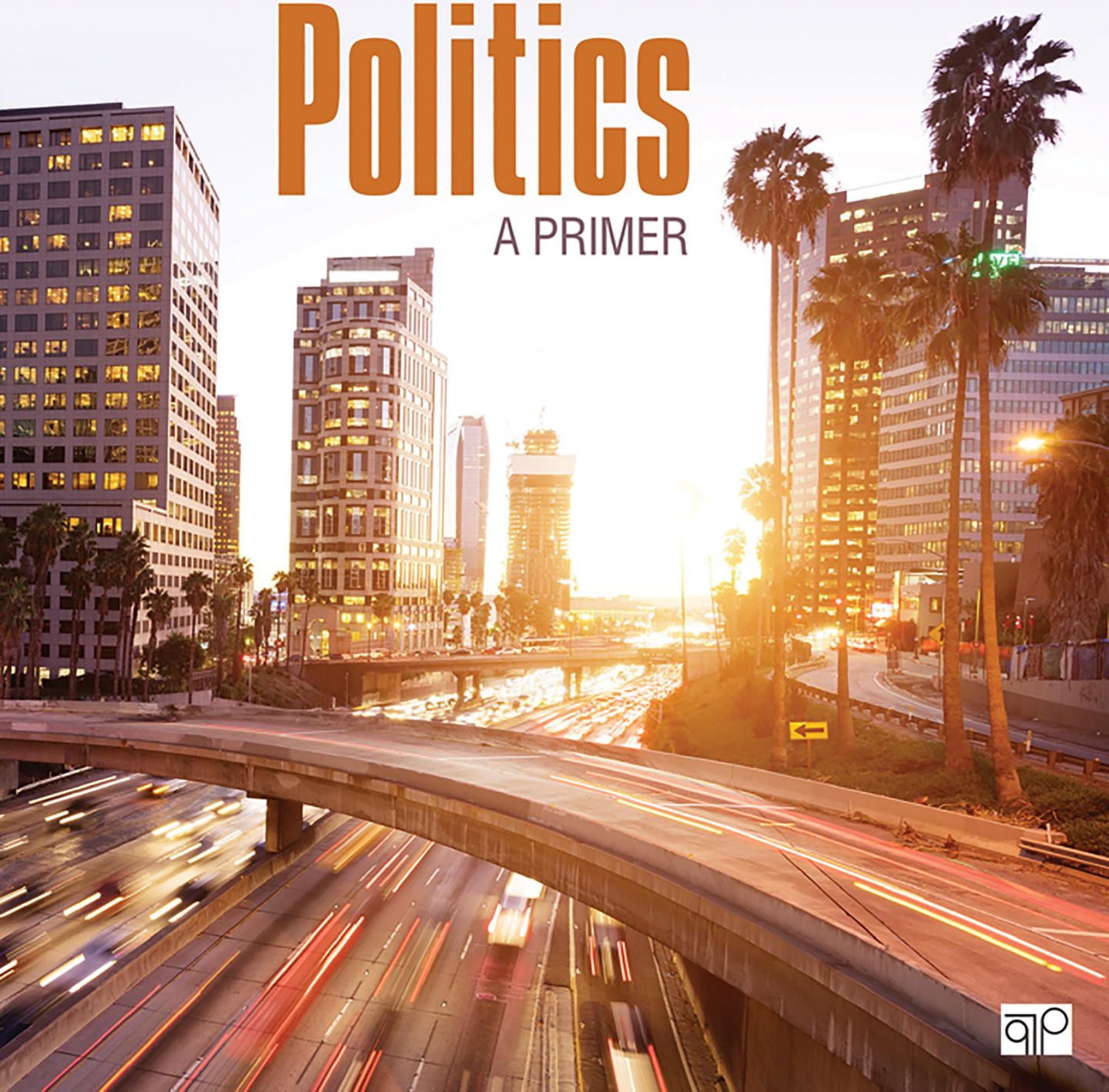
California Politics

A PRIMER

Renée B. Van Vechten

SIXTH EDITION



California Politics

Sixth Edition

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Renée B. Van Vechten
University of Redlands

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About the Author

Renée B. Van Vechten is a professor of political science at the University of Redlands. She earned a BA in political science from the University of San Diego and a PhD from the University of California, Irvine. Van Vechten's political science research examines legislative processes and behavior, including the impacts of political reforms such as term limits. In addition to teaching about California politics, her courses concentrate on American institutions such as Congress, as well as the politics of food, the environment, and reform. Her expertise on state-level politics and policy is evident in her textbook, *California Politics: A Primer*, and her scholarship on pedagogy and instructional practices has extended to curricular planning, research methods, online discussion forums, simulations, and internships. Van Vechten is an executive board member for Pi Sigma Alpha, the national political science honors society. She has served on the American Political Science Association (APSA) Council and Executive Board as chair of the Teaching and Learning Policy Committee and as chair of the APSA Political Science Education organized member section. She has thrice been a track moderator for the APSA Teaching and Learning Conference (TLC) and was a founding co-chair for the first TLC at APSA in 2018. Service to APSA includes membership on awards committees, the Presidential Task Force on Technology (2015–2016) that helped establish APSA's online teaching library, EDUCATE, and the working group, "Rethinking the Undergraduate Political Science Major." Van Vechten is also active in the Western Political Science Association, having several times co-chaired a conference-within-a-conference on teaching and learning. She has received several teaching awards, including the Rowman and Littlefield Award for Innovative Teaching in Political Science (via APSA) in 2008, APSA's only national teaching award at that time. A resident of San Diego County, she is frequently consulted by local media for commentary about state and national politics.

Preface

"California is a seductress. She coaxes the optimistic to rebuild after wildfires ravage their neighborhoods, and she entices struggling immigrants, middle class families, college students, and 'DREAMers' to imagine a better life. The golden sun may not shine brightly for all, but the allure of undiscovered riches still arouses hopes, dreams, and plans."

Those words that began the last edition of this book have staying power, but they ring hollow for many Californians who have been laid off from their jobs because of the global coronavirus pandemic, have lost their businesses, have been priced out of housing markets, and feel choked by taxes. Despite their ability to dazzle, California's gilded robes have thinned and frayed over the past few years. Through early 2020 the state's economy buoyed the nation's fortunes, and new laws enriched its reputation as an extraordinary state where "big things happen." Shortly before COVID-19 scrambled lives and fortunes, lawmakers enacted the first "consumer privacy protection" law to establish individuals' rights over their personal information. They installed new restrictions on law enforcement's use of deadly force. They set stricter standards for energy production and higher targets for greenhouse gas emissions, and were actively combatting federal environmental policy rollbacks in law and in court. More boldly, Democratic leaders formed a vanguard of resistance against federal immigration policies that they regarded as inhumane, declaring the state a sanctuary for nonviolent undocumented immigrants and extending limited assistance to them in the form of health care for minors, legal aid, and coronavirus relief aid.

The wheels came off the world in March 2020 with a global pandemic. Gavin Newsom became the first U.S. governor to order state residents to shelter at home, forcing all schools and businesses except those deemed "essential" to close in an attempt to "flatten the curve," or reduce the spiraling number of cases that threatened to overwhelm understaffed hospitals and a generally underequipped health care industry. While most Californians complied, a minority loudly protested the governor's perceived abridgement of freedoms through executive orders—which, with few exceptions, the courts have affirmed are constitutional exercises of emergency powers. Meanwhile, the economy imploded as consumer spending fell sharply, millions of workers were laid off, and the state struggled to respond to the overwhelming demands for unemployment benefits and other relief. Facing a $54 billion deficit, the state looked to the federal government for billions more dollars—demands that were, at this writing, likely to be met only partially. Facing resurgences of the virus midsummer and fall, schools struggled with plans for reopening, and many educators feared that recent gains made toward closing student achievement gaps would be erased as remote schooling exacerbated inequities. As the coronavirus disproportionately harmed Latinx, Black, and Native American populations, causing five times the infection, hospitalization, and death rates as Whites, social upheaval also disrupted cities across the state in the aftermath of George Floyd's death by Minnesota police,

ramming ethnic and racial injustices to the fore.[1] Protests and political uprisings broke out in cities large and small, and in California alone, hundreds of thousands marched in support of the Black Lives Matter movement.

Exceptionalism seems to run in California's political blood, and these developments reinforce the view that California occupies a class of its own. Even without a pandemic to stretch the state's resources past capacity, the daily challenges of running what is effectively one of the world's largest countries are enough to take the shine off the Golden State's reputation for being a land where dreams come true. The grinding work of government is nowhere more apparent than in the struggle to fund California's crumbling system of roads and highways with high gas taxes that are broadly resented. Even when lawmakers reach consensus about how to best address a persistent problem, the people do not always trust the decisions of their full-time representatives.

Are Californians exceptional in their distrust of government? How do Californians wield political power compared to citizens of other states? How extraordinary is California politics, really? This short text, *California Politics: A Primer*, attempts to outline the puzzle that is California politics, providing readers with analytical tools to piece together an answer to these broad questions. By emphasizing how history, political culture, rules, and institutions influence choices that lie at the heart of governing, the text moves beyond mere recitation of facts, pressing the reader to think about how these forces conspire to shape politics today and how they will help determine the state of affairs tomorrow. It asks the reader to consider what exceptional politics is and isn't, and what might be accomplished through government.

Because this book is intended to provide the essentials of California politics, brevity and breadth eclipse detail and depth. The following pages form a tidy snapshot of how the state is governed and how its politics work. Timely examples succinctly clarify trends and concepts, but to limit the book's length, some developments are given only brief attention or a passing mention. Instructors should consult the endnotes for additional sources and details they can use to embellish their lectures and class discussions. Strong visuals in the form of cartograms, figures, charts, graphs, maps, and photos also allow readers to discern the basics quickly, but readers should also take time to uncover the clues to understanding politics and tease out the rich patterns contained in these illustrations and in the accompanying captions.

What's New to the Sixth Edition

Scholarly research and the most current government reports available inform this thoroughly updated text, which covers policy developments and elections through mid-2020. Greater attention has been given to California's racial and ethnic politics, its

[1] "COVID-19 in Racial and Ethnic Minority Groups," Centers for Disease Control and Prevention, updated June 25, 2020, https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html.

situation in a federal system, and the relationship between tribal governments and the state (Chapter 7). Political manifestations of recent social upheavals are recognized in Chapters 2 and 10. Also, while acknowledging (but not overplaying) the ravages of the COVID-19 pandemic, more emphasis is placed on recent immigration and environmental policy developments, including California's sanctuary state laws, greenhouse gas emissions regulations stemming from Assembly Bill (AB) 32, and electoral reforms. These policies—and also those relating to incarceration, water management, and housing, among others—provide measures of the state's exceptionalism and exemplify California's status as either a leader or an outlier. To conserve space, some of these policy discussions have been woven into relevant chapters. Electoral innovations including the Top-Two primary, citizen-led redistricting process, and restructured term limits, as well as vote-by-mail elections and ballot access laws, are explored in several places.

Summoning the importance of political geography and racial and ethnic divides, the "Five Californias" schema in Chapter 10 (a product of the Measure of America program series produced by the Social Science Research Council and developed by researchers Sarah Burd-Sharps and Kristen Lewis in *A Portrait of California*) continues to help readers understand how human development is related to opportunity and political participation. Further, informative cartograms have been refreshed and new graphics depicting party control of state government, as well as the scale of protest activity in California, have been added. Charts, maps, and graphs incorporate the most recent data releases by the secretary of state, public affairs research organizations, and state agencies.

Key terms are indicated with bold lettering in the text and are listed, with definitions and page numbers for reference, at the end of each chapter. Terms that may be considered secondary in importance are italicized.

Teaching Resources

This text includes an array of instructor teaching materials designed to save you time and to help you keep students engaged. To learn more, visit **sagepub.com** or contact your SAGE representative at **sagepub.com/findmyrep**.

Acknowledgments

The clean and vigorous style in which this book is written is meant to prime the reader for engaged discussions about California politics now and hereafter. An expert crew at CQ Press initiated this ongoing conversation about California politics, namely Charisse Kiino and former editor Nancy Matuszak, who skillfully shepherded this book through the first four editions. Kudos to my exceptionally astute, adept, and adroit (in other words, triple A-plus) senior content development editor, Jennifer Jovin-Bernstein, and senior editorial assistant, Lauren Younker, for their peerless work, and skillful and

savvy acquisition, production, and marketing team that included senior acquisitions editor Scott Greenan, marketing manager Erica DeLuca, production editor Rebecca Lee, and copyeditors Rachel Keith and Heather Kerrigan. The book's continued success is a testament to their professional brilliance during these aberrant times, and their accommodations made possible the inclusion of three editorial cartoons by my talented daughter, Ava. With gratitude to those colleagues who have taken the time to provide essential feedback on previous editions, as well as numerous reviewers whose insights and advice provided the sparks for appreciable improvements, I thank:

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Introduction

1

Outline

Principles for Understanding California Politics

As if the State of California weren't exceptional enough, it could be considered one of the largest countries in the world. Only four other nations had a larger gross domestic product than California in 2019, and its prepandemic $3.18 trillion economy outrivaled those of the United Kingdom and India.[1] With a population nearing 40 million, the state boasts 4 million more people than Canada.[2] In 2020, California was home to 157 billionaires, more than in Hong Kong and Moscow combined.[3] Its territorial spread includes breathtaking coastlines, fertile farmland both natural and human made, one of the globe's hottest deserts, the highest and lowest points in the continental United States, dense urban zones, twenty-one mountain ranges, and ancient redwood forests—a resource-rich expanse with 1,100 miles of coastline and an area that could accommodate a dozen East Coast states.

Through good times and bad, California's reputation for being the "great exception" among the American states has intensified since the political journalist Carey McWilliams characterized it that way in 1949. The state is an exaggeration; it sparks global trends, and national and world issues permeate the state's politics. California is a state of extremes: climate change, immigration, civil rights, public health crises, economic tides, and waves of social unrest push and pull on those who make policy decisions for one of the world's most diverse political communities.

Unlike elected officials in most democratic governments, however, California's representatives share responsibility for policymaking with ordinary Californians, who make laws through the initiative process at the state and local levels. This **hybrid political system** (a combination of direct and representative democracy) provides an outlet for voters' general distrust of politicians and dissatisfaction with representative government and enables the electorate to reshape it over time. If **politics** is a process through which people with differing goals and ideals try to manage their conflicts by working together to allocate values for society—which requires bargaining and compromise—then California's system is especially vulnerable to repeated attempts to fix what's perceived as broken, and parts of it may be periodically upended. For more than 100 years, the initiative process has permitted voters, wealthy corporations, and interest groups to experiment with the state's political system, from rebooting elections to retuning taxation rates to reworking the lawmaking rules. Some of these reforms, which are discussed throughout

this book, are celebrated as triumphs. Proposition 13 in 1978, for example, deflated ballooning property tax rates for homeowners (limited to 1 percent of the property's sale price) and arrested rate increases. On the other hand, direct democracy tends to promote all-or-nothing solutions that have been contrived without bargaining and compromise, two hallmarks of democratic lawmaking.

Reforms also tend to produce unanticipated consequences that demand further repairs. Property owners jealously guard the low property tax rates that Prop 13 guarantees, but it has led to unequal tax bills across every neighborhood, chronic underfunding of education, and heavy reliance on both user fees for public services and heavy borrowing to finance infrastructure. Meanwhile, citizens are united in their aversion to new taxes, except where businesses and the affluent are concerned. In 2020, voters considered but rejected a radical change to Prop 13: carving out highly valued commercial properties from the original law and forcing them to be reassessed at market value every three years. With soaring costs of doing business that are both real and potential, the out-migration of companies—and people—to more affordable states continues.[4]

California's bulging population ensures that public policy issues exist on a massive scale. More than one of every eight U.S. residents lives in majority-minority California, and 26.9 percent of Californians are foreign-born—the largest proportion among the states, with most immigrants coming from Asia as opposed to Latin America in recent years.[5] Among the entire population are approximately 2.2 million undocumented immigrants.[6] In 2010, just over 10 percent of the population was over age 65; that percentage will double by 2030, amplifying the stress on health care systems.[7] California's criminal population is second only to that of Texas in size; about 170,000 remain in custody or are under some form of correctional control. More than *half of the nation's* unsheltered

Yichuan Cao/Sipa USA via AP Images

To slow the spread of the coronavirus, San Francisco temporarily established a socially distanced tent encampment for homeless persons in May 2020 across from City Hall.

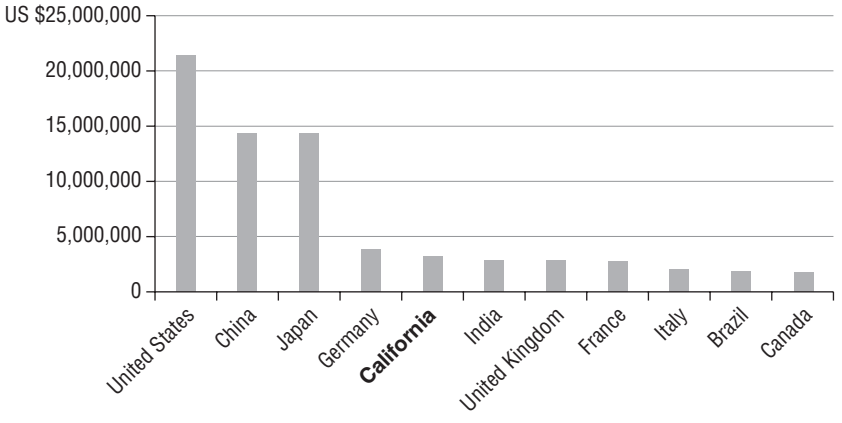
persons live in California, their futures complicated by a severe affordable housing shortage; the number of homeless has swollen as people have lost their incomes during a pandemic-induced economic recession. Spiraling unemployment, one of the ravages of COVID-19, threatens the state's economic recovery and residents' long-term well-being, as does a population undercount in the 2020 U.S. Census, on which federal financial assistance for the next decade is based.[8]

Extreme weather events merely reinforce California's distinctiveness, yet as former Governor Jerry Brown warned, it's "the new normal."[9] After five long years of drought, during which California confronted the driest winter in 500 years with desperate conservation efforts, storms in 2017 replenished the Sierra snowpack, filling those reservoirs to 190 percent of normal in one of the wettest winters on record. Ski season in the Sierra Nevada mountains extended into August. The lasting effects of drought, however, can be seen in stricken forests, where almost 150 million dead trees have elevated the risk of both erosion and wildfires that can transform whole regions into catastrophic infernos.[10] Outcomes are also visible in the continued overpumping of groundwater that has caused land to sink faster than ever, a phenomenon called *subsidence* that buckles roads, irrigation canals, bridges, and pipes, costing state and local governments millions to fix. The detrimental effects of flooding also painfully appear in infrastructure failures such as the Oroville Dam, whose spillways crumbled under torrential rains in 2017 and ultimately cost over $1.1 billion to restore.[11]

Extended drought has ended for now, but the fights over water that continue to rage are unlike those anywhere else in the United States. Farmers in the Central Valley jockey for the same water that helps feed Southern California, pitting themselves against environmentalists over how much flow should be diverted to replenish the failing Delta ecosystem, the complex Sacramento–San Joaquin River Delta estuary located east of San Francisco. Plans to construct giant twin tunnels that would send Sacramento River water underneath the imperiled Delta to the south and to inland farms were thrashed by opponents and scrapped.[12] That contentious project, named California WaterFix, whose construction would have taken at least ten years and whose price tag would have been three times the size of many states' entire annual budgets, illustrates the magnitude of issues in California, and also demonstrates the hazards of shifting from the status quo when big money and high-powered interests are at stake.

The availability, cost, distribution, storage, and cleanliness of fresh water represent a fraction of the complex, interrelated issues that state and local elected officials deal with year-round, a mountain of "to-dos" that grows unceasingly. Water-related concerns are merely one dimension of climate change, a global phenomenon that also intensifies wildfires, alters delicate ecosystems, spawns invasive pests that carry infectious diseases, and affects whether California can produce the food, craft beer, and wines that the world enjoys. Sustainability challenges loom while deteriorating roads, bridges, storm drains, water storage, sewage treatment facilities, schools, and jails compete for the public's limited attention and money. Developing new affordable housing, expanding broadband access, and installing infrastructure for millions of zero-emissions vehicles are also on the state's wish list. Current public infrastructure needs are estimated to exceed $500 billion,

FIGURE 1.1 Gross Domestic Product, 2019 (in Millions)



Sources: "GDP by State, 4th Quarter and Annual 2019," Bureau of Economic Analysis, April 7, 2020, https://www.bea.gov/system/files/2020-04/qgdpstate0420.pdf; "Gross Domestic Product, 2019," World Bank, July 1, 2020, https://databank.worldbank.org/data/download/GDP.pdf.

and waiting to make repairs merely increases the bills as problems worsen over time.[13] (Formidable public policy issues such as these are cataloged in Chapter 11.)

Whether the goal is greater police accountability, reducing college fees, or restricting offshore oil drilling, different interests compete through the political process to get what they want. From small cities to Sacramento, governing officials weigh private against public interests, and generally they work hard to fix problems experienced by their constituents—a job that also requires them to balance the needs of their own districts against those of their city, county, or the entire state. This grand balancing act is but one reason politics often appears irrational and complex, but like the U.S. government, California's system was designed that way, mostly through deliberate choice but also in response to the unintended consequences of prior decisions. California's puzzle of governing institutions reflects repeated attempts to manage conflicts that result from millions of people putting demands on a system that creates both winners and losers—not all of whom give up quietly when they lose. Like their federal counterparts, state officials tend to respond to the most persistent, organized, and well-funded members of society; on the other hand, some losers in California can reverse their fortunes by skillfully employing the tools of direct democracy to sidestep elected representatives altogether.

Principles for Understanding California Politics

It may seem counterintuitive given the complexity of the state's problems, but California's politics can be explained and understood logically—although political outcomes

Ava Van Vechten

are just as often frustrating and irresponsible as they are praiseworthy and necessary. In short, six fundamental concepts—choice, political culture, institutions, collective action, rules, and history—can help us understand state politics just as they help us understand national or even local democratic politics. These concepts are employed throughout this book to explain how Californians and their representatives make governing decisions and to provide a starting point for evaluating California's political system: does it work as intended? Do citizens have realistic expectations about what problems government can solve, the services or values it provides, and how efficiently or cheaply it can do so? How do we measure "successful" politics, and how does California's political system compare to others?

Choices: At the Heart of Politics. Our starting point is the premise that *choices* are at the core of politics. Citizens make *explicit* political choices when they decide not to participate in an election or when they cast a vote, but they also make *implicit* political choices when they send their children to private schools or refill a water bottle instead of buying a new one. Legislators' jobs consist of a series of choices regarding what to say, which issues to ignore, whose recommendations to take, which phone calls to return, and how to cast a vote. Choices are shaped by not only personal, "micro-level" factors such as values, beliefs, and background but also larger, "macro-level" forces in society, politics, the economy, and the immediate setting where rules, bargaining, and compromise come into play.

BOX 1.1

COMPARATIVE FAST FACTS ON CALIFORNIA

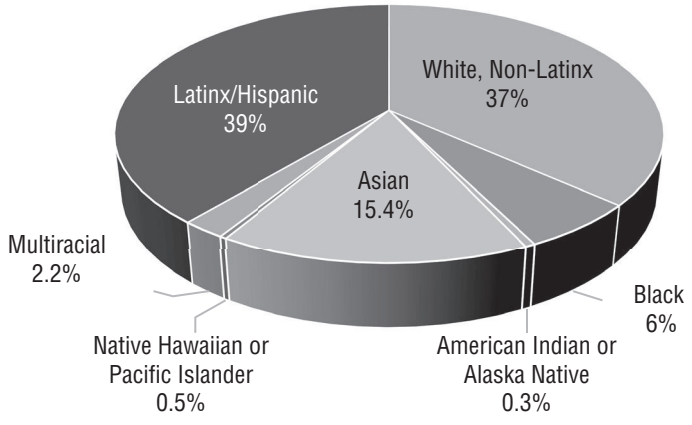
	California	Texas	United States
Capital	Sacramento	Austin	Washington, D.C.
Statehood	September 9, 1850 (31st state)	December 29, 1845 (28th state)	Declared independence from Great Britain July 4, 1776
Number of U.S. House members	53	36	435
Number of counties	58	254	50 states
Largest city by population*	Los Angeles, 4,011,000**	Houston, 2,320,000	New York, 8,175,000
Total population	39,872,870**	28,995,881	328,239,523
Percentage of foreign-born persons, 2014–18***	26.9%	17.0%	13.5%
Median annual household income (2014–18)*	$71,228	$59,570	$60,293
Percentage of persons living below poverty level, prepandemic*	12.8%	14.9%	11.8%

*Current U.S. and Texas demographic and population figures are based on the U.S. 2010 Census; monthly population estimates were current as of July 1, 2019 ("Quickfacts," U.S. Census Bureau, July 1, 2019, https://www.census.gov/quickfacts/fact/table/US/PST045219). Income listed in 2018 dollars; these numbers will drop as a result of massive unemployment in 2020.

**"California Tops 39.8 Million Residents at New Year per New State Demographic Report," Department of Finance, State of California, May 1, 2020, http://dof.ca.gov/Forecasting/Demographics/Estimates/e-1/documents/E-1_2020PressRelease.pdf. The U.S. Census Bureau estimated the state figure to be 39,512,223 as of July 1, 2019.

***"Characteristics of the U.S. Foreign-Born Population: 2015; Table 45, Nativity, by State," Pew Research Center, May 3, 2017, http://www.pewhispanic.org/2017/05/03/statistical-portrait-of-the-foreign-born-population-in-the-united-states-2015.

FIGURE 1.2 Racial and Ethnic Makeup of California



Source: "P-1 State Projections, Total Population by Race/Ethnicity (1-Year Increments)," Department of Finance, State of California, updated January 2020, http://dof.ca.gov/Forecasting/Demographics/Projections/.

Political Culture: Collective Attitudes and Beliefs About the Role of Government. In large, heterogeneous societies crammed with people motivated by different goals, interests, and values, a successful political system provides a process for narrowing choices to a manageable number and allows many participants to reconcile their differences as they make choices together. The decisions and customs that emerge from this process generally express the attitudes, beliefs, norms, and values about government that a political majority holds and give their governing system a distinct culture—a **political culture** that varies from state to state. Compared to Texans or Nevadans, Californians tend to focus on equity and are more willing to regulate businesses in favor of workers and the environment and to offer public programs that address those at the margins of society. Three other features that define California's political culture are a historical fondness for reforming government through ballot measures, a preference for Democratic officials but general detachment from political parties, and a willingness to use state regulatory power—themes that will resurface throughout this book as we examine California's exceptionalism.

Institutions: Organizations and Systems That Help People Solve Collective Action Problems. Political systems also facilitate compromises, trade-offs, and bargains that lead to acceptable solutions or alternatives. Institutions help organize this kind of action. Political **institutions** are organizations built to manage conflict by defining particular roles and rules for those who participate in them. In short, they bring people together to solve problems on behalf of a community or society, enabling the authoritative, or official, use of power. Election systems are a good example: there

are rules about who can vote and who can run for office, how the process will be controlled, and how disputes resulting from them will be resolved. Through institutions like elections, **collective action**—working together for mutual benefit—can take place. The same can be said of other institutions such as traffic courts and political parties; in each setting, people work together to solve their problems and allocate goods for a society. It should be noted, however, that the use of power and authority through political institutions can benefit some and harm others; fair and equal outcomes are not automatically ensured through democratic institutions.

Rules: Codes or Regulations Defining How Governing Power May Be Used. Rules also matter. Rules are authoritative statements, codes, or regulations that define who possesses the power to help govern and how they may legitimately use it, and rules create incentives for action or inaction. Rules are framed in constitutions; they may be expressed as laws or in administrative rules, executive orders, or court opinions, for example. Unwritten rules, also known as **norms**, also guide behavior, and daily interactions help enforce what is expected and acceptable, as reflected in the degree of civility among politicians. For instance, if one party reaches supermajority status in the state legislature (as has been the case with Democrats since 2016), the minority party is rendered virtually powerless because their votes are not needed to pass special bills or taxes that require approval by two-thirds of the membership.

History: The Past Helps Set the Terms of the Present. Rules are also the results of choices made throughout history, and over time a body of rules will change and grow in response to cultural shifts, influential leaders, uprisings, natural disasters, scandals, economic trends, and other forces—some gradual, some sudden—creating further opportunities and incentives for political action. Enormous economic tides that define eras (think the Great Recession or the Great Depression) exert especially disruptive forces in politics because behemoth governments are not designed to respond nimbly to rapid and unanticipated changes; budgets and programs are planned months and years in advance, with history providing clues to decision makers about probable developments. Sudden readjustments, particularly those made in hard times, will reverberate far into the future.

Thus, recognizing that both choices and the rules that condition them are made within a given historical context goes a long way toward explaining each state's distinctive political system. A state's political culture also contributes to that distinctiveness. These are the elements that make New York's state government so different from the governments of Missouri, Georgia, and every other state, and we should keep them in mind as we consider how California's governing institutions developed—and whether California belongs in a class of its own. In essence, a unique set of rules, its culture, and its history are key to understanding California politics. They help explain the relationship between Californians and their government, how competing expectations about "successful" politics propel change, and why elected officials can have a hard time running the state, even when times are good—and especially when they're not.

For years many influencers, from *New York Times* editors to business leaders, opined that California was on the brink of collapse, that it was "ungovernable," but their critiques faded as the economy improved, bond debt was reduced through accelerated repayments, and balanced, on-time budgets materialized through the beginning of 2020. Those concerns are being revived as the economy crumples under coronavirus shutdowns and a global recession. Local governments face the same jaw-dropping deficits as the state government given that sales and income taxes have plummeted along with expected fees from normal activities such as bus or BART (Bay Area Rapid Transit) ridership, revenues that are critical for paying off the long-term debt incurred to build that infrastructure. The state was projecting a staggering $54 billion deficit as fiscal year 2020–21 began.

Californians resemble most Americans in their general aversion to politics and feeling overtaxed, but they have found plenty of ways to distinguish themselves from the rest of the country.[14] Fully 63.5 percent of Californians voted for Democratic presidential candidate Joe Biden in 2020, repudiating candidate Trump (only the percentages from Hawai'i, Maryland, and Vermont were higher) 2020 race.[15] California was among the first states to legally recognize a third gender option, enabling persons who do not identify as either female or male to mark "X" instead on official documents, and since 2003 has legally protected persons from discrimination based on sexual orientation and gender identity expression. California was the first state to legalize marijuana use for medical purposes in 1996 but behind several states in approving its recreational use in 2016. Two years later, the governor signed the nation's first Consumer Privacy Act, giving individuals more control over their personal information. In defiance of Donald Trump administration policies that elected Democrats perceived to be anti-environment, the state doubled down on combating climate change through investments in "greener" energy and tougher greenhouse gas emissions standards.

Dissenting with President Trump on immigration, state officials denounced a pricey border wall that siphoned funds from planned military projects in the state, successfully defended DACA (the federal Deferred Action for Childhood Arrivals program) in court on behalf of the state's 183,000 "DREAMers" (children who were brought to the United States without documentation and have grown up in the country without formal legal status), provided state funds to defend undocumented immigrants in federal deportation proceedings, barred state and local governments from using personal information to create religious registries of any kind, and created direct aid for those unable to receive federal relief money during the coronavirus pandemic. The state's twenty-year-old "DREAM Act" (AB 540) extends in-state tuition and financial aid to about 40,000 students in California's public colleges and universities.[16] Controversially, with Senate Bill (SB) 54 in 2017, the state became a "sanctuary" for nonviolent, noncriminal undocumented immigrants. As a sanctuary state, local and state law enforcement officials are prohibited from expending their resources to help federal agents enforce deportations, with exceptions for public safety considerations: local police have discretion to hold violent felons for federal authorities, immigration agents may interview jailed individuals, and database information may be shared about convicted criminals. Otherwise, state officials will not aid the Department of Homeland Security in targeting undocumented

persons—such as parents, students, and children—for removal from the United States. Federal courts thus far have affirmed that states have these rights and have not allowed federal funds to be withheld from states for noncompliance.[17]

These livewire issues demonstrate that federal versus state power is once again on the table, triggering clashes that test constitutional principles and citizens' understanding of good government. Californians' abiding hope that things can and should be better also motivates them to keep testing the limits of their political machinery through the initiative process—even if their general discontent with politics tends to handicap government's capacity to solve the state's pressing problems. They, like Carey McWilliams who wrote seventy years ago, believe that "nothing is quite yet what it should be in California."[18]

The Golden State remains a land of mythical proportions, set apart from the rest by its commanding economy, geography, and population. And as with fairy-tale giants, it falls hard when calamity hits, and recovery takes an agonizingly long time. Yet the question begs to be answered: how extraordinary are California's *politics*? This book explores the reasons for the current state of affairs and evaluates how history, culture, institutions, and rules contribute to the sense that California is exceptional. Diverse generations have brought its distinctiveness to life, and collectively they have created a political system that at first glance seems incomparable in all its complexity, experimentation, and breadth. In this book we ask whether California is a justifiable outlier, a state whose politics defy simple categorization. Along the way, we also consider what it will take for California to achieve the foundational aim of a democracy: for government to serve the people's welfare and interests effectively, comprehensively, and sensibly over the long term.

Renée B. Van Vechten

The California state capitol building in Sacramento serves as a stage for public demonstrations and events.

KEY TERMS

collective action: working together for mutual benefit. (p. 8)

hybrid political system: a political system that combines elements of direct and representative democracy. (p. 1)

institutions: systems and organizations that help people solve their collective action problems by defining particular roles and rules for those who participate in them and by managing conflict. (p. 7)

norms: unwritten rules that guide acceptable or expected behavior, enforced through daily interactions. (p. 8)

political culture: the attitudes, beliefs, and values about government that a majority in a state hold, as expressed in their customs and the political choices its citizens and leaders make. (p. 7)

politics: a process of bargaining and compromise through which people with differing goals and ideals try to manage their conflicts by working together to allocate values for society. (p. 1)

Critical Junctures

CALIFORNIA'S POLITICAL HISTORY IN BRIEF

2

Outline

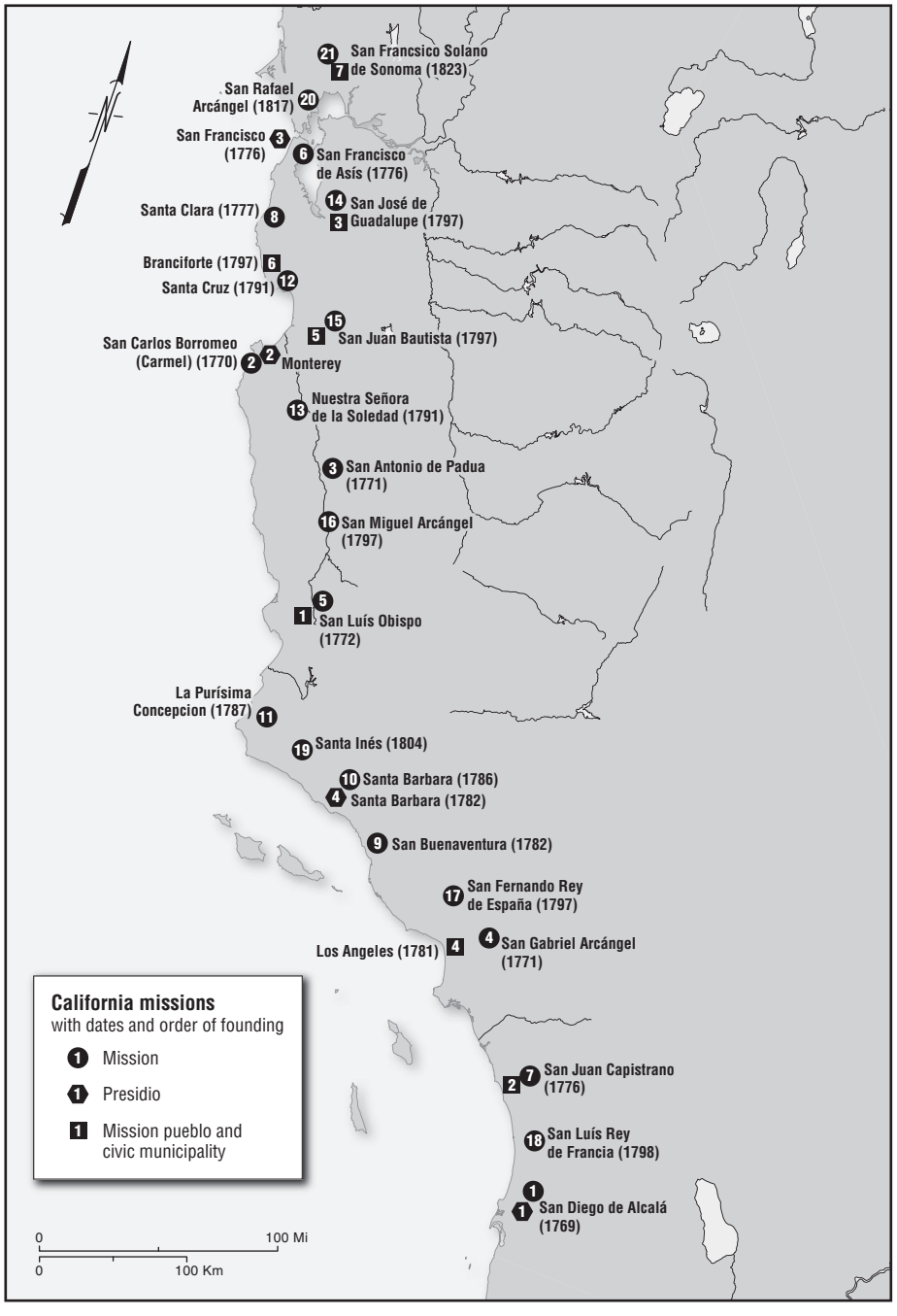
Early California

The contours of California's contemporary political landscape began to take shape in 1542, when Spanish explorer Juan Cabrillo claimed the Native American lands now known as San Diego for a distant monarchy, thereby paving the way for European settlements along the West Coast. Assisted by Spanish troops, colonization followed the founding of Catholic missions throughout Latin America and spread to Alta (then "northern") California with Mission San Diego de Alcalà in 1769. These missions, as well as fortified military presidios (army posts), were constructed along what became known as El Camino Real, or the King's Highway, a path that roughly followed a line of major tribal establishments. Native peoples were systematically subordinated and decimated by foreign diseases, soldiers, and ways of life that were unnatural to them, and the huge mission complexes and ranches, or rancheros, that replaced these groups and their settlements became the focal points for social activity and economic industry in the region.

The western lands containing California became part of Mexico when that country gained independence from Spain in 1821, and for more than two decades, Mexicans governed the region, constructing presidios and installing military leaders to protect the towns taking shape up and down the coast. In 1846, a rebellious band of American settlers, declaring California a republic, raised the hastily patched Grizzly Bear Flag at Sonoma. Within weeks, the U.S. Navy lay claim to California, and for the next two years an uncomfortable mix of American military rule and locally elected "alcaldes" (mayors who acted both as lawmakers and judges) prevailed.

Following the Mexican-American War of 1848 that ended with the Treaty of Guadalupe Hidalgo, California became the new U.S. frontier astride a new international border. The simultaneous discovery of gold near Sacramento provoked an onslaught of settlers in what would be the first of several significant population waves to flood the West Coast during the next 125 years. The rush to the Golden State was on.

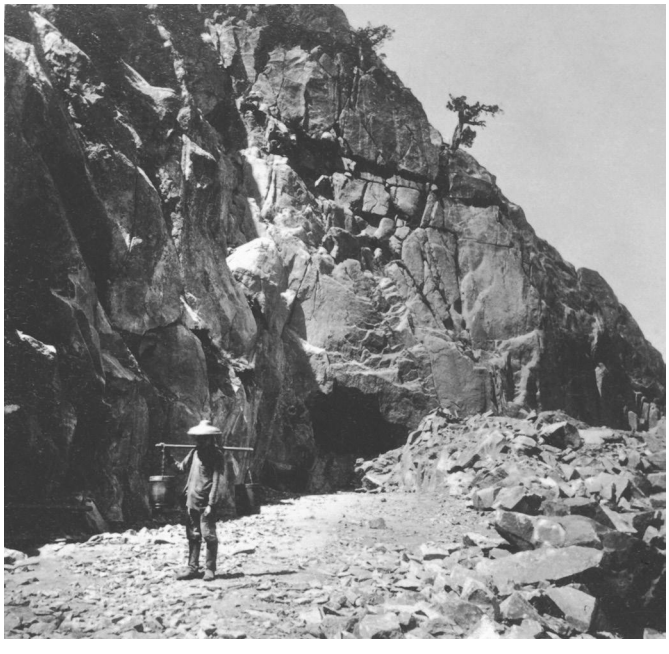
MAP 2.1 California's Missions



The Rise of the Southern Pacific Railroad

The tumult that lawless gold-seekers stirred up convinced many that civil government was needed. Spurning slavery and embracing self-governance, a group of mostly pre-gold-rush settlers and Mexican-American War veterans convened to write a state constitution in 1849 (replaced by a major revision in 1879); a year later, the U.S. Congress granted statehood, bypassing the usual compulsory territorial stage, and shortly thereafter Sacramento became the state's permanent capital. Although gold had already lured nearly 100,000 adventurers to the state in less than two years, the region remained a mostly untamed and distant outpost, separated from the East Coast by treacherous terrain and thousands of miles of ocean travel. Growing demand for more reliable linkages to the rest of the country led to the building of the transcontinental railroad in 1869, an undertaking that resulted in the importation of thousands of Chinese laborers and millions of acres of federal land grants to a few railroad companies. Eleven million acres in California were granted to the Southern Pacific Railroad alone.[1]

The wildly successful rail enterprise not only opened the West to rapid development near the turn of the century but also consolidated economic and political power in the Central Pacific Railroad, later renamed the Southern Pacific Railroad. Owned by barons Collis Huntington, Mark Hopkins, Leland Stanford, and Charles Crocker—the **Big Four**—the Southern Pacific extended its reach to virtually all forms of shipping



Enduring persistent racial discrimination, punishing conditions, and a lack of labor and safety protections, Chinese immigrants laid thousands of miles of railroad tracks during the late 1800s and early 1900s.

and transportation. Their monopoly had direct impacts on all major commercial activity within the state, from wheat prices to land values and from bank lending to the availability of lumber. The railroad barons' landholdings enabled them to control the prosperity or demise of entire towns that depended on rail stops throughout the West. Power didn't come cheap, however, and they fostered "friendships" in the White House, Congress, courts, and local and state governments by finding every influential person's "price." As famously depicted in the (1882) editorial cartoon, "The Curse of California," the "S.P." (Southern Pacific Railroad) dominated every major sector of the state's economy—and politics—like a relentless octopus.

Progressivism

The Southern Pacific's hold over California government during the late 1800s cannot be overestimated. According to one historian,

> For at least a generation after the new constitution went into effect [in 1879] the great majority of Californians believed that the influence of the railroad extended from the governor's mansion in Sacramento to the lowest ward heeler in San Francisco, and that the machine determined who should sit in city councils and on boards of supervisors; who should be sent to the House of Representatives and to the Senate in Washington; what laws should be enacted by the legislature, and what decisions should be rendered from the bench.[2]

The Southern Pacific's grip over California industry and politics was smashed, bit by bit, by muckraking journalists whose stories were pivotal in the creation of federal regulations aimed at breaking monopolies; by the prosecution of San Francisco's corrupt political boss, Abe Ruef; and by the rise of a national movement called "**Progressivism**." Governor Hiram Johnson (1911–17) personified the idealistic Progressive spirit through his efforts to eliminate every private interest from government and restore power to the people.

Governor Johnson spearheaded an ambitious reform agenda that addressed a wide range of social, political, and economic issues targeted by Progressives in other U.S. states. His agenda was not only grounded in a fundamental distrust of political parties, which had been hijacked by the Southern Pacific in California, but also built on an emerging philosophy that government could be run like a business, with efficiency as a clear objective. Workers' rights, municipal ownership of utility companies, conservation, morals laws, and the assurance of fair political representation topped the list of items Johnson tackled with the help of the California legislature after he entered office in 1911.

New laws directly targeted the ties political parties had to both the railroads and potential voters. Although *secret voting* had become state law in 1896, the practice was reinforced as a means to protect elections and ensure fairness. The ability of political party bosses to "select and elect" candidates for political offices was undercut with *direct*

primary elections, whereby any party member could become a candidate without obtaining permission from any official, and regular party members could choose their nominees freely. The legislature also reclassified local elected offices as "**nonpartisan**," meaning that the political party affiliations of candidates did not appear on the ballot if they were running for municipal offices, including city councils, local school boards, and judgeships. Efficiency, the Progressives believed, demanded that voters and officials be blind to partisanship, because petty divisions wasted valuable time and resources. They felt the important concern was the *best person* for the position, not the candidate's political party affiliation; after all, they argued, there was no partisan way to pave a street. This principle extended to government employees, who would now be part of a **civil service** system based on merit (*what* one knew about a position and *how well* one knew it), rather than the former system based on **patronage** (*who* one knew and party loyalty).

A more ingenious method of limiting political party power was accomplished through **cross-filing**, which meant that candidates' names could appear on *any* party's primary election ballot without their party affiliation being indicated. In effect, Republicans could be listed on Democrats' ballots and vice versa, thereby allowing candidates to become the official nominees for more than one party. This rule, which remained on the books until 1959, initially helped Progressives but later allowed Republicans to dominate the legislature despite state party registration that favored the Democrats after 1934.

Arguably the most significant Progressive political reform was a transformation of the relationship between citizens and their government. They accomplished this first by *guaranteeing women the right to vote* in 1911 and then by adopting the tools of *direct democracy*: the *recall*, the *referendum*, and the *initiative* process (discussed in Chapter 3). By vesting the people with the power to make laws directly—even new laws that could override those already in place—Progressives redistributed political power and essentially redesigned the basic structure of government. No longer was California a purely representative democracy; it now had a *hybrid government* that combined direct and representative forms of democracy. Elected officials would now compete with the people and special interests to make law. The Progressives had triggered the state's first giant political earthquake.

It should be noted that the Progressives' efforts to widen access to political power did not extend to every group in California, and some of the laws they passed were specifically designed to exclude certain people from decision making and restrict their political power. The most egregious examples reflected the White majority's racial hostility toward Chinese- and other Asian-born residents and descendants, which took the form of "Alien Land Laws" denying landownership, citizenship, and basic civil rights to anyone of Asian descent—laws that would not be removed from the state's books for another half century.

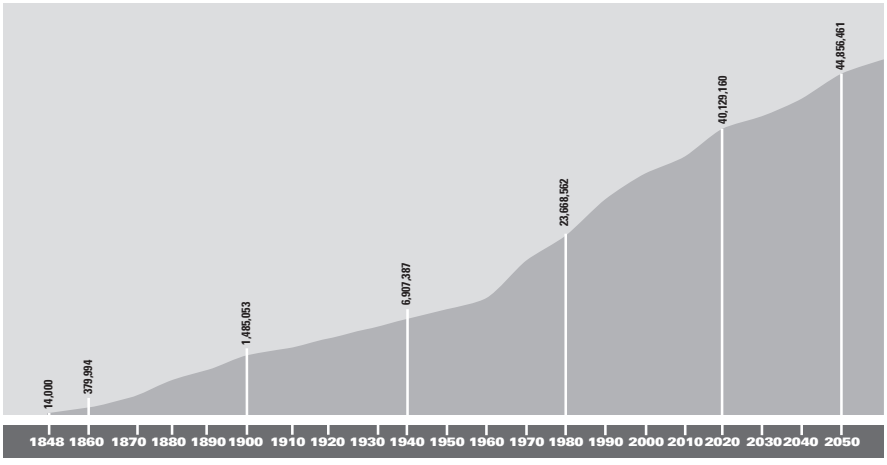
The Power of Organized Interests

Ironically, the Progressives' attacks on political parties and the Southern Pacific created new opportunities for other kinds of special interests to influence state government.

George Frederick Keller/Public domain/Wikimedia Commons

The Curse of California

FIGURE 2.1 Timeline: California's Population



Sources: Population estimates 1848–1850 from Andrew Rolle, *California: A History* (Wheeling, IL: Harlan Davidson, 2003). Population estimates 1860–2015 from U.S. Census Bureau. Population estimates 2020–50 from California Department of Finance, Demographic Research Unit, "Report P-1: Population Projections by Race/Ethnicity, 2010–2060 (Baseline 2019)," http://of.ca.gov/Forecasting/Demographics/Projections/.

Note: Population estimates from 1848–80 are for non-Native populations. Native populations were not included in the U.S. Census prior to 1890.

Cross-filing produced legislators with minimal party allegiances, and by the 1940s these individuals were depending heavily on lobbyists for information and other "diversions" to supplement their meager $3,000 annual salary. The legendary Artie Samish, head of the liquor and racetrack lobbies from the 1920s to the 1950s, personified the power of the "third house" (organized interests represented in the lobbying corps) in his ability to control election outcomes and tax rates for industries he represented. "I am the governor of the legislature," he brazenly boasted in the 1940s. "To hell with the governor of California."[3] He was convicted and jailed for corruption not long after making this statement, but his personal downfall hardly disturbed the thriving, cozy relationships between lobbyists and legislators that continued to taint California state politics.

Growth and Industrialization in the Golden State

To outsiders, the image of California as a land of mythical possibility and untold wealth persisted even as the Great Depression took hold in the 1930s. As depicted in John Steinbeck's *The Grapes of Wrath*, hundreds of thousands of unskilled American migrants from the mid- and southwestern Dust Bowl ("Okies," as they were pejoratively called by Californians) flooded the state, provoking a stinging social backlash that lasted at least until war production created new labor demands. The Depression also helped breathe life into the socialist political movement of Upton Sinclair, an outspoken, unconventional writer who easily won the 1934 Democratic nomination for governor by waging an "End Poverty in California" (EPIC) campaign, which promised relief for lower- and middle-class Californians through a radical tax plan. His near win mobilized conservatives,

inspired left-wing Democrats to fortify social programs, and propelled the first modern attack ads—the media-driven smear campaign—into being.

Rapid urban and industrial development during the first decades of the twentieth century accompanied the invention of the automobile and the step-up in oil production preceding World War II. Ribbons of roads and highways tied new towns to swelling cities and delivered newcomers to California at spectacular rates. Industrialization during World War II restored the state's golden image, bringing defense-related jobs, federal funds, manufacturing, construction, and dazzling prosperity that accelerated postwar. The building sector boomed while orange trees blossomed. To address labor shortages, the federal "Bracero" program created a new agricultural labor force by facilitating the entry of Mexican laborers into the United States, beckoning millions of men and their families to the country. Their efforts laid the foundations for California's thriving modern agribusiness sector.

Tract-housing developments materialized at an unprecedented rate, spawning demand for roads, water, schools, and other critical infrastructure. In 1947, the state fanned the spread of "car culture" with an ambitious ten-year highway plan that cost $1 million per working day. Flood control and colossal irrigation projects begun in the 1860s had transformed the San Francisco Bay and the Sacramento–San Joaquin River Delta region from wetlands filled with wildlife into a labyrinth of levees, tunnels, canals, and dams that enabled midcentury farmers to feed expanding populations. Los Angeles continued to invent itself by sprawling across semi-arid southlands, adding manufacturing plants and neighborhoods that survived on water imported from the north, thereby triggering "water wars" that continue to this day. Infrastructure spending was concentrated on moving water to the thirsty south via the State Water Project (SWP), the building of schools, establishing a first-class university system, and keeping freeways flowing—priorities that governors Earl Warren and Edmund "Pat" Brown (Jerry Brown's father) advanced through the early 1960s.

Unleashing the Initiative

The political landscape was also changing dramatically midcentury. Cross-filing, which had severely disadvantaged the Democrats for forty years, was effectively eliminated through a 1952 initiative that required candidates' party affiliations to be printed on primary election ballots. With this important change, Democrats finally realized majority status in 1958 with Pat Brown in the governor's office and control of both legislative houses.

Several U.S. Supreme Court cases also necessitated fundamental changes in the way that Californians were represented in both the state and national legislatures. Between 1928 and 1965, the state had employed the "federal plan," modeling its legislature on the U.S. Congress, with an upper house based on geographic areas (counties rather than states) and a lower house based on population. Many attempts had been made to dismantle the federal plan because it produced gross overrepresentation of northern and

inland rural interests and severe underrepresentation of southern metropolitan residents in the state Senate (three-fourths of sitting senators represented low-density rural areas), but it remained in place until the U.S. Supreme Court established the "one person–one vote" principle in *Reynolds v. Sims* (1964) and California's system was judged to be in clear violation of it.[4] After 1965, political influence passed from legislators representing the north to those representing the south and also from rural "cow counties" to urban interests.

The revival of parties in the legislature during the 1960s was greatly assisted by the Democratic Speaker of the California State Assembly, "Big Daddy" Jesse Unruh, who understood how to influence the reelection of loyal partisans by controlling the flow of campaign donations, what he referred to as the "mother's milk of politics."[5] Unruh also helped orchestrate an overhaul of the legislature through Proposition 1A, a measure designed to "Update the State!" via constitutional cleanup in 1966. Prop 1A *professionalized* the lawmaking body by endowing it with the "three S's": higher *salary*, many more *staff*, and year-round *session*. The intent was to free the legislative body from the grip of lobbyists and endow it with essential resources to compete on more equal footing with the executive branch. Lawmakers' annual pay doubled to $16,000 to reflect their new full-time status, and staff members were hired to write and analyze bills.

Professionalization transformed the legislature into a highly paid, well-staffed institution that quickly gained a reputation for policy innovation. Within five years, the legislature was described as having "proved itself capable of leading the nation in the development of legislation to deal with some of our most critical problems."[6] The applause didn't last long.

Propelled by anger over skyrocketing property taxes while the state accumulated a multibillion-dollar budget surplus, voters revolted against "spendthrift politicians" who "continue to tax us into poverty."[7] Fully realizing the energizing power of a grassroots political movement through the initiative process, citizens overwhelmingly approved **Proposition 13**, which limited property owners' tax to 1 percent of a property's purchase price and limited increases to 2 percent a year.[8] Prop 13 also forever changed the rules regarding general taxation by requiring a two-thirds vote to raise any taxes in the state, a **supermajority** rule that can empower a minority determined to block tax increases and by extension can jeopardize the legislature's ability to balance the annual budget. Prop 13 triggered the dramatic use of the initiative process that continues today.

The faith in self-governance and mistrust of politicians that spurred Progressives into action and citizens to approve Prop 13 continued to cause political tremors in California politics. The view that citizens were more trustworthy than their representatives only intensified during the 1980s after three legislators were convicted of bribery in an FBI sting labeled "Shrimpscam" (a fictitious shrimp company "paid" legislators to introduce bills favoring the company), reinforcing the perception that Sacramento was full of corrupt, self-indulgent politicians. State lawmakers' reputation for being "arrogant and unresponsive" grew along with the power of *incumbency* (being an elected official) and as membership turnover in the legislature stagnated. In 1990 lawmakers were targeted

AP Photo/Robbins

The passage of Proposition 13 in June 1978 opened a new chapter in California history, demonstrating the power of the initiative. Here the young Governor Jerry Brown meets with one of the initiative's authors, Howard Jarvis (right), to acknowledge the voters' message that government spending must be kept in check. Prop 13 inspired similar tax revolts across the U.S.

again, this time by Proposition 140 (discussed in Chapter 4), which imposed term limits on all elected state officials, eliminating the chance to develop a long career in a single office. By 2004, lifelong legislative careers were over.

Parties and elections continue to be targeted through ballot initiatives. Echoing the old cross-filing law, in 2010 Californians enacted the "Top-Two primary" (Prop 14), a "voter preference primary" system that allows *all* candidates for an office to be listed on one ballot with their party affiliation indicated. *All* registered voters, including independents, may cast a vote for whomever they prefer (not just their own party's candidates). For each office, the two candidates who receive the most votes move to a runoff in the November general election.[9] That same year, through Prop 11, voters transferred the authority to redraw electoral district lines (boundaries defining the geographic areas that legislators represent) from state lawmakers to an independent body, the Citizens Redistricting Commission, a group *prohibited* from manipulating district boundaries to advantage or disadvantage a party, person, or group, a practice known as gerrymandering.

Voters have also altered policymaking processes by controlling decision-making rules. Proposition 98, enacted in 1988, significantly constrains the legislature by mandating that public schools (grades K–12) and community colleges receive an amount equal to roughly 40 percent of the state's general fund budget each year. Proposition 39, approved in 2000, affects voters' ability to approve school bonds by lowering the supermajority requirement for approving school bonds to 55 percent (from two-thirds). Proposition 26 recategorizes

most "fees and charges" as taxes, subjecting them to a two-thirds supermajority approval, and Proposition 25 allows legislators to pass the state budget with a simple majority vote (lowered from a two-thirds supermajority). Voters also recently approved Proposition 54, mandating that all bills must be in print at least 72 hours before a legislative vote and requiring that audiovisual recordings of all public proceedings be posted online within 24 hours. This sampling of initiatives reveals a firmly established reform tradition that will continue to reshape California's government and how it operates.

Hyperdiversity in a Modern State

Hybrid government reinforces California's distinctiveness, but probably no condition defines politics in California more than the state's great human diversity, which is as much a source of rich heritage and culture as it is a divisive force that drives competition for political, economic, and social influence. Differences stemming from ethnicity, race, gender, religion, age, sexuality, ideology, socioeconomic class, and street address (to name but a few sources) do not inevitably breed conflict; however, these differences often are the source of intense clashes in the state. The political realm is where these differences are expressed as divergent goals and ideals in the search for group recognition, power, or public goods, and the vital challenge for California's political representatives and institutions is to aggregate interests rather than aggravate them.

A post–World War II baby boom inflated the state's population, and waves of immigration and migration throughout the mid to late twentieth century produced minor political tremors. A marked national population shift from the northern, formerly industrial "Rust Belt" to the southern Sun Belt boosted California's economy, as well as its population, over the latter half of the twentieth century. Another wave of people from Southeast Asia arrived during the late 1960s up to the mid-1970s following the Vietnam War, and the most recent influx of immigrants occurred during the 1980s and 1990s with large-scale migration from Mexico and other Latin and Central American countries. California is home to the largest Asian population in the United States, including Southeast Asians, who constitute the fastest-growing ethnic group in the state (about 15.4 percent overall); Chinatown in San Francisco remains the largest enclave of its kind outside China.[10] Latinxs, having displaced Whites in 2016 as the state's largest ethnic group, now constitute 40 percent of the state's population.[11]

Immigration, legal and illegal, as well as natural population growth, have produced a hyperdiverse state in which a multitude of groups vie for public goods, services, recognition, power, and influence, and yet they don't share equal access to conditions that will help them thrive. California's history is littered with examples of civil rights starkly deprived, beginning with the state-sanctioned extermination and enslavement of Native Americans in the 1850s,[12] the internment of Asian Americans in camps during WWII, and midcentury discriminatory housing and employment laws that enshrined generational inequality and injustice, to name a few. Although Governor Pat Brown signed a fair housing law in 1964 ending discrimination by property owners who refused to

rent or sell to non-White persons, voters retaliated with Proposition 14, a constitutional amendment enabling private discrimination and housing segregation. African Americans in particular were excluded from living in the most desirable neighborhoods and relegated to areas where property values scarcely appreciated in comparison. The U.S. Supreme Court invalidated so-called "**redlining**" arrangements in 1967 as a violation of the Fourteenth Amendment's equal protection guarantee, but inequitable residential housing patterns have persisted.

Prop 14 helped set the stage for the 1965 Watts Riots (or Watts Rebellion or Uprising) in Los Angeles, where police officers' violent interactions with an African American motorist ignited a six-day episode resulting in thirty-two deaths and the destruction of 1,000 buildings. The same despair and anger over police brutality echoed in 1992 after four White police officers were acquitted of having severely beaten speeding suspect Rodney King; once again the city erupted into flames, ending in similar property damage and fifty deaths. In late May 2020, after George Floyd gasped that he couldn't breathe and died while pinned under the knee of a Minnesota policeman, the nation exploded in turmoil. National Guard troops patrolled California cities to restore order after rioting and looting of businesses, and masses of peaceful protesters demanded racial justice and reform. Governor Gavin Newsom responded with pledges to repair policing through enforcement of SB 392, a curb on the use of deadly force by law enforcers, and SB 230, which requires implementation of implicit bias and de-escalation training; to continue a moratorium on the death penalty; and to pursue greater social equity through investments in education and health care, among other efforts.

Race and ethnicity continue to stir debates over what it means to be a citizen and who is "deserving" of state benefits. Undocumented immigrants continue to arrive (or overstay legal visas, the most common way one becomes "unauthorized"), raising their numbers in California to approximately 2.2 million.[13] Impassioned campaigns have been waged over how to treat this shadow population who, despite the state's sanctuary laws, live in fear of federal deportation. Ballot measures concerning immigration-related issues have included denying public benefits to undocumented persons (Prop 187 in 1994, much of which was judged unenforceable), making English the state's official language (1986), and teaching children only in English (passed by 60.9 percent of voters in 1998 as Proposition 227 and replaced in 2016 with Prop 58, which repealed the restrictions on non-English instruction). More recently, state lawmakers have granted undocumented immigrants legal aid to fight deportation; Cal Grants and in-state tuition rates for "DREAMers" (the California Development, Relief, and Education for Alien Minors Act, known as the DREAM Act, was signed into law in 2011), rendering California one of twenty-four states or education systems to do so;[14] subsidized health care for undocumented children; and noncommercial driver's licenses through AB 60,[15] which has met a lot of opposition based on symbolic and practical considerations even though evidence shows that licensing undocumented individuals helps reduce hit-and-run accidents[16] and this right exists in fourteen other states and the District of Columbia.[17]

Residential patterns also raise questions about the relative values of cultural assimilation and cultural preservation. Also known to representatives as "communities of interest," certain neighborhoods, barrios, "Little Saigons," or "Chinatowns" have performed the historical role of absorbing foreign laborers and refugees, including the approximately 50,000 Vietnamese who arrived after the Vietnam War and the approximately 3 million Latinxs who joined family members in the United States as part of a 1986 federal amnesty program. The trends of "balkanization" (communities separated by race or ethnicity) and **gentrification** (the movement of affluent residents into renovated city zones from which poorer residents have been displaced) have become more pronounced during recent decades, reflecting widening income inequality. These patterns are also manifest in five radically different community types identified by political geographers, who call them the "Five Californias."[18] Indicated mainly by income and education levels, health, and related opportunities, the realities that these five different social classes experience translate into wildly different sociopolitical needs and demands. Even as the largest population segment is struggling hard to make ends meet, the top One Percent both disproportionately fund state government and influence policy (see Chapter 9).

The sheer volume of basic human and special needs created by this hyperdiversity has tended to outstrip government capacity in the areas of health care, housing, public education, legal and correctional services, infrastructure development, environmental protection, and public welfare. Population growth will continue to drive taxation, budget, and policy debates, providing plenty of fissures that will test the foundations of state government, especially during economic downturns when people's needs multiply.

Sandy Huffaker/Corbis via Getty Images

Schoolchildren in Escondido are among the state's plurality (40 percent) Latinx population. In 2019–20 they represented more than half (54 percent) of all students enrolled in California K–12 schools, whereas non-Hispanic Whites were 23 percent, Asian and Pacific Islanders were 10 percent, and African Americans were 5 percent.

Recalling and Replacing a Governor

The constant hum of gradual population change contrasts sharply with the sudden jolts that unexpected events can send through a political system. The most significant political earthquake of the new millennium in California hit in 2003 with the recall of Governor Gray Davis, a dizzying, circus-like event that solidified the state's image as a national outlier. The mild-mannered Governor Davis had gained a reputation as a "pay-to-play" politician who rewarded friendly public employee unions with generous contracts and was blamed for tripling the car tax, sky-high electricity bills, and overdue budgets that contained accounting gimmicks.[19] After Republican U.S. Representative Darrell Issa infused the recall effort with more than $1 million, enough signatures were gathered to trigger a special recall election.

For the first time ever, Californians would be asked if they wanted to keep or replace their governor and simultaneously choose a successor if enough voted for the recall. Hundreds of potential candidates jostled for attention, including actor Arnold Schwarzenegger, who surprised *The Tonight Show* audience by announcing his candidacy during the show.

The spectacular election season lasted only seventy-six days (a normal cycle is about twice as long), during which time the candidates spent $80 million, captivated the mainstream media, and participated in televised debates. On October 7, 2003, 55.4 percent of voters selected "yes" on the recall question, and 48.7 percent chose Schwarzenegger from among 135 candidates on the ballot to replace Davis. With 61.2 percent of registered voters having participated in the election, a high turnout historically speaking, Californians demonstrated that they'd had enough "politics as usual" by exploiting the tools of direct democracy to shake up their government once again.

Republican Arnold Schwarzenegger's "outsider" approach to governing involved centrist appeals to Californians on common themes such as the environment and government reform, and he will probably be best remembered for signing AB 32, the nation's first law to regulate greenhouse gas emissions. Today AB 32 is being enacted through a carbon emissions cap-and-trade system and other greenhouse gas-related mandates, and it has survived a public referendum to dismantle it.[20] Schwarzenegger may also be remembered for a jaw-dropping $27 billion budget deficit that mushroomed near the end of his term.

The Return of Jerry Brown

Closing the monumental budget gap topped Governor Jerry Brown's agenda when he took office during the "Great Recession" in 2011. Extensive public service informed his approach his second time around: he had already been a two-term state governor (1975—1980), state attorney general, secretary of state, a candidate for the U.S. presidency three times, founder of two military charter schools, state Democratic party chair, and Oakland mayor.

Edmund G. "Jerry" Brown would set a record by serving sixteen years as governor, and was one of the youngest governors in California history when he assumed office in 1975 at age thirty-six. He also became the oldest governor with his final reelection at age seventy-six. An intellectual motivated by a strong sense of social justice (his résumé also lists Jesuit Catholic seminarian and a Yale law degree), Brown shunned publicity stunts and bloated government, yet he tried to "think big" by pushing for gigantic infrastructure projects that his opponents judged as overly ambitious and exorbitant.[21] He addressed budget deficits by obtaining a voter-approved tax measure to fund public education (Prop 30) and by slicing health care and education funding that fellow Democrats considered sacred. California's "green economy" flourished under Brown, and the state emerged as a major engine in the nation's economic recovery and acceleration. The governor's key priorities—maintaining fiscal prudence, investing in education, counteracting the effects of poverty, and improving the state's transportation infrastructure—were evident in big "Rainy Day Fund" (budget reserve) deposits, debt reduction, enlarged education budgets, tax credits for the working poor and self-employed, and higher gas taxes.[22]

Brown's left-wing and "progressive Democratic" values collided with those of the conservative-minded President Trump, manifesting in radically different state and federal policies, numerous threats to cut federal funding for California, and pitched court battles. When the national Environmental Protection Agency director questioned climate science and intensified rollbacks of environmental protections, Brown called the Trump administration's approach "a miasma of nonsense" and pledged resistance: "We've got the scientists, we've got the lawyers, and we're ready to fight."[23] The state's attorney general, Xavier Becerra, sued the Trump administration, often successfully, more than 100 times over water and air pollution standards, fraudulent student loans, labor laws, oil and gas extraction rules, immigration actions, a border wall, weakened pesticide and chemical regulations, and more.[24] California's sanctuary state policies (see Chapter 1) intensified the discord.

Under federal court orders to reduce rampant overcrowding in state prisons, Brown aggressively pursued prison reform. Through shifting nonserious, nonviolent, nonsexual inmates (known as "triple-nons") to county jails and parole, the incarcerated population has been reduced to levels at or below federal court mandates in a process called "**realignment**." Brown also resisted creating new crimes; signed bills loosening automatic sentencing enhancements; in 2012 endorsed Prop 36, which revised the state's "three-strikes" law to impose life sentences only for violent and serious felonies; granted a record number of pardons and commutations; and helped reempower judges (not district attorneys) to decide when juveniles should be tried as adults (Prop 57).[25]

If California had appeared "ungovernable" when Brown took office, the four-term governor helped restore the state's reputation for being "exceptional" in terms both positive and negative. Flush with four straight years of budget surpluses and an economic engine that had revved California's GDP into the world's top five, the state was also bursting with homelessness and astronomically high housing costs; wrestling with droughts, wildfires, and the Trump administration; and nursing an ever-expanding inequality

gap. Brown's replacement, Gavin Newsom, had his work cut out for him when he took office in 2019.

Governor Newsom and the Season of Unrest

Fresh from the 2018 elections that returned a Democratic supermajority to the legislature and executive offices, former San Francisco mayor and Lieutenant Governor Gavin Newsom assumed office during a time of relative prosperity and with drought temporarily in the rearview mirror. While Governor Newsom framed his governing approach as "California for All," conveying his intent to prioritize equity, his conservative critics slammed him for perpetuating "tax and spend" policies. Although he did not propose universal health care in his first year as some in his Democratic coalition demanded, his state budget proposals—the most significant economic statement of state leaders' political priorities—would fortify programs for vulnerable populations, including homeless, foster youth, failing schoolkids, and even undocumented persons. At a projected $222 billion, the 2020–21 state budget promised to be the largest in state history.

With earth-shaking power, the coronavirus pandemic shattered the governor's proposal overnight. In early March 2020, anticipating a surge in COVID-19 cases that could overwhelm hospitals, Newsom was the first governor in the country to declare a state of emergency and order all residents to shelter in place. For the first time in history, virtually all schools closed and nonessential business and government operations ceased. The weeks-long economic standstill produced a $54 billion projected state budget deficit and instant demands for unemployment checks, safe shelter for homeless persons, specialized health care, and so forth—adding to the state's responsibilities during a time of uncertainty, a season eventually made more turbulent by social unrest stirred up first by those who wanted the economy to reopen faster and then by masses of protesters pushing for changes in policing and governing.

Inevitable budget cuts will make economic recovery painful, and just as upheavals caused by simmering racial inequality and injustice do, they will test the judgment, resolve, and creativity of the governor and state lawmakers, most of whom want to be reelected and not only sympathize with supporters whose lives and livelihoods are at stake but also fear retribution from voters. They will look to the state's $16 billion in budget reserves as well as the federal government to help balance the books in the coming years. Typically a third of the state's overall annual spending depends on federal dollars to subsidize health care expenditures, infrastructure projects, education systems, and the like, and additional transfers prove to be even more critical during emergencies when people's needs increase. President Trump's resistance to more relief spending in summer 2020 complicated the ever-shifting budget forecasts.

States may depend on the national government for financial help, but they remain "laboratories of democracy"[26] in many respects, charting their own course on issues that the U.S. Constitution reserves to them. The Golden State's minimum wage rose to $13 per hour on January 1, 2021, for all businesses with twenty-five or fewer employees,

Warrick Page/Getty Images

A viral video of George Floyd's last words, "I can't breathe," and death at the hands of Minneapolis police provoked outrage, unprecedented demonstrations for racial justice, and an outcry against police brutality, including this uprising in Los Angeles on May 30, 2020.

to increase by one dollar yearly until it reaches $15 per hour in 2023; meanwhile, the federal minimum wage has remained at $7.25 per hour since 2009.[27] The state has prevailed in several important immigration challenges, with federal courts having made clear that states have no obligation to enforce federal laws. Capitalizing on earlier experiments with vote centers in five counties, the governor converted the November 2020 general election to an all-mail-in format, spurning President Trump's unsupported accusations of fraud. In these ways and many more, California's leaders have helped clarify the boundaries of not only federal-state relations but also government's reach into people's daily lives.

CONCLUSION: POLITICAL EARTHQUAKES AND EVOLVING INSTITUTIONS

Like real seismic events, political earthquakes are difficult to predict. Some of the tensions that produce them are ever present, such as in the demographic fault lines that underlie inequalities or define the uneasy alliance between representative and direct democracy. Periodic ruptures that take the form of ballot measures, recalls, landmark legislation, or even uprisings release some of that tension. Although political earthquakes may be triggered by conditions or events that can't be controlled—such as a weak global economy, a new federal administration, Supreme Court decisions, or a social media–fueled outrage—the shock waves these events produce have the potential to bring

about transformations both large and small. Throughout California's history, political earthquakes have reconfigured relationships between the elected and the governed, between citizens and their governing institutions, and among citizens. Each of these upheavals has involved choices about who may use power and how they may do so legitimately. Rules have also mattered: in some cases, the shake-ups were about whether to change the rules themselves, whereas in other cases the rules shaped the alternatives available and determined who could choose among them, be they voters, legislators, or other leaders such as governors. Often, policy decisions provoke supercharged emotional reactions because they raise questions about shared values and have the potential to shape the social, economic, and political culture in which people will live. Finally, history also plays a role in creating opportunities for action or in creating conditions that shape alternatives. As this historical review demonstrates, California's past pulses in the political institutions, culture, rules, and choices of today, which in turn will provide keys to unlocking the Golden State's political future.

KEY TERMS

Big Four: Collis Huntington, Mark Hopkins, Leland Stanford, and Charles Crocker, four railroad tycoons who wielded disproportionate influence over California politics, having owned the Central (later Southern) Pacific Railroad that built the western length of the transcontinental railroad (1863–69). (p. 15)

civil service: government employment that is not based on political party loyalty alone but rather on merit that is usually earned through professional training and experience. Endorsed by Progressives. (p. 17)

cross-filing: an early form of an open primary election, in which the name of any candidate (minus political party affiliation) could appear on any political party's primary election ballot. Officially in effect in California from 1913 to 1959. (p. 17)

gentrification: the movement of affluent residents into renovated city zones from which poorer residents have been displaced. (p. 25)

nonpartisan elections: elections in which names of candidates (usually for local offices) appear on ballots without reference to their partisan identification. Established by Progressives. (p. 17)

patronage: the awarding of government jobs to political party loyalists. (p. 17)

professionalization: Proposition 1A in 1966 made the state legislature a full-time operation resembling the U.S. Congress; professional legislators have high salaries, many full-time staff members, and year-round sessions. (p. 21)

Progressives: members of a national political movement that took root in state-based political parties of that name in the early 1900s; they tried to reform government to rid it of special interests and return it to "the people." Notable actions in California included electoral reforms such as the establishment of direct democracy. (p. 16)

Proposition 13: a landmark proposition in 1978 that limited property taxes to 1 percent of the purchase price of a property and imposed a two-thirds vote threshold for raising taxes. Rekindled Californians' usage of the initiative process. (p. 21)

realignment: the process of shifting state prison inmates to county jails and parole in order to reduce prison overcrowding. (p. 27)

redlining: a residential zoning practice whereby certain (more desirable) areas are declared "off-limits" to members of minority groups, indicated by red lines on city maps; until 1967 this was employed as a means of keeping African Americans and other minorities from settling in "White" neighborhoods. (p. 24)

supermajority: a majority rule that requires reaching a threshold above 50 percent plus one. The threshold is commonly two-thirds in California for raising taxes and passing urgency measures. (p. 31)

Direct Democracy

3

As a "Schedule I" drug under U.S. law, marijuana is still illegal. Growing, possessing, selling, and using it are criminal federal offenses. In the 1996 general election, however, Californians not only cast votes for president and other representatives for office, but also considered several proposed laws or **ballot measures**, including Proposition 215, a law that would make the medical use of cannabis legal within state boundaries. Twenty years after fully decriminalizing medical marijuana, California became the fifth state to legalize marijuana for recreational purposes by approving Proposition 64, another law that citizens proposed. Although federal drug enforcement agents can still arrest people for the sale and use of cannabis, California's government has responded to these voter-approved laws by setting up a system that regulates all manner of marijuana activity and only allows law enforcement to enforce the *state's* rules created under Prop 64.

Outline

Direct democracy was intended to supplement the regular lawmaking process, to be a safeguard for when the legislature "either viciously or negligently fails or refuses" to act.[1] Yet, on mundane and complex matters alike, whether they have considered them on the merits or not, and being accountable to no one but themselves, "on election day every voting Californian is a lawmaker."[2] Indeed, the U.S. Supreme Court confirmed in 2015 that the people are in fact a legislature when they exercise their power to make laws.[3] For more than a century, California has had a *hybrid government* that is part representative, part direct democracy, a design that the nation's founders carefully avoided.[4]

At first, California's government reflected the U.S. founders' belief that elected representatives working in separate branches—the executive and legislative—would check each other with overlapping powers, filter the passions of their constituents through a deliberative process, find compromises, and create good public policy. Lawmakers and presidents would compete for power, and these arrangements would safely allow ambition

to counteract ambition, as James Madison noted in the *Federalist Papers*. Abandoning this logic, in 1911 California Progressive reformers removed those checks by establishing the initiative, referendum, and recall, thereby creating a hybrid government in which the people can create and vote on laws without their representatives' involvement. What we might call the first branch of California government is the people's power to govern themselves through the instruments of direct democracy. Article II of the state constitution affirms this view: "All political power is inherent in the people . . . and they have the right to alter or reform it when the public good may require."

The Statewide Initiative Process

At the state level, the **direct initiative** gives Californians the power to propose constitutional amendments and laws (also called "statutes") that fellow citizens will vote on without the participation of either the legislature or the governor. Variants of the initiative process exist in 23 other states, including the **indirect initiative**, in which lawmakers must consider and sometimes amend citizen-initiated proposals before they are presented to the public for a vote. Although California legislators may choose to consider any proposal, generally they are barred from making changes of any kind to citizens' actual ballot **propositions** either before or after an election, and retain the power to propose constitutional amendments, bond measures, and changes to existing laws, all of which can appear as propositions in either primary or general elections that are subject to popular vote—so-called **legislatively referred measures**.

Prior to the "Prop 13 revolution" that emboldened Californians to use the initiative process, Oregon led the states with the most citizen initiatives. Since then, Californians have produced more than any other state.[5] Considering all types of measures, including bonds, referenda, and legislatively referred initiatives, California holds the record with 461 measures having been put to voters between 1979–2019.[6] Voters reject most citizen initiatives, however. From 1912–2018, they only approved 35.8 percent of them.[7] Proposed laws typically fail even before they make it to the ballot because their sponsors fail to gather enough signatures in time or too many submitted signatures are invalidated; in fact, 75 percent of proposed initiatives fail to qualify.[8]

Initiatives cover all manner of subjects at the state level. Issues that surface frequently include taxation, welfare, public morality, immigration, education, criminal justice, and civil rights. Most prevalent are measures that focus on government and the political process—reforms intended to change the rules for political participation or to control the behavior of elected officials—and it's no coincidence that term limits for statewide officials exist almost exclusively in states with the initiative process (Louisiana is the only exception). Without a doubt, initiatives have fundamentally altered California government and politics (Table 3.1 and Figure 3.1).

Unfortunately, reforms are forced on government incoherently and are not based on a process that involves compromise. They also cannot be amended or changed once

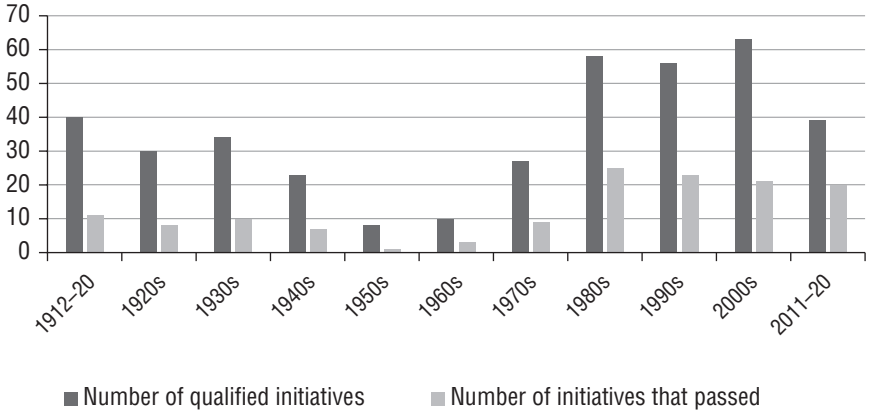
TABLE 3.1 Selected Landmark Initiatives in California, 1966–Present

Number	Description	Year
Proposition 1A	Constitutional reform, legislative professionalization	1966
Proposition 9	"Political Reform Act" (campaign finance reform)	1974
Proposition 13	Property tax limitation	1978
Proposition 98	Minimum annual funding levels for education	1988
Propositions 140 and 28	Term limits for state officeholders; 12 years total in either house	1990; 2012
Propositions 184 and 36	Three-strikes law; applies to violent/serious crimes only	1994; 2012
Proposition 187	Ineligibility of undocumented persons for public services	1994
Propositions 215 and 64	Medical use of marijuana; recreational use of marijuana	1996; 2016
Proposition 5	Tribal state gaming compacts, tribal casinos	1998
Propositions 227 and 58	Elimination of bilingual education; restoration of bilingual (multilingual) instruction	1998; 2016
Propositions 11 and 20	Citizens redistricting commission to redraw state and congressional districts	2008; 2010
Proposition 8	Definition of marriage (invalidated by U.S. Supreme Court in 2015)	2008
Proposition 14	Open primary elections (Top-Two Primary)	2010

approved, except by the people through the initiative process.[9] For example, voters approved changes to the juvenile justice system in 2000, requiring that minors aged 14 to 18 who committed certain violent offenses be tried as adults, among other intricate provisions relating to gangs and parole. Unable to address some of the injustices that arose from the law, and desiring to reduce costs and promote rehabilitation, Governor Jerry Brown pushed Proposition 57 to the voters in 2016 and they ultimately agreed that the law should require judges—not district attorneys—to determine whether minors should be tried as adults under certain circumstances.

The initiative process both directly and indirectly conditions the actions of all California elected officials, as intended. Some initiative measures can, however, exacerbate divisions, eroding their ability to act collectively for the common good. For instance,

FIGURE 3.1 **Number of Statewide Initiatives that Qualified and Voters Approved in California, 1912–2020**



Source: "Initiative Totals by Summary Year, 1912–2019," Office of the Secretary of State, State of California, https://elections.cdn.sos.ca.gov//ballot-measures/pdf/initiative-totals-summary-year.pdf.

Notes: Each decade begins with the odd numbered year (e.g., 1921) because some measures qualified for the ballot in the odd numbered prior year. Excludes referenda and measures referred by the legislature. Includes 2020 election results.

Proposition 26 reclassifies almost all regulatory fees and charges as taxes so that they are subject to the same two-thirds vote threshold that Prop 13 imposed. While this change may seem fairer because it requires both sides to come together in agreement, in fact it privileges the "super-minority" (a few people) over the simple majority (that is, the most people) because absolutely no revenue-raising measures can succeed without the minority's consent (unless one party forms a supermajority, as the Democrats did after the elections of 2012 and 2016–20). Historically in the state legislature, supermajority rules like these have driven majority political party Democrats and minority political party Republicans into long standoffs over how to balance the state budget, regulate businesses, address public health issues, and clean up the environment. In other words, direct democracy conditions the way representative democracy works.

The people can propose laws or money-raising measures at the city, county, and state levels in California. Any registered voter may propose a state law (an *initiative statute*) or a change to the state constitution (a *constitutional amendment*), and both types pass with simple majority approval. However, because the average person lacks the money and time to gather hundreds of thousands of valid voter signatures for statewide propositions, well-funded interest groups now dominate a system that was intended to *reduce* their influence. In practice, nearly anyone who can spend between $3 million and $7 million to hire a signature-gathering firm can qualify a measure for the ballot.[10] Special interest groups, corporations, wealthy individuals, political parties, and even elected officials (playing the role of "concerned citizens") use the state's initiative process to circumvent regular lawmaking channels because it "is the only way for [them] to get the policy they