor. Groups may enlist the help of celebrities to advertise causes, hold marches and demonstrations, and use social media to persuade and recruit more supporters. A sympathetic public is crucial to an effective presence in state or local government.

For Your Consideration

Think about an interest group that you have joined. Maybe you are a bit of a recluse, but perhaps someone you know is a member of a group. How has the group attracted members? Is it through the use of persuasive, material and solidary incentives? Next, think about what the group does politically. Is it focused on changing policies or more on public outreach? In other words, how does it lobby? How do you find this group beneficial to the community or the state?

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7.4: Interest Groups in California

History

Any discussion of interest groups in California often begins with two stories: one about the power of the Southern Pacific Railroad in the 1870 to 1910 period and the other about Artie Samish, an influential lobbyist who manipulated the legislature between the 1920s and early 1950s.

The Southern Pacific Railroad (SP) was the most potent organized interest in California history between the 1870s and 1910. Originally started as the Central Pacific, the "Big Four" (Charles Crocker, Leland Stanford, Collis Huntington, and Mark Hopkins) constructed the western half of the first intercontinental railroad. They then built and controlled fourteen thousand miles of track in the western United States, plus ferry boats, steamships, and other ventures. With land grants from the federal government, they owned about eleven million acres of land in California. Their monopoly power allowed them to control freight rates throughout California. The SP controlled much of the state's politics through bribery and manipulation. After the infamous 1880 Mussel Slough incident in which farmers died protesting high land sale prices from the railroad, critics branded the Southern Pacific the "Octopus" for its stranglehold on commerce and politics throughout the state. California could not effectively regulate railroad routes until the Progressives came to power in 1910 (Howe).



Figure 7.4.1: The "Octopus" (public domain; Junkyardsparkle via Wikimedia)

As the economy grew and diversified in the twentieth century, the landscape of California interest groups became far more complex. Agriculture, mining, industry, real estate, transportation, entertainment, and many other groups exercised influence in Sacramento politics. Their lobbyists could legally give legislators unlimited gifts and campaign contributions without any required disclosure to the public.

The most infamous lobbyist of the first half of the twentieth century was Artie Samish. Raising money from his interest-group clients, he paid for politicians' campaigns. He kept a secret book of everyone's habits, legal and illegal, to help bargain in the backrooms of Sacramento bars. He was so powerful that in 1949, he boasted in *Collier* magazine, "I am the governor of the Legislature, to hell with the governor of California." He even pulled out a ventriloquist's dummy in the same interview, which he called "Mr. Legislature." Eventually, Samish ended up in jail for federal tax evasion ("Lobbyist's Ego").

The situation began to improve in the 1960s. Speaker of the State Assembly Jesse Unruh spearheaded constitutional reforms (Proposition 1A passed in 1966) that replaced the part-time state legislature with a full-time one. Legislators were paid better salaries with professional staff to attend to the business of lawmaking. A few years later, in the wake of the Watergate scandal, promoted by then-Secretary of State and gubernatorial candidate Jerry Brown, voters passed Proposition 9, the Political Reform Act of 1974. All contributions and lobbying had to be reported to a new state agency, the Fair Political Practices Commission.

Public disclosure reduced corruption and restored faith in the democratic process by creating accountability to the public.

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7.4.1: The Range of Interest Groups in Sacramento

Contemporary Groups

When considering the role of groups in politics, how should we count and categorize them? The most common approach is using the lobbyist database compiled by the California Secretary of State. This office publishes a directory of lobbyists, their employers, and all campaign contributions of $100 or more. About four thousand lobbyists work in Sacramento, including in-house lobbyists who work for a particular interest and contract lobbyists representing many interests.

Let's categorize interest groups according to who they represent. We can discern four types: business, labor, government, and citizen groups. A business interest group directly represents one business (such as a single utility or oil company) or may represent hundreds of organizations, such as the California Chamber of Commerce. It may also be an association of professionals, such as realtors or doctors. A labor group is typically a union. Its members are employees who contribute dues that pay for political activities. Government groups are groups that represent local governments. They seek to inform and persuade lawmakers about local preferences. Government groups cannot give campaign contributions. Finally, citizen groups are all the groups that represent a myriad of contemporary concerns, such as social, environmental, or civil rights issues. In the last few decades, citizen groups have proliferated! Table 7.4.1.1. lists selected groups under each category.

Table 7.4.1.1:*Types of Interest Groups*

Types of Interest Groups with Examples
Business
California Chamber of Commerce
Chevron, USA
California Farm Bureau
California Medical Association
Labor
California Teachers Association
Service Employees International Union
Government
League of California Cities

Types of Interest Groups with Examples
Citizen Mexican American Legal Defense Fund Howard Jarvis Taxpayers Association Right to Life League

Table 7.4.1.2 shows the expenditures of lobbyists in one legislative cycle.

Table 7.4.1.2: Lobbying Expenditures by Economic Sector

Lobbyists Categorized by Economic Sector	Expenditures in the 2023-2024 legislative session (millions)
Agriculture	12.9
Education	50.0
Entertainment	28.8
Finance/Insurance	52.4
Government	153.1
Health	95.7
Labor Unions	26.0
Legal	13.0
Lodging/Restaurants	12.1
Manufacturing/Industrial	73.2

Lobbyists Categorized by Economic Sector	Expenditures in the 2023-2024 legislative session (millions)
Merchandising/Retail	2.7
Miscellaneous	256.3(self-designated)
Oil/Gas	69.0
Political Organization	3.4
Professional Trade	33.8
Public Employee	8.8
Real Estate	16.6
Transportation	34.2
Utilities	52.0

(California Secretary of State)

Total spending for state legislative races, including individual, party, and interest group expenditures in 2023-24, was 146,769,118 for the State Assembly races and $60,434,945 for the State Assembly.

Lobbyists and campaign finance contributions represent a diverse group of organized interests: businesses, labor, government, and citizen groups. However, it is clear that if a group of Californians does not organize into an interest group and lobby, their voice will not be as well-represented. Thus, the voices of poor people and other marginalized groups are not very well represented in interest group politics.

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7.5: Are interest groups good for California?

Competing Viewpoints

Central to political science is the question of the relationship between the parts and the whole. An analogy is helpful. Think of your family. Each of you has needs and wants, and then there is what is good for the family. Perhaps the two go together. The adage, "If mama ain't happy, then no one's happy," suggests one kind of harmony. But how often have you set aside your preference to help out someone else in your family? If a family shopping can only afford one carton of ice cream, which flavor is picked? A vote will leave some unhappy; a consensus may not be found. Of course, a parent might snap, "This isn't a democracy!" and grab the cheapest flavor.

The same goes for a nation. In *The Federalist Papers*, Madison wrote about the challenge of reconciling the parts and the whole. Seeking to persuade the states to ratify the Constitution after the Philadelphia Convention of 1787, the parts that he worried about were not individual family members but factions, typically economic interest groups that seek government policies that benefit them and that may undermine the good of the whole. In *Federalist #10, he wrote:*

> Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.

Madison argued that establishing a larger country with more centralized control checks the "mischief of faction." Such a diversity of interests and groups prevents any one faction from abusing its influence. For example, farmers in one part of the country check the merchants elsewhere. The demands of the bankers balance those of their customers. Of course, the purpose of *Federalist #10* was to help persuade states to ratify the US Constitution. Nonetheless, his theory of countervailing power is an original American contribution to understanding interest groups in a democracy: factions are likely to be selfish; in a free society, this selfishness cannot be abolished, and instead, the selfishness of one group can and should be checked by that of other groups.

Madison believed that groups are fundamentally good; in a free society, people should be able to organize and seek public policies that will improve themselves. Madison was a realist. He knew that these factions, as he called groups, could bias public policy in ways that might hurt other groups or the country. He hoped that the diversity of groups in a large country would limit the "mischief of faction." Madison also relied on the institutional devices of having three branches of government that could check and balance each other as an additional way to address the problem of faction.

Fast forward to the twentieth century. Social scientists debate the same issue: is democracy captured by special interests? Cynics say yes. After all, you don't have to be a Marxist to see the government as representing the interests of the wealthy. In 1956, sociologist C. Wright Mills argued in *The Power Elite* that a mix of wealthy people, celebrities, big corporations, the military, politicians, and bureaucrats ruled the country. These groups are not representative of most Americans, and they do not necessarily have the interests of most Americans in mind as they run America. Special interests steal American democracy from the people.

Political scientists responded to Mills by researching the relative influence of different interests. In *Who Governs* (1961), Robert Dahl argued that his investigation of city politics in New Haven, Connecticut, shows interest groups are not biased toward the wealthy. Many groups interact with one another, and public policy results from this bargaining. This argument becomes known as the theory of pluralism. So, the debate between elitists and pluralists continues, with elitists arguing that interest groups are more likely to represent wealthier people and pluralists claiming that groups are essentially a democratic device for everyone to organize.

One way to address this question is to institute rules that promote pluralism and discourage elitism. Pass regulations that channel interest groups toward the kind of politics that we prefer. In other words, just as Madison recommended "curing the mischief of faction" through federal design, Californians should likewise regulate interest groups to promote pluralism. The area that receives the most attention in this regard is campaign finance law.

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7.6: Regulating Interest Groups- The Role of Campaign Finance Law

Money in Politics

The role of money in politics remains a controversial subject. On the one hand, one fundamental value protected by the First Amendment is liberty. Voters, parties, and interest groups want to exercise their voices in the democratic process. But on the other hand, we also care about equality. If politics is flooded with money, won't those with money come to dominate everyone else? So, our concern for equality leads us to want to impose rules on campaign spending, which may interfere with our love of liberty. Hence, we have a dilemma.

California has made multiple efforts to regulate campaign finance by limiting contributions and requiring disclosure. Proposition 9, the Political Reform Act of 1974, was the first significant law. First, the law limited lobbyists' gifts to lawmakers to $10.00 monthly. Second, the law mandated the public disclosure of all campaign contributions of $100.00 or more. This data is now readily available on the Secretary of State's website. Third, Proposition 9 also limited expenditures by candidates. However, the US Supreme Court, in the case of *Buckley v. Valeo* (1976), ruled (in part) that candidate spending is a type of free speech and, therefore, must not be limited. Although several propositions attempted to limit campaign contributions in the next few decades, they foundered in court. It was not until 2000 that Proposition 34 limited contributions, a regulation withstood US Supreme Court scrutiny. These limits are adjusted for inflation regularly.

Table 7.6.1: Campaign Contribution limits for 2025-26

Candidate or Officeholder	Source of contribution: Person (individual, business, political action committee)	Source of contribution: small contributor committee (donations less than $200)	Source of contribution: political party
State Assembly/ **State Senate/** **City and county candidates that have not enacted limits**	$5900 $5900	$5900 $5900	No limit No limit $5900
Statewide Candidates	$9800	$19600	No limit
Governor	$39200	$39200	No limit

(CA Secretary of State, California Fair Practices Commission)

After *Buckley v. Valeo*, the next significant US Supreme Court case to impact California elections was *Citizens United v. Federal Election Commission* (2010). The Court ruled that the First Amendment also protected independent expenditures. This means that the government must not limit spending not coordinated with candidates. Contributions may be limited, but not the advertisements or other expenditures of parties, groups, or individuals expressing their opinions about a candidate or issue. Groups that engage in independent expenditures are often called SuperPACs. In 2020, about 19% of over one billion dollars of statewide campaign spending fell under this independent spending category.

It is also important to note that campaign contributions and expenditures for ballot measures have no limits. For example, in

2020, about $775,000,000 was spent fighting for and against various propositions with Proposition 22, allowing Uber and Lyft drivers to remain as contracted drivers, exacting over 222,000,000 in costs for both sides. In contrast, all of the state legislative races combined cost $165,000,000. California's direct democracy has become the Wild West regarding campaign spending ("At a Glance").

Reviewing the history of campaign finance reform, California has been more successful in implementing regulations requiring disclosure rather than limiting money in politics. This is partly due to the US Supreme Court rulings to protect free speech rights. California voters have also rejected ballot measures to institute public financing of campaigns, probably because they don't want their hard-earned tax money going to politicians. Campaign finance law remains unsettled. For example, California attempted to require nonprofits to disclose donations used for political purposes. The US Supreme Court ruled this law unconstitutional because it violated the First Amendment (*Americans for Prosperity v. Bonta*, 2021).

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7.7: Summary

The Role of Groups in California

Interest groups provide a crucial linkage institution for the people to influence the government. Traditionally, economic groups have biased representation toward elites, but there are ample opportunities for citizens to become involved and represent many different concerns. Since the 1970s, campaign finance reform has helped limit elitism and promote more pluralism in Sacramento.

For Further Inquiry

Choose a California political race of interest to you. Research the record of campaign contributions published by Opensecrets. Do you believe that more limits or disclosures are necessary?

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8: THE LEGISLATURE

8.1: Introduction

8.2: The Legislature as a Representative Institution

8.2.1: Formal Representation

8.2.2: Substantive Representation

8.2.3: Descriptive Representation

8.3: Contemporary Challenges

8.4: Summary

8.5: Works Cited

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8.1: Introduction



Figure 8.1.1: The California Capitol (public domain; Picryl)

Learning Objectives

- To analyze the California legislature considering the formal, substantive, and descriptive dimensions of representation.
- To describe recent efforts to improve representation through electoral reform.

Introduction

> "THE great end of men's entering into society being the enjoyment of their properties in peace and safety, and the great instrument and means of that being the laws established in that society, the first and fundamental positive law of all commonwealths is the establishing of the legislative power.... (Chapter 11. Of the Extent of Legislative Power, John Locke)."

Recall John Locke's social contract theory. All people are fundamentally free and equal to lead their own lives and make their own decisions. Without government, the lack of law, judges, and law enforcement quickly makes the state of nature a state of war. Thus, we leave the state of nature to safeguard our property and form a political community through a social contract. We create a Constitution that establishes a government whose legitimacy to make and enforce laws is dependent upon the consent of the governed. We consent by first ratifying the Constitution and then through the regular elections of representatives who are dependent on the people to maintain their rule. Thus, the legislature is the central device of modern democratic theory to resolve the difficult question of how the government may legitimately exercise power.

This chapter focuses on the California State Assembly and Senate, our bicameral California legislature. Historically, Californians have been skeptical of the legislature's ability to fulfill its Lockean role. We often prefer to make the law directly rather than elect representatives. The Constitutional Convention of 1878-79 convened to circumvent the existing state legislature and pass legislation to limit the railroad monopolies. The 1911 Progressive Reforms deepened this process through direct democracy. In the last few decades, public opinion polls of Californians show this skepticism about the California legislature, with approval of how the legislature is doing its job varying from the low teens to about fifty percent ("Californians and their Government"). In contrast, about seventy percent of Californians support the initiative process ("Reforming California's Initiative Process").

Despite the state's fondness for direct democracy, the vast majority of policies that impact our daily lives—regarding education, health care, social spending, food, water, power, transportation, and on and on—are the consequences of traditional legislative actions in Sacramento. We expect the politicians to represent us: to look after our welfare, to echo our demands, and to lead the

state. This chapter focuses on how the state legislature represents us and how reforms may improve representation.

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8.2: The Legislature as a Representative Institution

Understanding the Concept of Representation

The concept of representation is multi-dimensional. In the most direct sense, the legislature acts in place of the people to fulfill the constitutional goals of self-government. Much work in the field of political science has sought to study representation both philosophically and empirically. Perhaps the most well-known philosophical work is Hannah Pitkin's *The Concept of Representation* (1967). Pitkin considers four kinds of representation: formal, substantive, descriptive, and symbolic. The first three are particularly helpful in studying the state legislature. First, we should understand the rules and practices governing the formal representation of the state by the legislature. Second, the legislature engages in substantive representation, including lawmaking, government oversight, and constituency service. Third, legislators descriptively reflect the demographic qualities of their districts, defined according to any number of categories such as race, ethnicity, and gender.

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8.2.1: Formal Representation

Geographic Representation

Formal representation refers to the rules and practices governing the selection of legislators. According to Pitkin's framework, formal representation is successful when, first, representatives have gained their seats through a process of elections that is considered legitimate by most voters, and second, when voters can hold representatives accountable for their actions by being able to remove them from office in the next election ("Political Representation"). Table 8.2.1.1 provides a snapshot of the California State Legislature.

Table 8.2.1.1:*The Organization of the Legislature*

Chamber	State Assembly	State Senate
Number of Members	80	40
Length of Term	2	4
Term Limits	12 (total years in both chambers)	12 (total years in both chambers)

Our state legislature has always been bicameral. A bicameral Congress has an upper house and a lower house. Historically, bicameral legislatures developed in Europe, with the upper house representing the nobility and the lower house representing the common people. For example, the United Kingdom's Parliament is composed of the House of Lords and the House of Commons. The American colonies also developed a bicameral structure over time, with upper houses including representatives of the English government and lower houses representing free men. Upon independence in 1776, states developed legislatures following this colonial legacy, except upper houses represented geographic areas instead of the nobility. New states followed this bicameral division. In California, until 1967, forty state senators represented California geographically by county, with no senator representing less than one county or more than three. In *Reynolds v. Sims* (1964), the US Supreme Court ruled that this apportionment of Senate seats was unconstitutional because it gave disproportionate influence to rural over urban areas by violating the "one man, one vote" principle. Districts should, as closely as possible, have the same number of people. Ever since *Reynolds*, the forty state Senate districts are redrawn after every census along with the districts for the eighty members of the State Assembly.

One might argue that if both the California State Assembly and the State Senate are organized by population, what is the point of having a bicameral system? For example, in 1937, Nebraska voters were persuaded that bicameralism was wasteful and redundant and approved a unicameral system (Myers). On the other hand, perhaps redundancy leads to better deliberation. Although Nebraska's unicameral experiment received some attention after the *Reynolds* decision, the other forty-nine states ultimately opted to maintain tradition over innovation.

As the lower house, the State Assembly is intended to respond to the people more closely by having two-year terms, whereas state senators have four-year terms with staggered elections such that only half are up for election every two years. Currently, state legislators are limited to twelve years of service in either or both houses combined. This term limit law was passed by Proposition 28 in 2012.

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8.2.2: Substantive Representation

Reflecting the Needs and Interests of the People

Substantive representation refers to advocating for the interests of the people. Our focus is on the heart of the legislator's job: lawmaking, oversight, and constituency service. As representatives, the legislators act in the people's place to fulfill their needs and wants. They are both delegates, mirroring the people's demands, and trustees, doing what they think is best for their constituents. Ever mindful of the next election, legislators will act as delegates when the people have strong opinions. Much of the time, however, voters have not expressed a clear preference regarding a proposed law and expect their representatives to make informed decisions as their trustees.

The legislative process is relatively straightforward. Both chambers approve a bill, and the governor signs it to make it a law. A state senator or assembly member authors a bill, but the actual legal drafting of the bill is done by the Office of the Legislative Counsel. This office is a nonpartisan agency established in 1913 to provide many professional services, including drafting bills, giving legal opinions to the legislature and the governor, and compiling records of all bills and statutes passed each session.

After the Legislative Counsel drafts the bill, the author submits it to the full Senate or Assembly, where it is formally presented; this is called the First Reading (the bill number, the title, and the author are announced). The bill is then printed and sent to the Rules Committee, which assigns it to one (or more) policy committees and a fiscal committee if it involves spending. No action can be taken for thirty days after it is introduced in committee. If a majority of the committee votes for the bill, it goes to the full Senate or Assembly for a second reading. After debating by the whole body, a third reading is made before a roll call vote where a simple majority is required to pass most bills. The bill must then go through the same procedure in the other chamber. A conference committee reconciles differences between Assembly and Senate versions of the bill, and then the bill goes to the governor for approval. A two-thirds majority of both chambers is necessary to override a veto. Legislative overrides are extremely rare. Figure 8.2.2.1 shows this process.

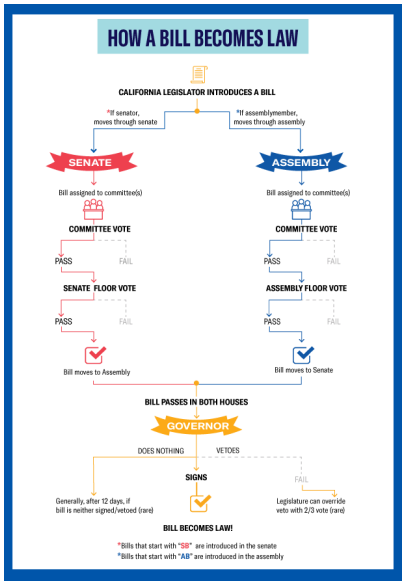


Figure 8.2.2.1: How a bill becomes a law (Public Domain; California Capitol Museum)

While committees organize formal deliberations and vote on bills, political party leaders set the chambers' priorities. The party with the majority of members in each chamber elects leaders who control the legislation process and holds the majority of seats on every committee. Each partisan leader selects the chairs of the committees and decides through the Rules Committee when bills will be heard by committees and on the floor of each chamber. The leader of the majority party caucus is the Speaker of the Assembly. In the State Senate, the President pro Tempore is elected by the majority caucus to lead this chamber because the President of the State Senate is a separately elected person, the Lieutenant Governor. The Lieutenant Governor (like the United

States Vice President) holds no legislative power in the chamber except to break a tie vote.

In addition to lawmaking, committees engage in oversight by reviewing the actions of executive branch agencies as they implement laws. Committees will hear from many stakeholders (those involved in a particular issue area, such as interest group leaders, bureaucrats, and constituents) to consider further actions and hold bureaucrats accountable for implementing the law. There are many standing committees in the Assembly and the Senate. They are organized by policy area, for example, agriculture, appropriations, banking and finance, etc.

Lastly, the third substantive role of legislators is to serve as liaisons or ombudspersons between their constituents and the government. Citizens may be seeking services from government agencies (for example, health care, educational services, care for the elderly or disabled, etc.) and finding it challenging to navigate the complexities of so many offices and communication in the age of emails and online forms. The Sacramento or district office staff resolves problems to provide needed services.

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8.2.3: Descriptive Representation

The Significance of Demographic Diversity

Do the state legislators need to look like the people that they represent? Two arguments answer this question in the affirmative. First, representatives need to understand the needs of their constituents. Using the premise that personal identity informs our understanding, a diverse legislature will better understand the needs of a diverse California. Second, the legislature will have greater legitimacy because more diversity signals that many people from diverse backgrounds can run and win.

On the other hand, a certain degree of skepticism regarding descriptive representation is warranted for a few reasons. First, a simple comparison of demographic ratios of different groups in the legislature to that of the population of California may be misleading. Immigration patterns are changing rapidly, and there is bound to be a gap between a comparatively younger California population and an older set of legislators likely to reflect the immigration patterns of a generation or more ago. Second, defined demographic categories, such as race or ethnicity, may be problematic because they may group people so as to obscure diversity.

Regardless of these philosophical issues, most would agree that one sign of a healthy legislature is diversity, with the caveat that this diversity should be considered in complex rather than simply stereotypical ways. The data in Table 8.2.3.1 show that the legislature reflects the diversity of California, although whites are somewhat overrepresented, and Latinos are underrepresented. Women remain underrepresented.

Table 8.2.3.1: Selected Demographic Characteristics of Californians and the California Legislature

People	Percentage of CA Population (2021)	Percentage of CA Legislature (2023)
Female	50	41.67
Black	5.4	8.33
Asian or Pacific Islander	15.3	11.67
Latino/a	39.5	28.33
White	35.8	45.83

(Source: Osborne)

For Your Consideration

To what extent do our identities help shape our understandings? If we don't share the same characteristics of the people we represent, is it more difficult to represent them well? Think of an example in your experience when you have tried to understand someone very different from you. How have you tried to close this gap to develop better empathy?

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8.3: Contemporary Challenges

Considering Current Dilemmas

Sometimes, it is helpful to return to the fundamentals of any human action and ask two simple questions: *what* should be done, and *how* should it be accomplished? John Locke provides clear prescriptions to address both questions. The "what" is answered by the Lockean-based assertion that the legislature should pass the laws necessary for California to address its policy challenges successfully. The "how" is responded to by Lockean prescriptions that the legislature, with regard to its elections, its organization, and its processes, conducts itself in ways considered legitimate in the eyes of the California people. In recent years, there has been a great deal of progress in reforming the "how"—the democratic processes of the legislature—with the hope that these reforms will then allow the "what"—the policy challenges we face—to be better addressed. While Locke's answers are clear, the details become a matter of debate.

Since the 1990s, the California legislature, like the US Congress and many other state legislatures, has suffered under the growing strain of political polarization. The ever-increasing ideological distance between the parties prevents the government from passing meaningful legislation to address our problems.

There are different arguments about the causes of this polarization. One view is that polarization is caused by various institutional rules and practices that push people apart and that we need to reform these rules, and then we will have an easier time working together. Another argument is that the rules aren't dividing us; it is about differences in values, lifestyles, and economics. In other words, we have difficulty working together because we are so diverse.

Consider just three institutional reforms implemented since 2008 to address polarization. Gerrymandering has been blamed for creating districts that are more ideologically extreme. It was argued that it was in the interest of lawmakers to clump voters together who would support them and to assent to other lawmakers doing the same with their voters. Seeing this as problematic, Proposition 11 in 2008 removed this role from lawmakers. It gave it to a Citizens Redistricting Commission, which would endeavor to put communities of interest together in districts in a way that would not engage in partisan bias. The result has been a very modest increase in the competitiveness (won by less than ten percentage points) of elections from about five percent of CA state legislative races to about fifteen percent (McGhee).

Next, partisan primaries were blamed for pushing representatives to the ideological extremes as they first competed for voters on only one side of the spectrum before facing a more moderate electorate in November. This resulted in a runoff between two more ideologically extreme candidates than the average voter in their district. Proposition 14, passed in 2010, was the antidote, which implemented the top-two primary system. Now, party registration (except for the US Presidency) does not limit voter choice. The top two candidates go on to a runoff in the general election. It is in their interest to moderate their positions right from the beginning of their campaigns to attract the most voters. Once elected, representatives needn't worry as much about partisan attacks; they will take more centrist positions when legislating. The few academic studies that have been done about this show this effect (Miller).

A third reform reduced the two-thirds majority required to pass a budget in the California legislature to just a simple majority. Sponsored by the public employee unions, Proposition 25 in 2010 ended the ability of a partisan minority to exercise such leverage over the majority. The result is that California budgets have been passed on time ("Rewriting the Rules"). The two-thirds majority is still present for any tax increase (as mandated by Proposition 13, passed in 1978). The net result of these and other political reforms is to help the legislature overcome partisan polarization and avoid gridlock.

The alternative argument is that polarization is caused by a deadlock between firmly held viewpoints held by roughly equal-sized partisan groups in the state. Tinkering with electoral rules will not resolve the problem; polarization will ease when one party surpasses the other in popularity. Hence, in this view, the state has overcome party polarization during the last ten years because the Democratic Party has become far more popular than the Republican Party. This is confirmed by statistics from the California Secretary of State in October 2020, showing that 46% of California voters registered as Democrats, with only 24% registering as Republicans ("Report of Registration"). Since 2020, Republicans have lost ten percent of the electorate. The only counties that have a majority of Republicans are rural. Republicans have failed to make significant inroads in the state's ideologically moderate and liberal demographically diverse urban areas.

Even if gridlock has diminished from changes in partisanship, political reforms such as the top-two primary system, the Citizens

Redistricting Commission, rule changes in the legislature, and earlier reforms such as term limits and campaign finance enhance the legitimacy of government institutions. If Californians believe that democratic processes are fair, the institutions themselves will be rated more favorably, and they will have a greater capacity to address necessary policy reforms. According to the October 2020 poll of Californians by the Public Policy Institute of California (PPIC), just 51% of respondents believe the California legislature is doing a good job.

In short, efforts to reform the legislature are essential in themselves. The legitimacy of elections, the organization of the legislature, and its processes matter to the electorate. However, performance also matters. As a state, California is confronted by many long-term challenges, many of which directly affect millions of Californians' health, welfare, and general well-being. Unless the legislature addresses these problems, *political* reform will not be enough to fulfill Lockean promises; *policy* reform is also required.

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8.4: Summary

The Centrality of Representation

The very heart of a representative democracy lies with the state legislature. We scrutinize formal, substantive, and descriptive representation to analyze the structure and processes of the State Assembly and State Senate. We evaluate current reform efforts to understand how the California legislature can better live up to our Lockean ideals.

For Further Inquiry

Investigate Sacramento politics. One of the best sources is Calmatters. Rough and Tumble links to many statewide newspaper stories (you may need to use the college library subscription services to access articles because many are behind a paywall). Capitol Weekly is excellent as well. What is on the agenda in the Capitol? What opinions do you have about the stories that you are finding? Are these issues widely reported in the regular media that you use?

Would you like to learn more about your own state representatives? Go to the Digital Democracy website at Calmatters and type in your address. You will learn the names of your state assemblymember and senator, their biographies, issue positions, actions, campaign finance, and information about your districts.

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9: THE EXECUTIVE BRANCH

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9.1: Introduction



Figure 9.1.1: The Seal of the Governor of the State of California (public domain; Zscout370 via Wikimedia)

Learning Objectives

- To describe the executive branch.
- To analyze the roles of the governor and describe the formal and informal powers that the governor uses to fulfill these roles.
- To present case studies of Governors Pat Brown and Jerry Brown to illustrate the governor's roles.

Introduction

Americans have always had their misgivings about executive power. At the national level, we hold the President responsible for the state of the nation. Bad economic news, international calamities, or domestic difficulties will lead to swift rejection at the next election, and the President's party will also likely suffer. At the same time, with our system of checks and balances, this country gives the President relatively little power. The President must rely on his powers of persuasion to rise about the constitutional constraints of his office.

This paradox of executive power—of expecting so much from the officeholder but giving relatively little power to the office—is exacerbated at the state level because the executive branch is a plural office in California. A plural executive means that the heads of multiple executive departments are independently elected by the people rather than appointed by the governor. The rationale is the same: the delegates feared the potential of executive tyranny, whether at the 1787 Philadelphia Convention or the 1849 California Constitutional Convention in Monterey. Nonetheless, as with the President, voters hold the governor responsible for the "state of the state," even though powers are shared among the executive officials, the legislature, and judicial branches.

In this chapter, we will examine the structure of the executive branch and then focus on the governor's roles and the formal and informal powers used to fulfill these roles successfully. We will hypothesize about how a governor may be successful based on a consideration of these roles. Case studies of two governors, Pat Brown and his son Jerry Brown, will help bring these roles to life.

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9.2: The Executive Branch

The Plural Executive

The responsibility of the executive branch is to implement the law. Instead of just one person elected as the Chief Executive, Californians elect the Governor, the Lieutenant Governor, the Attorney General, the Board of Equalization, the Insurance Commissioner, the Secretary of State, the State Controller, the State Treasurer, and the Superintendent of Public Instruction.

Like all other California statewide elections (except for the US President), these officials attain their positions through the "top-two" primary system. Regardless of party, the top two candidates from the primary election are in a runoff election in the general election. Officeholders are limited to two terms as established by Proposition 140 (1990). Table 9.2.1 describes the role of each office of California's plural executive. This organizational chart from the Governor's office provides an overview of the executive branch.

Table 9.2.1:The Plural Executive

Office	Role
Governor	Head of Government
Lieutenant Governor	Substitute for Governor and President of the State Senate
State Superintendent of Public Instruction	Oversees California K-12 school districts
Insurance Commissioner	Regulates insurance rates and services
Secretary of State	Oversees elections, manages legal and business records
Attorney General	Chief Law enforcement officer
State Controller	Manages tax collections and writes checks for the state
State Treasurer	Invests state funds
Board of Equalization	Ensures uniform taxation of property (four members from four districts, and the State Controller is the fifth officeholder)

(Source: California Executive Branch Organizational Chart)

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9.3: The Roles of the Governor

The Leading Role of the Governor in the Executive Branch

In theory, the plural executive diminishes the governor's power because the other offices are accountable to the people rather than dependent on the governor for their appointments. In practice, the agenda-setting role of the executive remains almost entirely with the governor. Another executive officeholder will rarely step out from the governor's shadow.

As with the U.S. President, the governor campaigns for office on a platform of promises. The governor is the *de facto* political head of their state party. When the governor's party holds the majorities in the State Assembly and State Senate, the governor exercises much sway over legislation. Lawmakers will introduce and prioritize the governor's agenda. If the legislature is recalcitrant, governors may use the initiative and referendum mechanisms of direct democracy to change policy, organizing petition drives and advertising campaigns for various economic and social causes.

The state budget is the governor's most powerful tool to set the agenda. The budget details all the revenues and expenditures of the government, revealing the priorities of the state government and, by inference, of the California people (or at least the party coalition that supports the governor). The governor organizes his fiscal priorities for each government agency as a single budgetary document compiled by the Department of Finance. The governor submits the proposed budget to the state legislature by January 10, which must approve it by June 15 in time for the beginning of the fiscal year, which starts July 1.

Revenue sources are many. The state of California is most dependent on income and sales taxes. Consequently, in a recession, receipts abruptly fall, causing great difficulty. Governor Brown enlarged the rainy-day fund to $20 billion to address sudden downturns in income. On the expenditure side, the largest expenditure is for education. California voters passed Proposition 98 in 1988, which established minimum funding levels for K-14 education, including that it must receive approximately 40% of general fund revenues. For complete data regarding the budget, visit the Department of Finance.

The governor's proposed budget is reviewed and debated in legislative budget subcommittees by issue areas and revised and amended according to legislative preferences. These committees hold hearings where testimony from citizen groups, agency leaders, the Department of Finance, and the Legislative Analyst's Office helps provide information and judgment for lawmakers. However, the governor has an integral role in this process, partially because the governor has the line-item veto power. The line-item veto allows for specific appropriations to be changed or eliminated by the governor, so it behooves legislators to work with the governor rather than at cross purposes. The governor only has the line-item veto power regarding the budget and appropriations bills, not with other bills where he can only veto or approve the entire bill (Micheli 219-27).

Until 2011, a two-thirds majority of each legislative chamber was necessary to pass the budget. A dedicated minority of lawmakers (such as fiscal conservatives in the Republican Party) might stop the budget process in this situation. Budget impasses sometimes even shut down the government. In 2010, voters passed Proposition 25, which shifted the percentage needed to pass a budget to a simple majority. Tax increases still require a two-thirds majority. As Republican seats diminish, the Democrats can reach this two-thirds majority more easily.

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9.4: The Governor as Political Leader

Two Case Studies of Governors

The institutional characterization of the executive branch provides us with the basic facts. However, let's explore two case studies about how a governor exercises leadership. These case studies illustrate leadership theory and provide insight into California's history.

Studies of leadership often break executive actions into different roles. First, the governor is the chief executive, administering laws. Second, he is the chief legislator, spearheading a political agenda through the legislature. Third, he is the chief of state, the symbolic leader representing all of California. The study of roles is a helpful organizing principle for describing leadership, but to understand successful leadership, we need an explanation of the relative effectiveness of the governor. Drawing on the classic work of Richard Neustadt, who argued that presidential power is the power to persuade, we can explain gubernatorial effectiveness similarly. Governors, just like presidents, have very little command power. Instead, they must seek to convince other stakeholders—parties, the public, the media, legislators—about the validity of their ideas. Let us examine two governors, father, and son, whose influence on California is vital in itself to consider but who also illustrate the argument that executive power in America is the power to persuade.

Diving into these case studies will help us better understand the frenetic pace of California's history in the post-World War II era. The dramatic growth of California as a leader economically, technologically, and culturally is best represented by Governor Edmund "Pat" Brown, who held the office from 1959 to 1967. Second, his son, Edmund Gerald ("Jerry") Brown, had a very different leadership style, serving as governor twice, from 1975 to 1983 and then again from 2011 to 2019. In both eras, these governors confronted challenges to the state in ways that left lasting legacies.

For Your Consideration

Take a moment and think about the nature of leadership. What are the qualities of leadership that you find most effective? Do you believe that these qualities should also be present in political leaders?

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9.5: Governor Pat Brown



Figure 9.5.1: Governor Edmund “Pat” Brown (public domain; FMSky via Wikimedia)

An Old-Fashioned Politico in a Modern State

Leadership requires vision. Whether in politics or any other area of life, a leader should have a clear purpose. Why am I here? What are my goals? What is the theme that I wish to promote during my tenure? Governor Edmund Brown, Sr. served two terms as California's Governor, from 1959 to 1967. He acquired the nickname of "Pat" Brown as a twelve-year-old, selling Liberty War bonds on the streets of San Francisco. Brown would finish his speeches with Patrick Henry's famous revolutionary cry, "Give me Liberty or Give me Death!" From then on, he was known as "Pat," and he carried this youthful patriotic energy all the way into the Governor's office (Rarick 13). Driven by the Democratic party philosophy of the New Deal, Governor Brown sought to fashion public policies to help California residents live happier, more productive lives and to persuade Californians to spend more for public purposes to benefit the common good. His efforts were rooted in the optimism and wealth of the post-World War II era, and his successes were a product of his ability to join his persuasive skills to the liberal sentiment of the times.

Second, a leader must have a practical strategy to achieve his goals. This strategy involves cajoling the different parts of California's political system—the people, the legislature, the bureaucracies, etc.—to work together. Pat Brown's approach was very old-fashioned, with the ability to be the ever-present politician, ebullient, extroverted, and organized, reaching out at the retail level to build relationships and patronage. His was not the slick-media candidacy that would become more common by the 1970s; he was the hand-shaker, the listener, the bargainer, the politician who sought to gather support in the pursuit of the vision that he saw for California. In short, Pat Brown was a pragmatist, seeking practical political solutions for the social problems facing a rapidly growing state.

Third, a leader's character—worldview, values, and style—is revealed through their goals and strategies. What ultimately matters to the Governor as a person? Governor Brown had a powerful sense of public obligation, that it was his duty to harness his strong work ethic to help the state of California in the best way that he knew how: through politics. An exploration of his political life as Governor shows these leadership qualities.

Pat Brown grew up as one of four children of Ida and Edmund Brown in San Francisco. His father owned a cigar store and engaged in many other business enterprises. As a child, Pat learned to hustle odd jobs, selling newspapers and sodas. He went to Lowell High School, the best public high school in San Francisco, where he showed leadership talent. He was the president of student clubs, student government secretary, and a yell leader. After high school, he worked at his father's cigar store and visited Yosemite National Park with friends for leisure. Brown wanted to go to college, but his father had fallen on hard times, so he went directly to law school at night and worked for a local attorney during the day. By the late 1920s, he had become an attorney himself.

He turned toward civic involvement as a member of the Elks and the Chamber of Commerce. While his first foray into politics was a losing bid for state assembly at the age of 23, he started a clean-government reformist political organization in San Francisco known as the "New Order of Cincinnatus." The organization gained many promising, honest politicians as members. Brown became more well-known. Historically, most Californians were Republicans, as was most of the country outside the South. Brown, however, drawn to New Deal liberalism, decided to switch parties and become a Democratic in 1935 (Rarick, Ch. 4).

As his law practice grew, Brown became active as a fundraiser for the Democratic state party and began running again for local office. In 1943, he was elected San Francisco District Attorney. By 1950, he was elected to his first statewide office, attorney general. Politically, he was a moderate, supporting the pragmatic Harry Truman over the left-wing candidacy of Henry Wallace. As attorney general, he supported liberal civil rights causes, such as protecting the rights of Native Americans, and liberal civil liberties positions, such as banning religious instruction in public schools.

When Republican Governor Earl Warren decided not to run for reelection in 1958, it was a perfect opportunity for Pat Brown to run for this seat. Brown ran on a platform of government activism promising more consumer protections, economic development, protection of civil rights, and spending for roads, schools, and water projects. He ran against the incumbent senator from California, William Knowland, who conducted a lackluster campaign focusing more on fighting Chinese communism than addressing the problems of a rapidly growing state. Brown also benefited from the support of labor with whom he shared opposition to an anti-union "right to work" proposition on the 1958 ballot (which was defeated). Pat Brown won easily, taking all but four of California's fifty-eight counties and a plurality of over one million votes. Moreover, it was a landslide for Democrats, who took control of the state legislature and almost all the elected executive positions (Rarick, Ch. 5).

In his inaugural address of January 5, 1959, Governor Brown set out his platform of "responsible liberalism" (California State Library). California's government must do more. It needed to provide the public services to match the needs of a growing state: new elementary and high schools, colleges and universities, roads and highways, more water projects, deeper commitments to civil rights and workers, and many more initiatives. With strong support from Democratic majorities in the state legislature, the Governor asked for and received increases in revenues—income tax, capital gains tax, and tobacco taxes, among others—to pay for his ambitious agenda.

In his first term of office, the Governor's most notable accomplishments were in four areas. First, in civil rights, a strengthened Fair Employment Practices Commission to investigate and adjudicate job discrimination claims was established. Second, the Governor shepherded the Master Plan for Higher Education through the legislature, which separated the missions of the University of California, the state university system, and the community colleges. He promoted legislation to fund more campuses for each level. Third, the Governor planned the California State Water Project to create the California Aqueduct. This project dammed the Feather River, bringing water over the Tehachapi mountains to southern California. Then, the Governor successfully campaigned for the multimillion-dollar bond proposition to fund the project. Fourth, funded by the gas tax, the state embarked on massive highway and freeway building projects across the state to accommodate a California population that by 1963 would exceed that of any other state.

Brown, in his first year, signed more than one thousand bills. Among the bills, disabled people received more health care and financial help. Unemployment insurance was expanded. Air pollution curbs were instigated. State workers received pay raises. Such historically Republican papers as the *Los Angeles Times* praised the Governor for his stewardship of a well-thought-out program (Rarick, Ch. 10).

What explains these successes? Indeed, a new governor may enjoy a honeymoon period at the beginning of his term, but far more was at play here. Governor Brown was riding a wave of partisan energy to address the needs of the state with very little opposition from more conservative forces. The enthusiastic boosterism of his projects caught the liberal imagination of Californians. A similar wave would sweep the whole country in 1960 with the election of Kennedy and the inauguration of more vigorous national Democratic activism. Brown succeeded because he took advantage of a relatively rare opportunity to make significant policy changes.

In his first term, the one episode that caused his popularity to plummet was the Caryl Chessman death penalty case. Governor Pat Brown was torn about whether to grant a stay of execution in February 1960 for Chessman, who had been convicted of multiple counts of rape, kidnapping, and robbery. In the early 1960s, the abduction connected with other crimes made him subject to the death penalty. Chessman had spent many years representing himself, proclaiming his innocence, and gaining the sympathy of Hollywood stars such as Marlon Brando to publicize his plea for clemency.

With his past as a district attorney and attorney general, the Governor was sympathetic to supporting the criminal courts' judgment of death. However, his Catholicism and his son Jerry Brown's personal entreaties on Chessman's behalf caused him to ask the legislature for a moratorium on the death penalty. They rejected his request, the State Supreme Court rejected

clemency for Chessman, and ultimately, Chessman was executed. Brown's waffling made both opponents and proponents of capital punishment dislike his dithering about the issue (Pawel 113). This would not be the first time he would find it hard to respond to contradictory advice.

In 1962, the Governor prevailed in his reelection campaign against former Vice-President Richard Nixon. In his second term, Brown's most notable accomplishment was helping to pass the Rumford Fair Housing Act of 1963. This Act banned housing discrimination based on ethnicity, race, sex, marital status, physical handicap, or familial status in public and private housing of five units or more. Governor Brown was part of a coalition of liberals who sought to end the severe segregation of African Americans in the inner cities of California. At this time, it was next to impossible for many non-whites to purchase or rent housing in most suburbs. The passage of this Act sparked the first significant reaction to the Governor's liberal agenda. The real estate industry sponsored Proposition 14 to repeal the Rumford Fair Housing Act, arguing that private rights trumped racial equality. The Governor fought vigorously to persuade the California electorate to vote no on 14, but he failed. However, the US Supreme Court ruled Proposition 14 unconstitutional, and thus, the Fair Housing Act prevailed and was reinforced by national legislation in 1968 to achieve similar purposes (Pawel, Ch. 10).

By the mid-1960s, California politics was changing. Conservatives criticized Brown for being too liberal. Within his party, younger Democrats criticized his pro-law enforcement attitudes. The issue came to a head at UC Berkeley with the free speech movement.

Traditionally, the University did not allow anyone to demonstrate on campus. In 1964, civil rights activists wanted to raise money for the Student Nonviolent Coordinating Committee and the Congress on Racial Equality to help organize voter registration drives in the South. One of the activists was Mario Savio, who was arrested while staffing a table on campus. This sparked massive sit-ins in the administrative buildings on campus to protest this lack of freedom. The Governor saw the students as spoiled brats who should be grateful to be able to attend college. The University administration wanted to negotiate with the students; the California Highway Patrol wanted to arrest every trespasser. Brown went with the law-and-order solution, and the subsequent media images of students being dragged away by the police caused Brown grief on both sides. Liberals derided his tactics; conservatives associated his governorship with the disorder (Rarick, Ch. 14). Brown again showed that he was a better booster for an extensive infrastructure program than a decisionmaker under pressure.

A year later, the optimistic spirit of California received its most severe blow yet when a drunk-driving arrest in the south-central Los Angeles Black community of Watts led to widespread rioting, looting, arson, dozens killed, hundreds injured, and millions of dollars in damage. Policing issues were but the tip of the problem. Housing, job, and educational discrimination imposed on African Americans through both *de facto* and *de jure* means was the underlying cause.

This time, the Governor was in Greece attending a convention and found himself rushing back to restore order. By 1965, the excitement of liberalism had worn thin. The left criticized moderate Democrats' failure to address the core problems of society. The right argued that liberalism caused chaos, promoted the wrong values, and pushed the California government into becoming an ineffectual nanny state.

Pat Brown ran for reelection in 1966 against Ronald Reagan. Brown underestimated the attraction of Reagan, considering an actor with hardly any political experience to pose little threat to his future. Reagan was a new-style politician adept with the medium of television and at magnifying conservative ire. The hand-shaking ebullient style of Pat Brown belonged to an earlier era in a less populated California where politics could still be somewhat of a retail experience. Brown lost (Rarick, Chs. 15 and 16).

In summary, Governor Brown's natural gregariousness enabled him to reach out and build a coalition of supporters. Catching the liberal wave of the late 1950s, Brown used his strong party majorities to effectively address many of the challenges of the late 1950s and early 1960s. As the Chessman and Free Speech movement episodes show, his administrative skills would sometimes fail him. Ultimately, the times changed, and Brown's politics and leadership style lost their luster.

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9.6: Governor Jerry Brown

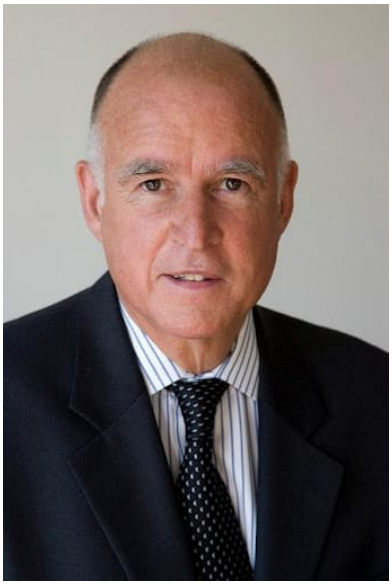


Figure 9.6.1: Governor Jerry Brown (public domain; Connormah via Wikimedia)

A Reformist and a Futurist

Pat Brown's son, Jerry, was Governor for two sets of two four-year terms each, as the youngest California governor between 1975 and 1983 and the oldest California governor between 2011 and 2019. Brown's political philosophy unifies his two administrations. He was never the backslapping politician of his father's day; instead, he embraced an ethically self-conscious intellectual middle-of-the-road politics energized by Catholic humility, Jesuit inquiry, and a 1970s sensibility to embrace a limits-to-growth mentality. Brown did not aspire to be a philosopher-king; he adopted a democratic philosophy regarding the limits of leadership in a representative democracy. With the people's consent, the Governor must pursue creative strategies to prepare for the future.

Jerry Brown grew up in San Francisco. He was a very religious young man, attending St. Ignatius High School and then studying for the priesthood at the Sacred Heart Novitiate in Santa Clara for three years. Realizing that he wanted to be more involved in secular life, he switched to UC Berkeley and then studied law at Yale. His father's influence helped secure a clerkship with Justice Mathew Tobriner of the California Supreme Court, followed by work as a lawyer in Los Angeles (Newton, part one). By 1969, he had a seat on the Los Angeles Community College Board, and by 1970, he was elected Secretary of State of California. His father's famous name certainly opened many doors for Mr. Brown, but he quickly charted an independent political course. Distinct from a standard New Deal-liberal approach, Brown responded to the challenges of the 1970s in new and more moderate ways than previous generations of Democrats.

First, as Secretary of State, he championed campaign finance reform, leading an effort in June of 1974 to pass Proposition 9, which placed limits on contributions and mandated their public disclosure. In the wake of the Watergate scandal, such good government measures were very popular, and it was not an accident that Brown was running in the primary for Governor in this very same election. Brown won the primary and went on to win in November 1974, becoming the youngest Governor in California's history (Newton 104-106). The strategy of not just riding a new wave of public sentiment but leading it would propel Brown to victory again and again in his career.

In his first term, Brown showed his commitment to labor and environmental causes. Farmworkers acquired better working conditions and the ability to unionize with the passage of the Agricultural Labor Relations Act. State employees were also unionized with his support. Environmentally, the California Air Resources Board (started under Governor Reagan) set more stringent standards for air pollution. With the establishment of the California Coastal Commission, the California coastline gained much more protection from environmental destruction because all new developments had to meet its approval. Spending for schools and welfare increased, and the California Conservation Corps, a jobs training program, was created. The Governor was a

careful spender; the state budget soon enjoyed a five-billion-dollar surplus.

Thrift has its rewards, but the increase in tax revenues attracted the frustration of conservatives who believed property taxes were too high. The result in June of 1978 was Proposition 13, an initiative to limit property tax to 1% of the assessed value of a home with no more than a 2% increase each year tied to inflation. Brown opposed the proposition because it was predicted to cause draconian cuts in state programs. However, after it passed and facing re-election in November, he changed his mind and embraced the new anti-tax spirit. Re-elected in 1978, Brown ran into more trouble when he delayed insecticide spraying for the Mediterranean fruit fly in urban areas. Ultimately, he approved spraying as the infestation threatened the viability of agriculture (Newton, part three).

Brown's first two terms in the 1975 to 1983 period reflect the common experience of many elected officials. A governor comes into an office with an ambitious agenda and enjoys support from a broad bipartisan coalition. Then, new political forces, such as the anti-tax movement of the 1970s, enter the political arena, and his ability to implement his vision is cut short. Of course, there is always the possibility of the unpredictable occurring: a scandal, a crisis, a natural disaster, an earthquake, or an insect infestation, undermining the best-laid plans.

Like his father, Jerry Brown always had national political ambitions. He ran for President three times, in 1976, 1980, and again in 1992. In 1982, he ran for the US Senate and lost to Republican Pete Wilson, who would later become California governor in the 1990s. Brown's campaigns for national office were quixotic on the one hand because they were long shots, driven more by personal charisma and philosophical ideas than widespread popular support. On the other hand, Brown was seeking to shift debate within the Democratic Party to embrace a newer politics to address the late twentieth century's emergent environmental, civil rights, and technological issues. Brown's national campaigns did bring attention to these goals and himself as a young leader full of exciting ideas (Newton 198-204). However, by the early 1980s, the political winds had shifted from Jerry Brown's liberalism to a revitalized conservatism. A re-energized Republican party helped elect former California Governor Reagan to become President in 1980. Jerry Brown returned to private life.

In his forties, Brown spent part of the 1980s deepening his intellectual and religious spirit. He started two think tanks, the National Committee on Industrial Innovation and the Institute for National Strategy, focusing on domestic and international policy innovations. Brown studied Zen Buddhism, traveled to Japan, and deepened his Catholic faith by working with Mother Teresa in India. By the late 1980s, he decided to return to California politics, running and winning the office of chairman of the California Democratic Party. He resigned to run in the Presidential primaries, losing to Bill Clinton in 1992.

His return to political office began with his election to be the mayor of Oakland, CA; he then was successfully elected to a statewide office again as Attorney General in 2006. The Governor at this time was Arnold Schwarzenegger, a relatively moderate Republican whose second term ended in 2010. With term limits passed in 1990, "the Governator" could not run for a third term, but Brown, who served as Governor before term limits passed, was eligible to return to the Governor's mansion (Newton, part four).

It was an opportune time for a Democrat to run for Governor. The Republicans had veered to the right, favoring smaller government, an anti-immigrant platform, and rejecting greater civil rights for LGBT people. However, the state was becoming more liberal again, especially as its demographics shifted to an even more ethnically diverse population. Brown ran for the governorship in 2010, promising to address the state's fiscal problems, particularly the considerable deficit, without raising taxes unless he had the support of Californians in the form of a referendum. He won. The youngest Governor had now become the oldest Governor. Twice then, his tenure followed that of an actor, first Reagan and then Schwarzenegger.

In 2011, Governor Brown, now in his third term, confronted a twenty-five-billion-dollar budget deficit with a proposed sales and income tax increase. As promised, he took the proposal to the voters and placed Proposition 30 on the 2012 ballot, persuading voters of the necessity of tax increases. As the economy continued to grow throughout the decade, and with the increased revenues from the tax hikes, the budget was no longer the cause of political crises. The state soon started gaining surpluses that could be put in a reserve account (Newton, part five).

After addressing the fiscal crisis, Brown turned to some other issues needing attention, some of which were of perennial concern and others that were relatively new. The criminal justice system is, of course, one of the longest-standing government issues. Reforms in the 1970s and 1980s in response to crime waves caused many more crimes to result in incarceration and much longer sentences. In his first term, the prison population stood at about thirty-five thousand Californians out of a total state population of about twenty-one million residents. When he returned to office in 2011, there were more than 160,000 Californians locked up from a population of about thirty-seven million ("California Prison and Jail Populations"). The ethics of imprisoning people for so long was questionable on multiple grounds. How many years should someone be locked up for something they committed, most likely as a young person? To what extent was there racial bias regarding who was charged and the length of sentences? Many sentences were due to drug rather than violent crimes. Shouldn't drugs be treated more as a health issue rather than a

criminal issue? Did locking people up reduce crime in the long run or just lead to recidivism, as people with felony records found it challenging to find work, homes, and stable lives? Moreover, the California Supreme Court in 2011 (*Brown v. Plata)* ruled that overcrowding in state prisons violated the Eighth Amendment's prohibition against cruel and unusual punishment.

Brown led several efforts to address this problem, supporting propositions to liberalize get-tough-on-crime efforts such as the three-strikes law (which gave twenty-five years to life sentences even when the third strike was relatively minor) and realigning incarceration to house people committing less severe offenses to county jails rather than to the state system. By the end of the decade, state prison populations had decreased by about thirty percent, and voters were in general support of reforms that lightened sentences ("Public Opinion and Sentencing Reform").

Another issue was environmental protection. In the 1970s, reductions in smog had been led by the California Air Resources Board. Now, this same board was instrumental in tackling global warming by creating a cap-and-trade system for greenhouse gases. First developed by Governor Schwarzenegger and then extended by Brown, it set overall goals for emissions and then created a market for industries to buy a declining number of credits to pollute. California was able to meet its goal of reducing emissions to 1990 levels by 2016 (Newton 339-43).

Brown returned to two other infrastructure issues reminiscent of his father's efforts. Just as his father had developed the California aqueduct and freeways, he started the planning for two new projects: a tunnel system to deliver water from the Sacramento Delta to southern California and a high-speed train project to connect northern and southern California. As Brown left office in 2020, the tunnel was still in the planning stages. The construction of the train project from Modesto to Bakersfield had begun.

Brown left office in 2019 more popular with the California people than previous outgoing governors. Brown had a 51% popularity rating, double that of outgoing Governor Schwarzenegger in 2010 ("What Approval Ratings Say about Jerry Brown's Legacy"). State finances were in order due to his engineered tax increases and a growing economy. Brown's popularity was based on performance and also on the more liberal composition of the electorate that sought to distinguish California politics and policies from the more conservative philosophies and policies emerging from the Trump Administration at the same time. Thus, we can attribute the relative success of Governor Brown's second two terms to the ability of the Governor to propose and implement policies that fit the state's politics in the 2011-2019 period.

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9.7: Summary

Leading the State

Governors matter. Even though the Constitution of 1879 and progressive reforms of 1911 sought to diminish the governor's power by creating a plural executive and the initiative, referendum, and recall, the governor remains the focal point of political energy in the state. Pat Brown is credited with successfully addressing the state's titanic economic and population growth with huge government infrastructure programs, education, and social welfare spending. His son, Jerry Brown, represented the shift in political culture in California to a centrist vision for the Democratic party. Successful governors can persuade the electorate to follow their agendas and change California politics and policy.

For Further Inquiry

Investigate the leadership of the current governor. What aspects of his leadership are effective? What aspects need improving? The Capitol Weekly is one of the best sources for news about state politics.

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10: THE JUDICIAL BRANCH

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10.1: Introduction



Figure 10.1.1: Former California Supreme Court Chief Tani Cantil-Sakauye (public domain; Corkythehornetfan via Wikimedia)

Learning Objectives

- To describe the role and organization of the California judiciary.
- To describe how judges are selected.
- To analyze the growth in descriptive representation in the judiciary.
- To describe the decision-making processes of the California Supreme Court.
- To analyze the leadership of two Chief Justices: Rose Bird and Tani G. Cantil-Sakauye.

Introduction

In the early morning hours on January 18, 2015, behind a dumpster on the campus of Stanford University, nineteen-year-old student-athlete Brock Turner sexually assaulted unconscious twenty-two-year-old Chanel Miller. He was sentenced to a jail term of six months by Judge Aaron Persky, served three, and returned to his home in Ohio. He was now a lifetime registered sex offender.

Outraged by the lenient sentence, Stanford Law Professor Michele Dauber led the effort to recall Judge Persky. The recall law required her to submit the valid signatures of 20% of the people who voted in the last Santa Clara County Superior Court election (58,634 for the 2018 June 5 ballot). The campaign gathered almost twice this number (Brassil). Persky's defenders pointed out that the judge was merely following the probation department's recommendation. The public defender's office and the district attorney also opposed his recall, calling it an example of public hysteria and a threat to judicial independence. Nonetheless, Santa Clara County voters recalled him with a vote of 62% to 38%. He was the first California Superior Court judge recalled in eighty years. ("Aaron Persky").

This case shows the California courts' role and the controversy surrounding them. We expect our judicial system to reasonably interpret and apply the law and not be swayed by political pressures from other government branches or public opinion. Historically, independence has been the norm, but periodic unhappiness with the courts' performance leads to headline-grabbing episodes where politics disrupt the practice of law, sometimes leading to the removal of judges and even California Supreme Court justices by disgruntled voters.

The Brock Turner case raises more general questions about the role of the court system as it administers and interprets the law. Even if you are not the victim (or perpetrator) of a terrible crime such as that of Brock Turner, you are likely to be involved with the court system in many ways. This chapter discusses the role and organization of the courts in California and the selection of judges. We also consider the responsibilities of the Chief Justice of the Supreme Court by describing the tenures of two former Chief Justices: Rose Bird and Tani Cantil-Sakauye.

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10.2: The Organization of the California Court System

The Justice System

Most of us, at one point or another in our lives, will be involved in a legal matter. This matter may involve either state or federal law or both. Most cases involve state law, which may be categorized as criminal or civil. Criminal law involves crimes against the state. The mildest crime is an infraction, such as a parking ticket. Next, misdemeanors, such as shoplifting, are more serious crimes. Most severe of all are felonies, like robbery or murder. Civil law, on the other hand, concerns cases where the matter is between people, a divorce, or perhaps a disagreement with an insurance company. Even during the pandemic, in the 2020-21 fiscal year, the California Court system managed about 4.1 million cases.

A criminal or civil case begins in a local trial (superior) court. There is one superior court for each of the fifty-eight counties (with each superior court having many judges). Most cases do not go to trial. Criminal attorneys will prompt their clients to reach plea bargains before trial, and civil attorneys will reach settlements, often saving thousands of dollars in legal costs. For example, a defendant charged with a minor narcotics offense may agree to an alternative such as drug treatment. In the last few decades, many superior courts have specialized collaborative courts that help people receive social services as the court addresses their cases. For example, country social workers offer help to victims of domestic violence.

A case may be appealed to the next level, the California Courts of Appeal. The state is divided into six districts, each court hearing cases for its area. From there, a case may be appealed to the California Supreme Court. Death penalty cases are automatically appealed from the district court level to the high court. If federal law is relevant, a case may be appealed to the United States Courts, with the US Supreme Court having the ultimate review.

The Judicial Council of California oversees the three-level court system by formulating and implementing policies and procedures to manage the courts consistently across the state. As an administrative agency, the Council is headed by the Chief Justice. It comprises twenty-one members, including other justices from the Supreme Court, the Courts of Appeals, the superior courts, members of the state legislatures, and attorneys.

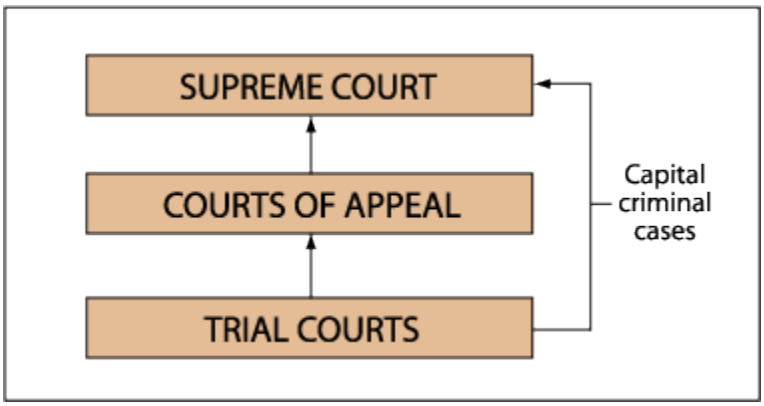


Figure 10.2.1: The California Judicial System (public domain; Judicial Council)

A case usually begins at the trial court level. In the 2020-21 fiscal year, about 5.3 million cases were filed in these local courts, administered by 1,755 judges. In contrast, the Courts of Appeal, with just 106 justices, managed 17,889 cases. The one chief justice and six associate justices at the highest level, the Supreme Court, only issued seventy-eight opinions (“About California Courts”).

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10.3: Becoming a Judge

Getting to the Bench

Superior court judges are elected for a six-year term on a nonpartisan, county-wide ballot. A candidate must have been an attorney in California for at least ten years. There is no limit on the number of terms a judge may serve.

Appellate Court justices are elected for twelve-year terms. The process used to select them is more complicated. First, the California Governor appoints the justice. Second, the appointment goes to the Commission on Judicial Appointments, comprised of the Chief Justice of the California Supreme Court, the California Attorney General, and the senior presiding judge of the court of appeals where they will be working. They will hold a public hearing and formally approve the nomination. Third, the nominee goes before the electorate and is confirmed in the next general election. This is called a retention election. If they lose the retention election (rarely occurring), the process begins again.

The seven justices of the Supreme Court undergo a similar process: appointment by the governor and confirmation by both the Commission on Judicial Appointments and the voters. Justices may serve additional terms if they are elected again by the people at the end of their twelve-year term in the retention election ("Fact Sheet").

Most judicial appointments receive little public scrutiny or attention. In the absence of controversy, voters often retain incumbents or confirm gubernatorial appointments. This leaves the governor with some discretion. While judges cannot run for office as partisan candidates, governors are more likely to nominate judges with similar beliefs. A liberal governor may lean more heavily on candidates with experience representing defendants. A conservative governor may promise "a get tough on crime" policy and appoint judges with a background in the district attorney's office.

In short, the responsibility for selecting judges is shared among three actors: the administrators of the Court system who review candidates for the appropriate qualifications, the governor who appoints appeal court and Supreme Court justices, and the people who confirm or may occasionally recall a judge. The latter is rarely exercised. The case of Judge Persky is the exception.

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10.4: Descriptive Representation

The Growing Diversity of the Courts

When studying the legislative and executive branches, political scientists often study issues regarding descriptive representation—to consider how these branches work toward greater racial, ethnic, and gender diversity. This issue is also important for the California judiciary. Not so long ago, most lawyers and judges were white men. Law schools have also undergone an astounding transformation in the last two generations, reflecting the California population much better. Naturally, the demographics of the Court would lag behind the younger population of law students. Tables 10.4.1, 10.4.2, and 10.4.3 are demographic snapshots of the California court system regarding race, ethnicity, and gender ("Demographic Data").

Table 10.4.1: Gender (%) and California Judges (2023)

Court	Female	Male
Supreme Court	57.1	42.9
Courts of Appeal	43.3	56.7
Trial Courts	41.1	58.8

Table 10.4.2:Racial and Ethnic Characteristics (%) of Judges (2023)

Court	Am. Indian	Asian	Black	Hispanic	Pacific Islander	White	Other	More than one	Information not provided
Supreme Court	0	14.3	42.9	14.3	0	28.6	0	0.0	0
Courts of Appeals	0	8.2	9.3	11.3	0	66.0	2.1	3.1	0
Trial Court	.4	9.8	8.8	12.5	.3	60.1	1.3	4.9	1.8
Total	.4	9.8	9.0	12.5	.3	60.3	1.3	4.8	1.7

Compare this summary data with US census data (Quick facts) regarding the total population of California.

Table 10.4.3: Comparing the Demographics of the California Population (2024) and California Judges (2023)

Group	Percentage of the total population	Percentage of all Judges
Men	49.9	58.9
Women	50.1	41.1
Am. Indian	1.7	.4
Asian	16.5	9.8
Black	6.5	8.8
Hispanic	40.4	12.5
Pacific Islander	.5	.3
White only	34.3	60.1
Some other race	n.a.	1.3
More than one race	4.3	4.9

White men are overrepresented, and Hispanic, Asian, and Native American people are underrepresented. African American judges are roughly proportional to the population.

There are four reasons why descriptive representation is an important goal for the judiciary. First, the growth in diversity shows that there are greater opportunities for lawyers from many backgrounds. This is a sign of equal opportunity. Second, the legitimacy of the courts is enhanced when they have greater diversity. Because most judges begin their tenure as appointees by the governor to fill positions made vacant due to midterm retirements, a more diverse judiciary reflects the commitment of governors to select judges from many California backgrounds. Third, the greater diversity of judges helps the Courts better understand citizens' circumstances and needs when interacting with the judicial system. This is even more important as courts confront new legal issues. For example, the overturning of *Roe v. Wade* requires that state courts will now have much more of a role in regulating reproductive rights. Voting regulations and rights, electoral redistricting, and many other issues remain in flux. State courts will find themselves wading into controversial topics that address questions of race, gender, and class. Diverse courts will bring greater knowledge, understanding, and legitimacy to address these complex questions.

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10.5: The Decision-making Process of the California Supreme Court

Judicial Processes

Trial courts focus on the facts: did you violate the speed limit? If yes, pay the fine. Of course, the more serious the case, the more complex the factors to determine guilt and impose a just sentence. Suppose a party perceives that there is an error in judgment. In that case, they may appeal the case to courts of appeal and ultimately to the California Supreme Court (a case may also be heard in, or appealed to, federal Court when there is a question about federal law). The California Constitution requires the California Supreme Court to review all the death penalty convictions from the trial courts. In most of the remaining cases, it is the Court's discretion whether the Court will grant the appeal and hear the case. For example, in the 2020-21 fiscal year, 6,522 cases were appealed, and the Court issued fifty-nine opinions ("Judicial Council"). Thus, the lower Court has the last word in all but a fraction of the cases.

When the Supreme Court receives a petition, staff attorneys working for each of the seven justices review them and recommend which ones should be put on the court docket. On most Wednesday mornings, the judges meet in conference to decide. Four must agree. A case is likely to be accepted when there is an important question regarding the constitutionality of a state law or practice.

The Chief Justice then assigns the case to a specific justice who creates a memorandum to address the questions of the case, which is then circulated among the other justices for their responses. This process shows the likely opinions of the justices, with the possibility of a majority opinion emerging. Next, oral argument: attorneys for the parties in the case present their summary arguments and respond to questions from justices in one hour. They are usually held in the first week of every month. On the same day of oral argument, the justices meet in conference. The justice assigned to the case sets out their position, as do the other justices, in the order of seniority, with the Chief Justice speaking last. The Court may coalesce around a single opinion, or concurring or dissenting opinions may develop that are also issued formally by the Court. Typically, an oral argument clarifies positions and sorts out details of an opinion rather than playing a crucial role in formulating an opinion. By law, the Court must announce an opinion within ninety days of oral argument (Liu).

How a Supreme Court justice decides a case or should decide is a subject of great debate. There is often a gulf between how judges understand what they do versus how the public perceives their work. First, the Court only hears actual cases; it cannot decide whether a law is constitutional before its passage and before someone brings a lawsuit to the Court. Thus, there may be a hard-fought campaign to pass a proposition in California only for it to be ruled unconstitutional after the election when someone goes to Court, and the case eventually makes its way to the California Supreme Court. Second, the Court does not hear new evidence from the parties; it only reviews the lower court proceedings and hears oral arguments to decide the constitutionality of a lower court decision. Thus, constrained by the facts of a specific case, justices will develop their opinions using the state constitution, existing laws, and prior cases, which function as precedents, and only then exercise their philosophies regarding what is just in a particular situation. The central philosophical divide is about the degree to which the Court should alter the interpretation of the California Constitution based on evolving beliefs about justice. Typically, a conservative justice follows precedent more, with liberal justices altering the understanding of the Constitution to fit changing times and values. In the twentieth century, a liberal California Supreme Court expanded constitutional protections such as civil liberties and rights. These labels of "conservative" or "liberal" are, of course, imposed on the justices by observers of the Court. By law, justices are nonpartisan and run for office in nonpartisan elections. A justice may see themselves as simply approaching each case using the best analytical framework appropriate for the facts of a case.

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10.6: The Importance of the California Supreme Court

National Influence

The California Supreme Court is one of the most influential state courts in the nation. A little context is necessary to understand how this occurs. First, the Court has been influential with innovative reasoning that effectively addresses a new legal question. This will, of course, affect the people of California since the case arises from a state case. Second, every state case can serve as a precedent for state or federal courts to use as a guide for decision-making. Two areas exemplify this leadership: civil rights and product liability.

The California Supreme Court led the nation with many decisions that promoted civil rights. Many racist laws were judged unconstitutional in California, and then similar actions were taken subsequently by other state and federal courts. For example, in the twentieth century, many areas of Los Angeles County became segregated as new housing developments limited who could buy or rent a property using racial covenants. A covenant is a regulation placed on the buyer of a property as a condition of ownership. One common covenant was that the property could only be sold to white purchasers. Even though the US Supreme Court had banned the use of racial covenants in *Shelly v. Kraemer* (1948), realtors continued to limit sales and rentals to only white people in many neighborhoods. In reaction, in 1963, California Governor Pat Brown pushed the Rumford Fair Housing Act through the state legislature, which banned racial housing discrimination in apartment dwellings of five or more units. In retaliation, the California Real Estate Association sponsored Proposition 14 to overturn the Rumford Act, arguing that freedom of choice should dictate real estate transactions rather than the Fourteenth Amendment. The California electorate agreed, passing Proposition 14 by 65%. A Black couple who had been denied an apartment sued, arguing that the new constitutional amendment violated their civil rights. Soon after, in *Mulkey v. Reitman*, the California Supreme Court ruled that the recent California constitutional amendment violated the Fourteenth Amendment of the US Constitution. Realtors appealed the case to the US Supreme Court, reaffirming the California Supreme Court decision in 1967 (Scheiber, pp. 356-59).

Another area where the California Supreme Court led the country is in product liability law. One of the leading justices on the Court was Roger Traynor, an associate justice appointed in 1944 and the Chief Justice between 1964 and 1970. In 1944, in *Escola v. Coca-Cola Bottling Co.*, Traynor introduced the idea of strict liability to the Court. When a product is judged defective, even if its producer had no intention of hurting anyone, they are still liable for any damages suffered by its use. This notion of strict liability was soon emulated in state courts nationwide.

In short, the California Supreme Court is important. As the third branch of government, it functions as an essential constitutional check on the other branches. That independence, of course, is not absolute. The justices and judges are appointed by political leaders and confirmed by the people. Any of them may be rejected in a retention election or recalled by the electorate. Just such an event occurred in 1986 when the California electorate rejected three judges in a retention election. The most controversial justice was Chief Justice Rose Elizabeth Bird. Studying the career of Justice Bird and her rejection by California voters helps us better understand our own philosophies regarding the judiciary's proper role in the political system.

For Your Consideration

The Story of Chief Justice Rose Bird and the Retention Election of 1986



Figure 10.6.1: Rose Bird, Chief Justice of the California Supreme Court (CC-BY 4.0 International License; UCLA Library Digital Collections)

In the eyes of the Framers of the US Constitution, the ideal judiciary is entirely independent of politics. The judges of the highest Court of a state, like those of the US Supreme Court, should function as referees, checking to ensure that the actions of the legislature, the Governor, and the people are constitutional. They should be above politics, representing the state constitution rather than any faction or party.

California Progressives at the turn of the twentieth century were skeptical of the impartiality and objectivity of judges. Judges, after all, had to be appointed; they are ambitious, and given they are but human, they are likely to be tempted by the vagaries of public opinion rather than adhere to the idealistic standards of the Framers. So how could judges be held accountable to ensure they responsibly fulfilled their roles? The remedy is to have the people confirm the nominations of justices, make these elections nonpartisan, and retain elections for appellate and supreme court justices if they wish to remain in office. Thus, our current system (dating from amendments to the Constitution in 1934) seeks a balance between judicial independence and accountability. Most of the time, the people ratify the status quo, retaining incumbent judges and confirming gubernatorial appointments. However, in times of political ferment, judges may find themselves in the center of a political storm. Just such an event occurred with the retention election of Chief Justice Rose Bird in 1986. The story illuminates the stress between judicial independence and accountability. If you were voting in 1986, would you have retained Justice Bird? Consider the following history.

Justice Bird's biography did not fit the typical mold of a judge. She was not from a wealthy, well-connected family; she was not male; she did not ascend through the ranks of a lower court or have many other political positions. Her story shows how she was a pioneer for women and people of modest means.

Bird grew up poor, raised by her single mother in Arizona and then in New York. She said that one of the central lessons that she learned from her mother is the importance of becoming self-sufficient and that the key to achieving this is education. She studied hard and flourished in college, attending UC Berkeley Law School with just a handful of other women and graduating near the top of her class. She had trouble finding work as an attorney (believing that it was because of her gender). Eventually, she began her career as a deputy public defender in the Santa Clara County Public Defender's office. There, she gained valuable experience and started to get involved in politics by volunteering (among other duties, as a chauffeur) for then-gubernatorial candidate Jerry Brown. Smart and assertive with her views, Brown appointed her to his transition team and then catapulted her into prominence when he appointed her Secretary of the Agriculture and Service Agency, one of the most influential positions in his administration (Cairns, ch. 1-2).

As detailed in the previous chapter, Governor Jerry Brown sought to break with the traditional Democratic party establishment by appointing fresh faces with new ideas, more women, and people from many diverse cultural backgrounds who sought to address contemporary problems in new ways. Bird rapidly adapted to her new political role in the administration,

gaining prominence by shepherding the Agriculture Labor Relations Act through the state legislature, dramatically improving farm laborers' working conditions and bargaining power. Her front-page success led the Governor to exert his counter-establishment proclivities by appointing her in 1977 to become the next California Supreme Court Chief Justice (Cairns 53).

Just as her appointment to be Agricultural Secretary broke tradition, Bird's appointment to the Court was also groundbreaking. She was relatively young with no judicial experience, a woman during a time when few women were attorneys, let alone judges, and she was very liberal. The latter would not represent a massive break from the Court's record because the Court, for decades, had broken conservative precedents and become a judicial trendsetter nationally. Nonetheless, beginning with her confirmation hearings before the Commission on Judicial Appointments, Bird's tenure at the Supreme Court was turbulent.

She was too soft on crime. She was too liberal. She did not have enough experience. However, the Commission did not doubt that she was an intelligent and excellent administrator. Ultimately, the Commission confirmed her 2-1. Justice Bird went before the voters a year later, winning just 52% of the vote, an election which justices usually easily win. The controversies about her from the confirmation had solidified into considerable electoral opposition (Cairns ch. 4).

By the late 1970s, the political climate in the state was changing, as was that of the nation. Many Americans had grown tired of liberalism. The economy was stagnating with higher inflation and fewer job opportunities. Crime was up, and many more Americans agreed with a conservative law and order critique that courts needed to get tough. In the 1970s and 1980s, the death penalty was incessantly debated. Liberals argued that it was barbaric, disproportionately administered to poor and nonwhite defendants, and ineffective as a deterrent. Conservatives blamed the increase in crime on liberal sympathies for the accused and perceived the death penalty as a reasonable punishment for a series of heinous crimes splashing across the headlines with sickening regularity.

By law, the California Supreme Court must review every death penalty conviction. As death penalty cases grew, this job loaded up almost a quarter of the docket. Over and over again, Justice Bird and other justices found errors in lower court proceedings significant enough to overturn the penalty. The Court reviewed sixty-four cases between 1979 and 1986 and affirmed only 7.8%. Not one did Bird affirm.

By the November 1986 elections, conservatives in California had had enough. They led a campaign to oppose the retention of not only Justice Rose Bird but also of Cruz Reynoso and Joseph Grodin, two other justices who also often rejected the death penalty (Uehlmen). But the campaign ads full of heartfelt stories of Californians mourning the loss of their children to murderers were not paid for by ordinary people worried about crime. No, they were paid for by California industrial and agricultural interests who had an ulterior motive: get rid of the liberals on the Court and select new justices who would support businesses over consumers or workers (Schreiber 480). For decades, the Court had sided against businesses in cases involving employment, the environment, and consumer rights. Now, if three justices were gone and a Republican was elected Governor, the Court might change its stripes.

The Chief Justice did not respond with an effective campaign. She perceived her role as representing the Constitution, focusing on her job, and being above politics. What little campaigning she engaged in consisted of seeking to educate the public about the Court's role in safeguarding civil rights and civil liberties. She hoped that the California voter would appreciate the role of an independent judiciary. Unfortunately, the California voter was more concerned about rising crime than constitutional issues and removed her with a 2:1 vote, with Justices Grodin and Reynoso also losing their jobs.

After she left office, the California Supreme Court reversed course and, in seventy-one cases between 1987 and 1989, affirmed 72% of them. Sometimes, the administration of justice depends on who is judging. Thrown out of office, Bird found no legal opportunities for herself. She took care of her ailing mother, worked as a volunteer, and died of cancer in 1999 at the age of 63.

Two lessons emerge from the story of Justice Rose Bird in the 1977-1986 period. One is that the Courts occupy a point someplace between the touchstones of independence and accountability. Independence is not the ideal in California; accountability is demanded, and if a justice strays too far away from public opinion, the processes of confirmation and retention may force more adherence to public opinion. Second, as the first woman on the Court, let alone as Chief Justice, Justice Bird was a pioneer for women's rights. She broke new ground for the next generation of female attorneys, who would become far more numerous, but it was a lonely job for her that required a thick skin to endure constant scrutiny and criticism.

> What are your reactions? First of all, do you believe retention elections for judges are wise? Before 1934, justices ran in party elections rather than a yes-no vote, so this system represents the relative depoliticization of the process. Should the positions be even more depoliticized such that the state Supreme Court resembles the US Supreme Court with lifetime appointments? Second, if you were voting in 1986, would you have voted for or against Justice Bird? Why?

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10.7: Former Chief Justice Tani Cantil-Sakauye

Biography of a Consummate Administrator

More than thirty-five years have passed since the voters removed Justice Rose Bird from office. The growth in the number of women, the growing diversity of the state, and the recognition and institution of programs to promote equal representation prompt us to wonder how Justice Rose Bird would have been treated today. Perhaps she would not have had such a sudden and ignominious end to her legal career. The story of the recently retired Chief Justice Cantil Sakauye (2022) suggests just such a possibility.

Chief Justice Tani Cantil-Sakauye is a Filipino-American who grew up in Sacramento, attended community college there and completed her law degree at UC Davis. Her legal career began with the Sacramento District Attorney's office, but within a few years, she joined Republican governor George Deukmejian's administration as a legal affairs secretary. Soon, Governor Deukmejian appointed her to be a trial court judge. Then she received successively more important appointments by subsequent Republican governors to become first a superior court judge, then an appeal court judge, and in 2010, Governor Schwarzenegger appointed her to become the new chief justice. Voters retained her in the fall 2010 elections ("Chief Justice Tani Cantil-Sakauye").

The most pressing problem that she faced in 2011 was the budget. At this time, the California legislature was stuck every year in a political gridlock with a mismatch between revenues and expenditures. Tax revenues dramatically varied every year because they were based primarily on income, sales, and capital gains taxes. Justice Cantil-Sakauye, as the head of the Judicial Council, had to lobby the legislature to protect funding. The budget situation eased considerably after Governor Brown's election because taxes were raised, and the economy improved as the Great Recession eased.

The resolution of the budget crisis helped free the Chief Justice to pursue systematic improvements in the administration of justice in California. As head of the Judicial Council, her role was not just that of a justice; she was also the manager of a large bureaucracy whose mission is to provide for an effective and just system of administering civil and criminal law. She promoted several initiatives: greater access for the people of California, greater openness or transparency, and innovative programs to improve the administration of justice. Several programs have helped improve access; with the revolution of internet services, legal self-help for people to address many everyday issues is available on court websites. Interpreter services have been expanded to include not just criminal cases but also civil ones. Also, in the Internet era, the Chief Justice led initiatives to open more proceedings, such as those of the Judicial Council and the Court itself, to public viewing on the Internet.

Several programs have brought more innovation to the administration of justice. The Chief Justice developed many more collaborative courts that combine addressing a civil or criminal case with help from social service agencies to address issues of drug and alcohol abuse, domestic violence, homelessness, and veterans' issues (The Chief Justice's Timeline). More recently, the Court ruled that in criminal trials, when someone is eligible for pretrial release, their ability to pay bail must be considered before setting the amount. In *re Humphrey*, in March 2021, the Court ruled that Courts must consider the ability to pay in setting bail. They may impose bail if no other conditions of release could be used to help ensure that the defendant appears at their trial. Additionally, local governments temporarily adopted a no-bail standard during the pandemic, engaging in their efforts to reduce or abolish bail as part of criminal justice reform.

Chief Justice Cantil-Sakauye almost entirely avoided partisan politics. Other than beginning with the Deukmejian administration, her career has been within the judiciary. She did make headlines in 2018 when after watching the US Supreme Court confirmation hearings of Justice Kavanaugh, she changed her voter registration party membership from Republican to "no party preference" (Wang). At a Public Policy Institute of California talk, the Justice declared herself a "Deukmejian Republican."

Despite these nominal signs of partisanship, most of her public pronouncements were about providing better access, equity, and justice for the people of California. She spoke about the courts as "social justice centers" for Californians. This was certainly not the language of a law-and-order Republican of the 1980s. Instead, her public stance was that of a public administrator seeking to provide better services to the California people.

So, what can we make of the difference between Chief Justice Bird's and Chief Justice Cantil-Sakauye's experiences? Just forty years ago, women in law were trailblazers. They broke into a relatively insular network of primarily wealthy white men and their heirs. The lawyers and the judges of the 2020s reflect the diversity of the state and a political and legal culture that has made it much easier for women to succeed. Moreover, the two women's approaches were very different. Bird emphasized

doing the right thing even when it was unpopular, such that decisions on the Court were often divided. Cantil-Sakauye prides herself on the consensual practices of memoranda sharing before oral arguments and the frequency of unanimous decisions ("A Conversation...").

The consequences of different times and approaches led to the dramatic 1986 recall of Chief Justice Rose Bird in contrast to the quiet tenure of Justice Cantil-Sakauye from 2010 to 2022.

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10.8: Summary

The Leading Role of the Judicial Branch

The role of law in the everyday lives of Californians is essential. This chapter states that much of this law is state law, organized, administered, and developed by Californians. The Supreme Court of California has exercised leadership in many areas of law. One way that law collides with politics is when we consider the degree to which the courts should be independent of the other branches or the degree to which they should be accountable. Our system seeks to find a balance between the two, enough independence not to be subservient to the other branches but enough accountability to respond to the needs of the people.

As the culture of our state has changed, so has the Court. The Court far better reflects the diversity of peoples and backgrounds than it did forty years ago. The difficulties experienced by Justice Rose Bird were due in part to the prevailing bias against women at that time. The experiences of Chief Justice Cantil-Sakauye reflect a political and social environment where there is more opportunity in government for everyone.

For Further Inquiry

1. Read the biographies of the current Justices of the California Supreme Court. What stands out about them?
2. Browse the materials available at the California Supreme Court History Society. A wealth of articles in their journal provides a treasure trove of research about the history of the Court.
3. Visit the Supreme Court's archive of oral arguments and listen to the oral argument of a case for a few minutes.

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11: LOCAL GOVERNMENTS

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11.1: Introduction



Figure 11.1.1: Memorial to Dominic Blackwell and Gracie Anne Muehlberger, Central Park, Saugus, California, victims of the Saugus High School shooting of November 14, 2019 (CC BY 4.0; Alex Gavilan)

Learning Objectives

- To describe the forms and structures of local governments in California.
- To analyze current electoral reform measures for local governments.

Introduction

Local politics feel fundamentally different. Their immediacy and daily impact make grand ideological and partisan differences among us seem less important. Local issues are often about resolving traffic jams, providing good schools, planning for safe neighborhoods, and many other topics that do not polarize us in the same way state and national politics may. They are not trivial, however. For example, the tragedy of a school shooting illustrates the role of multiple governments in our community.

On the morning of November 14, 2019, at Saugus High School, a student murdered two of his classmates, injured three more, and then killed himself. The Saugus (and the larger Santa Clarita) community mourned the deaths of Dominic Blackwell and Gracie Anne Muehlberger with a vigil attended by 15,000, many efforts to better address school safety and gun violence, and a memorial placed in the nearby Central Park to honor them (Aubachon).

This episode and its aftermath show the interlocking roles of many local governments in our lives. Saugus High School is part of the William S. Hart School District, which is responsible for school safety as mandated by the state of California. The school district, governed by a Board of Trustees elected by Santa Clarita voters, contracts with the County of Los Angeles Sheriff's Department to provide school resource officers. The City of Santa Clarita also contracts for its police, fire, and paramedic services from the County, resulting in these county departments also responding to the shooting. The victims were rushed to Henry Mayo Newhall Hospital, a not-for-profit hospital licensed by the state of California. Saugus High students and their families organized the vigil for the following weekend at Central Park, which the City's Parks and Recreation Department manages. The City leases the parkland from the Santa Clarita Water Agency, a special district with an elected board responsible for delivering water to the area. This agency agreed to the addition of the memorial to the park. Setting aside a further consideration of the complexity of local, state, and federal laws that regulate gun ownership, the response to this shooting illustrates the vital roles of multiple local governments in our community.

Local governments were first established by the California Constitution of 1849. Article 11 provides uniform procedures for

establishing counties and cities as legal subdivisions of the state. California grants local governments their powers, and hence, they are but "creatures of the state." This doctrine of state control became known as Dillon's Rule (1868) after an Iowa state court decision that courts across the country followed. However, like many other states, California delegates limited autonomy to local governments when they create charters. A charter gives a local government home rule status, meaning more independence to organize government and policies as they choose, and then Dillon's Rule no longer applies. Hence, cities and counties are established as either charter cities and counties or "general law" cities and counties that follow Dillon's Rule.

In total, there are fifty-eight counties ranging from the most populous Los Angeles County with nine million-plus people to tiny Alpine County in the Sierra Nevada with just over one thousand people. Thirteen of these counties have charters. These include some of the largest counties, including Los Angeles, San Diego, Sacramento, and San Francisco. As of 2017, there are 482 cities, with 125 having more autonomy from state law as charter cities. Then, there are over four thousand special districts, including school districts and other specific purpose districts, to manage many issues such as water, pollution, and medical care (Micheli). Finally, there are 109 federally recognized Indian tribes in California ("California Tribal Communities"). We will discuss each of these in detail. As we survey these many local governments, we will consider the following questions: How are they constituted? Who governs them? What are their responsibilities? Last, we will examine some of the current debates regarding electoral reform.

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11.2: California Counties



Figure 11.2.1: Counties of California (public domain; Erik Baas via Wikimedia). Here is an alphabetical list.

Organizing the Golden State

The borders of California's 58 counties have been the same since 1907, when Imperial County was created from the eastern half of San Diego County. Establishing a new county or altering county borders requires, according to 1894 amendments to the California Constitution, a majority vote in the counties affected by the change. Before 1894, local groups could effectively lobby the California legislature to add counties or change their borders without the consent of the voters ("The History of California's Counties").

The rules governing the organization of county governments are dictated by state law (California Government Code). General law counties simply follow these rules. By majority vote, a county can declare itself a charter county, giving itself "home rule," meaning more autonomy in organizing its government and policies. Counties are usually governed by a nonpartisan five-member board of supervisors whose members are elected to four-year terms. Nonpartisan elections for the sheriff, district attorney, and tax assessor are also required in all counties. General law counties typically have elections for additional offices, including the coroner, tax collector, auditor, and county clerk. In a charter county, the board of supervisors usually appoints these and many other positions to consolidate more power under its authority.

In the November 2024 elections, Los Angeles voters passed Measure G, placed on the ballot by the Board of Supervisors to reform Los Angeles government. With ten million people in the County, the Board successfully persuaded a majority of the electorate that the governability of the County will be improved with the addition of ethics commission (beginning in 2026), a county executive (2028), and the addition of four new supervisors (after redistricting in 2030). This reform is intended to improve both representation and governance of the largest county in the state (Walters).

Counties are critical because just about all significant social, health, and educational programs we rely on are administered by county governments and agencies. The access and quality of services we receive as county residents depend on how well these governments function. According to the California State Controller's Office, in the fiscal year 2020, counties spent close to $97 billion on a range of these services. These expenditures were paid for from local revenue sources such as property taxes and state and federal funds ("Counties Financial Data").

A map of Los Angeles County (Figure 11.2.1) shows the incorporated cities, unincorporated areas, and the five supervisorial districts.

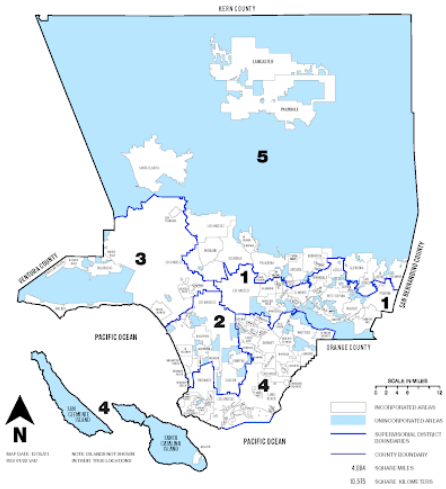


Figure 11.2.1: Los Angeles County (public domain; Los Angeles County Board of Supervisors) Here is a list of communities within each supervisorial district

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11.3: California Cities

Urban Growth

The state of California creates counties. Cities, on the other hand, are created by residents of counties. They incorporate as a city (formally called a municipality) by petitioning the Local Agency Formation Commission (LAFCo) in their county. The LAFCo is responsible for approving the formation of cities and addressing many other jurisdictional issues within each county. Residents often want to form a city to have more control over local services and government decisions and thus gain some independence from county control. As with counties, a city may be incorporated as a general law city (most California cities) or create its own charter, which gives it relatively more authority over municipal affairs. For example, in 1987, the residents of the unincorporated towns of Valencia, Saugus, Newhall, and Canyon Country successfully petitioned Los Angeles County LAFCo to create the city of Santa Clarita as a general law municipality. It approved the petition; the issue was put to the local voters, and Santa Clarita was incorporated ("City Profile").

Cities are governed by city councils, a five-member body combining legislative and executive functions. Most cities have adopted a council-manager system in which the ceremonial job of the mayor rotates among the five members. A city manager, who is the city's chief administrator and is answerable to the council, is hired by the City Council. The manager administers departments that provide a variety of services to residents. City services may also be provided through contracts with county agencies (such as law enforcement) or private firms (such as garbage collection). A city council position is typically a part-time job providing a small financial stipend. Some cities have a mayor-council system under which the mayor is separately elected, has more administrative authority, and may veto proposed ordinances. In the mayor-council system, alternatively called a strong mayor system, city councils may override mayoral vetoes with a two-thirds majority.

Elections for city council members and mayors occur every four years and are nonpartisan. Most city council and mayoral races do not use primaries. Candidates with the most votes win, with no majority needed.

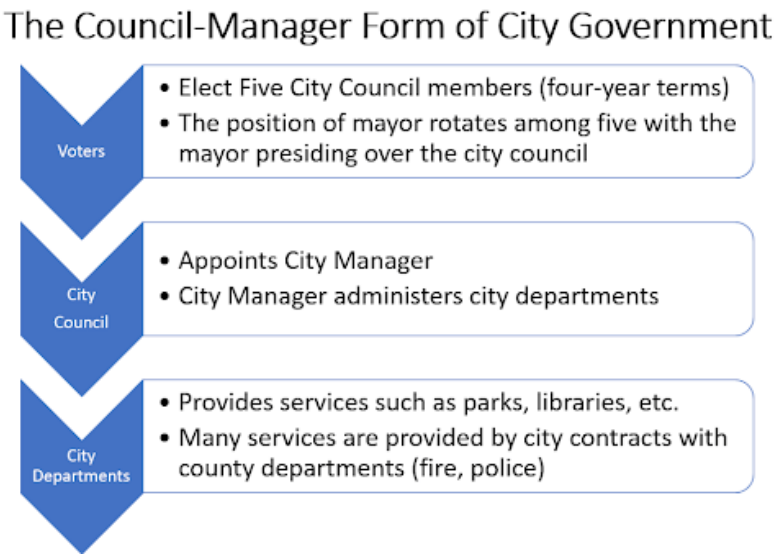


Figure 11.3.1: The Council-Manager Form of City Government (CC BY 4.0; Steven Reti)

San Francisco is an interesting exception to the general form of cities and counties. It is a consolidated city and county, with a mayor and a ten-member board of supervisors. The mayor functions as the chief executive and can veto legislation like in other cities with strong mayor systems.

Cities provide many services for their residents. Drawing on local property and sales taxes, user fees, and money from the county, state, and federal governments, they provide utilities such as water and electricity, transportation, and parks and engage in community development. City councils often create many boards and commissions to recommend new legislation. At regular city council meetings, the members pass ordinances or new laws for the city. Residents have a right to speak to the council for short

periods of time ("City Fact Sheet"). City Council meetings must abide by the Ralph M. Brown Act, which requires "open meetings," meaning that they are announced in advance and open to the public, with some exceptions regarding confidential matters ("The Brown Act").

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11.4: Special Districts

Specialization

Voters may also create special districts dedicated to particular functions within a county (or even more than one county). The process is the same as creating a city: first, approval by LAFCo, and then by the voters who live within the boundaries of the special districts. There are many kinds of special districts: over one thousand K-12 school districts, over one hundred community college districts, and approximately 4,800 others, focusing on a range of services from providing health care, managing transportation, collecting garbage, or killing mosquitos. About 1400 of the latter are Joint Power Authority special districts whose governing boards are appointed by cities or counties rather than being elected (“Special District Data”).

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11.5: Regional Governments

Linkages

The state or other local governments have formed regional governments to regulate or have an advisory role in addressing issues affecting more than one county. Some of the most influential regulatory regional governments are the thirty-five air quality management districts that monitor and govern air pollution emissions across the state. The boards are appointed by city governments in each area and enforce federal and state pollution laws.

Local governments have also created regional councils to advise elected officials about common issues. For example, the Southern California Association of Governments provides a forum for regional planning to address issues such as the area's housing shortage and transportation problems ("President's Report").

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11.6: Tribal Governments

Native Americans

109 federally recognized tribes reside in California. US law states these tribes are sovereign, meaning they are not “creatures of the state” of California. Instead, they are sovereign nations like the United States or other countries. Federal law and courts have established the parameters of law and policy on tribal lands. Tribal governments administer them under the jurisdiction of the Bureau of Indian Affairs of the federal government. Federal laws and court decisions introduce autonomy for tribes in many areas of civil law. In California, as in several other states, the federal government has stipulated that states and tribes jointly share authority over many criminal matters.

In the last twenty years, tribes have become much more prominent in California politics because of gaming. After the US Supreme Court ruled in 1987 that tribes have a right to develop gambling businesses on their land, Congress passed the Indian Gaming Regulatory Act. This Act stipulated that tribes must negotiate compacts with states specifying the kind and extent of gambling to be allowed. The tribes gained a new source of revenue, and the states also benefited from new tax revenue. The new wealth derived from casinos has enabled tribes to become significant players in state politics using advertising and campaign donations.

Many tribes across the United States continue to petition the U.S. Bureau of Indian Affairs for federal recognition. Among them is the Fernandeño Tataviam Band of Mission Indians, which encompasses many lineages of indigenous peoples that trace their heritages to a number of villages in northern Los Angeles County that existed for hundreds of years. To be federally recognized as a tribe, the Tataviam must show evidence of a governing body, a membership list whose members must be primarily not members of other federally recognized tribes, and trace their origins to a "historic Indian tribe." With the process of adjudication having many steps and opportunities for formal written responses, in 2020, in a phase 1 proposed finding, the Bureau of Indian Affairs rejected the petition of the Tataviam for federal recognition due to a lack of evidence showing that they could trace their heritage to a single tribe. However, the Tataviam governing council responded in June of 2023 to the Bureau of Indian Affairs with evidence that the Tataviam villages acted together as a "council of the whole," or in other words, a government. As of January 2025, this deliberative process continues between the federal government and the Tataviam.

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11.7: Direct Democracy at the Local Level

Citizen Control

Just as the voters of California have recourse to the tools of direct democracy—the initiative, the referendum, and the recall—so do the voters residing in cities, counties, and special districts. The usual forms of direct democracy are referenda presented to local voters to raise taxes. By law, changes in parcel tax (property tax), sales, business, hotel, and utility taxes must go before the voters and require two-thirds approval to be implemented. If a local government desires to borrow money for infrastructure (such as hospital construction and transportation), it must also receive a two-thirds majority support from voters. In 2000, with Proposition 39, California voters changed the requirement for bonds for school construction to only 55% ("A Look at Voter-Approval Requirements for Local Taxes.")

Citizens may seek changes to local ordinances through initiatives and referenda. As with efforts to change state laws, supporters must gather registered voters' signatures to qualify the ballot measure. These requirements vary depending on the type of local government. In a general law city of more than one thousand residents, ten percent of the signatures of registered voters are required for an initiative to be placed on the ballot ("Laws Governing Local Ballot Measures in California"). A simple majority approves a non-revenue ordinance.

Finally, elected voters may recall officials in local governments. For example, in 2021, disgruntled with the perceived leniency of the policies of Los Angeles County District Attorney George Gascón, voters circulated petitions to recall him. They failed to gather the requisite 10% of registered voters to put the measure on the ballot. (Ultimately, Gascón would be ousted in November 2024.) Most recall efforts fail because of the expense and difficulty of collecting enough legitimate signatures.

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11.8: Electoral Reform Efforts

Local Debates

Just as there are debates about electoral reform at the national level, such as considering the efficacy of the filibuster, the electoral college, and campaign finance laws, they have their corollaries at the local level and have led to significant electoral reforms. We can think of democracy as a grand experiment to find the right formula to have the best representation, yielding the best policies for local governments. Two recent reforms that have been implemented deserve our attention. The first seeks to improve descriptive representation by replacing at-large with district elections. The second seeks to increase voter participation by requiring that the dates of municipal elections correspond with state and national elections. Additionally, many other proposed reforms are intriguing. For example, ranked-choice voting is gaining more attention and has been implemented in some local elections in California and other states.

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11.8.1: District Elections

Organizing Municipal Elections

Which is better: at-large or district elections? In an at-large election, all voters select five members representing the entire city. In a district-election system, the municipality is divided into five geographic districts, and voters in each district choose a council member who only represents their constituents. In the early twentieth century, the at-large system was favored because it reduced the power of party machines that were often based on ethnically defined neighborhoods. The belief was that at-large elections would encourage city council members to think of the good of the entire city rather than just single neighborhoods. However, we can anticipate the problem that may result; a neighborhood, whether because of prejudice or poverty, could be easily neglected by a governing council. In contrast, district elections have the virtue of potentially avoiding this problem. If districts are drawn fairly, the probability is that governing bodies will draw representatives from all areas of a city and thus better represent the demographic characteristics of all voters.

These concerns led the California State Legislature to pass the California Voting Rights Act of 2001, making it illegal for local governments to organize elections so that minority groups would have difficulty obtaining descriptive representation in local governing bodies. Local governments did not immediately make any changes in response to this law; instead, voting rights groups such as the Southwest Voter Registration Education Project have sued or threatened to sue local governments. The response has varied. Some local governments have fought the lawsuits and usually lost; others are more sympathetic to the law and changed to district elections, or pragmatically, some did not want to engage in litigation and abandoned at-large elections. Cities, school districts, and special districts are changing electoral rules across California, especially in the last ten years. Over four hundred local governments have switched to district elections since the Act's passage ("Updated Counts of CVRA-Driven Change").

The logic of these lawsuits is straightforward. If there is a disparity between the racial or ethnic makeup of a governing board and that of the voting population, then the at-large system of elections is suspect. Confirmation of this descriptive representation gap is shown by evidence that cities that have switched to district elections have experienced an increase in minority representation by about ten percent or the equivalent of one seat for every two city councils (Collingwood and Long). Thus, the California Voters Rights Act embodies the argument that greater descriptive representation leads to better representation of constituency needs and increased legitimacy for local governments.

Once local governments have switched from at-large to district elections, the next step is to divide up the municipality into five districts. Districts must be reasonably equal in population and comply with the 1965 US Voting Rights Act. Local governments also strive for the geographic compactness of districts and to keep "communities of interest" (based on, for example, culture or economic concerns) intact within a district. In some local governments, the existing governing body supervises redistricting after the federal census (which occurs every ten years). In others, non-politician citizen volunteers are solicited for the task. The Los Angeles County Board of Supervisors has a Citizens Redistricting Commission, which operates similarly to the statewide commission. Citizens of Los Angeles County volunteer to serve, and then, following a review of requirements and qualifications, fourteen are randomly selected. They then draw the map with influence from local citizens and groups that voice their concerns during local hearings (Los Angeles County Redistricting"). The growth of citizen redistricting commissions reflects the concerns that if local government leaders draw districts, they may be gerrymandered or biased to favor particular factions or parties.

In summary, the growth of district elections accompanied by citizen redistricting commissions at the local level has at least two consequences: first, it is likely to increase the racial and ethnic diversity of governing bodies of local governments. Second, ensuring that more geographic areas of a municipality are represented will enrich democratic deliberation.

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11.8.2: The Timing of Local Elections

Should local elections coincide with state and national elections?

Should local elections be conducted at the same time as statewide elections? Historically, local elections were often held in odd-numbered years or a different month than state and national elections. The result was that an election with only local contests would typically have a turnout that falls to about twenty-five percent of the eligible voters, about half of the number that voted in a statewide or national election. The lower turnout of these off-year elections also resulted in an electorate that was less representative of the total population, older, less racially diverse, and wealthier (Hajnal et al.). In 2015, the state legislature passed the California Voter Participation Rights Act that mandated that cities move municipal elections to statewide election dates if the average local turnout in the last municipal election was 25 percent less than the average turnout in the previous four statewide general elections. The legislature's motivation was straightforward: address waning political participation by consolidating elections. For the most part, municipalities have complied with little fuss. However, some charter cities have argued that the law should not apply to them and have taken the matter to court. In 2020, the California Supreme Court ruled in their favor in *City of Redondo Beach v. Padilla*. As part of home rule, charter cities can set the dates of their elections. Thus, we can expect some local elections to be conducted at different times than state elections if charter cities continue this practice. However, there may be political opposition to the expense and inconvenience of this practice.

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11.8.3: Ranked Choice Voting

Reforming Primaries

Ranked-choice voting (often called instant runoff elections) is touted as one way to reduce polarization. In a general election, voters are asked to rank their top five preferences in a single election. The election has been decided if a candidate wins more than 50%. If less than 50%, the candidate with the lowest number of votes is dropped, and their votes are then reassigned to the voters' next highest preference until the candidate with more than 50% of the vote is determined. Proponents argue that such an electoral system motivates candidates to head to the center of the spectrum to be more likable to the largest number of voters.

Several states and local governments across the US have adopted ranked-choice voting in one form or another. New York City used this process for the mayoral race, the states of Maine and Alaska use it for some of their elections, and, in California, several cities, including Oakland and San Francisco, have adopted the system ("Data on Ranked Choice Voting.").

Considering these three reforms—district elections, consolidated elections, and ranked-choice voting—a few conclusions are in order. First, although electoral practices vary among local governments, the trend across the state is to promote more descriptive representation and more voter turnout. In a time of increased concern for civil rights and equal opportunity, local governments are giving greater consideration to their election laws. Notwithstanding these concerns, local governments also like to guard their relative autonomy, and not all embrace change so quickly. The attraction of maintaining past practices causes change to occur not as soon as reform-oriented people would prefer.

For Your Consideration

Consider the reforms discussed in this chapter. Do you prefer that cities be divided into electoral districts or to have at-large elections? Is it better that citizens draw electoral districts, or should they be drawn by local governments? And would you prefer ranked-choice voting?

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11.9: Summary

Democracy in our Communities

Local governments matter. The administration of these policies must be accomplished according to the same principles that we seek to uphold with state and national government. We strive to have governments that are fairly elected by the people, which manage policies effectively and equitably, and that are responsive to the contemporary concerns of voters.

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12: PUBLIC POLICY ANALYSIS

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12.1: Introduction



Figure 12.1.1: The State Flag (public domain, Wikimedia)

Learning Objectives

- To explain how to engage in policy analysis.
- To examine the California state budget.
- To provide case studies of California public policy analysis and invite the reader to engage in their own research.

Introduction

Public policy analysis examines what governments do to address specific challenges. Much of political science describes, analyzes, and evaluates specific parts of the political system. Policy analysis animates the entire process of politics by pragmatically showing how all the parts interact.

An analogy may be helpful. Athletes may study the workings of the heart, lungs, and muscles, investigate the best nutritional strategies, and read about the rules and regulations of their preferred sports. But there is no substitute for actually playing the sport to apply all that has been learned. Practical knowledge illuminates theoretical knowledge.

It is the same with policy analysis. Follow a policy question through the maze of public opinion, voting, interest groups, parties, the media, debate in the legislature, approval by the governor, and possible consideration by the courts, and it is like understanding how a runner's rigorous training led to a marathon victory. Thus, we synthesize many different strands of knowledge, leading us to a greater holistic understanding of California politics. Policy is the end product of government, after all of the inputs and processes.

This chapter begins by considering how to study public policy, arguing that political systems theory provides a way to consider the many different factors that explain the actions of government. Second, the California state budget provides a snapshot of our priorities; how we spend our money reveals quite a bit about what is important to us as a state. Next, this book extends an invitation to other scholars and students to contribute to our study of political science. I begin with a short analysis of how abortion became legal in California in 1969 with the court case of *People v. Belous* (1969). Then, Professor Brooke Collins contributes an analysis of how California is coping with the problem of hate speech. Hate speech is protected by the First Amendment and so it is difficult for local government to reduce the expression of prejudice. Then students have been invited to contribute their own policy analyses regarding a myriad of topics of interest to them. This section will be regularly updated as

future students engage in new research. Ultimately, one message of this book is to encourage all of us to become students of California politics and follow the important issues that shape our state's future.

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12.2: Major Policy Challenges

Identifying Contemporary Issues

How do we know what policy challenges face us? As in our personal lives, many issues deserve our concern. First, there are issues that we understand, and it is just a matter of mustering the political muscle to get things done. This is the public policy equivalent of getting in shape: exercise, lose weight and stop smoking. Cigarettes actually provide an excellent public policy example, too. Health advocates had to prevent the tobacco companies from fogging the public debate with misinformation. A whole generation struggled with lung cancer not because of a lack of knowledge but because of the failure of the political system to do the right thing.

Second, sometimes, we have incomplete knowledge about an issue, and we know it. With open minds and sound research, policy analysts believe that they can close this gap. On a personal level, uncertainty about college majors may be reduced by finding real-world experiences, such as internships, allowing students to evaluate their majors. In the policy world, the same thing occurs. Epidemiologists study the spread of the coronavirus and make recommendations based on new evidence. Entomologists investigate the collapse of the monarch butterfly population, discover that forest fires destroyed vital habitats, and urge gardeners to plant milkweed to help the butterflies make their migration to Mexico ("Milkweed for Monarchs"). Inquiry leads to knowledge to improve policymaking.

Third, an even more difficult situation exists: when we don't know that we don't know about something. Logically, there must be issues that we should investigate but are not because we don't know they exist. This omission may emerge because we assume the past is a good guide to the future. For example, on a personal level, we may have learned to weather crises stoically and quietly. Just soldier on and don't say anything. Then, unaware of the impact of neglecting our mental health, we may set ourselves up for post-traumatic stress syndrome years later.

In the same way, as a society, we may focus too much on historical lessons, preparing for the last crisis rather than seeking to adapt to current conditions. Air transportation officials prepare for potential hijackers rather than terrorists. Then, on September 11, 2001, the military was not prepared to defend US cities against civilian airplanes hijacked by *Al Qaeda* members. In California, we know that we must investigate the long-term impact of climate change on the environment. We must also prepare more for the increased frequency of natural disasters such as floods and fires. However, our scientific knowledge about the environment remains incomplete, and we may not be investigating every question we should ask.

Let's return to the question of identifying the significant policy challenges that face California.

In a democracy, the people have a central role in both identifying issues and prioritizing their importance. Thus, it makes sense to start with public opinion. The Public Policy Institute of California (Baldassare) regularly investigates public perceptions of the state's most important issues. An October 2024 survey shows Californians were most concerned about the state of the economy, followed by housing, homelessness and crime (Table 12.2.1).

Table 12.2.1: Most Important Issue Facing California (2024)

Issue	The percentage saying that this is the most important issue facing California today
Jobs, economy	35
Housing Costs, availability	18
Homelessness	12

Issue	The percentage saying that this is the most important issue facing California today
Crimes, Gangs, Drugs	7
Environment, pollution, climate change	5
State budget, deficit, spending, taxes	3
Government in general	4
Immigration, illegal immigration	5
Other	10
Don't Know	--

These surveys are like thermometers, showing what is on our minds compared to previous ones asking similar questions. While insight into current attitudes provides a helpful snapshot, the scope of this survey conducted with phone interviews doesn't allow for much introspection. We don't learn how Californians link their thinking about an issue to the larger historical context of the state. Do people credit themselves for their good fortune? Blame the government when they lose their jobs? Connect the international economy to their livelihood? We don't know. Such surveys also don't tell us what issues we don't yet know should matter to us. Nonetheless, the survey provides insight for scholars and public officials who wish to respond to popular concerns.

A second way to identify the state's challenges is to turn to organizations that systematically study California politics and public policy. Three kinds of organizations do this work: think tanks with nonpartisan or partisan orientations, university centers devoted to particular policy concerns, and government agencies tasked with presenting information to elected officials. The Public Policy Institute of California conducts regular public opinion surveys. It presents nonpartisan, systematic studies of all significant public policy issues, including the budget, criminal justice, the economy, education, energy, the environment, government reform, health care, housing, transportation, and water. UC Berkeley's Institute of Government Studies examines many state public policies and conducts regular public opinion surveys. Turning to government, the Legislative Analyst's Office provides thorough nonpartisan research and analysis for representatives regarding all major policy areas.

Once we identify a policy challenge to study, the next step is to select a method for analysis.

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12.3: How to Analyze Public Policy

Political Systems Theory

As with many subjects in political science, we have to first decide how to go about studying public policy. We might begin with a very idealized view of public policymaking. Treat public policy challenges as problems to solve, with the government as a unitary actor in charge of the whole process. It's all rather straightforward. Identify a problem or challenge. Formulate a policy to address the problem. Implement the policy and then evaluate how successful the policy is at addressing the problem. Such an approach to public policy analysis looks like the diagram shown in Figure 12.3.1.

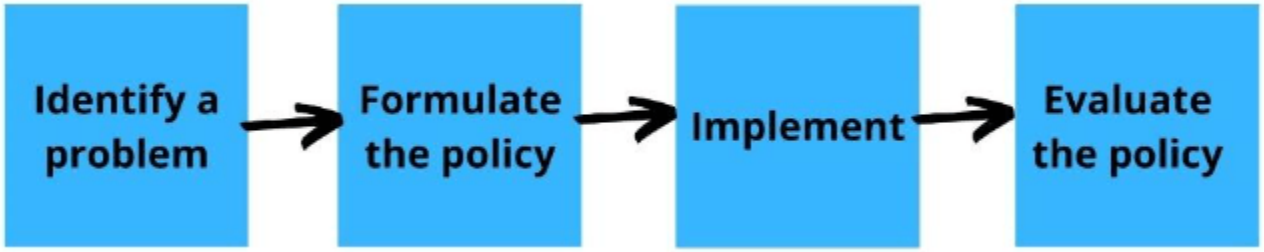


Figure 12.3.1: The Traditional Model of Policy Analysis (CC BY 4.0; Alexa Johnson)

There is a certain clarity and simplicity to this approach. Develop effective solutions to problems and measure how well they have succeeded. For example, as California introduces an ethnic studies curriculum to high schools, it can then measure if student comprehension and attitudes change. The weakness of this model is that it misses the politics surrounding the whole policymaking process. How have public opinion, the media, interest groups, and parties set the agenda? How do the interactions of different parts of government—the legislature, the governor, bureaucracies, and the courts—shape the formulation and implementation of policies? Lastly, how do the people evaluate policies? What outcomes are selected as measures? Why? In short, public policy analysis is quite complex. How can we understand the full dimensions of public policymaking?

We don’t have to look far.

This book and most other introductory political science textbooks use systems theory to organize the subject for easier study. This approach is also very useful for policy analysis. Recall that systems theory conceptualizes politics as an exchange among inputs, institutions, and outputs. Californians make demands on political institutions, which then generate policies that impact people. Systems theory allows for generalizability and understanding of the historical and social context of policymaking. The steps to engage in policy analysis using political systems theory are straightforward. Take a particular policy question. Consider public opinion, with its origins in political culture and ideologies, regarding an issue. Reflect on these opinions in their historical and contemporary social contexts. Study how these opinions pressure the government through many factors, including interest groups, the media, voting, parties, campaigns, and elections. Next, examine how policymaking institutions address these popular pressures. Are the State Assembly and Senate deliberating about new legislation? What is the governor doing? Is the issue subject to litigation? Are bureaucracies addressing the issue with new studies and proposing new regulations? Finally, examine the policy that emerges and study its impact. Is the policy successfully addressing the problem? Figure 12.3.2 shows the parts of the political system.



Figure 12.3.2: The Political System (CC BY 4.0; Alexa Johnson)

Systems theory allows us to link each part of the political system to the whole and see how they interact to formulate government policy. It is well-suited to a democratic form of government where inputs from the people will be substantial. Systems theory does not propose any specific policy prescriptions.

Should we abandon the simple and idealized model of policy analysis for the grubby and complicated world of systems analysis? The clarity and simplicity of identifying problems and evaluating government responses to them remain valuable. It allows us to ask big questions. Then, systems theory introduces the complexity of actual politics to our studies, where we can study the political system's different facets and how they impact policymaking.

There are so many fascinating public policies to study. Where shall we begin? It is helpful to gain an overview of the California public policy by first exploring the state budget. After all, the trail of taxing and spending reveals a great deal about our values. Who pays for public policies? Who receives the benefits? Following the money provides great insights into how state politics works.

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12.4: The State Budget

Introduction

Finance shows what we value. A family carefully saves each month to afford a down payment on a house. A student borrows money to finance their college education. A fiancée buys an engagement ring for their lover. Just as studying personal finance reveals much about ourselves, examining the state budget, full of multiple revenues and expenditures, illuminates a great deal about state politics. In this section, let's first review the California budget and then analyze the process and politics of its formulation. Then let's examine current budgetary issues to help develop our own opinions about what is best to do in the future.

The Budget: Revenues and Expenditures

Like any budget, the California state budget is a record of revenues (primarily taxes) and expenditures (spending) that occur within a fiscal year, or a defined period of time for planning and implementing a budget. California's fiscal year begins July 1 and ends the following June 30. Thus, fiscal year 2026-2027 starts on July 1, 2026.

The state budget comprises three distinct state funds, as well as federal funds (Graves).

1. State General Fund: revenues that do not have a specific designation but are mainly used for education, health, human services, transportation, and corrections.

2. State Special funds: taxes, fees, and licenses that are designated for specific purposes. For example, licensing fees for professions (such as barbers) go to fund the boards that regulate the profession.

3. State Bond funds: Proceeds from the sale of state bonds dedicated to specific purposes, usually infrastructure, such as transportation. For example, in 2008, California voters passed Proposition 1A to borrow money from investors to fund the high-speed rail project.

4. Federal funds– Money from the federal government that funds programs administered by the state. For example, the US Department of Agriculture administers the Supplemental Nutrition Assistance Program (SNAP) nationally by providing funds to each state, which then determines eligibility based on federal guidelines. In California, the California Department of Social Services administers SNAP, which is also known as CalFresh.

Figure 12.4.1, from the California Budget and Policy Center, shows the relative proportions of each state fund.

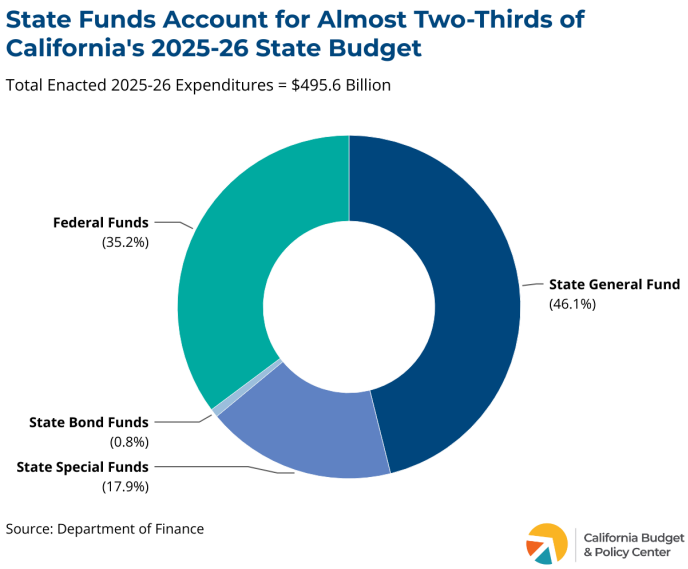


Figure 12.4.1: Types of Federal Funds (CC BY-NC 4.0; California Budget & Policy Center)

State revenues come primarily from personal income tax, sales taxes, and corporate taxes. Figure 12.4.2 shows their relative proportions.

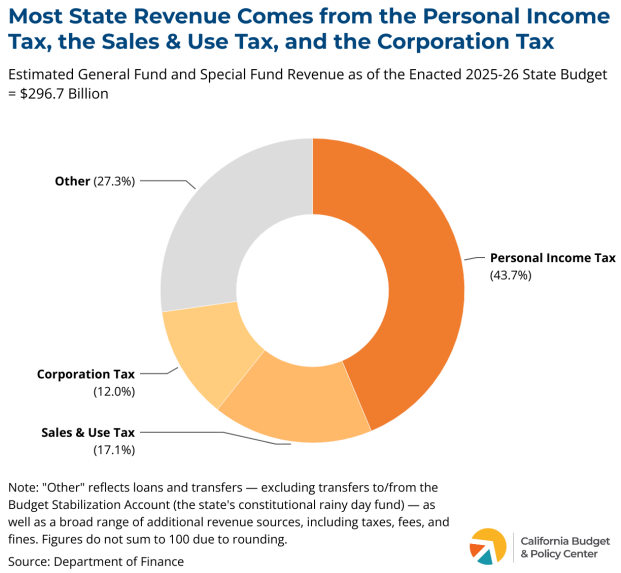


Figure 12.4.2: Sources of State Revenues (CC BY-NC 4.0; California Budget & Policy Center)

California allocates the majority of its budget to support its residents through social services and education. Health and Human Services includes many programs funded mainly by the federal government, such as Medi-Cal (health insurance) and CalFresh. The state funds public schools from transitional kindergarten through university programs. The remainder of the most significant expenditures include the construction and maintenance of our transportation network (roads, harbors, etc.), housing thousands of state prisoners, running the legislative, executive, and judicial bureaucracies, and caring for state natural resources (including state parks). See Figure 12.4.3 below.

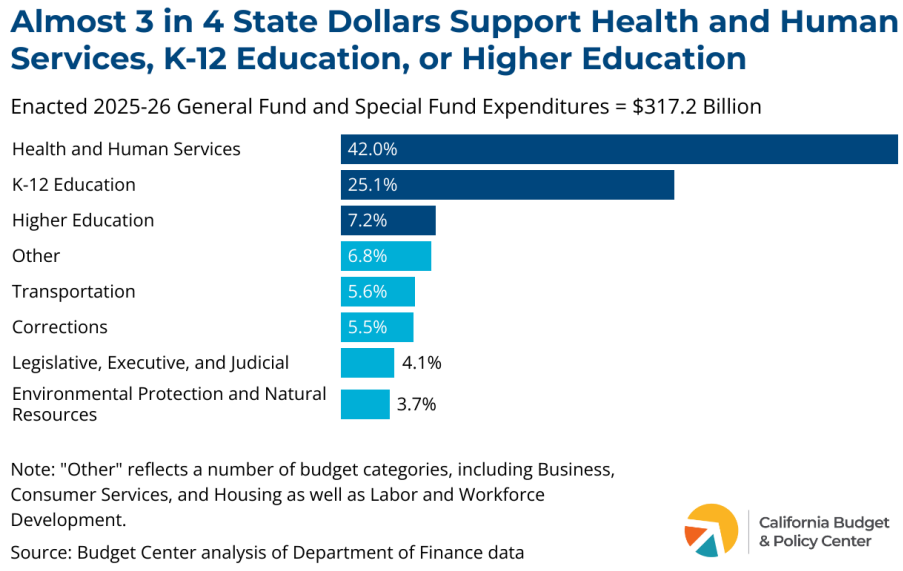


Figure 12.4.3: Top Expenditures (CC BY-NC 4.0; California Budget & Policy Center)

California taxes itself at a relatively high rate to provide health, education, and human services for its residents. According to the Tax Foundation (a nonpartisan nonprofit national think tank), California has the second-highest personal income tax in the country, with a progressive tax system topping out at 13.3% for millionaires (2021). Second, California spends a lot, with a *per*

capita state tax spending rate of $12,714 (2021), ranking #5 among the fifty states ("Total State Expenditures Per Capita"). In short, the state meets the challenge of meeting the needs of its residents with high taxes. Due to the dependence on income and sales tax, the volatility of state revenue has led the state to create reserve funds and rely on bond funding for infrastructure investment.

Is there public support for high taxes and plentiful state services? Surveys suggest the public supports the Governor's budget. A June 2023 Public Policy Institute of California poll shows 59% favor the budget, including 79% of Democrats, and 55% of Independents, but just 30% of Republicans. With approximately two-thirds of party registration consisting of Democratic or Independent voters, and only about 25% of the electorate registered as Republican (California Secretary of State, November 2025 Voter Registration Statistics), a high-tax, high-spending budget enjoys the support of a majority of Californians.

We can readily see how dependent the state is on personal income and sales tax, which vary significantly depending on economic conditions. Moreover, these two taxes have very different impacts. The personal income tax is a progressive tax, with wealthier people paying a higher percentage. In fact, the top 3% of earners pay about 60% of total personal income tax, according to the California Legislative Analyst. Sales tax is highly regressive. The state rate is 7.5% with many local governments imposing additional amounts. As a percentage of income, the sales tax disproportionately affects people with low incomes. Indeed, the consequence of these two taxes is that the income group that pays the highest portion of its income in taxes is the poorest 20% of the population, followed by the wealthiest 20% (Kitson). It is no wonder, then, that a 2023 survey of Californians by the Public Policy Institute of California shows that 57% of all Californians see the tax system as unfair ("Most Californians...")

The Budgetary Process

How is the budget established every year? To a great extent, the budget of this fiscal year is directly guided by the precedents of previous budgets, as most spending is mandatory, meaning it is established by law and requires the maintenance of particular levels of service. Thus, any change, which may still have significant consequences for specific groups of people, tends to be incremental, such that the best predictor of this year's budget is last year's budget.

The California Constitution and state laws provide parameters for writing, approving, and implementing the budget. First, the California governor submits a proposed budget to the state legislature by January 10. The budget must be balanced, with projected revenues matching projected expenditures. This budget is based on the work of the Department of Finance, which compiles the budget requests of each state bureaucracy and projected revenues to create a single budgetary document. The budget also includes "trailer bills," which authorize any necessary changes in law to implement the new budget. These trailer bills must be submitted to the legislature by February 1.

Next, it is the state legislature's turn to deliberate about the budget. They are aided by the Legislative Analyst's Office, which provides an exhaustive nonpartisan review of the Governor's budget to help legislators evaluate and make changes to the Governor's proposed budget. The Budget committees in the State Assembly and State Senate meet to amend and revise the document, holding hearings for interested members of the public, especially interest groups, to testify and influence next year's spending.

Third, the Governor submits a revised budget by May 14, based on new economic projections, and this revision may include revised proposals for the legislature to consider. Legislative leaders and the governor meet to resolve differences and approve the budget bill and trailer bills. The state legislature must approve the budget by June 15. However, according to Proposition 54 (2016), all bills, including the budget bill, must be published on the internet three days before being voted on by lawmakers. If legislators fail to pass the budget bill by June 15, they forfeit a day's pay for each day that they fail to pass it (Proposition 25, 2010). The governor then signs the budget bill, preparing for the new fiscal year, which begins on July 1. The governor has the line-item veto, meaning that they can reject specific expenditures while still signing the entire budget bill.

Fourth, the governor and the state legislatures return from summer recess in early August and may pass "Budget Bill Juniors" to adjust expenditures and pass additional "trailer bills" that accompany these changes. The deadline for the legislature to make these changes is August 31. The governor must sign or veto these changes by September 30.

In addition to the calendar established by the California Constitution, several state laws, established by initiative, govern the process. Proposition 25 (2010) mandates that a simple majority is only required to pass the budget. Before Proposition 25, a two-thirds majority vote was needed, which often caused gridlock as such a supermajority was usually difficult to muster. However, Proposition 26 (2010) mandated that any tax increase requires a two-thirds majority of the legislature. Of course, both the budget and any tax increase passed by the legislature can still be vetoed by the governor.

Lastly, two more propositions constrained lawmakers. Proposition 98 (1988) amended the California Constitution to require minimum funding levels for TK-14 education as a share of the general fund, with adjustments for changes in enrollment and state revenue growth. In practical terms, this law mandates that TK-14 education be approximately 40% of the General Fund each year. Additionally, Proposition 2 (2014) mandates that the state establish a minimum reserve of 1.5% of the general fund and set aside a budget reserve for education (Graves).

Figure 12.4.4 shows the budgetary process.

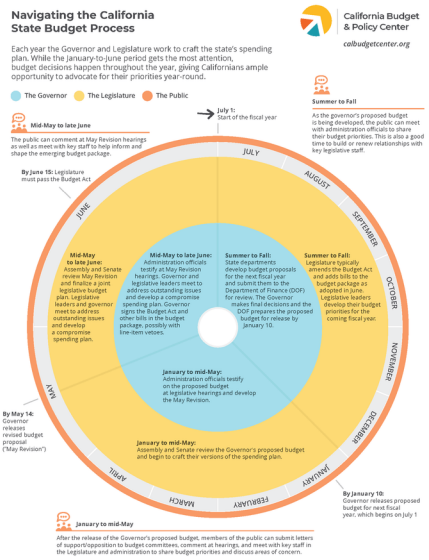


Figure 12.4.4: The Budget Calendar (CC BY-NC 4.0; California Budget & Policy Center)

The Politics of the Budget: Who has influence?

The budget-making process reveals the power of both institutional and political forces. Institutionally, the California Constitution requires the governor and the legislative branch to pass a balanced budget before the start of the new fiscal year. The governor has the power of a line-item veto, although the legislature can override this power with a two-thirds majority, an option that is rarely exercised. Failure to pass a budget before the start of the new fiscal year disrupts government payments, prevents the launch of new programs, and undermines the state's credit rating. Hence, the governor and state legislators are motivated to cooperate to avoid a highly public and embarrassing political failure.

The executive and legislative branches are not just institutions of policymaking; they are very much subject to partisan control. The majority party of each body elects the leaders of the state legislature. The Speaker of the Assembly and the President *pro tempore* of the Senate are elected by the majority party of each body, who, in turn, work with the governor, who is, of course, the *de facto* party leader of the state. Hence, the most powerful political influence on the budget is partisanship. After Republican Governor Arnold Schwarzenegger left office in 2011, the California government has been unified under Democratic control. Hence, the budget reflects the priorities of the Democratic party coalition in the state, with Republicans able to exert little influence.

In addition to the power of the parties, key interest groups shape the budget. Business groups representing sectors such as technology, healthcare, and real estate, as well as labor groups representing teachers, police officers, service employees, and construction workers, and single-interest advocacy groups, all lobby throughout the budget negotiation process. For example, one way the governor can try to balance the state budget is to reduce the number of Californians eligible for various forms of assistance, including healthcare. In 2024, Governor Newsom proposed limiting Medi-Cal eligibility to exclude individuals with assets exceeding $2,000. Healthcare groups lobbied to raise this limit, arguing that it would make Medi-Cal out of the reach of practically everyone, especially seniors who might own their own homes. The result was that the legislature successfully changed the limit to $130,000 for an individual (Fletcher).

Finally, the role of direct democracy is often very evident. Ballot-box budgeting, as it is known, has had a significant impact on the entire process. For example, in 1988, the California Teachers Association, the union of state public school teachers, successfully persuaded the people of California to pass Proposition 98, which created a near guarantee that 40% of the state general funds

would be dedicated to K-14 education.

In short, when one considers the roles of the governor, the legislature, parties, and interest groups, the common thread becomes very evident: the budget reflects the dynamics of representative and direct democracy in our state. It will reflect the majority support of one party, or compromises that result from divided government; it will also show the power of particular interest groups, such as businesses or unions, and will reflect the contemporary concerns of voters regarding specific issues, including housing, healthcare, crime, or immigration.

Contemporary Issues

1. How much should the state of California spend?

With regards to expenditures, how much should the state spend on a vast array of health care, welfare, and educational services, and who should be the recipients of these programs? California's public welfare expenditures are relatively high compared to those of all states. In 2022, California was ranked seventh with per capita expenditures of $3,659 (Stats America). However, mainly because of the high cost of housing, California is ranked as having the highest poverty rate of any state. The US Census Department measured the poverty rate in California in 2022 as 15.4% of the population (Walters). Thus, advocates for high social spending argue that this high poverty level warrants the record social service spending. On the other hand, conservatives say that the best way to reduce poverty is to reduce regulations that help make the cost of living so high and to lower taxes, which burdens everyone.

2. How can the state receive revenues more reliably?

The state's reliance on personal and sales taxes makes revenue collection highly variable. When the stock market is performing well, investors will pay high capital gains taxes; however, in a bear market, they pay nothing. With so much of the state's revenue dependent on a tiny faction of the population, it is easy for the budget to lapse into a deficit, requiring dramatic cuts in spending and/or reliance on reserves.

How can this problem be addressed? One effort to address this problem is to enlarge reserves or “rainy day funds” to anticipate and fund short-term deficits. For example, in 2014, California voters passed Proposition 2, which amended the California Constitution to increase required reserves. For the 2023-24 fiscal year, the reserve funds add up to approximately $38 billion (“California’s State Budget Reserves"). Enlarging reserves is one way to address the volatility issue without dramatically changing tax policy. Perhaps deeper reforms should be contemplated.

In 2016, then State Controller Betty Yee convened a Council of Economic Advisers on Tax Reform to develop a systematic approach to tax reform. The Council identified three criteria to use when considering improvements in the system of tax revenues: predictability, sufficiency, and progressivity. They argued that the state’s heavy reliance on income and sales tax made it difficult to predict revenue amounts from year to year. Second, during times of increasing expectations of government, revenues may be simply insufficient to pay for everything that the people demand. Third, the issue of progressivity, or who bears the tax burden, remains a continuing concern. Let’s look at several reform proposals and their current status.

Table 12.4.1*: Recent Tax Reform Proposals*

Reform Proposal	Description	Efforts to implement
1. Raise Corporation Tax	Proposed in California State Legislature	Rejected by the governor (2023)
2. Increase Taxes on Millionaires	Raise taxes on millionaires to fund electric cars and firefighting	Proposition 30 (2022) rejected by electorate
3. Increases taxes on Billionaires	5% tax on the total net worth of billionaires residing in California	Proposed ballot measure for November 2026
4. Reform Proposition 13 by raising property tax on commercial real estate	Allow local governments to reassess property at current values	Proposition 15 (2020) rejected by voters

Reform Proposal	Description	Efforts to implement
5. Sales Tax reforms	Increase or decrease sales tax	Sales tax on feminine products and diapers removed (2020) Local districts raising revenues by increasing sales tax
6. Change sales tax to include services	The economy is now much more service-oriented, tax labor rather than just tangible products	No bill introduced
7. Reduce property taxes	Safeguard and extend Proposition 13 property tax rates after selling a home	Proposition 19 (2022), extending tax benefits to heirs and to purchase new homes, passes

Reviewing Table 12.4.1, we can see that political efforts to address this problem remain rather short-sighted. One consistent effort is to tax the wealthy more; however, this does not address the problem of revenue volatility but rather perpetuates it. The second effort is to protect groups from high taxes, such as efforts to keep property taxes low. There have been no systemic efforts to address the budgeting problem through more significant reforms. For example, budgeting for a two-year rather than a one-year cycle may better account for economic fluctuations. It would also be wise to have a steadier source of revenue, such as a portion of property tax allocated to the state in exchange for lower income taxes. However, such a reform proposal would immediately create tremendous opposition and has little political support.

3. To what extent is the current tax system ethical?

As detailed above, the very poor and the very wealthy pay the highest percentages of their income in taxes. The poor pay high amounts because of the burden of sales taxes. Local governments often increase the state sales tax of 7.25%. For example, in 2026, Los Angeles residents pay 9.75%. Cities have chosen to tax themselves for general revenues or for specific causes, such as transportation or to help the homeless. There is no floor for this tax. If you went to the store with your last dollar, it would still be taxed. One might argue that a statewide ceiling should be placed on the sales tax, perhaps at six percent, to reduce this burden and that local governments can find other ways to raise revenue.

Second, the argument for high taxes on wealthy people is well-known. The marginal value of additional dollars is less for a rich person than for a poor person; therefore, they can afford to pay more. Yet when the burden of paying taxes falls disproportionately on such a small portion of the population, the state becomes more vulnerable to inordinate influence from this small group. Moreover, when the majority levels a higher tax on the wealthy through the initiative process, is not the majority ganging up on its more successful neighbors? A sense of equal responsibility for state policies may be achieved by a tax policy that does not unduly burden either the rich or the poor.

Conclusion

In the long run, the question is whether the growing fiscal demands on the state can be satisfied with current tax policies. Health, education, and welfare spending, along with the need for massive infrastructure investments, may lead to even higher tax rates. At some point, higher tax rates may spark a backlash similar to what occurred in the late 1970s, leading to Proposition 13, which limited property taxes. Alternatively, high taxes may be one more reason Californians will feel compelled to move to states with lower taxes, but often with fewer services.

For Your Consideration

Each year, the governor and the legislators must make many tough decisions about expenditures balanced against projected revenues. According to the California Constitution, the budget must be balanced. Would you like to try your hand at the budget process? Go to the California Budget Challenge, a simulation in which you, the participant, formulate your own budget, learning about each category of spending as you go. Good luck!

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12.5: Analyzing Public Policy- Should California implement a reparations program for African Americans?

Introduction

In September 2020, in the wake of widespread demonstrations in support of racial justice, California passed Assembly Bill 3121, which created a state task force to "study and develop reparation proposals for African Americans who are the descendants of people enslaved in the United States." Reparation may be defined in many ways; basic ethics suggest that it includes (1) acknowledgment and apology, (2) repairing the damage, and (3) preventing the wrong from occurring in the future. The nine-member California Reparations Task Force issued the California Reparations Report to the state legislature on June 29, 2023. They describe the hardships suffered by enslaved Black Californians between 1850 and 1865 and then analyze the prejudice, discrimination, and burden of structural racism from the post-Civil War period to the present. The Task Force recommends a comprehensive list of reparations, beginning with a formal state apology, policy changes to improve Black Californians' lives, and finally, monetary restitution of up to 800 billion dollars for all California residents related to African Americans living in the US before 1900.

A year later, California began to implement the Task Force's recommendations. On September 26, 2024, following the passage of AB 3089, Governor Newsom issued California's formal apology for its role in the institution of slavery and racism. He committed the state to "restore and repair affected peoples." However, soon after, a bill to create the California American Freedmen Affairs Agency to administer reparations claims narrowly failed. A few minor reforms did pass, for example, requiring grocery store chains to notify the state if they plan to close a store in an underserved area. Leaders of the California Legislative Black Caucus see the implementation of Task Force recommendations as a multi-year process.



Figure 12.5.1: California's apology for slavery

Both the apology and the hesitancy to implement significant reparations reflect the current politics regarding the Task Force recommendations. A 2023 UC Berkeley Institute of Government Studies poll found that 60% of Californian voters agree that the legacy of slavery does affect the positions of Black Californians today. However, 59% oppose cash payments. Among those opposed to monetary restitution, 60% agreed with the statement, "It's unfair to ask today's taxpayers to pay for wrongs committed in the past," and 53% also agreed that "It's unfair to single out one group for reparations when other racial and religious groups have been wronged in the past." Interestingly, there was division about whether the state of California was doing enough to make sure that "Black residents have a fair chance to succeed." 29% said too little, 26% said the right amount and 22% said too much! Hence, if public opinion is any guide to how lawmakers will vote, we can expect more support for reparations focusing on policy reforms to help Black Californians rather than for paying monetary restitution.

What is the right thing for the state of California to do about the issue of reparations for slavery? At one level, this issue shares the characteristics of any other policy question: what values are at stake, what is to be gained or lost by each proposed law, what outcome is best, and how can we measure success? However, reparations are very different from just about all other kinds of proposed legislation because of the sheer breadth and depth of ethical, historical, legal, economic, and political issues we confront. To consider this issue further, let us consider how reparations may be justified ethically, study past examples of reparations, and consider the possible responses of the state legislature to the California Reparations Report.

The Ethics of Reparations

How may the state of California ethically justify a reparations program? The logic of reparations at the political level is similar to making amendments for our transgressions at the social level. Acknowledge and apologize for the harm. The value of respect underlies this act and emerges from the classically Lockean argument that all people have natural rights. Second, repair or compensate for the damage. This act is rooted in utilitarian ethics; the transgressor can right the wrong through specific, often monetary, restitution. Of course, determining the correct monetary compensation is not always possible. Moreover, can a price tag really be put on pain? It may trivialize or simply be insulting to pay someone when the harm is so great, such as the abuse of slavery. After all, we are not talking about compensating for the loss of a broken dish. The historical wrong of slavery caused so much suffering, deaths, and destruction of entire families that monetary compensation may be more of a symbolic expression of the sincerity of an apology and the desire for reconciliation. In short, a mixture of two ethical schools--the Lockean, emphasizing respect for the person, and the utilitarian, emphasizing compensation--guides our ethics. Ultimately, the aim is to improve the relationship between victim and perpetrator.

The 2005 United Nations General Assembly codified five steps of reparation to include restitution (restoring the victim to their original situation), compensation (restitution for losses), rehabilitation (medical and psychological care), satisfaction (victims should be satisfied by actions taken), and guarantees or promises that violations of human rights shall not happen again. These UN Principles of Reparation form a common framework to evaluate claims for reparations. The California Reparations Task Force used these principles to guide its historical analysis and recommendations.

In short, a clear and coherent ethical justification for reparations has developed into a set of internationally agreed-upon principles and policies that should guide all reparations efforts.

Precedents

What precedents may we consider as we evaluate the recommendations of the Reparations Task Force? There are dramatic variations in the kind and scope of past cases. During the era of Jim Crow, there was widespread segregation enforced through a variety of legal and informal means, such as zoning laws, covenants on property deeds that limited the sale of property to whites, and *de facto* practices such as businesses refusing to serve nonwhite customers. One case that received significant attention in the last ten years was the racist treatment of Willa and Charles Bruce, who operated a Manhattan Beach seaside resort known as Bruce's Beach. They opened their business in 1912, and it became a popular recreation spot for Black residents in the area until 1924, when white residents pressured the city of Manhattan Beach to take their property through eminent domain, purportedly to establish a park. A plaque that now marks the former place of the family-owned resort tells the story.



Figure 12.5.2: Willa and Charles Bruce's wedding picture



Figure 12.5.3: Plaque commemorating Bruce's Beach

Text of Plaque (updated 2022)

After being turned away from other coastal cities, Willa and Charles Bruce acquired property along the Strand in Manhattan Beach to create a beach resort for the Black community on February 19, 1912. By 1916, the resort known as "Bruce's Beach" was a thriving fixture for the Black community, with a restaurant, dancehall, changing rooms, and showers.

Soon after, several other Black families purchased property in and near the current location of the park. Major George Prioleau and Mrs. Ethel Prioleau, Elizabeth Patterson, Mary Sanders, Milton and Anna Johnson, John McCaskill and Elzia L. Irvin, and James and Lula Slaughter built homes on their property.

Unfortunately, not everyone in Manhattan Beach welcomed the Bruces' enterprise and its crowds of Black patrons in that era of Jim Crow and racial segregation.

The Bruces, their patrons, and the other Black property owners in the area faced harassment, intimidation, and discrimination by some, including City Hall. These actions aimed to make Manhattan Beach inhospitable to Black residents and visitors.

Enough White residents ultimately pressured the City Council to exercise its power of eminent domain to acquire the land for use as a public park. As a result, the City condemned the properties of the Bruces, the Prioleaus, the Johnsons, Ms. Patterson, and Ms. Sanders. In addition, twenty-five White-owned properties that sat undeveloped among the Black-owned properties were also condemned.

The City's actions at the time was racially motivated and wrong. Today, the City acknowledges and condemns those past actions, and empathizes with those whose property was seized. We are not the Manhattan Beach of one hundred years ago. We reject racism, hate, intolerance, and exclusion.

This park is named in memory of Bruce's Beach and in recognition of Manhattan Beach's next one hundred years as a city of respect and inclusion.

Dedicated 2022

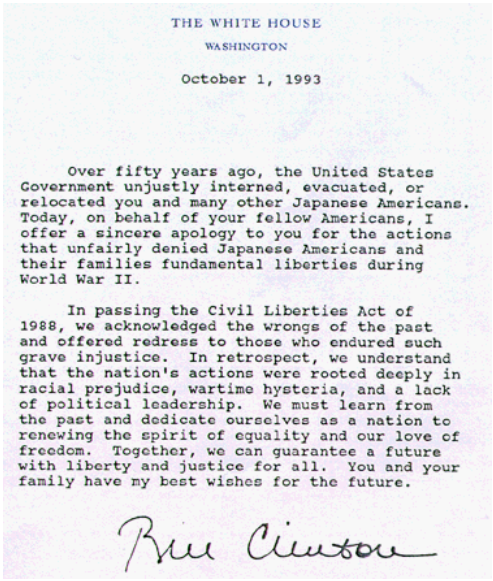
A series of land transfers between the city of Manhattan Beach, the state of California, and the County of Los Angeles led to part of the original land owned by the Bruces becoming the property of the County of Los Angeles. In 2022, the Board of Supervisors of LA County voted to return the land to the Bruce family. The great-grandsons of the Bruce family then sold the land back to LA County for $20 million in 2023.

This case study illustrates all of the characteristics of a completed reparations effort. The apology shows recognition of the wrongdoing done one hundred years earlier; compensation and public commemoration demonstrate how reparations efforts can be successfully completed. Of course, Willa and Charles Bruce did not live to see the compensation, and one could argue that no amount of money serves to replace the right to be treated with respect. Nonetheless, the successful conclusion of this effort can be attributed to several factors. First, the loss of the Bruces' land was a very well-documented and particular claim. The amount of compensation was relatively small. Second, in an era of prioritizing racial justice initiatives, the leaders of Manhattan Beach and the County of Los Angeles were willing to engage in this reparation.

Next, let us go to a much larger case involving the reparations for Japanese-Americans incarcerated in concentration camps during World War II. At a signing ceremony for the Civil Liberties Act of 1988, providing restitution for the surviving Japanese-Americans, President Ronald Reagan stated:

> "Members of Congress and distinguished guests, my fellow Americans, we gather here today to right a grave wrong. More than 40 years ago, shortly after the bombing of Pearl Harbor, 120,000 persons of Japanese ancestry living in the United States were forcibly removed from their homes and placed in makeshift internment camps. This action was taken without trial, without jury. It was based solely on race, for these 120,000 were Americans of Japanese descent.
>
> Yes, the Nation was then at war, struggling for its survival, and it's not for us today to pass judgment upon those who may have made mistakes while engaged in that great struggle. Yet we must recognize that the internment of Japanese-Americans was just that: a mistake. For throughout the war, Japanese-Americans in the tens of thousands remained utterly loyal to the United States. Indeed, scores of Japanese-Americans volunteered for our Armed Forces, many stepping forward in the internment camps themselves. The 442d Regimental Combat Team, made up entirely of Japanese-Americans, served with immense distinction to defend this nation, their nation. Yet back at home, the soldiers' families were being denied the very freedom for which so many of the soldiers themselves were laying down their lives..."

Over the next few years, a letter of apology and a check for $20,000 was sent by the President to 82,219 people.



THE WHITE HOUSE

WASHINGTON

October 1, 1993

Over fifty years ago, the United States Government unjustly interned, evacuated, or relocated you and many other Japanese Americans. Today, on behalf of your fellow Americans, I offer a sincere apology to you for the actions that unfairly denied Japanese Americans and their families fundamental liberties during World War II.

In passing the Civil Liberties Act of 1988, we acknowledged the wrongs of the past and offered redress to those who endured such grave injustice. In retrospect, we understand that the nation's actions were rooted deeply in racial prejudice, wartime hysteria, and a lack of political leadership. We must learn from the past and dedicate ourselves as a nation to renewing the spirit of equality and our love of freedom. Together, we can guarantee a future with liberty and justice for all. You and your family have my best wishes for the future.

Bill Clinton

Figure 12.5.4: Copy of letter sent to an internment camp survivor

In 1983, the economic loss to Japanese Americans was estimated to be six billion dollars adjusted for inflation. It included the loss of property and the interest lost from the value of that property. It does not include the loss of income after World War II caused by having to reintegrate into American society with little or nothing. Hence, the monetary restitution fell far short of the actual loss felt by Japanese Americans.

Nonetheless, the letter of apology and monetary restitution remains very meaningful. It was a clear admission by the US government that Japanese Americans were not disloyal. The US government admitted its mistake and apologized to a particular group of people they had wronged. Reactions to the apology and compensation varied among recipients. While some considered the apology long overdue and compensation too small and too late, overwhelmingly, the Japanese Americans receiving the letters found them to be personally meaningful and historically significant.

In retrospect, reparations to Japanese Americans show the capacity of the US government to engage in a relatively large-scale reparations effort. Government apologies and partial restitution served to bring attention to the public about a historical wrong and to correct any public misapprehension about the loyalty of Japanese Americans. It also provides a precedent for showing that restitution often falls short of actual losses.

Evaluating the California Reparations Report

Recall the scope of the California Reparations Report. The California State Legislature requested that the Task Force study and make recommendations about reparations for them to implement. First, it summarizes the harms caused by slavery and the consequences of discrimination and racism after slavery ended to the present time. Second, it sets out the standards for how to formulate and implement a reparations program, drawing on the lessons learned from other prominent examples such as the internment of Japanese Americans, Germany redressing the harms caused by the Holocaust, and reparations after regime changes in Chile and South Africa. Then, the Report establishes a long list of recommendations about monetary and non-monetary reparations, calculating the economic harm of racism on Black Californians and recommending many reforms in health, welfare, criminal justice, and educational policies to promote racial equity. Monetary restitution is limited to Californians who “are able to establish they are a lineal descendant of an African American Chattel enslaved person or of a free African American person living in the United States prior to the end of the 19th Century.”

There are a few general analytical points to consider when examining the Report. First, as a work of history, the report compiles a voluminous amount of scholarship and information about the history of African Americans in California. This report educates the public and lawmakers about race relations since the founding of the state and the country.

Second, the focus of reparations includes not only for slavery but also for the entire history of racist policies since slavery ended. Logically, post-Civil War racist policies are partially the consequence of the legacy of slavery. However, many other racial, ethnic, and religious groups also suffered deleterious effects from the same Jim Crow policies. Should reparations

exclude these other groups? For example, in the period after statehood, California Indians suffered greatly. Many Indians found themselves indentured to farmers or households in conditions that were similar to slavery. How might a reparations program help descendants of these people?

Third, there is the federal question. The California Reparations Report created a long list of monetary damages for all Black Californians who can trace an ancestor to living in the United States before 1900. Hence, the Reparations Commission is asking one state, California, to pay for damages that afflicted the descendants of California residents, which may have occurred elsewhere in the United States. Moreover, the US Constitutional Convention of 1787 chose to retain slavery; hence, one may ask whether reparations should be a federal rather than a state responsibility. In contrast, the California Constitutional Convention of 1849 banned slavery. Of course, the California Reparations Task Force was tasked with "studying and developing Reparations for African Americans," It was not limited to just focusing on slavery. Hence, the consequences of California's racist policies and practices are also relevant. However, the question remains: when are reparations a state or local responsibility, and when are they a national responsibility? Practically, this question is fundamentally important when the cost of reparations calculated by the report may be as much as $800 billion. Studies of national reparations would address reparations for 40 million people instead of only two million. Only the federal government has the resources for such a plan.

Fourth, the report includes long lists of policy recommendations to promote racial equity across many policy areas, including housing, health care, welfare, education, elections, and criminal justice. Some policy recommendations directly relate to the goals of reparation, such as creating a California American Freedmen Affairs Agency to consider claims that eminent domain was used in a racist manner by local governments. However, many recommendations are very common policy proposals that have been part of the policy agenda for quite some time--increasing the minimum wage, repealing three-strike sentencing, making election day a paid state holiday, and so on. The possibility is that reparations are seized upon simply as a vehicle to promote more general political agendas and not as an end in itself.

The California Governor and State Legislature have several options. As of December 2024, California has issued a formal apology for slavery, and a few civil rights bills recommended by the Report have been approved. In the coming years, the question is whether the state will support monetary restitution, and if so, how will this be funded? Secondly, to what extent will many of the proposed reforms be implemented across many policy areas?

What are the policy choices facing the California state legislature? Consider the following options:

Option One: The Apology

Already having been passed into law, California's apology for slavery and subsequent discrimination against African Americans expresses regret and moral responsibility for the suffering faced by African Americans.

Option Two: The Apology plus monetary restitution

It is difficult to accept an apology as sincere if there is no effort to help those that one has hurt. Yet, monetary compensation of the scale that the Report envisions is beyond the capability of any state to muster. Precedents from other reparations cases, such as with Japanese Americans, suggest that monetary compensation may be just a fraction of actual harm but can still be meaningful and useful to its recipients.

The problem with the general sort of restitution envisioned by the report is that it is not clear why other groups, such as Latinos, Asians, and other immigrant groups, are excluded because they, too, suffered under racism.

Option Three: The Apology plus many new laws promoting racial equity

Politics in a democratic state is often an incremental enterprise. Minor reforms are often passed rather than sweeping changes. The long lists of reforms suggested by the Report allow for much consideration and can be approved as funding allows. The disadvantage of this approach is that the public may not see a direct connection between the apology and various reforms that may seem very distant from direct restitution.

Option Four: The Apology plus monetary restitution plus many new laws promoting racial equity

This option would seek to implement all of the report's major recommendations over time. It depends, of course, on finding adequate funding for restitution and a political environment conducive to many liberal reforms. The political climate may not support such an expansive approach to the issue.

If you were a state lawmaker, what would you advocate?

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12.6: Analyzing Public Policy- Hate Speech in the Face of the First Amendment

Addressing Hate Speech and Hate Crimes in the Golden State

By Brooke Collins, M.A.

In May of 2023, an LGBTQ flag was burned at Saticoy Elementary school in California. The flag, which was held in a small potted plant, symbolized the celebration of an upcoming Pride Assembly on campus. The scheduled event had already sparked controversy within the San Fernando Valley community since its announcement, as some parents openly elected to protest it by not allowing their children to attend school that Friday. However, the blatant destruction of the flag inspired a strong sense of fear and deep concern for the safety of the students (Planas and Sheeley 2023). As a result, the LAPD was called on by the director of the local LGBTQ center, Renato Lira, to ensure their protection:

“We are really concerned. We wanted to make sure the kids are safe during the time they’re inside the school. We are working on this around the clock. We are keeping an eye on social, even communicating with the school district and the LAPD. We have meetings every day” (qtd in Planas and Sheeley 2023).

In June of the same year, household residents of the Sacramento area reported that they discovered plastic bags filled with mysterious leaflets in their neighborhoods. Many of them were vocal about how they were disturbed by both the antisemitic and racist nature of the literature, denouncing it as “more than unsettling” and a “sad state of affairs” (qtd. in Hope 2023) -- the prevailing consensus that the messages on the pamphlets were motivated by hate (Hope 2023).

The level of distress prompted by these incidents certainly warrants the question: can the individual or individuals responsible for each of them be held criminally liable in California for their actions? Or are these actions considered legal under the First Amendment of the U.S. Constitution as a valid expression of protest? If we want to uncover the answer, we must first begin by distinguishing between two critical concepts according to state law: hate speech and hate crimes.

It may surprise you to learn that California has no ban on hate speech; however, it does prosecute hate crimes. More specifically, under the Ralph Act of California Civil Law, it is prohibited to target citizens or their property with acts of violence or threats of intimidation on the basis of their perceived or actual characteristics such as race, gender, religion, or disability (“California Law Protects You from Hate Violence”:). In other words, the state punishes those who attempt to cause harm or that actually do cause harm to an individual or their property as a result of bias (“California Law Protects You from Hate Violence”:). Examples of hate crimes include, but are not limited to: an attempted assault on a person who identifies as a certain gender, vandalizing a house believed to be owned by a same-sex couple, or sending death threats to the teachers of a religious school for their beliefs.

In addition, the Tom Bane Civil Rights Act, otherwise known as the Bane Act, builds on this protection against hate crimes by making it illegal to use threats, intimidation or coercion in order to prevent a citizen from exercising their rights (Haro et al., 2018). These rights do not only include those guaranteed by the state’s own constitution, but those promised to all citizens of the country under the federal constitution as well (Civil Code 52.1). Furthermore, it declares that even those “acting under the color of the law” itself—such as police officers--are not exempt from penalty if they interfere with an individual or individuals’ practicing of their rights (Micheli 2023).

How does this understanding of hate crimes in California also serve the goal to understand its current conceptualization of hate speech? Well, first the Ralph Act establishes that there are crimes characterized by ‘hate’ and it next describes the very nature of that hate. And finally, both the Ralph and Bane Acts each recognize the role that speech can play in promoting this type of crime. Without this crucial legal foundation, there could be no policy or policies enacted against hate speech in California because there could be no identification of its victims!

Of course, California is still obligated to honor the First Amendment of the U.S. Constitution when addressing the issue of hate speech. According to the First Amendment, neither the federal government nor state governments can create laws that abridge the right to freedom of speech—even speech classified as hostile towards other people or their beliefs. As a result, California’s interpretation of hate speech and its expression has been dictated by the Supreme Court’s interpretation of the legal perimeters of the First Amendment. The Supreme Court has ruled that not all speech is protected; there are specific categories of it that may

be regulated. This includes speech or expression which possesses content that is likely to "provoke imminent lawlessness", such as "fighting words" --words defined as inciting violence or the "immediate breach of peace" – obscenity or defamation (Haro et al., 2018).

Although not all speech and forms of expression are recognized as protected under the First Amendment by the U.S. Supreme Court, this does not mean that California has the license to restrict or ban these categories of speech or forms of expression in every situation. In the 1931 *Stromberg v. California* case, the Supreme Court declared the first section of a state statute that forbade citizens from displaying a red flag in a public place when it served as a "sign, symbol or emblem of opposition to organized government" unconstitutional (National Constitution Center). The red flag in question was a reproduction of the flag of Soviet Russia, which is also known as the flag of the Communist Party of America. This flag was utilized for a daily ceremony at a camp in the San Bernardino mountains in which the children first raised it and next participated in a ritual pledge of allegiance "to the worker's red flag, and to the cause for which it stands; one aim throughout our lives, freedom for the working class" (qtd. in National Constitution Center). It was not the children--but rather their 19-year-old supervisor--a member of the Youth Communist League, who was convicted in California for their role in directing this ritual; a conviction ultimately overturned by the 'Highest Court in the Land' on the grounds that it violated the First Amendment (National Constitution Center).

The significance of *Stromberg v. California* rests in the federal determination that a state statute, or state law, may not punish a citizen for exercising their right to oppose the government. It also establishes that symbols representative of this opposition, such as a flag, cannot be banned. If we apply this ruling to modern society, its relevance is highlighted through the evolution of technology and the continued popularity of social media, which has become its own unique forum for political discussion. On websites and smart device applications such as Facebook and Twitter, one of the most common symbols of free speech takes form in memes. Memes are defined as "repurposed media" that are utilized to both deliver and replicate "cultural, social or political expression" --largely through humor (Benveniste 2022). Although memes are grounded in humor, it does not follow that the joke is welcomed by all online. Memes may not only poke fun at a popular celebrity's fashion choice; they might also ridicule a current political policy or idea. Likewise, they may also criticize a government figure, political activist, or a political group.

However, memes are protected speech in the same manner that Communist flags are protected speech under the First Amendment—what matters, legally speaking, is the content of the speech itself. Even if a meme is widely considered offensive, it is not enough to warrant penalty from either the Federal or State governments. In California, there is a legal differentiation between a hate crime and a hate incident. While a hate crime demands punishment, a hate incident does not ("Hate Crimes | State of California - Department of Justice - Office of the Attorney General") Examples of hate incidents include name-calling, insults, posting hate material in a way that does not result in property damage and distribution of materials with hate messages in public settings ("Hate Crimes | State of California - Department of Justice - Office of the Attorney General"). Because the internet is a shared, public space, memes are allowed to be created that contain hate messages. It is only when those messages threaten or inspire violence against their target that intervention can occur. The same is true for any medium of hate message conveyed online.

Despite the fact the California government cannot ban hate speech due to the First Amendment, it can take preventative measures to mitigate its harmful effects—particularly online. One such measure is AB 587, signed into law in September 2022 by the current state governor, Gavin Newsom. This action was inspired by his belief that California should "not stand by as social media is weaponized to spread hate and disinformation" and that its citizens "deserve to know how these platforms are impacting public discourse" (qtd. in "Governor Newsom Signs Nation-Leading Social Media Transparency Measure | State of California - California Governor - Office of Governor Gavin Newsom") AB 587 holds social media platforms accountable for their potential to be utilized as a tool for spreading misinformation and for fostering an environment which can promote extremism or harassment; this is accomplished by requiring them to be publicly transparent about their policies on these very issues. In addition, social media platforms are responsible for reporting data on their enforcement of these same policies ("Governor Newsom Signs Nation-Leading Social Media Transparency Measure | State of California - California Governor - Office of Governor Gavin Newsom").

AB 587 is evidence that California recognizes the dangers of hate speech just as well as hate crimes. However, it is because social media platforms like X are privately owned and operated, that they are considered independent from the government. As a result, it is possible for them to take action against users and to restrict their content or ban them from the platforms altogether without being in violation of the First Amendment. Given our understanding now that California law must adhere to the First Amendment, we will return to the two cases presented at the beginning of the section: the flag burning at the elementary school and the distribution of racist leaflets in Sacramento. Are these instances of protected speech under the First Amendment or examples of hate crimes that can be prosecuted in California?

The answer is both: one case is an instance of a hate crime, and the other is an example of protected speech. The first case of the flag-burning at the elementary school is under police investigation as a vandalism hate crime, which carries a misdemeanor

charge (Scauzillo 2023). However, the second case—which concerns Sacramento and the leaflets—does not immediately warrant this same type of investigation by law enforcement. According to Sgt. Amar Ghandi, a spokesperson for the Sacramento Sheriff's Office, this is because "people have to understand that people have that constitutional right to feel how they feel and voice those opinions" (qtd. in ABC10) --even if those opinions are disturbing to others in the community.

The key difference in the police response to each case is explained by the earlier legal distinction in California made between a hate crime and a hate incident. Although both cases are linked together by the motivation of hate behind them, only the first resulted in property damage because of it; the other did not. This is why it cannot be prosecuted as a hate crime and is better regarded as a hate incident—a form of protected speech under the First Amendment. Despite this fact, the Sacramento police still recognize—as Gavin Newsom does—that action must be taken to prevent hate speech from escalating to the severity of threats or actual violence against those it targets. This is precisely why they urged anyone with information related to the incident to come forward (ABC10).

While hate speech is not illegal in California, hate crimes are illegal. Even so, this does not mean that action cannot be taken to prevent this type of expression from threatening the safety of its citizens. California vs. Hate, a multilingual hotline, was developed based on a pre-existing model, LA vs. Hate, and launched in May 2023 for this exact purpose. California vs. Hate not only tracks both hate crimes and hate incidents, but it also helps to connect state residents to important resources, such as therapy or legal aid (Lynem 2023). The First Amendment does not protect all speech—which is why California is not obligated to protect all of it either. The current policy trajectory is one which suggests that the state will continue to respect the right to freedom of speech enshrined in the First Amendment of the U.S. Constitution, but that it will not tolerate those hate crimes inspired by it.

For your consideration: Given the proposed link between hate speech and hate crimes in California, what kind of policy do you believe would best combat its effects without violating the First Amendment?



Figure 12.6.1: People Protesting Hate Speech in 2016 (CC BY 2.0; by Fibonacci Blue via wikimedia)

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12.7: Summary

Public Policy Studies

Studying public policy has multiple purposes. First, we can pursue our interests in how California has addressed important historical and current issues. Second, as we study public policy formation and implementation, we are compelled to study all the different parts of the political system and how they interact to respond to political demands. Policy analysis shows us the importance of considering multiple factors and dynamics to understand the nature of California politics.

There are so many fascinating topics that deserve our study as political scientists. Studying the budget provides one overview of what we are doing as a state for how we tax and how we spend reveals a great deal about our priorities. Policy analysis can be used to explain policy outcomes in the past, such as the liberalization of abortion law in the 1960s, or we can consider the many current challenges with the tools presented in this textbook.

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12.9: California Public Policy Case Studies- Student Papers

Public Policy Research

The following student papers exemplify the kind of research we can all accomplish as we study California politics. College of the Canyons Political Science students have recently contributed the following studies to this textbook. We invite you to pursue research of your own; identifying the issues that really matter to you and exploring how our political system struggles to address them. Best of luck!

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12.9.1: Book Bans - Parents' Rights and Inclusivity Clash

by Nathan Barraza

The Backbone

The roots of book bans initially sprouted in Tallahassee, Florida, Gov. Ron Desantis signed a bill banning over three-thousand books from schools and public libraries. As a result, a rising surge of book bans across the country galvanized religious parents and school boards against 'inappropriate' material found in their schools. In California, the Temecula Valley Unified School District rejected a state curriculum containing material mentioning Harvey Milk, an openly gay San Francisco board supervisor and gay rights activist. In response, California Governor, Gavin Newsom, helped propose a bill to create penalties for school districts that did not follow state curriculum rules. Those who oppose the state curriculum argue that this law will infringe upon parent's rights to protect their children from materials they deem inappropriate for their children. On the other hand, Gavin Newsom issued a statement on the governor website that "this has never been about parents' rights. It's not even about Harvey Milk — who appears nowhere in the textbook students receive. This is about extremists' desire to control information and censor the materials used to teach our children" (Newsom). Gavin Newsom claims that banning books is censorship. In addition, he points out the danger that comes with school boards that can control information within the community's schools. This leaves us with a question: do we support parents' rights to object to material they deem inappropriate for their children or do we follow an inclusive state school curriculum?

Legal Warfare

As an attempt to be inclusive to all Californians, Assembly Member Zbur introduced Assembly Bill 5 which sets up a program for teachers and school staff to undergo training so, "teachers and other certificated employees of schools operated by a school district or county office of education or charter schools have the tools and training they need to support and meet the needs of LGBTQ+ pupils" (Zbur). This bill is quite short and therefore there aren't many weaknesses to point out. The AB 5 creates a training program for teachers by the state to create a safer environment for queer individuals to freely express themselves at school without judgment. Zbur's bill laid the foundation for another assembly bill, Assembly Bill 1078, that was approved by Gavin Newsom on September 25, 2023. This bill prohibits the banning of books by school boards based on discriminatory criteria of race, sex, or gender. This bill also creates a larger framework for schools to adopt an inclusive curriculum to show children the successes of groups
like women and LGBTQ+ members. The plain language of the bill makes it clear to stress the impact groups like these had on California and the United States as a whole. Those who wrote this bill did an amazing job with their diction leaving the bill airtight without any loopholes. I find the powers granted to the state superintendent to be pretty powerful allowing them to purchase materials for school boards that are not adhering to the bill rules. As a result, there is a large price to pay for not being inclusive in their school district having their funding reduced, and, if persistent, outright removed. Even worse, the school district could be fined money for banning books unlawfully. Gavin Newsom and his constituents acted very fast with this bill and even included the urgency clause to allow the bill to take immediate effect. Overall, a very strong move pulled by the Democratic governor. Though the bill seems strong and effective from the plain text, the interpretation from outside parties may be subject to change. This bill could be seen as the California government forcing an ideology onto the young kids within the state. If I were a parent, this bill would give me a big scare. Sure, this time it's a more inclusive school curriculum. Next time, we might not be so lucky. Cutting funding from schools that don't cooperate doesn't look good to the average person either.

Parents' Rights vs. Inclusivity

The Temecula Valley Unified School District proposes a ban against pride flags, critical race theory, and a state curriculum social studies textbook mentioning Harvey Milk. Conservative parents and the school board of Temecula make the argument that laws should allow for school boards and the parents to decide what the children of that district see and read to protect them from explicit content. On the other hand, Gavin Newsom's AB 1078 wants to prohibit schools from banning books and gives the California State Legislature the power to make schools adopt a more inclusive curriculum. Newsom claims book banning in itself is an infringement of our right to free speech and becomes another form of censorship at the end of the day. I imagine, with how expensive it is to live in California, many parents can't simply move to another school or send their child to a private school that aligns with their parent's values. Such a move could put that family in a financial divot. On the contrary, children of all different

backgrounds, sizes, and shapes will be present and within close proximity with one another in most schools and the United States is renowned for its diversity, so why do some seek to keep things traditional? Personally, I lean towards Assembly Bill 1078 and the solutions it brings with it. There is a way for parents to protect their children from sexually inappropriate themes and material in school, however, I don't think that is the real issue at hand. Many religious conservatives I know succumb to the mass hysteria flying through the United States regarding LGBTQ+ members. The media pushes an agenda created by republican politicians to shield children from real-world diversity framing the issue negatively. In the plain language of AB 1078, the writer calls for accurate and inclusive information to be used in the new curriculum proposed by the democratic legislature of California. They emphasize the word "accurate" to create a real depiction of history to show how diverse groups of people, like those from the LGBTQ+ community, impacted California as a whole. I like their idea of wanting to teach future politicians, doctors, and other laborers of California to grow into sensible and conscience adults. Having said that, I will concede that parents should still have a right to review material they deem inappropriate for their child within a board meeting. If issues arise, there should be a legal pathway for parents to contest a curriculum passed by the California government. Another point of contention I have with the bill, I think a large fine for the school district of Temecula, given they don't follow the rules laid out in AB 1078, seems tyrannical. Why not issue warnings to the members of the school board and remove them if they do not comply? A large fine impacts more people than just those sitting on the board panel. Nevertheless, I still believe banning books prevents children from learning about the vastly different people they may encounter out in the real world. Children are such curious creatures and their questions can be pushed aside by parents who seek to shield their kids from topics they disagree with. However, this delays the inevitable as children will reach an answer to their questions either with outside help or on their own.

Conclusion

California book bans began taking place in late July up until Gavin Newsom passed Assembly Bill 1078 in late September. The bill was written quite strongly and snuffed any
attempt at banning books based on discriminatory factors, many against LGBTQ+ school materials and displays. Conservative Californians believe they have the right to dictate what their child reads and learns in school to protect them from an improper education. They put their trust and support into school boards that align with their ideals and philosophy. Unfortunately, AB 1078 passed which allows the superintendent to enforce the new law on school boards. As a result, school boards receive penalties for not abiding by the law like a reduction of funds provided by the government or a full cut of funding altogether. I appreciate the assembly bill's inclusion of groups under-represented in history as America is a country founded upon diversity where minorities built this country from the ground up. Knowing our history and passing it down to our young prevents us from repeating past mistakes. With this knowledge, the children of our day will grow up to change the world for the better.

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12.9.2: Reducing Homelessness in Los Angeles- Evaluating Mayor Karen Bass's Efforts

by Anastasia Karpas

Introduction:

The homelessness crisis in Los Angeles is multifaceted, with causes ranging from the skyrocketing cost of living to the lack of affordable housing, mental health services, and effective substance abuse programs. As of 2023, over 46,000 people in Los Angeles County are unhoused, a number that has been steadily increasing for years (Los Angeles Homeless Services Authority [LAHSA], 2023). While homelessness affects nearly every urban area in California, Los Angeles is at the epicenter of the crisis. Mayor Karen Bass, elected in 2022, has made it her top priority to address this complex challenge, promising significant reductions in the number of unhoused individuals through various interventions.

The 2023 LAHSA Homeless Count revealed a 9% increase in homelessness from the previous year, indicating that previous efforts have not sufficiently curbed the crisis (LAHSA, 2023). Approximately 30% of unhoused individuals in the county are affected by serious mental illness, while another 27% struggle with substance abuse disorders (California Department of Housing and Community Development [HCD], 2023). The cost of living and the availability of affordable housing also exacerbate the situation, with rental prices far outpacing income growth for low-income residents. For instance, in Los Angeles, the average monthly rent for a one-bedroom apartment exceeds $2,500, while many residents earn minimum wage, making it nearly impossible to afford housing (Department of Housing and Urban Development [HUD], 2023). The combination of these factors makes Los Angeles one of the most challenging areas in the U.S. to solve homelessness on a meaningful scale.

Current Policies Addressing Homelessness:

Mayor Karen Bass has introduced a series of policies aimed at reducing homelessness, the most prominent of which is the “Inside Safe” initiative. This program seeks to move unhoused individuals off the streets and into temporary housing, focusing on people living in encampments. The approach is more humane than previous efforts, which often involved forcibly removing people from public spaces without providing adequate long-term housing solutions. "Inside Safe" prioritizes placing people in hotel rooms and other short-term housing arrangements while city officials work on transitioning them to permanent supportive housing (Bass, 2023).

Additionally, Los Angeles has received state funding through programs like California’s Project Roomkey and Homekey, which allocate state and federal resources to purchase motels and hotels for conversion into long-term housing. While this has helped provide temporary shelter, the long-term success of these programs is contingent on securing funding for permanent housing solutions (California Housing Finance Agency, 2022). The city's homelessness plan emphasizes the need for a comprehensive approach that includes both emergency solutions and systemic changes to the housing market.

Strengths and Weaknesses of Current Policies:

"Inside Safe" has had some early successes, with hundreds of individuals relocated from encampments to temporary shelters. However, critics argue that temporary housing alone does not address the underlying issues—mental health care and addiction services are often inadequate, and the availability of affordable permanent housing remains limited. According to a report by the Institute for Global Homelessness, while temporary housing can provide immediate relief, the lack of a cohesive strategy for transitioning individuals into permanent housing remains a significant obstacle (Institute for Global Homelessness, 2023).

Policies addressing only reactive solutions, such as relocating individuals, fail to tackle the root causes of the problem, including housing affordability and mental health care deficiencies. While efforts like Project Roomkey have increased shelter capacity, their temporary nature limits their impact. Furthermore, court cases like Jones v. City of Los Angeles have set legal parameters for how the city can manage its unhoused population, creating a complex legal landscape for enforcing anti-camping laws while balancing individual rights (California Court of Appeals, 2006). The ruling restricts the city's ability to remove individuals from public spaces if there are no available shelters, emphasizing the need for comprehensive, long-term solutions.

Proposals to Address Homelessness:

- Survey of Current Proposals...

Various proposals are under discussion to address homelessness more effectively. Some experts advocate for "Housing First" models, which focus on providing permanent housing without preconditions like sobriety or employment. According to the National Alliance to End Homelessness, Housing First has been shown to reduce homelessness in several cities across the U.S., but it requires substantial financial investment and political will to scale up in a city the size of Los Angeles (National Alliance to End Homelessness, 2022).

Another proposal is increasing funding for mental health services and substance abuse treatment, both of which are critical to addressing the root causes of homelessness for many individuals. The California 2023-2024 State Budget allocated additional funds specifically for mental health services aimed at addressing homelessness, yet many advocates argue that these resources are still inadequate (California Department of Finance, 2023). Some advocates also push for policies that prevent evictions, as keeping people housed in the first place is far more cost-effective than trying to rehouse them after they've become homeless.

Additionally, zoning reform has been suggested to allow for more affordable housing construction. Los Angeles is notorious for its restrictive zoning laws, which limit the construction of multi-family dwellings. Proposals to relax zoning regulations, especially in wealthier neighborhoods, could help increase the availability of affordable housing, though such measures often face opposition from local residents (Kirk, 2023). For example, the proposed SB 9 bill, which allows for the development of duplexes on single-family lots, is a step towards increasing housing supply but has faced backlash from community members who fear it will alter neighborhood character (California State Legislature, 2021).

Recommended Approach:

In my view, a combination of Housing First and a dramatic expansion of affordable housing construction would be the most effective approach. Los Angeles must prioritize building more permanent, supportive housing to address homelessness in the long term. Coupled with comprehensive mental health and addiction services, a focus on permanent housing would provide the stability people need to reintegrate into society.

A report from the California Housing Partnership indicates that for every $100,000 invested in permanent supportive housing, cities can save up to $33,000 per person annually in health care and other related costs (California Housing Partnership, 2022). While short-term solutions like "Inside Safe" are necessary to provide immediate relief, the city must focus on preventive measures. Expanding renter protections, providing rental assistance, and investing in job training programs for low-income residents could prevent many from falling into homelessness in the first place. Zoning reform is another key to unlocking affordable housing supply, particularly in areas where opposition to low-income housing has traditionally been strong. Inclusionary zoning policies could be implemented to require developers to include affordable units in new residential projects, increasing the stock of low-income housing (Cohen & Stoecker, 2023).

Conclusion:

The homelessness crisis in Los Angeles remains one of the city's most pressing social challenges, and while policies under Mayor Karen Bass, such as the "Inside Safe" initiative, have provided immediate relief to some individuals, the long-term success of these programs remains in question. Addressing homelessness requires a holistic approach that tackles both the symptoms and the root causes of the problem.

Homelessness is not merely a housing issue; it is intertwined with mental health, economic inequality, and systemic failures in policy. As Los Angeles continues to grapple with this growing crisis, it is clear that bold action, not just temporary fixes, will be necessary to make lasting progress. The city must also foster a broader societal conversation about homelessness, moving beyond stereotypes and misconceptions to understand the human experiences behind the statistics. As one resident who has benefited from Mayor Bass's programs noted, "Getting off the street is just the first step. What comes next is what matters" (Miller, 2023). This sentiment highlights the need for sustainable solutions, reminding us that without a long-term commitment to affordable housing and mental health services, the cycle of homelessness will continue to repeat itself.

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12.9.3: Fixing The Housing Crisis

by Kayla Martin

Introduction

Today, many Californians are facing the reality of the housing crisis and the increasingly difficult responsibility of owning a home. Many families struggle to keep their homes, and when they lose them, they are tasked with finding a new home that is within their budget, which many can not find. The housing crisis is becoming a major issue for residents in California, with “68% [saying] housing affordability is a big problem in their part of the state” and “63% [saying] homelessness is a big problem” (PPIC). The World Population Review released that in 2023, California’s homeless population is at about 161,548 people, representing 27.89% of the homeless population in the United States. Some solutions for California’s housing crisis involve limiting the number of short-term rental units in the city, reducing the effects of house flipping, and building more affordable housing.

Limit Short Term Rentals

Short-term rental platforms such as Airbnb, HomeAway, and FlipKey have become popular alternatives for hotels; however, it is important to understand the negative effects that platforms such as these have on the housing market. Dayne Lee wrote in an article for the Harvard Law and Policy Review that short-term rentals “[reduce] the affordable housing supply by distorting the housing market [...], [one example being that] any housing unit that was previously occupied by a city resident, but is now listed on Airbnb year-round, is a unit that has been removed from the rental market and has essentially been added to [the community’s] supply of hotel rooms” (Lee). With over seven million listings in over 220 countries, four million hosts on the platform, and 100,000 cities and towns with active Airbnb listings, it is becoming increasingly challenging for many Americans to find permanent housing, especially those living in popular tourist states like California (Ruby Home). Actions like this lead to increases in surrounding rents and reduce the available housing in an area. Many Californians looking for housing face the realization that many of the places they would have been able to afford in the past have now been turned into short-term rentals and, in turn, have increased the price of housing in the surrounding areas.

Similar to the research done by Dayne Lee, a research paper published by the University of Southern California; University of California, Los Angeles; and the National Bureau of Economic Research explains that “a 10% increase in Airbnb listings leads to a 0.42% increase in rents and a 0.76% increase in house prices” (SSRN). Recently, on January 9, 2022, New York took a stand against the increasing amounts of Airbnbs by adopting Local Law 18, the Short-Term Rental Registration Law. Local Law 18 “requires short-term rental hosts to register with the Mayor’s Office of Special Enforcement [...], and prohibits booking service platforms [...] from processing transactions from unregistered short-term rentals” (NYC OSE). The details of this law conclude that all short-term rental hosts must register with the city, and those who qualify would be those who live in the place they are renting and are present while someone is staying. Local Law 18 ensures that residents in New York City have affordable housing options and will not be priced out of their neighborhoods. Although there are strengths to this law, it also has its weaknesses, including the fact that some residents use Airbnb to make ends meet by renting out their homes while on vacations. However, despite these negative effects, Local Law 18 is a law that the state of California should also adopt to combat the increasing housing crisis issues.

Reduce Effects of House Flipping

Short-term rental platforms are not the only contributing factors to the housing crisis, but also the popularized business of house flipping. House flipping is defined as reselling a house within a year of purchase, and it can be viewed worldwide through television shows and workshops teaching real estate agents how to make a profit. Ari Shapiro and Becky Sullivan wrote an article about house flipping for National Public Radio, stating that “new research shows that flippers contributed to the housing crash of the mid-2000s more than economists initially realized” (Shapiro, Sullivan). Along with this, ATTOM released its year-end 2022 U.S. Home Flipping Report showing that “407,417 single-family homes and condos in the United States were flipped in 2022. That was up 14 percent from 357,666 in 2021, and up 58 percent from 2020, to the highest point since at least 2005” (ATTOM). House flippers are known for buying, renovating, and then selling housing for a steep price to make a profit. This contributes to the housing crisis because a house that was once affordable to a low-income family is now priced too high for most future homeowners to afford.

To combat this issue, Assemblymember Chris Ward proposed The California Housing Speculation Act, Assembly Bill 1771, which would impose an additional income tax of 25% on the gain of the sale of a house that occurred three years after the previous sale and would expire seven years after. CBS8 interviewed Ward about his proposed bill for an article about the negative effects of house flipping and how his bill would help alleviate these issues. Ward revealed that "California does have a housing supply deficit, but profits continue to grow by 26% each year, which isn't sustainable" (CBS8). According to Assembly Bill 1771, investors are responsible for half of the home sales in Southern California, whereas that number is only 18% in the nation. Ward's goal with this bill was to give homes back to local homebuyers and prevent house flippers from driving up the housing market. Many concerns arose from the proposition of this bill because real estate industry experts argued that increasing the housing supply would have a more beneficial impact on the housing market than Assembly Bill 1771. Although this bill was not passed in 2022, Chris Ward is revising the legislation to avoid penalizing homebuyers who end up needing to sell their home within the first seven years.

Build More Affordable Housing

Adding on to the issue of increased housing prices, California can also combat this issue by building more affordable housing. Affordable housing, for many Californians, does not include four bedrooms, two-car garages, or two stories. Many residents in California are looking for multi-family homes or genuinely affordable housing. Manuela Tobias shares her thoughts and research in an article for CalMatters, quoting Dan Dunmoyer, president of the California Building Industry Association. Tobias reveals that "California has some of the highest housing costs in the nation because of how little 'marshaling' there is [...]. Land costs are prohibitive, and zoning rules limit much of what can be built. Housing must get approved at the local level, which has ample opportunity for community input. Those communities can then block popular projects, such as multi-family or affordable housing" (Tobias). Section 8 housing is some of the most popular housing for low-income families; however, many residents who live nearby would prefer not to have such low-income housing so close to their own homes, one reason being that the value of their home is then lowered. With a large opportunity for community input, much of the proposed affordable housing in certain communities is rejected due to the high amounts of disapproval from city residents.

The Office of Governor Gavin Newsom recently published an article titled "Governor Newsom Signs Package to Streamline Housing and Expand Tenant Protections in California." The article tells readers that Governor Gavin Newsom has signed "an extensive housing package consisting of 56 bills to help address California's decades-in-the-making housing crisis by simplifying and expediting the construction of new housing, protecting tenants, and keeping housing affordable" (CA.gov). These 56 bills would help reduce barriers to housing and support further development of more affordable homes. One bill, SB 4, will allow religious institutions or independent institutions of higher education to build housing on their property. Another bill, SB 423, will require local governments that are not meeting their state housing goals to streamline affordable housing projects. Much fierce oppositions have come up from some of California's most influential labor unions. Some of these concerns involve the fact that "[although] SB 423 mandates that housing developers offer union-level wages and some healthcare benefits, the trades council and dozens of local and state labor groups worried that the protections were inadequate and would fail to safeguard construction workers" (Los Angeles Times). To ease some opposition, Senator Scott Wiener made some amendments that strengthened labor regulations on certain projects. Although it is still too early to see the effects of these 56 bills, many Californians needing affordable housing are keeping their hopes high for a positive outcome.

Public Concern

Despite the many bills and proposals that have the goal of helping with the housing crisis, many residents of California still have their concerns. New York implemented Local Law 18, requiring Airbnb listings to first be approved by the city before taking in any renters. On top of this, the owners must be currently residing in the Airbnb property and stay there while it is being rented. Although this bill has not yet been brought to California, I believe that it would benefit residents who require housing by lowering the mass amounts of housing that are only being used as short-term rentals. One California bill that was proposed, but shot down, was Assembly Bill 1771. This bill aimed to minimize the effects of house flippers on the increasing prices within the housing market. The bill would have imposed a 25% income tax on the gain of the sale of a house that occurred three years after the previous sale and would expire seven years after. Many residents were worried about the negative effects the bill would have on families that would need to sell their homes before the seven years were up due to certain circumstances, like having to move out of state due to a family emergency. With some revisions to this bill to protect homeowners who are not planning on house flipping, I believe that this bill would also help benefit the housing market in California. The third housing market issue is the lack of affordable housing, often caused by the strong opposition of communities. Governor Gavin Newsom signed 56 bills in October, one being SB 423. This bill will require local governments to streamline affordable housing if they are not meeting their state housing goals. I strongly believe that as long as the affordable housing being built is truly affordable for most low-income families, this bill will help with the housing crisis that California has been struggling with for decades.

Summary

The dramatic increase in California housing is becoming a popular concern for many residents of California. “California had 161,548 homeless people, which accounted for 28% of the nation's homeless population.” Adding onto this, “California also had the highest rate of unsheltered people and 70.64% (113,660 were unsheltered)” (Senate Housing Committee). Many of those who are homeless are people like my boyfriend’s family, living in and out of hotels that are provided by the state. Many families are struggling exactly like his, however with no family willing to take them in. The housing crisis in California is not going to be an easy fix, but it also is not an issue that residents should be ignoring. Bills such as SB 423 and Local Law 18 in New York are the bills this state needs to bring more residents into homes and off the streets.

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12.9.4: Housing Affordability in California- Challenges and Solutions

By Julia Cuervo

California, known for its stunning landscapes and vibrant culture, is also currently known for its high cost of living, particularly when it comes to housing. Many residents face the daunting challenge of finding affordable places to live, which significantly impacts their quality of life. I am facing that issue myself, which is why I chose to learn more about why this is happening and what can be done. So far, I have found that policies and laws are already being made to start fixing this problem. I believe that this is a good start, but there are still many more conversations to be had and decisions to be made that could increase awareness of this crisis.

The Current State of California's Housing Crisis

A recent survey from the Public Policy Institute of California (PPIC) reveals that nearly 60% of Californians believe the cost of housing is a major problem in their communities (PPIC, 2023). This struggle is especially real for younger generations, like mine, who are entering the housing market for the first time and finding it increasingly difficult to find a place. This challenge in California is happening because of many reasons, including a growing population, limited housing supply, and rising rents. According to the California Department of Housing and Community Development, the state needs approximately 3.5 million new housing units to meet current demands (California Department of Housing and Community Development, 2023).

Without addressing this crisis, California risks increasing social inequality and homelessness rates, making our economic future shaky.

Barriers to Housing Development

California's housing crisis is worsened by strict zoning laws and long approval processes that slow down the building of new homes. Many local governments focus on single-family houses, which limits the construction of apartments and other multi-unit buildings that could help more people find a place to live. Another problem is environmental rules in some areas. It is important to protect nature, and I am a big supporter of preserving the Earth. However, some of the environmental laws that are enforced can create delays or complications for housing projects, which exacerbates the shortage and makes it harder to fix. To tackle this housing issue, some things can be done to help this issue without harming the environment. This includes state programs that help speed up building approvals, local plans that encourage affordable housing, and standards for building that keep the preservation of the land in mind.

Current Policies and Legal Efforts

In response to the housing crisis, California has implemented several laws and policies in hopes of fixing the issue. Important changes include the Housing Accountability Act, which prevents local governments from denying housing developments that meet certain standards for the area (California Legislative Information, 2023). We also have Senate Bill 35, which streamlines the approval process for affordable housing projects (California Legislative Information, 2023). These laws aim to expedite housing development and make it easier to build new homes. In addition to these measures, California has introduced the Regional Housing Needs Allocation (RHNA) process, requiring local governments to plan for a specific amount of new homes based on the local population and what is needed for the area. This holds cities accountable for meeting state housing goals and encourages a fair distribution of housing across regions.

Local governments are encouraged to try zoning reforms that create housing options that support areas with a higher density of people. By fixing and updating outdated zoning laws, communities can create more opportunities for housing near transportation, such as trains and buses, and essential services like grocery stores and gas stations. California's focus on protecting the environment also includes new ideas to stop rent increases and prevent unfair evictions. This is essential for keeping the current residents happy and comfortable, and it prevents them from moving away to other areas. These strategies reflect a commitment to not only increase housing availability but also ensure it remains affordable and accessible for all Californians.

Challenges and Gaps in Existing Policies

While these policies are helpful in ways, like pushing for the construction of new housing units, they also have many weaknesses. Some local governments resist these changes, expressing concerns about overcrowding and the possibility of attracting more people from other areas, which is not always welcome or appreciated. Unfortunately, existing policies often do not have enough incentives for developers to build affordable units, leading to a continued shortage of low-income housing options. Proposals like the "California Dream For All" initiative are used to hopefully address these shortcomings by offering financial assistance to first-time homebuyers, like me, and supporting partnerships between the state and private developers. However, these initiatives require a lot of funding and long-term commitment from policymakers, which can be challenging to make happen.

Proposals for Solutions

Several proposals have also been created to work on California's housing crisis. One popular idea is to increase zoning flexibility, allowing for the construction of more multi-family units in areas traditionally reserved for single-family homes. This should make housing options more diverse and increase the supply in general. Additionally, some people are suggesting that we create more public housing projects funded by the state to ensure that low-income families have access to affordable living spaces. Another proposal focuses on minimizing the burdens on housing development. By making the approval process more efficient and cutting unnecessary red tape, the state could encourage more builders to enter the market and increase housing availability.

Another proposal that is gaining a lot of attention is to turn empty commercial buildings into homes. Many shops and offices have been abandoned, and converting these spaces into apartments could quickly create more places to live in cities where this happens. This idea not only helps with the housing crisis but also improves struggling neighborhoods by cleaning up unused spaces and making them look and function better. Community land trusts are also being considered as a possible way to keep homes affordable. These groups can buy and save land to ensure that homes built there will stay affordable for many years. By doing this, communities can prevent rising prices that often push people out of their homes.

Support is also growing for more ADUs (Accessory Dwelling Units), or granny flats. Even my family had one built for my grandmother a few years back. By encouraging homeowners to build these small units on their properties, the state can increase the housing supply without needing large new developments. This helps make more rental options available for people and allows homeowners to earn extra money from those renters. Another important key to making homes more accessible is transportation. By investing in public transit and more roads, the state can connect more people to their jobs and stores. This also makes areas that are farther from city centers more appealing to new homebuyers, helping to reduce the issue of long commutes while also promoting growth in a more sustainable way.

Conclusion: The Journey Forward for California

In my opinion, these laws and proposals are a necessary approach to effectively address California's housing affordability crisis. This should include not only increasing the supply of affordable housing but also providing support for those at risk of losing their homes. For example, making rental assistance programs more available could help prevent homelessness and support families facing financial difficulties. I also believe that creating partnerships between government agencies and private developers can create successful housing solutions that benefit both parties. It is only when we all work together as a team that issues can be handled properly in this state. By asking developers to include affordable units in their projects, the state can encourage development that meets the diverse needs of its population.

The challenge of housing affordability in California is a major issue and it has many different facets. This impacts individual families and the overall economic stability of the state. Current policies have made efforts to promote affordable housing, but unfortunately, it is not enough. Addressing the root causes of the crisis will take much more, and we need people who might not be affected by it to get involved and help their fellow citizens. A combination of new strategies, such as more flexibility from city leaders, the continuous creation of laws and policies, and support for vulnerable populations from those with resources to help, is essential for creating a more affordable state.

As the situation continues, policymakers, community leaders, and residents must participate in conversations about the issue and work together toward more solutions. As I reflect on my own experience while searching for affordable housing, I think of how important it is for this to be solved not just for individuals like me but for the future of California as a whole. The time for action is now! We can make the state of California a happy and comfortable place to live, where everyone can afford a roof over their head along with food, education, gas, and fun.

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12.9.5: Bachelorette Programs at California Community Colleges- Conflicts and Benefits

by Mark Mendoza

The journey to a career is an interesting path, one filled with many different opportunities and options. These opportunities and options come from many different types of schools students can choose from, but the most popular options are California State Universities (CSUs) and Universities of California (UCs). Most people choose to attend a University for the big college experience and because that specific school offers a specialty or program in a desired study. Choosing to attend some sort of higher education program or school is a big decision for many people. It's a life changing process with a lot of pay off, but the expenses of attending a CSU or UC is a big deterrent for a lot of students (Binkley). However, community colleges are a great way to get a start on obtaining a higher education without starting your college life with excruciating student debt. Some may argue getting an Associate's degree won't be worthwhile in holding down a career, but California Community Colleges (CCCs) are now offering Bachelor degree programs. Because of this, community college is now becoming a great alternative to attending a post-secondary school at an affordable cost. While this opportunity is great for many people wanting to obtain a career, Cal States sees it as overstepping their territory, and are pushing against CCC's efforts of expanding offered degrees.

The Challenge

Assembly Bill 927 is the bill that officialized and made the Bachelorette Degree Program permanent for California Community Colleges. This bill plans to "extend the operation of the statewide baccalaureate degree pilot program indefinitely" ("Assembly Bill 927"). The bill allows all, but especially marginalized students to obtain higher education beyond an associate's degree. Many students in poverty, which are often students of color, struggle with getting out of poverty because they can't afford to obtain a degree that will allow them better job opportunities ("The Latest Poverty…", Privette). This bill lets that be possible. However, Cal States and community colleges have tensions with this bill in place and are asking for the process of adding new programs to be put on pause. CSUs and UCs are concerned about duplicative programs, which the bill allows them to assess under section four ("Assembly Bill 927"). They are also concerned about losing students, but only "a few thousand community college students a year, at most, could benefit from the new bachelor's degree program" (Echelman). The Bachelor degree programs are small with a very limited amount of spaces, and alongside that, they don't have open enrollment, so "students must apply to the programs, and not all are accepted" (Burke). Though enough time hasn't passed for confirmation, even with an increasing number of bachelor degree programs being offered at community colleges, students won't stop going to Cal States and Universities. Campus life, along with certain programs and specialties that can't be found at community colleges, are important factors to students in their career path.

How the Bachelorette Degree Program is Beneficial

It's no secret that there are large disparities when it comes to post-secondary education. Black and Hispanic students face some of the largest disparities, which can be linked back to poverty rates amongst these demographics. These rates can be observed below ("The Latest Poverty…"). According to an article from the Ballard Brief, Privette states "Only 11 percent of low-income, first-generation college students who enroll in a 4-year institution earn their degrees within 6 years, while 55 percent of their higher-income peers do" (Privette). The rates at which students from a low-income and minority group background is far lower than it should, and with a decline in enrollment, these rates will only persist, and get even worse. A visual of the decline is shown below (Montoya, et al).

In Montoya's article from the PPIC, he and his contributors state that, "These declines are especially troubling because of the strong link between college degrees and economic
opportunity" (Montoya, et al). The strong link mentioned is a commonly observed pattern on the success and income of an individual and their degrees/certificates. For example, if you hold an Associate's degree over a High School diploma, you're more likely to have a slightly better income. If you hold a Bachelor's degree compared to an Associates or diploma, you are very likely to hold a much higher income than both as many high paying careers require a Bachelor's degree. This is where the CCCs Bachelorette programs become incredibly helpful. Since obtaining a Bachelor's degree is more likely to land you in a career with a comfortable income, then community colleges offering Bachelorette programs could potentially be great aid in the disparities amongst students in minority groups. Community college is a much more affordable alternative and it's more accessible than

universities.

Solutions for Universities and Community Colleges to Avoid Conflict

Some actions have already been paused on making new bachelor degree programs so that Cal States and CCCs can discuss and resolve tensions. The Cal State board wants to take time to go over and discuss the application cycle to ensure there are no duplications in programs. They also wish to improve the process by ensuring duplicate programs do not occur (Weissman). The Community College board doesn't agree with pausing the process and insists on letting new programs continue to come out. One of these programs, the applied fire management degree at Feather River College, got pushed out before even being reviewed by the Universities. The reason for the push out was that the programs it was similar to were at Universities 5-8 hours away from Feather River (Spitalniak). This action violates what's stated in the bill for the process of releasing a new program.

California Community Colleges should cooperate with Cal States and the University of California to address their concerns and come to a compromise. After all, there are still large disparities in access to higher education, as well as an overall decrease in enrollment (Hanson). One solution, which meets in the middle, could be that they slow down, but not pause, the process of the bachelor degree programs so that they can review and edit or decline the program as needed to ensure duplication does not occur, or that duplicated programs are not clustered in one area. One downside of this method could be that they may have to decrease the amount of programs they are able to accept and implement each year. As these programs become more implemented and popular, the three should watch how many students attending each institution fluctuates, and then work to balance these numbers as needed, and if needed. Another method of the Universities and Community Colleges working together could be by creating a combined and specialized board that is focused on resolving the issues of duplicative programs, and therefore ensuring students across demographics can achieve a higher education. This way, each institution can continue with their own goals, while having specialized teams working together to combat issues. Having a cooperative team could possibly introduce more jobs, as well as quicken or introduce an efficient way for community colleges to keep their bachelor program running smoothly. This method could also potentially create roadblocks if agreements can't be made. If this happens, they could pause the specific program and move on to others in order to not create too much delay in program release goals.

Conclusion

At the end of the day, the goal is to open up more opportunities for students wishing to pursue bachelor's degrees without the extra cost, as well as getting more people into school. Post-secondary education should be accessible and Bachelor degrees being introduced to community colleges aids this struggle. It's very important that CSUs, UCs, and CCCs work together to close disparities in minority groups and get students back to school in effort to expand struggling fields that are currently lacking workers.

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12.9.6: Evaluating Los Angeles County's Response to Rising Trends in Crime

by Celine Santos

Introduction

The first time I had moved into my family's new home, I became acutely aware of the safety features it had offered from just a few taps to the screen of my phone which provided me a sense of comfort despite having moved nearly three years into the sunny state of cheerful and friendly California. It was also the time when I was introduced to the *Ring* application, also known as my introduction to my latest spiral of scrolling endlessly into the *Neighbors* section. The little *Neighbors* section would become my greatest ally for security while also being my greatest form of paranoia from the nights I spent from uncovering the truth of this freedom-laced state of mine. It was then that I garnered enough notifications on the application that highlighted stories of property crime within my city, theft, car theft, most especially with its parts such as catalytic converters, breaking and entering, property disturbance, and even assault. These instances do not end on smart applications such as *Ring*, but also make it to local news outlets. It was here that I learned of local instances such as a reported assault in an elementary school by a man armed with a machete (Castleman & Garcia, 2024), another involving a woman being awoken by a burglar with a hand over her mouth in the safety of her own home (Smith, 2024), and a recent report of a donut shop being broken into for attempted robbery (Nava, 2024). Despite having faith in the impact of the people and their anger, I also know these instances will not be the last. I wonder about my safety, my family's, and those that are less equipped with safety measures in their own home. These thoughts remain even as I scroll to this day on the application alongside other news outlets on my timeline, wondering if these articles remain as articles alone. With these reports, I can never quite find any follow-ups to these offenses, especially with local ones in my area. I wonder, what of the other cities in my area? What of the entirety of the county?

Thus, I decide to put these questions into evaluation and actual exploration of the aftermath, or perhaps even the lack thereof. It was with these questions that pushed me to look beyond the comfort of my home on to the Los Angeles County, where citizens undoubtedly face the same sort of reality akin to my own with lingering, potential dangers. Through further exploration on these themes, I will touch on the governance and authority held over the Los Angeles County, especially with their responses to these trends in crime today. I will also touch on the policies and procedures passed by these officials for these trends alongside what is aimed at being passed for reforms, if needed. Finally, with the information learnt, I will discuss what else can and should be done in the light of these events.

Los Angeles County Authorities' Response

To begin with the responses of Los Angeles County amidst the trending crime rates, common protocol for violations must first be defined. According to the Los Angeles County District Attorney's Office (n.d.), protocol for offenses follow an investigation towards the individual by gathering evidence. Should the evidence be sufficient for an arrest, the individual will then be subject to arrest by authorities. Then, it will be further determined if the arrestee has sufficient evidence for charges to be filed. If so, then a criminal complaint will then be filed before a case is then presented. The arrestee will then be represented either by an attorney of their choosing or by appointment from the judge. The judge will then decide whether the individual will be sentenced to conviction of their crimes or be acquitted of them. Additionally, the victim of the offense committed by the convicted individual is entitled to restitution, which will then charge the felon. This process is commonly followed by figures of authority in the state of California, especially observed through the protocol of crime charges. The thorough proceedings of an investigation down to the potential occurrence of conviction, however, remains to struggle from the proliferation of crime within the state. In Los Angeles County, crime rate has seen an unsteady rise and fall pattern. This apparent trend is reliant on the type of crime committed by individuals or groups of people, thus the reason for its unsteady pattern. In an article on the unsteady pattern of crime rate in Los Angeles, Newton (2023) states that violent crime, including homicide, sexual assault, and robbery were on a low trend from the year 2022's number of 269 to 203 reports in 2023, amounting to a low of 24%. However, it was also in that same trend that property offenses, mentioned to be stable with a rate of 1.3% since 2021, rose at a rate of 14% in 2023. From this revelation, it can be observed that there is a mix of trends present in crime rate in 2023.

Violent crimes in Los Angeles

Year	Reports
2022	269
2023	203
	24% -

Property crimes in Los Angeles

Year	Rate of Crime
2021-2022	1.3%
2023	14%

In comparison to the current year of 2024, the Los Angeles County Sheriff's Department reports that as of April 21st, violent crimes have totaled to 3,511 in the past year of 2023 up to 3,609, noting a 2.79% increase. As for property crimes, they total from 14,388 in the past year of 2023 up to 15,648, thus amounting to an 8.76% increase. These rates are alarming to compare, seeing as the rates of crime have increased in the current year. Albeit the lower rate of violent crimes, there remains a small uptick to the statistic. It is even so with the case of property crime, where a shocking increase within this year has occurred amongst the properties owned by Los Angeles County citizens.

Violent crimes in Los Angeles County

Year	Reports
2023	3,511
2024	3,609
	2.79% +

Property crimes in Los Angeles County

Year	Reports

2023	14,388
2024	15,648
	8.76% +

Los Angeles County Government's Current Policies

One can only wonder how the officials holding influence in Los Angeles County's policies are acting upon the trend of crime presently unfolding today. With District Attorney George Gascón's confirmation of crime rate, especially with offenses on retail theft on property, he acknowledges that there indeed is an issue within the county as there have been confirmed to be nearly 200 cases (*County of Los Angeles*, 2024). In the turn of these events, the striking policies passed to address crime rate were two featured responses: Proposition 47 and the zero-bail policy. These two policies came in light of reformation of the criminal justice system, a means to combat crime rate in California. In Los Angeles County, these two policies were passed in hopes of lessening crime rate convictions for the sake of reforms for offenses committed. This may refer to the county's focus on reform to lead people who committed crime to proper means of rehabilitating rather than criminalizing them.

Proposition 47, or shortly known as Prop 47, is regarded to be a policy of interest and controversy in the recent times. This policy begun in 2014 when it was first passed on a ballot measure. The proposition is established as a policy that redefines the type of crime committed as a reduction from a felony to a misdemeanor should the crime be of a non-violent nature (*Law offices of Los Angeles County*, n.d.). Additionally, the value of the crime in the case of theft and other similar crime should fall within the range of $950. Anything of value beyond the limit along with any violent crime is subject to a felony charge. Charges that fall under the charges of misdemeanor include petty theft, grand theft crimes, certain forgeries, commercial burglary, bad check, possession of stolen property, and possession of a controlled substance. What is most interesting to find among these offenses is the possession of drugs, specifically controlled types. This feature of simple drug possession is of surprise given that it falls under a vague veil of circumstance, especially if it should be in the hands of a minor or if this should be possessed on inappropriate grounds such as educational or work environments. The purpose of this policy coming to be in California law is to "ensure that prison spending is focused on violent and serious offenses, to maximize alternatives for non-serious, nonviolent crime, and to invest the savings generated from [the proposition] into prevention and support programs in K-12 schools, victim services, and mental health and drug treatment" (California Courts, 2016). Los Angeles County's response to crime through this policy is also aimed at reducing prison population in hopes of prioritizing crimes of graver nature such as violent assault crimes. Furthermore, they would also approach misdemeanors as a form of reformation towards the public and move towards prevention of committing these crimes and seeking counsel.

The zero-bail policy, formally known as the Pre-Arraignment Release Protocols or PARP, is a law that was implemented in October 2023 with the intent of focusing on the bail and release of individuals who have committed offenses. Its purpose was to "eliminate the existing cash bail system for all but the most serious of crimes" (*ABC7*, 2023) alongside ending the common method of the bailing system for misdemeanors and felonies that are non-violent in nature. The policy is concerned with court ruling, where it mostly based on the time of an arrestee's booking up until their appearance before the judge, which is a relatively short amount of time ranging from two to five days (Cagle, 2023). The process for the zero-bail policy contains five category programs, first beginning with the Cite and Release (CR) programs that establishes that arrested individuals are released from their location of arrest when they agree to appear in court following their offenses (*Los Angeles County Sheriff's Department*, 2023). For Book and Release (BR) programs, arrestees are put into an enforcement facility where they are to stay until they are deemed to be safe enough to release with a $0 bail. They are then required to appear in court after bailing. Magistrate Review (MR) programs narrows down offenses to non-violent acts that may be of harm to society, they will be referred to a magistrate official dealing with minor offenses to ensure the arrestee's following presence in court due to their nature. The magistrate is also in charge of facilitating non-financial conditions if they should be deemed acceptable for release on zero bail when these conditions are met. Money Bail is when violent offenses are charged and does not allow arrestee the privilege of the zero-bail policy. Finally, the fifth condition is when arrestees are not eligible for release, leading to the individual to be convicted and detained.

Strengths and Weaknesses

The strengths from these policies passed would be the non-discriminatory nature of policies. This is especially found in the zero-bail policy, where the reduction of bail charges was advantageous to arrestees without the financial stability or capability

to pay for bail were the charges to be instilled without the policy. This places struggling individuals with lesser charges whereas higher charges to their finances may only worsen their status in life. This instead beckons them to come forward with their offenses to the court without heavier burden on their earnings. This may in turn allow better reforms for arrestees and felons, especially when they are given the opportunity to live up to their agreements and accept court rulings. With lesser bail charges following offenses, arrestees may opt for reform through the system's rulings especially for those struggling in their way of life through finance. Instead of opting for a continued manner of crime, they may partake of prevention and support programs for individuals of the same previous lifestyle as the government claimed to allocate more funds to programs rather than charging misdemeanors. Proposition 47 also offers the same strength, where it allows convicted individuals the freedom to reform following their offenses due to the enactment of labeling crimes down to misdemeanors. This promotes better action towards well-being towards the self and the community as the justice system makes the necessary judgements for reform. These especially apply to individuals struggling with their status on the streets or even struggling with substance abuse. Through the proposition, these individuals can be aided with guidance and rehabilitation rather than serving jail time. Additional to these reformative pathways, it is also said that crime rate has lowered in response to these policies established. According to Lagos (2024) in their comparison to statistics in arrests in 2013, theft cases dropped from 15% down to 6.6% in 2022, the year prior to Proposition 47's passing. This can be perceived in a positive outlook due to the dropping of this trend of crime since the upcoming establishment of the proposition. However, it should be noted that these statistics interlink with the fact that rates of arrests have also fallen or have failed to be reported by authorities. Hence arrives the weakness of these policies. Other than the instances of arrests not occurring and going unreported, there are also issues to the lack of policies for rearrests and being convicted once again of these crimes for Proposition 47. Due to the nature of degrading some charges of felonies down to misdemeanors, this may make it easier for recidivism to occur in the light of misdemeanor charges. Proposition 47 additionally does not offer any further policies to convict repeat offenders and it can be difficult to do so when the limit of value stops at $950. Furthermore, repeat offenders also see this policy as an opportunity for continuing their life of crime to support their lifestyle. In the case of Sina, an individual who has been arrested 16 times for stealing bikes in his neighborhood, he states that he has succumbed to his life of crime because of the proposition's raising of felony theft value to $950 (Chang, Gerber, Poston, 2015). He also does so to support his dedication to his addiction to meth, which contradicts the strength of rehabilitation offered by the justice system. As for the zero-bail policy, a weakness that can be observed from the categories of programs presented is that violent offenses may prevail amidst non-violent forms. With such an instance of the proliferation of violent crime, especially with the wavering trends of crime, traditional money bail offenses may prevail regardless (Aron, 2023).

Proposals in Addressing Los Angeles County's Current State

From the given policies, the public have come to a mix of responses to the policies established by Los Angeles County. Today, people remain to be divided on Proposition 47 and the zero-bail policy. Reason for division on Proposition 47 lie with inhibiting progress through convicting criminals without chances of reform or allowing safety to the public and victims (Pardo & Ellison, 2024), which is justifiable cause for the public to be unsure of where to stand. The zero-bail policy has also felt the impact of opposition following its establishment as 12 cities in Los Angeles County had sued against the policy's effect (Hamilton, 2023).

What can be done among the division of the public towards governance and crime rate in Los Angeles County? Further calls for reforming laws of Proposition 47 can be instilled amidst the remaining trend of crime. Following the pattern of recidivism, there have been calls for amending the proposition to address the occurrence of repeat offenses. One act to put this into motion is the amendment of the proposition through acts such as the Homelessness, Drug Addiction, and Theft Reduction Act, advocating for the balance between reforming individuals of their lifestyle should they seek this willingly and holding repeat offenders accountable (Hill, 2024). The act additionally opens opportunity for justice to emerge from the offer of judges to practice the law towards recidivism specifically in the line of theft rates on property (Miracle & Kopp, 2024). While this act has earned popularity for the upcoming ballot in November, there is yet to be sufficient signatures for its place on the ballot. Further support garnered for this act can lead to better restructuring of the proposition, lessening rates of crimes committed whilst also allowing rehabilitation to criminals who wish to accept reforms for their offenses. This can also be practiced with the zero-bail policy, especially through further chances for reform while also keeping in check those who commit crimes following bail and court meetings. With both the action in the aftermath of awareness towards the situation, the citizens alongside government officials may work side by side in deeming acts for amendment to be true and in effect amidst the unsafe environment headed by gray areas within policies established. It also takes fiercer authority to combat crime by sticking to amendments, making the necessary adjustments to balance both justice and reformation of the being.

To close, I part with this information alongside questions of reflection. With all technology today, from reports, safety cameras, and friendly neighbors online, how safe do *you* feel in your home? Perhaps this answer may vary based upon your area or even your privilege. Let it be known that beyond these spaces, there remain unlit corners of the county that remain haunted with crime both reported and unreported. There are neighbors both online and offline with voices that go unheard from these incidents, people whose voices are taken away by statistics or perpetrators themselves. So, I ask, how safe do you truly feel knowing that this trend may continue without proper acknowledgement from the law and further action? I know full well that the

numbers will only remain at an increase if we ourselves do not make the effort for a true decrease in both crimes. I know that even after this fulfilling search of the county's trends and efforts that I will continue to scroll on the deep end of the *Neighbors* section on *Ring* and continue checking cameras late at night. Perhaps others stricken with paranoia of their homes and safety may do the same, checking cameras or looking behind their shoulders late at night with each gap of their knuckles wielding their keys – just in case. When will it ever end? Only voters, passionate citizens with a cause, and politicians of full awareness to this situation can truly answer this. Will *you* answer to this?

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12.9.7: The Issue Burning California

by Danny Ortega

Introduction

"William Goggia awoke to a poisonous orange atmosphere so thick with smoke he couldn't see the sun. It was 8 am on Thursday, November 8. He heard the piercing metallic clang of propane tanks exploding in the distance." (Gee). Wildfires in California have escalated to become a perennial threat, exacerbated by a confluence of factors, including climate change, urban sprawl, and forest mismanagement. Annually, these infernos consume thousands of acres, destroy homes, disrupt lives, and inflict substantial economic losses. In the past decade, California has seen a dramatic increase in the frequency and scale of wildfires, with record-breaking fire seasons becoming the new norm. In 2020, over 4.1 million acres of land burned, a historic high, causing $12 billion in damages and tragically claiming lives. The economic toll on the state, including firefighting costs, is crippling, straining resources and budgets.

Nature Fire Factor

In regions prone to wildfires, climate conditions, and vegetation types play a pivotal role in shaping the landscape's susceptibility to these destructive phenomena. As Akinde aptly notes, "The climate also influences the type of vegetation that grows in this region. Dry grasses, shrubs, and pine needles are highly flammable. Combine this with the already dry weather, and you have all the fuel needed to start a fire." (Akinde 5). The combustibility of these vegetation types is exacerbated by the dry weather conditions prevalent in such areas. The lack of moisture in the vegetation, coupled with arid weather, creates an abundance of fuel for potential wildfires. This emphasizes the necessity of comprehensive wildfire prevention strategies that consider the specific environmental factors unique to each region.

Human Fire Factor

As California's population continues to surge, the looming threat of wildfires intensifies, with human activities emerging as a significant catalyst for these destructive events. Akinde examines the magnitude of humans on wildfires, "The increase in the population of California over the past years is a major contributor to the occurrence of wildfires. Human infrastructures such as power lines and trains often provide the spark wildfires need to start. People may also cause fires directly through campfires, tossed cigarettes, cars backfiring, and other similar factors. Wherever humans live, the potential of fires occurring increases." (Akinde 11-12). Akinde shows the profound impact of human presence on the wildfire landscape, shedding light on how our infrastructures and behaviors, both deliberate and inadvertent, contribute to the ignition and propagation of these devastating events. There is a deeper exploration into the complex dynamics between human activity and the heightened vulnerability of California to wildfires. Akinde urges a comprehensive understanding of the role we play in this pressing environmental challenge.

Senate Bill 474

Current policies to combat wildfires in California encompass a wide array of strategies, from emergency response protocols to land-use regulations. Policymakers have attempted various strategies with senate bills, "The most recent attempt—SB 474—sought to mitigate this substantial risk with a broad, top-down approach. The bill, had it passed, would have instituted a ban on all residential and commercial development across large areas of the state." (O'Connell 345-346). This approach reflects the acknowledgment of the severe wildfire risks posed by urban sprawl and the expansion of human settlements into fire-prone regions. The bill's proponents likely believed that curbing development in these areas would reduce the risk of wildfires spreading to densely populated regions, thus protecting lives and property. It aimed to break the cycle of wildfires affecting newly developed areas, a cycle exacerbated by factors such as housing density, location along the perimeter of development, and fire history. However, the approach could have sparked debates regarding property rights, economic development, and access to affordable housing. It could have faced opposition from those who argued that such a ban might be overly restrictive and impact the livelihoods of individuals and communities in areas where development was halted. Additionally, questions may arise about how the state would address the existing properties in these regions and whether residents would be displaced or compensated.

Assembly Bill 1516

Policymakers have also responded another way to the growing concern over wildfire risks. Policymakers have made proactive legislation with the introduction of, "Assembly Bill 1516 [which] sought to 'make various changes to vegetation clearance requirements' and implement a state-run 'pilot volunteer training program' to assess properties' fire preparedness." (O'Connell 351). By proposing various changes to vegetation clearance requirements, the bill acknowledges that overgrown or poorly managed vegetation can fuel wildfires and contribute to their rapid spread. The proposed changes likely aimed to ensure that residents and property owners take responsible steps to reduce the risk of wildfires. This aspect of the bill reflects a more granular, on-the-ground approach, acknowledging the importance of individual property owners in mitigating wildfire risk. However, the effectiveness of such changes would depend on their enforcement and compliance. Volunteers, adequately trained by the state, could play a crucial role in evaluating the safety and readiness of properties in high-risk areas. Such an approach might not only improve the overall preparedness but also foster a sense of community involvement and shared responsibility in wildfire prevention. Despite that, the quality and consistency of training, the engagement of volunteers, and the coordination with local authorities are essential aspects to consider. The program would also need to strike a balance between offering valuable insights and recommendations to property owners while respecting their autonomy and property rights.

Structural Spacing

There is, as well, an evident risk in California's placement of houses. A striking correlation between housing arrangement and location, and the heightened fire risk is shown by, "Analysis of hundreds of homes that burned in southern California the last decade showed that housing arrangement and location strongly influence fire risk, particularly through housing density and spacing, location along the perimeter of development, slope, and fire history [26]." (Syphard par 6). Densely clustered housing in fire-prone areas significantly elevates the risk of wildfire incidents. The lack of sufficient space between structures may facilitate the rapid spread of fires, making it challenging for firefighters to contain them. Also, urban planning and land-use regulations must consider the proximity of housing to undeveloped, fire-prone regions to mitigate this risk. Properties situated on steep slopes are not only susceptible to rapid fire spread but may also present challenges for firefighting efforts. Lastly, the research suggests that areas with a history of fires are more likely to experience future incidents, emphasizing the need for careful consideration of past fire records when planning and regulating new developments in fire-prone regions and or stricter building codes and zoning restrictions in high-risk zones. Emergency response will and has improved with advanced technology and coordination. Zoning regulations are possibilities to help prevent new construction in highly fire-prone areas but existing policies often lack enforcement mechanisms. Limited funding and resources hamper proactive measures like controlled burns.

Increased Funding for Wildfire Prevention Measures

Major investments in California's power grid can reduce long-term fire risk. Major utility companies like PG&E (Pacific Gas and Electric Company) are taking monumental steps toward fire risk reduction, affirming, "PG&E alone plans to spend over $18 billion in the next three years on a variety of initiatives, including advancement of a sweeping 2021 proposal to bury 10,000 miles of overhead distribution lines, mostly in high fire-risk areas." (Hering par 5). PG&E aims to eliminate a significant source of ignition, as downed power lines during high-wind events have been known to start numerous devastating wildfires in the past. Burying overhead lines could become a standard practice, reducing a known fire risk and minimizing the potential for power line-sparked wildfires. Additionally, California grapples with the increasing frequency and severity of wildfires, the utility industry's commitment to such substantial investments is in harmony with broader state initiatives, emphasizing the collective responsibility of various stakeholders in protecting communities from fire disasters.

Technology Against Wildfires

California can further prevent future wildfires with evolving technologies. Innovation and technology are heralding new possibilities in safeguarding the state's critical electrical infrastructure, "Wildfire Grid Resiliency Act, which would allocate $10,000,000 for the Department of Energy (DOE) to develop technologies to mitigate wildfire-related electrical grid damage. The legislation authorizes the Secretary of Energy to provide grants to the DOE National Laboratories for projects to protect power grids from fire damage, monitor vegetation management, and protect first responders." (Norma Torres par 1). The allocation of $10,000,000 for the development of technologies to mitigate wildfire-related electrical grid damage signifies a commitment to innovation. As wildfires increasingly threaten power infrastructure, harnessing cutting-edge technology becomes paramount. This investment may lead to the creation of advanced monitoring and protective systems to reduce the vulnerability of the electrical grid to fire-induced disruptions. The legislation authorizes the Secretary of Energy to provide grants for projects aimed

at protecting power grids from fire damage as the electrical grid's significance in the modern world and the imperative to shield it from the ravages of wildfires. Projects funded through these grants may include fire-resistant infrastructure and grid-hardening measures.

Conclusion

This case study has delved into the profound challenge of California's wildfires, spotlighting the personal experiences of individuals like John Smith and the broader impact on the state. We've examined current policies and proposals, discussing their strengths and weaknesses. The California wildfire crisis serves as a stark reminder of the urgent need for proactive, comprehensive, and sustainable policies in the face of climate change. It challenges us to consider the delicate balance between development and nature and underscores the vital importance of safeguarding our communities and environment. "We cannot underestimate what they can do to the community and what they can do to the people we love." (Honda).

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12.9.8: Is California's SB277 K-12 Immunization Policy Necessary?

by Spencer Ponegalek

Discussing the Issue

Imagine for a moment you are the parent of a young child and your family has just moved from the southern United States to California for work. Both you and your partner have careers that cannot be done from home and the two of you are also very religious as well. Your child is set to start school in the fall, but as you start the enrollment process for them you notice a rather large list of "required immunizations prior to enrollment" and the word "required" sticks out to you. In your previous state, you remember seeing an option for "religious exemption" as well as an "other reasons" option and you assumed that the same would be true in California, but it's not. In June 2015, California passed a law called SB277 that took away parents' rights to exempt their children from mandated vaccines for religious and personal reasons, leaving only a narrow, hard to get medical exemption option. Without these vaccines, your child's only education options will be a home-based private school, or an independent study program with no classroom-based instruction.

Now imagine you are a parent living in the house right next door to this family and that the SB277 law did not exist. Would you want your child to ride on the bus and sit in the same crowded classroom with that family's religiously exempted, unvaccinated child?

A Deeper Look at SB277

In 2014 a measles outbreak spread from its starting point in the California Disneyland resort, all the way to parts of Mexico and Canada. Studies have shown that a potential catalyst for this outbreak could have been the lower numbers of vaccinated children in certain areas of California at that time. Shortly after this incident, a bill that would eventually turn into SB277 was written, and after Governor Jerry Brown signed the document, it was set as law. "Shortly after the passage of AB2109, SB277 went into effect in January 2016, and the proportion of kindergarten students receiving all required vaccines for school entry continued to increase from 92.8% in 2015–2016 to 95.1% in 2017–2018." (Mohanty et al.,).

Legal Battles Involving SB277

Not everyone was happy with this turn of events. Five court cases (2 state and 3 federal) have been initiated by various groups in an attempt to remove the law. The people who oppose SB277 argue that the law is unconstitutional and impedes their right to public education, as well as their freedom of religion. One more thing the opponents have brought up, is a comparatively less-strong argument in the eyes of the court about how the law infringes on parental rights. One such case is Brown v. Smith:

In Brown v. Smith, six plaintiffs (out of an initial group of eight) challenged the law claiming that it was invalid because the state could not constitutionally mandate "unavoidably unsafe" products, and vaccines, they claimed, were very unsafe. It was unconstitutional because it violated their religious freedom as protected by the First Amendment and the California constitution, and it violated their children's right to education because it violated equal protection. (Reiss)

This case brought forth some of the main issues on the minds of parents who are against SB277. The court, however, denied the validity of these claims. To the dismay of the plaintiffs, during court proceedings, research about the topic was presented in court which provided a comprehensive analysis of a related case that showed vaccines can have a largely positive impact on the number of illness related deaths of children. The plaintiffs lost this case.

SB277 has many supporters and opponents "for" and "against." Currently, the law is active, so the "for" have the upper hand, legislatively speaking, for now. All they have to do is continue fielding these court cases and winning, and the law will remain in place. As mentioned previously, there has been an increase in the number of immunized children attending school since the law has been in effect and there are clear benefits to be gained from following the schedule for required immunizations, such as preventing and halting the direct spreading of diseases from person to person.

While other individuals and groups have come forward and attempted to enact court cases against SB277, all have failed. However, a group called “Informed Consent Action Network” (ICAN), which is based in Texas, is gaining ground in its judicial war path directed at SB277. At the moment, they are trying to fight for religious exemption rights across the US in states that don’t offer them to their citizens. Their legal team, led by Aaron Siri, has recently won a case for their cause in the state of Mississippi. Judge Sul Ozerden, who presided over the Mississippi case, understood “that because Mississippi affords a discretionary medical exemption process by statute, it must similarly afford a religious accommodation process and that not having a religious accommodation process, where it affords a secular one, is unconstitutional" (“Federal Court Restores Religious Exemption”). ICAN’s endeavors are not stopping in Mississippi. The thought process of the group, is that they plan on winning cases in the other 5 states that do not allow for religious exemptions just as they have in Mississippi. The other 5 states are West Virginia, New York, Maine, Connecticut, and of course California. Currently California is the state with the firmest stance on the issue, so ICAN plans to win over the other 4 states before bringing their case to California to litigate on the issue. This will hopefully create a stronger precedent for their cause within the bounds of the legal system.

Personal Thoughts and More Statistics on SB277

Whether or not SB277 is technically unconstitutional or not, those who oppose it are very upset. Looking past all the court cases and political rigamarole, the heart of the issue for them is that they want their beliefs, medical freedom and right to education to be respected by the government in the state they call home. At the time of writing this paper, there seem to be no attempts in any branch of government to create some alternative to the SB277 law in terms of legislative bills that would seek to strike a balance for those involved. Instead, the parties who favor the law and those who oppose the law are only looking to increase their own control over the contested issue.

In my opinion, I believe that the law SB277 should be removed. My reasoning behind this is that the percentages of vaccinated children before the implementation of SB277 and after its enaction seem negligible. The increase from 92.8% in 2015–2016 to 95.1% is a fractional 2.3%, and shows that an overwhelming majority of the population already were vaccinating their children without the need for a mandatory law. I could understand the need to keep and enforce the law if the percentages before and after were something more dramatic like say a 30% jump, but a 2.3% increase seems insignificant. In 2015 92.8% of children in California were vaccinated. This same year there was an abnormally high amount of measles cases in California compared to previous years, that ended up numbering to 60 confirmed accounts of the disease in children. Comparing these numbers to the year 2019, which is sometime after SB277 had been in effect, 96.5% of children in California were vaccinated at that time, and throughout that year there were 16 confirmed cases of measles in children. As there are roughly 8.77 million children in California, neither of these numbers seem very high to me. In addition, medical researchers “estimate that 75-80% of the population would need to be vaccinated before we can have herd immunity” (Yu). Herd immunity is the resistance of a population to a certain disease, and we were well above that specified number in California before SB277 was implemented. The primary goal of a vaccine is to prevent a disease from being contracted by a person, and its secondary goal is to prevent a disease from spreading. I am aware that the greater the number of vaccinated people there are, the more effective it is in theory. However, I don’t think that such a small percentage increase makes much of a difference to the safety of the population in California.

A Brief Review

California’s SB277 policy on vaccinations became a battleground for the rights to religious freedom concerning vaccination. The theorized catalyst for the policy’s eventual enaction was a measles outbreak in Disneyland that caused unrest in concerned individuals who lobbied for the proposed SB277 law to be enforced. After the law went into effect, an increase in the number of vaccinated children was recorded. Sometime after this, people who opposed SB277 took their issues with the law to the court system and attempted to regain the right to a religious exemption for their children in the California school system. In court, they claimed that SB277 was unconstitutional. In California, all court cases regarding SB277 have been won by the defendants and the law has remained in effect. The group “Informed Consent Action Network” (ICAN), has won a court case restoring religious exemption rights in Mississippi, and they plan to eventually come to California to try and remove the SB277 law that is currently active.

The precedents involved in the SB277 law call into question, how much authority should the government have over the religious freedoms of Californians? Also, based on the grounds of state-wide safety, should the government be allowed to enforce a mandatory medical procedure on its citizens in order for them to participate in their constitutional right to education? SB277 causes distress for a number of religious individuals who choose to remain unvaccinated. However, just because number of people is small doesn’t mean that the issues that they have faced because of this law should be disregarded as insignificant.

What Do You Think?

The vast majority of parents are getting their children vaccinated, and they are put at ease knowing that because of SB277, there are now fewer unvaccinated children in public schools alongside their own. Which side are you on? Perhaps you believe that an even stricter law must be implemented where absolutely no unvaccinated children should be allowed in the public school system regardless of the parents reasoning, or a child's medical condition. Maybe that would be the safest option. However, I would advise you to consider what rights you are allowing the government to control before you take a stance.

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12.9.9: The source of California's electricity matters

by Bryan Dreher

Introduction

Close your eyes and imagine how you will see California in 30 years. Did you see it being overcrowded, affected negatively by global warming, or unable to support all its citizens? You are not alone if you see a more dystopian than a utopian environment. Politicians and Californians alike are starting to open their eyes to this matter, and one area of focus on improving upon is the electricity supply and needs for the state. While California strives to be solely run on renewable energy, the methods and energy sources to obtain this feat must be established.

This is where the potential for offshore wind farming can lend a hand to the energy crisis. The California Energy Commission (CEC) set a goal of having 25,000 megawatts (MW) by way of offshore wind farming by 2045, enough to provide electricity to 3.75 million homes and enough to power 25 million homes by 2050 (California Energy Commission, 2023).

As shown in Figure 1 above, the projected population growth strongly suggests a vastly higher amount of energy required. Luckily, these projections have not gone unnoticed; roadmaps are being established, and proposals are being laid out to meet these demanding numbers. Below, we will look at the current policies to address these challenges and see how beneficial offshore wind farming could be to California.

Fig 1: California Energy Consumption (High), CED Revised 2017 Data (California Energy Commission, 2018)

Figure 1 shows a steadily increasing electricity demand for Californians. Even with new forecasts, the population declined within the state; the electricity need is increasing. How will this be addressed? Luckily, these projections have not gone unnoticed; roadmaps are being established, and proposals are being laid out to meet these demanding numbers. Below, we will look at the current policies to address these challenges and see how beneficial offshore wind farming could be to California.

What is on the table?

California is addressing its future environmental footprint on multiple fronts, from eliminating gas-powered vehicles in the near future to relying solely on renewable energy to support all citizens within the State. The state has set its stance on where it wants to be, but how can it all be accomplished?

Reducing greenhouse gas emissions is a challenging and costly endeavor. The goals are lofty, but Senate Bill 100 calls for 100 percent renewable energy production by 2045 (G. Charles, 2019). California needs to supply an energy amount in 2050 of roughly double that of what was needed in 2010 (M. Walmsley, T. Walmsley, & M. Atkins, 2015). The total thermal and non-renewable energy production is responsible for 66.4% of all produced energy within the state (CEC, 2021). The power requirement is fundamental, and the methods to obtain these lofty goals of converting non-renewable energy to renewable energy are evident in the current landscape. Windmills and solar farms are becoming increasingly common, yet is it enough? Considering the more stringent requirements of SB 350, the Clean Energy and Pollution Reduction Act SB 350 takes the requirement of 33 percent renewable energy production by 2030 to 50 percent. SB 350 looks to address the issues of achieving the energy production transformation logically by working with the State's leading utility companies to identify and assess the methods and barriers underlying future challenges. SB 350 sets strict requirements yet focuses on figuring out and concurring the needed switch to zero-emission generation.

SB 100 and SB 350 will positively affect the State in more ways than just reducing fossil fuel usage. These include the reduction of carbon emissions and air pollution, an improved power grid, job creation, and increased affordability compared to traditional energy sources (Department of Energy, 2023). This will be extremely important with other laws like Executive Order N-79-20, where in 2035, all new cars sold will be zero-emission.

The current technological landscape limits the choices of creating and obtaining complete renewable energy production. Wind, Solar, Small Hydro, and Geothermal lead the way in the current renewable market, where Wind and Solar make up the majority. The issue with SB350 is that a significant amount of energy must be created, and when produced by wind and solar, the physical footprint would be tremendous. The real estate needs in executing and implementing SB 100 and SB 350 would hamper future

expansion and possible interference with current privately owned lands. One acre of land can produce approximately 24,276 kilowatts daily (B. Massey, 2023), and one onshore wind turbine can produce 2.5-3 megawatts daily. The amount of land coverage would be vast to reach the requirements set forth by the State legislature. This would affect land ownership and land use and hurt the wildlife habitats throughout the state. With these deadlines approaching, what can be done to accomplish these goals and address the possible negative aspects listed above?

Addressing the Challenges

While the main objective of the state, in terms of energy production, is transitioning to 100 percent renewable energy, the next step is determining how to create and provide the needed energy levels to the State. What are the best ways? What all is needed? These are among the most critical questions, for the deadline is approaching. The challenges have been presented, and proposals have been vocalized, published, and analyzed. Among them is the method of harnessing wind power through offshore wind farms. Offshore wind farming has gained traction across the globe in recent years for the unique capabilities that it offers.

Fig 2: Illustration of turbine heights over time and energy outputs

As shown in Figure 2, the possible energy generation from offshore windmills is significantly more productive than the onshore windmill variants. The outputs could be a great solution to California's renewable energy requirement when considering the more substantial wind levels over the ocean. Offshore windmill farms would also help with the negative environmental impacts of large solar and wind farms onshore. Thus, allowing California to continue expanding within its boundaries and not hampering the wildlife habitats necessary for many.

Californians agree with the possible benefits of offshore wind projects, and multiple bills have been established. In a poll in July 2023, 83% of California residents supported offshore wind projects off its' coast (PPIC, 2023). These numbers show tremendous support for the endeavor, which can also be seen on the political level. Assembly Bill 525 (Chiu, Chapter 231, Statutes of 2021) sets forth a goal of providing electricity through offshore wind farming. These values are 5,000 MW by 2030 and 25,000 MW by 2045, enough to provide electricity to 3.75 million homes. (CEC, 2023). Assembly Bill 525 continues by setting a goal of powering 25 million homes by 2050 by offshore windmills. With the US Census showing just over 14 million homes in 2021, the addition of harnessing offshore winds is a possible game changer.

Offshore wind energy generation would be a significant but enriching endeavor for California. It would be a leading entity in terms of renewable energy, setting the foundation for others to follow, especially in times when the health of the planet continues to garnish more attention. Analyzing the pros and cons of the currently available options to achieve the high renewable energy production requirements, it goes without saying that including offshore wind farming is necessary moving forward.

Conclusion

California has set demanding goals for its future. Preparing, adapting, and overcoming obstacles is better than waiting until it is too late to enact successful changes. Citizens and politicians see the State's issues and have taken steps to prepare for a changing environment. With the limited choices in fulfilling the 100 percent clean and renewable energy requirement, decisions on the best way to accomplish this feat will have to be made. Onshore windmills take up large amounts of land, which can cause issues with land use and future expansion. Solar farms take up large amounts of land and aren't as successful as windmills at energy production. Offshore windmills can harness more energy from high wind levels, more giant turbines, and they don't have a physical presence within the State.

Large corporations, like BP, are also seeing the change in times and are adjusting their business strategies to adjust for the changing times. BP has recently partnered with Equinor to create an offshore wind farm that can generate up to 4.4 GW of energy; this is enough to power 2 million homes (BP, n.d.). When giant oil and gas companies see the change in times and adapt, the people must also. This is what California has started and is progressing toward its future-saving goals.

Offshore wind collection is the way of the future for California. There will be significant changes to electricity gathering and production within the State over the next 25 years. How this will be accomplished is still up in the air, but the data supports offshore wind farming. However, like any political action comes analysis, weighing the pros and cons of multiple options. In the end, the price tag is what usually matters, unfortunately. In the next few years, important decisions will be made on the chosen path to reach the lofty energy goals; hopefully, offshore windmills will be included and invested in heavily for the successful future of the state is at stake.

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