

PUBLIC AFFAIRS REPORT

INSTITUTE OF GOVERNMENTAL STUDIES, UNIVERSITY OF CALIFORNIA, BERKELEY

“Why I Voted for Arnold”— Attorney General Bill Lockyer

The California Recall
This PAR features excerpts from the IGS post mortem on the recall and the race to replace Governor Davis. For webcasts of the post mortem conference see www.igs.berkeley.edu/events/recall.html.

I guess if I had a subtext for this comment it would be why I voted for Arnold. And I'm still trying to understand the meanings. For the academics that are here, let me mention that we really value your disciplined work and analyses, and we would like you to help us understand who voted, why they voted, what mattered to them, what does it mean.

We'd like to know what the new generation of voters is thinking, what matters to them? Latinos, what really mattered or didn't? So we hope that you will stay focused and do some of that work. It will be useful in thinking about these matters down the road.

I want to talk a little about Republicans and Democrats, and Arnold lovers and Arnold haters, and Gray lovers and haters, but you understand how difficult that group would be to measure.

First, there's a lot of stuff I don't think we are comfortable talking about, and we run our little partisan tapes. For Republicans, with all the momentum, all the glitz, all the excitement, the circus that they brought to town was as good as there has ever been, \$80-90 million spent, and all those signatures on petitions, and so on.

Nothing changed in 11 months. What the voters thought a year ago is what they thought coming out of the polling place. I don't know what that means. Basically, they

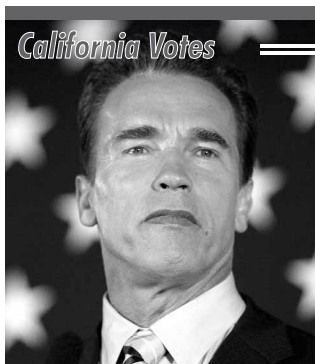


Bill Lockyer

started with the opinion, “Anybody but Davis.” God bless him, poor Bill Simon couldn't qualify as “anybody.”

Now, Republicans ought to reflect, because I hear a lot puffery about the message. I think it's worth noting that more than half of the recall voters support domestic partner benefits, and more than two-thirds of them want women's reproductive rights to be protected. They should

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Gerald C. Lubnow, ed.



Book #4105 \$24.95

See page 23 to order your copy.

Arnold's Surprise Entry Ignited the Recall Race

Bill Lockyer's blockbuster announcement was just one of the many insights that emerged in IGS' historic postrecall conference. We offer excerpts from the three sessions here. To get the full inside story, order your copy of *California Votes: The 2002 Governor's Race and the Recall That Made History*. See details on page 23.

DON SIPPLE: It was a total surprise. Arnold got in the race based on his own compass, at the last minute, and in a very untraditional way.

GEORGE GORTON: It was pretty exciting going back and forth as to whether or not he was going to get into the race. He did not believe that there was going to be a race until very late, and did not focus on it until very late. He kept saying, “George, the *L.A. Times* said this isn't going to

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UNIV. OF CALIFORNIA, BERKELEY
INST. OF GOVERNMENTAL STUDIES

109 Moses Hall #2370
Berkeley, California 94720-2370
510 642-1474
FAX 510-642-3020
<http://www.igs.berkeley.edu>

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The Institute of Governmental Studies' *Public Affairs Report* is published two to three times a year. The University of California's primary center for interdisciplinary research in politics and public policy, the Institute was established in 1919. Its staff includes faculty with joint IGS and departmental appointments, research specialists, visiting scholars, and graduate students. Drawing on the Institute's major reference library, they conduct research in public policy, public administration, American politics, urban problems, federalism, technology and government, and regional development.

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Maria Wolf, *Assistant Editor*

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igspress@uclink4.berkeley.edu

Changing Places—Cain and Stimson Swap Roles

In politics, as the saying goes, timing is everything. Fortunately, that does not hold for political science. IGS Director Bruce Cain, the nation's leading authority on California politics, chose this semester to take a long-delayed sabbatical, thus absenting himself from the state and IGS through California's historic recall election.

But both the state and IGS managed to survive Cain's sojourn at The Brookings Institution quite nicely. Thanks to the marvels of modern telecommunications, the state's voters regularly received the benefit of Cain's wisdom via the mass media. And IGS was exceedingly fortunate to have Prof. Shannon Stimson sitting in as acting director in Cain's absence.

A political theorist, Shannon Stimson has taught at Berkeley since 1992. She received her Ph.D. from Harvard University, held a Fulbright Professorship at Sussex University, and has been elected a Christensen Fellow of St. Catherine's College, Oxford University, and a Distinguished Visiting Fellow of Queens College, Cambridge University.

Although Stimson's teaching and research interests tend toward such longer range concerns



Shannon Stimson

as political theory, philosophy, theories of ethics, political economy, and the history of economic thought, she adapted quickly to the rough and tumble of California politics. Having served as chair of the IGS Faculty Advisory Board and as codirector of the Travers Program in Ethics and Governmental Accountability, Stimson was well acquainted with the work of the Institute.

Her steady hand on the tiller kept IGS steaming along quite nicely through the fall with a full schedule of conferences, seminars, and a bulging research agenda.

Come this spring, Stimson and Cain will change places once again. As soon as she finishes her teaching this fall, Stimson will head for Washington where she will spend the spring semester teaching at the University of California Washington Center. Cain plans to return to Berkeley following a farewell appearance in a special UC in DC Director's Forum on "The Impact of California's Recall Election and the Challenges Facing Governor Arnold Schwarzenegger." In addition to Cain, the panel will feature Franklin Gilliam, Jr., director of the Center for Communications and Community at UCLA, and Marc Sandalow, Washington Bureau Chief of the *San Francisco Chronicle*. IGS will collaborate with the Washington Center on a series of programs in the future.

Austin Ranney Elected Fellow of the British Academy

Austin Ranney, Professor Emeritus of Political Science at UC Berkeley and a long-time research associate at IGS has been elected a Corresponding Fellow of the British Academy. Established by Royal Charter in 1902, the Academy recognizes distinguished achievement in the humanities and social sciences. Its membership is limited to 750 scholars and consists of Fellows, who are resident in the UK, and Corresponding Fellows, who are not.

In 2001, the American Political Science Association honored Austin Ranney, with the Frank J. Goodnow Award for Distinguished Service. A fellow of the American Academy of Arts and Sciences, Ranney is a leading scholar of American media and politics, electoral behavior, and political parties. APSA's Section on Political Organizations and Parties

recognized his contributions to the field with its Career Achievement Award in 1987. IGS Press published a volume in his honor in 1999, *On Parties: Essays Honoring Austin Ranney*, edited by Nelson W. Polsby and Raymond E. Wolfinger.

Thad Kousser Wins Dissertation Award

Thad Kousser, a recent IGS doctoral graduate, has won the American Political Science Association's 2003 William Anderson Award for his dissertation entitled "How Term Limits and Professionalization Reshape America's State Legislatures." The Anderson prize has been awarded since 1977 for



Thad Kousser

the best dissertation in the field of federalism, intergovernmental relations, and state and local politics. Kousser is now on the faculty of UCSD.

Polsby Receives APSA Distinguished Service Award

The American Political Science Association has presented the Frank J. Goodnow Award for Distinguished Service to former IGS Director Nelson W. Polsby. The eleventh edition of *Presidential Elections* by Polsby and Aaron Wildavsky was released in November. His latest work, *How Congress Evolves*, will be published by Oxford University Press in December. The citation that accompanied the prestigious award reads:

Scholar, leading citizen of the profession, mentor to generations of political scientists, contributor to the public understanding of contemporary politics. Yours is a prolific record of creative scholarship and service to the profession.

Your numerous books, edited volumes, and journal articles are a remarkable collection of scholarship artfully explicating contemporary political behavior, institutional change and development, and policy innovation in America. *Presidential Elections*, co-authored with Aaron Wildavsky and in its tenth edition, is a mainstay of the study of the presidency. Forty years after its original publication, *Community Power and Political Theory* continues to shape learning on pluralism and empirical approaches in the discipline.

You have excelled as a teacher and mentor to generations of political scientists. As Heller Professor of Political



Science at the University of California, Berkeley, and director of the Institute of Governmental Studies you encouraged and guided young scholars. As editor of the *American Political Science Review* you created the APSR internship program.

Yours is an almost unparalleled record of service to the profession. You have served on the APSA Council, as Annual Meeting Chair, on numerous award committees, as member and chair of the Congressional Fellowship Advisory Committee. You have served on the editorial board and managing editor of the *American Political Science Review*; as editor of the *Annual Review of Political Science*, and as the political science editor of the *International Encyclopedia of Social and Behavioral Sciences*; and as vice-president of the Political Studies Association of the United Kingdom.

You have applied your encyclopedic knowledge of American political behavior and institutions to enrich popular understanding of Congress, the presidency, elections, political parties, and policymaking in the national press, and on advisory committees such as the U.S. House of Representatives Select Committee on Government Research; the Commission on Vice-Presidential Selection; and the Commission on Presidential Debates.

It is with deep appreciation for your contributions to political science that we present to you the Frank J. Goodnow Award for Distinguished Service.

Events @ IGS

Throughout the fall, IGS worked with campus units to bring a steady stream of public officials, candidates, and academics to campus. Secretary of State Kevin Shelley discussed preparations for the state's historic recall election in a public lecture and at a private dinner, and, a week later, candidate Arianna



Arianna Huffington



Guy Houston



David Butler

Huffington drew an overflow crowd to IGS. Pollster Mervin Field gave us a preview of the recall and pollster David Binder discussed the outlook for San Francisco's mayoral race. State Superintendent of Public Instruction Jack O'Connell assessed the state of public education in California.

Republican Assemblymembers Guy Houston and Greg Agazharian spoke to faculty and student gatherings sponsored by the IGS Center on Politics. Former Alabama Congressman Glen Browder, who is currently a Distinguished Visiting Professor at the Naval Postgraduate School, spoke to a seminar about

Cain Honored for Service to Undergrads

IGS Director Bruce E. Cain is one of seven Berkeley faculty honored by the College of Letters and Science for their outstanding contributions to undergraduate education. The L&S awards for Distinguished Research Mentoring of Undergraduates were introduced by the college to highlight faculty contributions "at the edge of the curriculum."

Research mentoring of undergraduates is not always recognized or appreciated by faculty peers, one L&S official noted. But letters from undergraduates in support of the honorees prove how much it means to the students. One of Cain's students wrote that the attention that he gives to undergraduates is "above and beyond that which could be expected of even real parents, even real uncles, elementary school teachers, coaches, trainers, managers, bosses," let alone a think-tank director who has "reporters chasing after him like paparazzi."



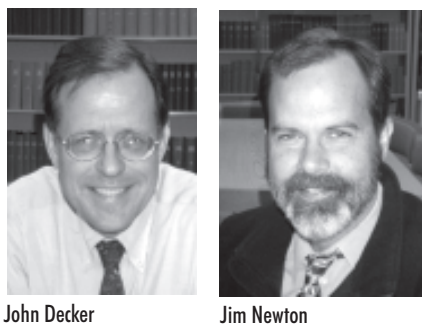
Bruce Cain

his new book *The Future of American Democracy: A Former Congressman's Unconventional Analysis*. David Dalin, a Visiting Fellow at Princeton, discussed his book on *Jews in American Politics*. And David Butler, an old friend of IGS and one of Britain's leading authorities on electoral politics, spoke on *What Decides Elections?*

L.A. Times Editor, State Budget Expert Are Newest IGS Fellows

Jim Newton, California Government and Politics Editor at the *Los Angeles Times*, and John Decker, a fiscal expert at the state Senate Office of Research, are the newest IGS Fellows.

Newton, the John Jacobs Fellow for 2003-04, will spend four days a month on campus doing research and interviews for a biography of Supreme Court Chief Justice Earl Warren.



John Decker

Jim Newton

A native of California, Jim Newton has spent much of his life writing about the state's politics, government, and legal affairs. He was born in Palo Alto and went to Dartmouth College, where he majored in government. Following graduation, Newton clerked for James Reston at *The New York Times*.

After spending a year on the *Times*' foreign desk in New York, Newton became a reporter at the *Atlanta Journal-Constitution*. He left for the *Los Angeles Times* in 1989, and has spent the past 12 years at the center of the state's recent history. He covered the Los Angeles Police Department from 1992 through 1997, a period that included the 1992 riots, the federal trial of the LAPD officers who beat Rodney King, and the murder trial of O. J. Simpson.

In 2001, he was named California Government and Politics Editor, in charge of Los Angeles and Sacramento government coverage. He shared *The Times*' Pulitzer Prizes for coverage of the 1992 riots and the 1994 Northridge Earthquake and was named *Times Mirror* Journalist of the Year in 1995. He is currently on leave from *The Times* to write his biography of Warren.

John Decker, our 2003-04 Legislative Fellow-in-Residence, will be writing a book on California fiscal affairs and developing an executive seminar on the California budget for senior staff in the state legislature and the Department of Finance. Decker, whose appointment is cosponsored by the Center on Politics and the UC Berkeley/Sacramento Program, will spend one day a week at IGS while continuing his work on public finance at the California Senate Office of Research.

Decker has served as the chief fiscal advisor to the state Senate Minority Leader from 1991 to 1995 and to two Assembly Speakers from 1998 to 2000. He also served as staff director for the Senate Budget and Fiscal Review Committee under then-Senator Steve Peace. In early December, as the Schwarzenegger administration grappled with California's budget crisis, Decker gave an IGS seminar on the problems they face.

Before going to Sacramento, John did capital planning for the Office of the President of the University of California. He holds a masters degree in public policy from the University of Michigan, where he majored in Latin and economics as an un-

dergraduate. His main interests are increasing efficiency in the delivery of services and improving fiscal incentives for state, federal, and local programs.

Newton and Decker join Karen Getman and Ken Burt as IGS Fellows. Getman, who recently stepped down as chair of the California Fair Political Practices Commission to return to her law practice at the firm of Remcho, Johansen & Purcell, will spend a day each week at IGS as our first State Executive in Residence. While at IGS, she will compile a handbook for California elective office seekers and teach a course on public integrity law at Boalt Hall.

Burt, political director of the California Federation of Teachers, is writing a book on United Farm Workers founder Cesar Chavez. He is the Institute's Carey McWilliams Fellow. While on campus, Newton, Decker, Getman, and Burt have been working with IGS faculty, students, and staff on a range of projects, doing research, organizing conferences and seminars, and speaking to classes and seminars at IGS, GSPP, and the Graduate School of Journalism. □

IGS Announces New Center on Institutions & Governance

IGS Director Bruce Cain recently announced the creation of IGS' newest research subunit, the Center on Institutions and Governance (CIG). The new center, under the leadership of Professor Robert Powell and Academic Coordinator Hedy Riss, will promote research and education on the way that institutions shape politics and policy and on the way that politics and policy shape institutions.

The goal of the center is to advance our understanding of institutions across a wide range of substantively diverse issues and to develop new approaches from political science and economics as applied to this emerging area of research. Core research areas include:

- *Politics and Policy in Weakly Institutionalized Environments*: In weakly institutionalized environments, actors cannot appeal to higher institutional authorities to enforce agreements. Consequently, the parties to an agreement must try to enforce it themselves. This may be very costly and may make it difficult for the parties to credibly commit themselves to following through on an agreement. Examples of weakly institutionalized environments include the international system as well as the domestic politics within developing countries in which the rule of law is weak. The center actively supports research in international politics, political development, and institutionally weak settings more generally.

- *Politics and Policy in Highly Institutionalized Environments*: In highly institutionalized settings, institutions constrain actors' behavior and do much to define the strategic area in which the actors interact. These environments include states in which the rule of law is strong. Work in this area tries to understand how different institutional arrangements (e.g., presidential or parliamentary, proportional representation or first past the post, federal or unitary, independent central bank or not) affect policy outcomes. Comparative institutional analysis is an important research activity at the center.

- *The Interface between Weakly and Highly Institutionalized Environments*: The last half century has seen an astonishing effort among European states to institutionalize the weakly institutionalized environment in which they interact. The European Union is at the interface of weakly and highly institutionalized environments. The center sponsors research that deepens our understanding of institutionalization, of how institutions take hold, begin to shape behavior, are shaped by that behavior, and may transform weakly institutionalized settings into more highly institutionalized environments.

Initiating a series of talks, CIG, Boalt Hall School of Law, and Haas School of Business presented a public lecture: “Executive pay, earnings manipulation and shareholder litigation” by Ailsa Röell



Heddy Riss



Robert Powell

Senior Research Economist, Bendheim Center for Finance, Princeton University.

The Positive Political Theory seminar

at the center provides a venue for researchers working in these areas to present their work. The center hosts the website *VoteWorld* (voteworld.berkeley.edu), which provides researchers with access to voting records from national legislatures, the United Nations, the European Parliament, and other international organizations.

To learn more about CIG and its programs, visit its website at http://www.igs.berkeley.edu/research_programs/cig/cig.html or contact Ms. Riss at hriiss@uclink.berkeley.edu. □

BAD Collection is Good News for the IGS Library

Terry Dean, IGS

The IGS Library has received a remarkable collection documenting the transformation of California politics over the last 38 years. The Berman & D’Agostino (BAD) campaigns collection is a rich and extensive documentation of California politics, campaign management, political strategy, and redistricting from the early 1960s through the 2001 redistricting effort.

The 2001 redistricting files are being withheld pending completion of all pending litigation challenging the in-effect plans.

The collection includes over 168 boxes of political lit-

erature, Berman & D’Agostino campaign files, redistricting maps and data, litigation journals, and memorabilia covering 90 projects undertaken by the firm and by both Michael Berman and Carl D’Agostino individually prior to the firm’s incorporation.

BAD’s operatives have never been garden variety political campaign consultants and strategists. BAD was a driving force in the transformation of California’s politics and government from a sleepy nonpartisan conventional 1960s political world to a progressive liberal bastion on the cutting edge of political persuasion techniques.

The papers provide unique insights into the transformation of California’s political elite and elected officials ethnically, operationally, and ideologically.

The papers document the vanguard role BAD played in changing the way candidates run for office. Perhaps their most notable (and controversial) innovation was the invention and implementation of “fully targeted, fully computerized” direct mass mail in which, in a single computer run, varied political messages were targeted to appeal to individual voters.

The papers cover the last 38 years of California political history and provide insight and primary documentation into that history including:

- BAD’s role in a four-decade cycle of California redistricting wars.
- The rise of the Waxman Berman Machine and its influence in Democratic, California, and national politics.
- The 1980 California Assembly Speakership war between Howard Berman and, first Leo McCarthy, and then Willie Brown.
- The 1988 Zev Yaroslavsky/Tom Bradley memo media frenzy.
- A unique, one-of-a-kind, exhaustive collection of campaign literature, primarily California candidates and ballot measures, but also literature from the campaigns of John Kennedy, Richard Nixon, Lyndon Johnson, and Barry Goldwater.
- Hundreds of radio ads and tapes of political programs and television ads of BAD campaign clients, opponents, and contemporaneous campaigns.
- The emergence of women and minorities as key players in California politics.

- District maps and data sets from redistricting efforts and campaigns that include “in-effect” districts as well as failed redistricting proposals from the 1960s through 2001.

- Insights and memorabilia into the careers of Governor and presidential aspirant Jerry Brown, former Controller Ken Cory, Governor Gray Davis, and President and former California Governor, Ronald Reagan as well as hundreds of other players on the California scene.

- The octopus-like influence of the first (and only) fully computerized and fully targeted “for profit” statewide and all encompassing slate mail operation.

Full proofing runs and final product samples illustrate how the traditional printed political slate card was transformed by BAD, through the decade of the ’80s and into the ’90s, into an influence on nearly every California democratic primary and general election contest.

The materials are extremely valuable on two counts: they are a unique and primary resource for scholars studying reapportionment, state and local elections, and campaign management in California in the latter part of the twentieth century; and, because of their depth and breadth, the collection offers an unparalleled look at the development of California political institutions and careers over time.

The Berman & D’Agostino Collection is more fully described on the IGS Library’s website, <http://www.igs.berkeley.edu/library>. The collection will be stored off-site under the auspices of the University of California, Berkeley, with access provided by the library given timely notice. □

New Volume Proposes a Policy Agenda for California Latinos

*The University of California Latino Policy Institute commissioned **Latinos and Public Policy in California: An Agenda for Opportunity**, a new volume from Berkeley Public Policy Press, to examine the effects of the growing Latino population on the state's policy agenda. The authors recommend policy approaches to enhance opportunities, improve service delivery, and make best or more efficient use of public resources. California Policy Research Center director, Andrés Jiménez, co-edited the volume with David López. Their conclusion to the volume is reprinted here.*

Whatever the future of immigration, a key component of California's population growth will be the "second generation," the children of immigrants—and, as time goes by, their children as well. Over half of the state's school children in the early elementary grades are Latino, presaging an inevitable majority of K–12 enrollment within a few years. Most of them, including children of recent immigrants, are native-born.

However, it is not only recently arrived Latino immigrants and their minor children who merit specific attention. A significant proportion of the state's nonimmigrant Latino youth, many with family roots in early 20th century immigration or earlier, face considerable obstacles in achieving academic success. It is worth recalling that the Chicano civil rights movement of the late 1960s arose in East Los Angeles among U.S.-born, English-speaking youth who were protesting inadequate

schools, as well as police brutality and neglected neighborhoods.

It is clear that they had something to protest about: Research from the 1960s to the present has documented that second- and third-generation Mexican Americans did not and still do not experience the same degree of intergenerational mobility that groups of European origin did, either in the middle of the 20th century or today. All research that systematically addresses limited mobility emphasizes that low levels of academic achievement are at the core of the problem today—precisely as they were over 30 years ago when they triggered school walkouts.

The inequities experienced by earlier Mexican-American second generations, as well as the continuing inequities experienced by third-generation Mexican Americans today, are significant for two reasons. First, they serve as reminders that Latino issues are not exclusively related to immigration; second, and perhaps more importantly, they underscore the nature of the difficulties and diminished prospects facing Latino children today. These difficulties are not just temporary phenomena that will disappear with time.

If previous Mexican-American generations had joined the American mainstream in the "conventional" (i.e., Euro-American) three generations, it would be tempting to conclude that time (if a rather long time) and intergenerational changes will solve the glaring disparities in upward mobility between Latinos and non-Latino whites as

well as Asians. But the experience of earlier generations of Mexican Americans suggests that inequalities will persist.

The evidence of past and continuing problems of earlier generations of Latinos in California, and the well-documented disadvantages of the current second generation, illustrate that without significant policy and programmatic innovation, the educational achievement and economic advancement of Latinos reaching adulthood in the next several decades will continue to lag far behind those of other groups. As Latinos become the new demographic majority, such inequality could undermine the entire state's social and economic well-being.

Of course, the foundation for Latino educational achievement relies on effective public-school strategies to address the unique educational needs of this population. The state's educational crisis is rooted in the inability of a large swath of the population to take advantage of the strengths of California public education.

California's K–12 public educational system serves middle-class children (including a considerable number of immigrant families) quite well. For example, when school children are divided into economically disadvantaged and other groups, the latter score well above average on such standardized tests as the Stanford Nine, and the former score quite low.

When children are divided between those who are English-proficient and "English-language learners," the differences are even more dramatic. The politically uncomfortable truth is that California's public schools perform quite well for middle- and higher-income students, who include the majority of non-

Hispanic white and Asian students, and poorly for low-income populations, which include a majority of Latinos and a substantial portion of African Americans.

Conflicting interpretations and explanations of these disparities in achievement remain unsettled, particularly the relative importance of the "cultural capital" that children bring with them to school and the uneven distribution of quality education from community to community. Faced with the enormous differences in school outcomes based on socio-economic status, English-language ability, and ethnicity, it is tempting to conclude that "input," not the quality of schools, is what determines outcomes.

Certainly, what children bring to school has an enormous effect on what they get out of it. If they were all attending schools of the same quality, it might be logical to conclude that children's characteristics, not the school, are the decisive factors in educational achievement.

But of course this is not the case. Long-standing residential patterns based on income and ethnicity have created significant disparities in the quality of public education. Suburban schools are able to attract the best teachers and create environments that are most conducive to learning. Most urban districts seem to be short of everything but students, and their pockets of excellence are usually found in magnet schools that serve largely to retain the district's middle-class and mostly non-Hispanic white and Asian students.

Good schools and children who are fluent in English, or are from middle-class and upper-income homes, are a winning combination, and it is

largely these children who go on to graduate from college and have much greater lifetime earning power. Before assigning the cause of the poor performance of African-American and Latino students to student “quality,” students at risk of failure should, at a minimum, be provided an instructional program whose quality is at least the equivalent to that provided in suburban schools. Policymakers and public-interest groups are currently taking actions to address these inequities.

Any approach to reverse the low achievement of Latino students needs to begin with this fundamental fact: two-thirds of all Latino children, and the vast majority of the children of Latino immigrants, either come from low-income homes or enter school unable to speak sufficient English to understand what is going on in the classroom. There is nothing new about this. The same was true for Italian and Polish children (who also had their difficulties with public schooling) 80 years ago.

The important point is that the sociolinguistic factor is enormous. Many immigrants from Asia, Latin America, and elsewhere are primarily from non-English-speaking homes, which nonetheless produce students who become fine scholars. The difference is that these are typically middle- or upper-income homes with parents who have completed some level of college education. It is not language itself, but rather the conjunction of English-language deficit and poverty, that puts immigrant children at risk. Educational reform has to begin with that crucial fact.

Another cross-cutting issue in this volume is the importance of immigrant integration for improving educational, employment, and civic out-

comes for a sizable portion of the state’s Latino community. Large-scale immigration has fundamentally changed California in the past three decades, and will continue to affect public policy for decades to come.

In 1970, immigrants constituted seven percent of the state’s workforce and nine percent of the total population of 20 million. In 2000, immigrants represented more than 26 percent of California’s 34 million people and now constitute more than one-third of the labor force, about three-quarters of whom are from Mexico and Central America.

As a barometer for the future, more than half of the state’s public school children are recent arrivals and three-quarters of this population are from Spanish-speaking immigrant households. The growth rate of the state’s immigrant population demonstrates that immigrants and their children will constitute a major component of the population for the foreseeable future—necessitating effective strategies for immigrant integration, including quality education for adults as well as children, job training, access to health care, and professional certification. Making it a public-policy priority to improve opportunities for this important segment of the population in a variety of settings will foster immigrants’ readiness to seize those opportunities and benefit the state as a whole.

Thus, if educational achievement is the number-one issue for California’s Latino community, the integration of immigrant workers and fami-

lies is a close second. It would be a mistake to ignore the generation of immigrants themselves and not cultivate in them a sense of belonging, assuming that not much can be done for them and that they are content to be here in any case.

We tend to forget the obvious: Most immigrants will not only spend the rest of their lives in California, but will also provide homes for children struggling to grow up in this state. Poverty is by far the greatest contributor to poor performance in school. Even if the children of immigrants are able to escape poverty, their parents may remain in precarious economic straits for the rest of their lives, especially when they join the ranks of the elderly.

In June 2002, the state’s Little Hoover Commission issued *We the People: Helping Newcomers Become Californians*, a report that summarizes current knowledge and recommends policy and community approaches to achieve greater levels of immigrant integration. It also addresses a delicate and controversial issue that disproportionately affects Latinos: the plight of the poorest and least-protected segment of the state’s population, at the core of which are families headed by undocumented immigrants.

No one knows with certainty how many undocumented immigrants are in California. The commission report uses the 1996 Census Bureau estimate of around two million, but recent estimates based on the 2000 Census suggest there were 50 percent more undocumented immigrants in

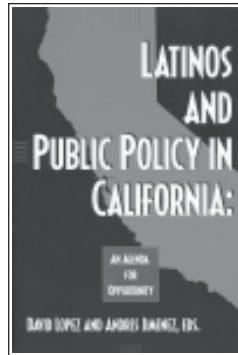
2000 than previous INS or Census Bureau estimates—as many as 9 to 10 million nationwide, and possibly three million in California.

Clearly, a large proportion of California’s immigrant workers suffer from legal marginality, in addition to their already substantial socioeconomic disadvantages. These numbers continue to be a topic of lively controversy, but more important than the absolute numbers is the commission report’s emphasis that “illegal immigrants” are a caste apart only in the minds of anti-immigrant activists. In reality, the large majority are embedded in family, friendship, and community networks, so that many more people are actually affected by the obstacles the undocumented face.

The report emphasizes the corrosive effect of permanent legal limbo for such a large portion of the state population, and recommends a variety of concrete steps designed to reduce insecurity and increase community integration, including the creation of a “Golden State Residency” program.

We concur with the report’s observation that such a large undocumented, and largely low-income, population creates immense difficulties for the individuals in question, their children and other family members, and ultimately for the state. Local, state, and federal policies that ignore the presence of this community are ultimately doomed to failure.

A host of long-run, medium-term, and immediate issues are affected by legal status. A long-range concern is that as undocumented workers reach retirement age they face bleak prospects because they are unlikely to have accumulated material assets and will



Book #4091 \$24.95

not have the safety net of Social Security.

In the medium and short term, undocumented status contributes to the already serious economic barriers to Latino homeownership. On an immediate, day-to-day basis, we see that undocumented status inhibits access to health care and higher education for immigrants and their U.S.-born children.

Whatever one's personal attitude toward "illegal" immigration, this circumstance has played a role in the Mexican-American community since the 1920s; if it is perceived as being a greater "problem" today, it is because undocumented residents are denied many opportunities and protections that would otherwise facilitate their and their children's integration into California society.

California's severe budget crisis of the early 2000s will certainly affect the way state government can address the issues discussed in this volume. Because of an unprecedented deficit, the state is unable to provide resources for new initiatives and is likely to reduce expenditures in key areas such as education and health for the foreseeable future.

Consequently, elected and civic leaders as well as community-based organizations will need to scrutinize expenditures of scarce public dollars, monitor program effectiveness, and develop innovative strategies to address the needs of the Latino population, particularly in health, education (preschool through adult), and social services. Reduced state expenditures, along with the effects of recession, could easily aggravate existing inequalities in access to education, health care, and other services.

Over the last decade, the emergence of Latinos as an electoral force has helped focus state policy attention to the concerns of moderate- and low-income Californians and the interests of immigrant communities.

The 1990s saw a substantial expansion of the Latino electorate and the emergence of state legislative leadership that has achieved the capacity to frame public agendas and shape law-making on major statewide issues.

Although the Latino electorate lags behind Latinos' share of the state's overall population, it represents a significant and growing constituency for elected officials of all ethnic backgrounds.

The enhanced presence of Latinos in California civic and political life provides an important foundation for advancing approaches to educational achievement, immigrant integration, affordable housing, employment opportunities, and health-care access—the focus of this book and the issues that constitute an "agenda for opportunity."

The authors of this volume have delineated a variety of strategies for addressing current inequalities and improving the quality of life for the state's Latino population. A number of these strategies involve actions by state government, others by school districts, local government, or the private sector.

Clearly, proposals to improve adult education, enhance the educational achievement of low-income schoolchildren, or increase the availability of affordable housing would benefit not only Latinos or immigrants but other groups as well. In this sense, a number of the potential remedies to Latino inequality also have wider appeal, allowing for consensus

and coalition-building among California's diverse groups.

At the same time, persistent inequalities facing Latinos should be a statewide concern, given both their significant and growing demographic presence and the negative implications for the state's well-being of its largest group lagging in

educational achievement, earning power, and health-care access. Ultimately, the prosperity of California and its Latino population are closely linked, and will remain so for decades to come.

To obtain a copy of the book, see page 23 for ordering information. □

Roger Traynor Led California's Supreme Court in Its Golden Age

Newly released by the Berkeley Public Policy Press at IGS, "Activism in Pursuit of the Public Interest: The Jurisprudence of Chief Justice Roger J. Traynor" by Ben Field is a joint publication with the California Supreme Court Historical Society. Serving on the California Supreme Court from 1940 to 1970, Traynor gained a reputation as one of the nation's most innovative and influential judges. He wrote the first state supreme court decision overturning an antimiscegenation statute; he reformed family law; he restructured the rules for police searches; and he caused the Court to adopt a strict liability standard in product liability cases. Using Traynor's opinions, primary and secondary sources related to the cases, Traynor's writings, and oral history, Field examines Traynor's work and his influence.

Ben Field received his Ph.D. in history from the University of California, Berkeley in 2000, and his J.D. from Berkeley in 1993. He is a deputy district attorney in Santa Clara County California.

Roger J. Traynor is widely recognized among legal historians as one of the most important American jurists of the twentieth century. When Governor Culbert Olson appointed him to the

California Supreme Court in 1940, the Court showed little inclination toward legal reform. That changed during Traynor's 30-year tenure on the Court, primarily because of Traynor. With Traynor in the lead, the four justices Governor Olson appointed dominated the court.

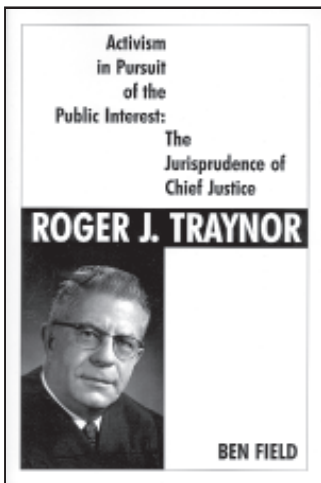
Don Barrett, Traynor's clerk and friend, called the period from 1945 to 1956 the "Long Court" because the composition of the Court did not change during that period. It was during the "Long Court" that Traynor gained the reputation as the leading state court judge in the nation. During his tenure, the California Supreme Court became the most frequently cited court by courts outside of California.

By the time Governor Pat Brown elevated him to chief justice in 1964, Traynor had established himself as the most active advocate for reform on a reformist court. He authored the Court's most innovative and influential decisions, and his jurisprudence remains important today for its impact in several major fields of law.

Traynor's accomplishments were varied. Among the most significant were his judicial decisions on miscegenation, divorce, police searches, and product liability. His opinion in the 1948 case of *Perez v. Sharpe*, the first judicial deci-

sion overturning an antimiscegenation statute, was far ahead of its time.

Years before the civil rights movement had begun to soften longstanding judicial support for racially discriminatory laws and without any significant political cover, Traynor led the California Supreme Court in rejecting legal prohibitions of interracial marriages. Traynor reformed family law and the doctrines governing those cases where an interstate conflict of law arose.



Book # 4067 \$21.95 132pages

In the 1952 divorce case of *DeBurgh v. DeBurgh*, he broke with precedent underlying fault-based divorce. His opinion in *DeBurgh* laid the conceptual framework for no fault divorce in California, which in turn sparked the “divorce revolution” that swept the country.

In a series of decisions, beginning with *People v. Cahan* in 1955, Traynor restructured the rules for police searches. These decisions dramatically altered the parameters of police conduct in California and foreshadowed later actions of the U.S. Supreme Court that applied nationally to police.

Finally, Traynor pushed the Court to adopt a strict liability standard in product defect cases. He first articulated

the public interest in holding manufacturers strictly liable for consumer injuries caused by design or manufacturing defects in his 1949 concurrence in *Escola v. Coca-Cola Bottling Company*.

Nineteen years later, his opinion in *Greenman v. Yuba Power Products, Inc.* gained the unanimous support of his brethren, making California the first state to adopt a rule of strict product liability. Strict liability was the most significant doctrinal development in tort law during the late 20th century.

Traynor embraced the role of judge as policymaker. He viewed judicial activism as a necessity in a fast changing world, and many of his 892 opinions and 75 law review articles offered an intellectual justification for judicial activism.

Few if any theorists of judicial decision-making have so resolutely advocated activism. Even among the great judicial innovators, such as Lemuel Shaw and Benjamin Cardozo, Traynor was remarkable for his fervent advocacy of judicial policymaking.

His judicial philosophy stands out in the intellectual history of judging as extreme, yet many of his most innovative opinions gained widespread acceptance and generated surprisingly little controversy. This is a fascinating paradox.

Although no complete judicial biography of Traynor has been published to date, various legal historians have written about Traynor. Most of these commentators have examined, in approving tones, the substantive legal changes he initiated. Several, notably G. Edward White, who has written the most thorough analysis of Traynor’s judicial thought to date, have also ex-

plored Traynor’s philosophy of judging.

According to White, Traynor’s process of decision making combined reason with intuition. Traynor’s writings provide some support for this view. In one passage he wrote,

Once he [the judge] has marshaled the data pertinent to a controversy, he must articulate a solution that calls for a discriminating sense of which available principle, if any, should govern the case. His task is least complicated when he can choose from among several plausible alternative principles that readily fit the case without looking anachronistic. As the badlands get worse there are clearer indications of what form reclamation might take, though the need remains for judgment of the highest order—that combinations [*sic*] of analysis and intuition culminating in decisions that prove prophetic.

Traynor appears to have used the word “intuition” only this once in describing his decision-making process. The word denotes an absence of rational thought and inference, which seems inconsistent with Traynor’s approach to judging.

Traynor advocated a scientific approach to judicial policy analysis, and he claimed that judges could conduct that analysis objectively. In the tradition of Louis Brandeis, his opinions took into account social science studies and other sources outside the legal text.

His judicial decisions were not the product of intuition. To the contrary, they demonstrated his great confidence in judicial rationalism.

What guided Traynor’s scientific approach toward decision making was not intuition, but a cohesive conception of the public interest. He argued explicitly for public

policy objectives in his innovative opinions.

The arguments and language of those opinions delineated his conception of public interest and revealed the cohesive set of values, preferences, and aversions that underlay it. By treating Traynor’s innovative opinions as an ideological exposition, it becomes possible to show his relationship to his ideological environment.

Traynor’s rhetoric connected *Perez v. Sharpe* with contemporary race relations, *DeBurgh v. DeBurgh* with contemporary conceptions of the role of women, *People v. Cahan* with contemporary attitudes toward law enforcement, and the product liability cases with contemporary views of producer/consumer relations.

Understanding the relationships between these cases and their ideological environment is essential to an evaluation of Traynor’s work and his influence because the extent to which his policy innovations gained acceptance and became institutionalized in American law depended largely on their resonance with his ideological surroundings.

Traynor’s efforts at reform did not happen in a doctrinal vacuum. They paralleled other contemporary changes in the law, particularly the “constitutional revolution of 1937,” which allowed the expansion of government regulatory power over the economy while creating a new civil liberties jurisprudence.

The U.S. Supreme Court of the 1920s and early 1930s had sustained a legal structure that protected private property and struck down popular legislation that imposed regulations on businesses. Initially, the Court’s opposition to government regulation of the

economy put it at odds with the New Deal. During 1935 and 1936, the Court heard 10 major cases involving New Deal legislation and struck down a New Deal program in eight of those cases. These decisions threatened the core of the New Deal.

In response, Franklin D. Roosevelt vilified the Court for protecting entrenched, private economic power and obstructing government efforts to regulate the economy for the public good. Public disapproval of the Court's resistance to the New Deal placed great pressure on the Court, and, ultimately, its dramatic change of course in the wake of FDR's 1937 Court-packing message allowed a massive expansion of government power over the economy.

The Supreme Court did not overturn a single New Deal program after 1937, and during the following decade, it reversed 32 of its earlier decisions. Core New Deal statutes, such as National Industrial Recovery Act and the Agricultural Adjustment Act, gained Court approval when just a few years earlier the Court had invalidated the exercise of federal power under the same statutes.

Labor laws mandating collective bargaining and a minimum wage, relief programs, antimonopoly regulations, Social Security, and the host of other New Deal programs passed constitutional muster under the Court's new standards for evaluating economic programs.

While FDR's appointees to the Supreme Court expanded the government's ability to restrict private property rights, they also expanded individual civil rights. As Justice Harlan Stone wrote in a now-famous footnote to his opinion in *United States v.*

Carolene Products Co., the rights enumerated in the Bill of Rights held a "preferred position."

In case after case, the Court expanded those rights and held that they applied to the states, reversing longstanding precedent. Under the so-called "second Bill of Rights," constitutional protections for free speech, free exercise of religion, freedom from unreasonable police searches, the right to a free, court-appointed attorney, and the right against self incrimination were the law of the states as well as the law of the federal government.

By 1970 the Court had incorporated almost the entire Bill of Rights into the Fourteenth Amendment, thus making it applicable to the states. Despite some backsliding during World War II and the McCarthy era, the "second Bill of Rights" created new protections for political dissenters, religious and racial minorities, and suspected criminals.

The thrust of Traynor's innovative decisions paralleled the "constitutional revolution of 1937." Although he avoided constitutional interpretation in his innovative decisions, gravitating instead to more concrete, policy-oriented analysis, he shared the sympathies of the Courts that expanded civil rights on constitutional grounds.

He opposed racially discriminatory laws, laws that perpetuated the inequality of women, and police practices that violated the constitutional rights of suspected criminals. He supported the rights of labor activists and consumers, whom he considered to be economically powerless.

In keeping with the "preferred position" doctrine, he generally sided with the government against individual

property rights, for instance in eminent domain cases. Traynor acted to reform the law where it preserved power relations he considered unfair, even when it meant striking down longstanding legal precedent. Traynor's concern for society's weak and his willingness to depart from legal convention on their behalf put him in harmony with the dominant currents of legal reform of his day.

Before joining the bench, the central event in Traynor's experience with judicial activism had been the resistance of the U.S. Supreme Court to the New Deal. The triumph of the New Deal over the conservative Court gave judicial activism a new context. Many liberals abhorred the Court's conservative reaction to the New Deal, and they also worried that the triumph of the New Deal over the Court had come at the expense of politicizing the Court.

Traynor was uncomfortable with the style of activism that yielded sweeping rejections of popular New Deal legislation. His success at gaining institutional acceptance for his judicial innovations depended in part on his sensitivity to the arguments against activism.

Judicial activism without controversy is difficult to accomplish. In the 1960s, the activism of the Warren Court generated so much controversy that many observers believed the court had suffered a devastating self-inflicted wound to its reputation and authority. The activism of Rose Bird, one of Traynor's successors as chief justice of the California Supreme Court, so inflamed the public that it resulted in her electoral ouster from office in 1986.

Traynor's style of activism differed from that of the

Warren and Bird Courts. He shared values that Earl Warren and Rose Bird championed, but unlike the Warren Court, he did not make broad statements of principle in his innovative opinions, and unlike the Bird Court, he avoided direct opposition to measures as popular and viscerally important as the death penalty.

Although Traynor's advocacy of activism stood out in the intellectual history of judging as extreme, his style of activism was designed to avert controversy. His scientific approach helped him to avoid the appearance of deciding cases based on politically charged value judgments.

He believed that he had a duty to reform laws that did not comport with his conception of the public interest, but the objective-sounding tone of his innovative opinions reflected his sensitivity to contemporary liberal fear of activism. In contrast with the activism of the Warren Court and the California Supreme Court under Chief Justice Rose Bird, Traynor's style of activism helped him to avoid a "self-inflicted wound" to the Court's prestige.

Within the legal community, Traynor's innovative opinions often generated some criticism of his activism. However, his adroit articulation of the public interest made his reforms acceptable to other judges, even though his innovative opinions often dealt with controversial topics. Despite such controversy and despite the controversial nature of judicial activism itself, many of Traynor's activist opinions gained public acquiescence and widespread approval within the legal community.

To obtain a copy of the book, see page 23 for ordering information. □

BCGIT Proposes Conference to Explore New Diaspora-Homeland Ties

Michel S. Laguerre, IGS

Recently, a large number of immigrants have left their homeland to resettle in the U.S. for various reasons: religious persecution, poverty, political instability, natural disasters, family reunification, entrepreneurial pursuits, higher education, job transfers, and employment. Unlike 19th-century immigrant communities that were impeded by a lack of rapid transportation and the nascent communication system, the new diasporas are able to operate at times in both the homeland and the hostland because of the availability of digital technologies and cheap air transportation.

Numerous diasporic organizations exist in the United States whose role is to contribute to the economic development of their villages or countries of birth. These organizations finance specific projects in their homeland (the construction of a hospital or school); lend the skills of emigrants to promote good agricultural practices (effective planting techniques, the establishment of silos or storage facilities, and cooperative market practices) in their villages; sponsor school children through scholarship competitions; or help local government agencies in the art of good management.

Diasporic organizations have developed a wealth of experience through their activities in the field and have had to do it, in most cases, through trial and error. What has resulted is a large group of diasporic organizations with

varied experiences, some more successful than others.

What is urgently needed to channel these resources is, on the one hand, an examination of these transnational cooperative practices among various groups of immigrants, so as to share the lessons learned with others, and in the process, to facilitate some interorganizational dialogue. On the other hand, local governments need to understand how these organizations work so that they may accommodate their interventions in the homeland.

A major problem encountered so far has been the stumbling blocks that have hindered the ability of diasporic organizations to operate successfully in the homeland as benevolent organizations. They are also hampered by the fact that most of them are not incorporated as nonprofit organizations in the homeland. While some organizations have been able to solve these logistic problems, others have not been so successful.

In the process of implementing projects in the homeland, diasporic organizations have confronted some obstacles and have identified ways in which some of these can be resolved. First, organizations have discovered the need to learn from the experiences of others (organizational strategies, methods of fund raising, and development goals). Second, they have established the minimal organization needed in the area of intervention so that any project can be discussed with the locals and their collaboration sought. Finally, they have acknowledged the need for local

government to accommodate these efforts so the work can be carried out without undue government interference.

The Berkeley Center for Globalization and Information (BCGIT) proposes to examine these issues, analyze various models of economic cooperation between diasporas and their homelands, and develop a series of practical recommendations to enhance the success of these development schemes.

In order to achieve these ends, the center proposes to organize a conference in Spring 2004:

- To review models of economic cooperation between diasporas and homelands.
- To assess the weaknesses and strengths of these models, so that experiences can be shared among various groups of immigrants.
- To discuss intersectoral practices of these diasporic organizations to assess the level of ongoing cooperation, competition, and conflict between similar organizations.
- To determine what roles the state has played in facilitating (or hindering) the local intervention of these diasporic groups in the economic development of the homeland.
- To ascertain how the locals view the intervention of these nonstate actors.
- To analyze how diasporic organizations make use

of information technology (the Internet, for example) to enhance their productive capacities in the performance of their activities in the homeland.

- To discover what lessons we have learned from the examination of diasporic organizations that can be useful to other such organizations, the local state, funding agencies, and the homeland's and hostland's governments.

BCGIT will serve as the incubating niche for this conference as it invites researchers to share their knowledge and experiences. The researchers will be identified on the basis of their previous or current work on diaspora-homeland economic cooperation ventures.

The center will also invite practitioners who can talk about their experiences, who can articulate the problems or pitfalls as they see them, and who can propose ways of resolving these issues. These practitioners will be identified among diasporic organizations in New York City and the Bay Area.

In the past, too much emphasis has been placed on the conflict aspect of the diasporic condition and not enough on the aspects of collaboration. 9/11 reminds us of the disparity between rich and poor nations, the vulnerability of states because of the worldwide mass immigration to the advanced industrial countries, the instability of third-world democracies, and the need to build bridges between the West and the rest. □



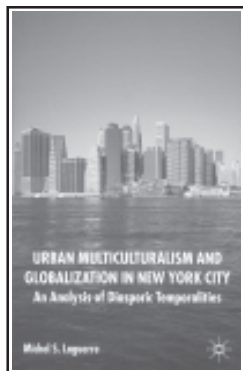
Michel Laguerre

The Diaspora and Homeland Development Conference is an initiative of the Berkeley Center for Globalization and Information Technology that aims at understanding and promoting the capacities of diasporic communities for economic development in their homeland. Contemporary diasporas, because of their skills, wealth, and transnational networks, have become an engine for cooperation between hostland and homeland. Laguerre is director of the BCGIT based at IGS. The conference (April 6, 2004) is cosponsored by Martin Sanchez-Jankowski, Center for Urban Ethnography. <http://bcgit.berkeley.edu>.

Two New Books from IGS

Urban Multiculturalism and Globalization in New York City: An Analysis of Diasporic Temporalities
by Michel S. Laguerre

This book focuses on American society as a trans-global nation and examines the temporal dimension of diasporic incorporation in New York City. It argues that immigrant neighborhoods are faced not only with issues of economic and political integration, but also are engaged in a sublime and relentless effort of harmonizing the cultural rhythms of their daily life with the hegemonic temporality of mainstream society. Although much energy has been spent in explaining the segregated or ghettoized space of ethnic communities, there is, in contrast, a dearth of data on the subalternization,



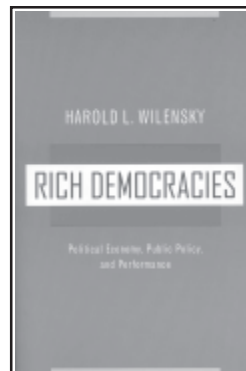
genealogy, and inscription of minoritized temporalities in the structural and interactional organization of the multicultural American city. This study of New York City, through an analysis of diasporic temporalities in their relation to the mainstream com-

munity and the homeland, provides a productive point of view for decoding the urban multiculturalism of the metropolis. Throughout the book, Laguerre argues that the interaction between the dominant and subaltern temporalities

is wholly mediated by criss-crossing global flows that are constitutive of the local scene.

Rich Democracies: Political Economy, Public Policy, and Performance,
by Harold L. Wilensky

In this landmark work, the culmination of 30 years of systematic, comprehensive comparison of 19 rich democracies, Wilensky answers two basic questions: (1) What is distinctly modern about modern societies—in what ways are they becoming alike? (2) How do variations in types of political economy shape system performance? He specifies similarities and differences in the structure and interplay of government, po-



litical parties, the mass media, industry, labor, professions, agriculture, churches, and voluntary associations. He demonstrates how differences in bargaining arrangements among these groups lead to contrasting policy profiles and patterns of taxing and spending, which explain a number of outcomes: economic performance, political legitimacy, equality, job security, safety and risk, real health, the reduction of poverty and environmental threats, and the effectiveness and fairness of regulatory regimes.

Wilensky is Professor Emeritus of Political Science at UC Berkeley.

GOP Consultants See a Generational Shift in American Politics

Dick Dresner and Bob Wickers

It is generally accepted that Republicans took back control of the U.S. Senate and added to their margin in the House in 2002 because of the dual threat of war and terrorism, President Bush's personal appeal, and the lack of any coherent alternative message presented by the Democrats. It is also generally accepted that the key voters for the GOP were senior citizens who are the largest (25 percent) and fastest growing sector of the electorate [by comparison, the youngest group of voters, those under 30, now comprise a mere 10 percent of the vote].

The first part of this argument is undoubtedly true; the second apparently is not. During the past election cycle we looked closely at voting patterns to help design our campaign strategy and discovered that the older half of the elec-

torate—people over 50—were far more Democratic than the younger half (those under 50). According to both an August 2002 *Washington Post* poll and an October 2002 Gallup Poll, voters over 50 were strongly Democratic while voters under 50 were marginally Republican. The *Post* poll also showed that voters over 50 trusted Democrats more to solve the country's biggest problems, while those under 50 felt just the opposite.

A comparison of the 1996 and 2000 presidential elections, based on Gallup's postelection surveys, shows the practical implications of this trend. Surprisingly, George Bush and Bob Dole received the same percentage of the vote among voters over age 50 (45 percent).

Among younger voters Bush ran 17 percent better than Dole among voters under 30

(47 percent vs. 30 percent) and 22 percent better among voters between the ages of 30 and 50 (53 percent vs. 31 percent). The differences are somewhat exaggerated by Ross Perot's presence in 1996 (Perot received eight percent of the national vote) but the key point is that among older voters Perot made no difference at all!

Older votes supporting Perot in 1996 switched to Gore four years later, while Perot's much larger base among younger voters switched en masse to Bush. Another key point that seems to be consistently ignored is that older voters are far less volatile from one election to another.

We used to believe that party loyalty was passed on from one generation to another. While this is no longer the case, the data we examined (Gallup postelection polls

TRIVIAQUIZ

Every American state can be placed in one of five categories: (1) the 13 original members of the U.S.; (2) the charter states, these being the states made from territory held by the original 13 states; (3) the nation states, these being states that were independent republics before joining the U.S.; (4) the purchased states, these being states made or gained through purchase or negotiations; and (5) the war states, these being the states or territories gained in war by the U.S. Name the states in each category. See page 22 for answers.

from 1976 to 2000) clearly reveals that once voting patterns are established (as voters get older) they are far less likely to change. Among the youngest voters—those under 30—the average shift in the Republican vote percentage from one presidential election to another, since 1976, was just under 13 percent; for voters 30 to 50 the average shift drops dramatically to just over eight percent; and for voters 50 and over, it drops to six percent.

While we did not find Gallup data for voters 65 and over, our belief is that the average shift among this group is no more than four to five percent. This is not an argument for ignoring the votes of seniors—that can't be done. We are, however, pointing out that the best either party can hope for is to hold their base among this key group.

Winning elections depends more directly on younger, more open, and more volatile voters; and for the past 20-25 years Republicans have been doing a better job with these voters. The message for the future—assuming voting volatility tends to drop with age—is more good news for Republicans.

The results from key Senate races in 2002 also show the importance of this trend. Based on Zogby's postelection surveys, Democrat Senator Jean Carnahan edged out Jim Talent in Missouri among voters over 50 (47 percent vs. 46 percent) but lost by 50 percent to 46 percent among those under 50.

In North Carolina, Elizabeth Dole won by a significant margin among voters under 50 and lost by a significant margin among voters over 50. In South Dakota, where Democrat Tim Johnson edged out a narrow statewide victory over John Thune, Thune won

among voters under 50 and lost among voters over 50. In Minnesota, perhaps the most watched Senate race in the country, Republican Norm Coleman got only 42 percent of the vote among voters 65 and over—the same result Bush received among this group in narrowly losing the state to Gore in 2000—but Coleman won statewide (49

percent among voters under 50.

Governor Mike Huckabee, who was also in a close race, did several points worse than Hutchinson among seniors. On the other hand, the governor's message and appeal to younger voters had a dramatic effect. He won almost 70 percent of the vote

habits, are more open to new ideas.

2. We know turnout is lower among younger voters but the key seems to be that younger voters are far more likely to have college degrees or at least to have attended college.

3. These voters are far removed from the economic catastrophe of the 1930s and early '40s.

4. Younger voters seem to believe strongly in equal opportunity and meritocracy. They tend to reject the idea that government is there to solve most problems and they believe that people who have talent and work hard will ultimately succeed and reap the rewards of their own effort.

5. Finally, these voters—consistent with a deeply held belief in the American dream of equal opportunity—are far more tolerant of racial, religious, ethnic, and gender diversity. It's not who you are, it's what you can do.

If the GOP remains the party of equal opportunity, individual responsibility, and fiscal discipline the Democrats will face an uphill battle in reversing the rightward march of the nation's youth and, as those voters age and voting patterns settle, the left risks losing a majority of an entire generation. □

This article, originally published in *Campaigns & Elections*, was the basis for a seminar Dresner and Wickers gave at IGS on "The Generational Shift in American Politics." In 1996, Dresner and Wickers worked with a small team of American consultants providing research and strategic advice to President Boris Yeltsin on his reelection. Showtime produced a movie, "Spinning Boris" based on their exploits in Russia starring Jeff Goldblum and Anthony LaPaglia. The film was screened at IGS last spring and will be released later this year. Their firm, Dresner, Wickers & Associates, is headquartered in San Francisco.



Bob Wickers



Dick Dresner

percent vs. 47 percent) because he beat Walter Mondale among voters under 50.

Another startling example in Arkansas points to the impact of message on the vote by age. Republican Tim Hutchinson emphasized senior citizens' concerns far more than anything else, according to Zogby's postelection poll and our own data. On election day Hutchinson actually beat Mark Pryor among older "Yellow Dog Democrats," but his narrow message cost him the elec-

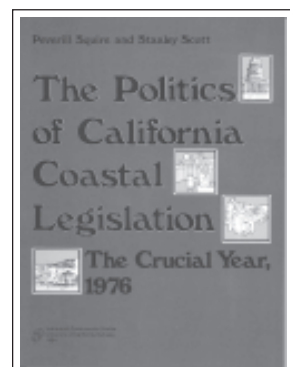
tion as he barely received 40 percent among voters under 30 and nearly 60 percent among those aged 30 to 50.

Our conclusion is that the younger half of the electorate (under age 50) is more susceptible to Republican messages, and when a direct appeal is made to the concerns of these voters the payoff is great. As to the reason for this phenomenon—the best we can do is to speculate. We believe the answer lies in the following:

1. Younger voters, who are first establishing voting

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ask, “Well, what does it mean if 45 percent of the voters have an unfavorable opinion of the guy they just elected?” What about the large, large number, something like two-thirds, that thought Arnold was never specific enough about any kind of policy that might be contemplated?

For Democrats, it was sort of comforting to say, “Well, gee, this is really about Gray Davis, it’s not about us.” And a lot of us went through that exercise. There were a lot of visits, and I don’t know how many phone calls you got.

I’m sorry we exempted political phone calls in the “Do Not Call” bill. But there is a higher standard of constitutionally protected speech, for Barbra Streisand, and Al Gore, Bill Clinton, and some others that kept phoning us and telling us to get out and vote. And Democrats and Republicans ought to be mindful of the fact that only about 30 percent of the electorate describe themselves as somewhat conservative.

So whatever the Democrats were doing, people were listening to some other tune. For me, it seems to suggest that for Democrats, the real problem here isn’t these esoteric little splinters of how many African-American women voted for Arnold, or something like that, it’s what happened with union households, what happened with middle-class voters, what happened with the 18- to 25-year-old group that a lot of them supported the recall, or they didn’t show up at all, didn’t vote at all, didn’t think it mattered to them.

Those are, for Democrats, our natural allies. For those of us who think that the two essential issues in politics are “with whom” for “for what,” and that “with whom” is the primary question and “for what” is secondary and derivative, those people don’t think they’re connected to Democrats.

We still have these huge majorities in Sacramento and the legislature, the statewide elected officeholders and so on. But when you look at the “right track/wrong track” question on everybody’s polls, you find 80-75 percent saying, “California, wrong track.”

I think the truth here, and it’s not a new idea, it’s one we’re all familiar with, but it’s that in some profoundly significant way, anyone in charge is in trouble. The bull’s eye is on anyone in power. It

doesn’t matter if it’s the Catholic Church, the mayor, the governor, the president, the head of the labor union, people are profoundly worried and disturbed and anxious about feeling somehow that their institutional life doesn’t respond to their needs.

For consultants, this should be a year unlike any other. Earlier, Steve Smith made the comment that he had a press conference and 12 cameras showed up. For a consultant! Every story written, the minutia about tactics and so on, kept streaming out in an unusual, maybe unique way, maybe not to be repeated. But I suspect that there will be spotlights on the consultant community in the future.

But Arnold fans should keep in mind that something very profound occurred—83 percent of the recall voters made up their mind before Arnold even entered the race. Four out of five were for the recall before he was a candidate. And, those two-thirds that were disappointed with a lack of adequate programmatic detail, at least they knew, well, he ain’t Gray Davis. He was an appealing person, and they decided they should give him a chance.

Dan Walters and people like that who write about these things in interesting ways, say that change and reform in California are like a resonating chord that we hear regularly, obviously going way back to these reforms to the initiative and referendum and recall. More recently, we had the full-time legislature, Prop. 1A, in—what?—’64 or around that time, and term limits, and Jerry Brown’s campaign reform efforts, and Prop. 13.

Well, I think that’s what Arnold meant to people—hopeful optimism. They had the consummate technocrat, and decided that wasn’t what they wanted. They wanted a leader who was upbeat and was going to promise a better future.

For Arnold haters, I would say that I think Californians are really interested in this ticket—they want to know where the ride goes, and how it’s going to work out, and so it’s interesting. A lot of us, including me, reflect on to what extent were people like Jefferson and DeToqueville right when they observed that the essence of the American political experiment is popular sovereignty, and this is an example of people really taking government in their own hands, good or bad, wisely or unwisely.

But as much as we like to think of it that way, fewer than five percent of the voters were voting for the first time. Ninety-five percent were old hands like us. That doesn’t make it seem populist, unless it’s the mood change. The voter registration actually was lower as a percent of eligible voters. It declined over the last year. So when we look at October, the last election, 71.3, down to 70.45 when voter reg closed this time. So it’s actually an eligibility pool dip.

If there’s a populist argument at all, it’s probably one that most people would talk about in terms of intensity, rather than the peasant rebellion, and that is that Republicans came out in greater numbers than Democrats, that they were more motivated to get to the polls. And we see those in the various numbers.

I want to talk a little bit about “puke politics.” I was trying to change the rules a little bit by that comment earlier in the year. And while a few were offended, most agreed. We do these things to manipulate turnout, to try to keep some people from voting for somebody that you make seem awful.

If you want a prediction about the next round of puke politics, it would be the Bush campaign, with tens of millions of dollars against whatever Democrat comes out of the pack, because Bush can’t explain why he said, “I’ve given you a TV. Isn’t that nice? Oh, I forgot to tell you, I put it on your credit card.” He can’t explain that, or anything else. And so they will have to shift to the worst kind of personal attack, “Puke Politics ’04.” Stay tuned.

But what distresses me about it is what it does to voters, because it turns them off. These aren’t smart bombs; they’re big explosions that hit your own constituencies, as well as the others, and it contributes to this mood of the electorate that nothing matters to them in politics, and no one is saying anything they care about.

I want to see an end to the politics of subtraction. What happened to the idea that we want people to participate, not because they’re afraid of something or mad about something, but because they think something good can come of their participation, that the values of civic culture and participation are essential, and that they should play a role.

There are these small lessons. People want somebody that can balance a check-book without asking somebody else to pay the bills, and they want a state that can live within its means and get a dollar's worth of service for every dollar's worth of tax they pay. I understand that. But we all have to take some responsibility. Me, too. I don't point the finger at others without it being at me too.

Think about it. This is the most extraordinary experience in human history. There has never, ever been a people, a place, a time, when the fundamental principle of everybody counts, every voice matters, every person is important prevailed. There's never been a society that tried that before. It's never been done. And we're crapping it up with all the cynicism and tactical advantage-taking. And that probably won't change.

But my job, at least today, is to say, God, I love you, you're my family. It doesn't matter what you are politically or philosophically, but let's figure out together how do we tell people that they count; they matter? It's never been done. It's an unfinished experiment.

We still have to kick the can down the road, but what an incredible idea. And, unfortunately, our efforts to secure temporary advantage to win an election too often disregard the fundamental fact that we all believe that. It's what makes us really unique, because we know it matters.

I was strongly opposed to the recall. I think it's bad for the state. I voted for Arnold. The first time I ever voted for a Republican in my life for a partisan office. First time. I've done it for nonpartisan local office. In my own office in Sacramento, the management team, I think I've got more Republicans and Independents than Democrats. Justice shouldn't be partisan. That's how we ought to try to do these things.

But you know what Arnold represented for me? I looked at the list; it was a crappy list. And he represented for me what he did for others—hope, change, reform, opportunity, upbeat, problem-solving. I want that. I'm tired of transactional, cynical, deal-making politics. I want to see principled leadership. Yeah, he may be naïve about that. But you know what? It's real. And I'll tell you, the little conversation that maybe made me believe this more than anything else was after the

election I saw him, and I said, "You know, Arnold, I've never voted for a Republican for a partisan office before. This is the first time I've ever done it." And he said, "Bill, you listened to my heart, not my party."

Now, how can you not love somebody that feels that way about it? I hope I'm not being conned. I think the voters hope they're not being conned, because we really want and deserve people that

Recall Race cont.

qualify." In the end, there were a lot of discussions as to whether he would run or Dick Riordan would run, as you all know. I was the most surprised person in America. I was backstage with him at Jay Leno, and the story is absolutely true. The last thing he said to me was, "Come on, let's do it," which I thought meant the statement that was in my pocket (which said he wasn't going to run). And he went out and shocked me.

RICHIE ROSS: Cruz had been pretty firm all through the summer about not getting into the race. And Tuesday of the last week before that, word came out that Senator Feinstein wasn't going to run. You looked at the field as it was shaping up at that point, with Peter Ueberroth, and Bill Simon, and Arnold Schwarzenegger, and you said, "Hmmm . . . Tom McClintock. . . ." Even if it's a down year for Democrats, you know, the advertising slogan for the New York State Lotto is, "Hey, you never know." I think it was based on a sense that somebody should probably do it, and nobody apparently was going to do it, and so he made a decision that he would take his shot.

CARLA MARINUCCI: Garry, the day after the recall qualifies, Paul Maslin is quoted in the paper saying, "The worst of all worlds is to end up with a semi-candidate, a two-tiered question. Then we are assured the recall passes." Is that what happened in your view?

GARRY SOUTH: Yes, it is. I said that publicly, privately, on national TV, and in every newspaper in America, pretty much. Obviously, we didn't have anything to do with our candidate getting into this race. That decision was made for us by the people who signed the petitions. I was telling Democratic donors and Democratic officeholders for months that the

genuinely want to see that my little son Diego can live safely, go to good schools, have health care when he needs it, and live his dreams, not my dreams. It's simple. We all want that.

So together, please, let's figure it out, as people that care about this, who understand how significant this American experiment is, the most noble in human history, and it deserves our respect. Thank you very much. □

only way to beat the recall is to beat the recall. And to harbor this fantasy that somehow you could allow people to come out and throw the existing Democratic governor out of office and replace him with a Democrat, whoever that might be, and everything would be hunky-dory was simply not going to happen, because that's not the way recalls happen. The "No on Recall/Yes on Bustamante" formulation was a nonstarter to begin with. The classic rule of thumb in politics is you do not convey mixed messages to the voters. That was a textbook case of a mixed message—as well as being disingenuous, I might add, on the part of the formulators of it.

LARRY GRISOLANO: As these folks made their decisions to come in, the very best thing that could have happened to Governor Davis's effort to defeat the recall is if somebody had initially emerged as the alternative on the second ballot, and the worst thing that could happen was if there was all this splintering that you see represented at this table, with all these different options. The fact that it took so long to work itself out and for somebody to emerge, and that so many people got in and divided the attention and the vote on the alternative side for so long also worked to our detriment.

MARK BARABAK: Now, just to admonish you, this is literally for the history books; young, impressionable minds will be reading this. So spin aside, we want as true an account as we can get. And we want to follow-up with you because there was a time when it looked like Dick Riordan was going to get in the race with Arnold Schwarzenegger's backing, and that didn't happen. How did we get from there to what happened?

GORTON: Dick and Arnold are great friends, and they talked a lot. I was

privity to some of those conversations. One of them would say, "If you run I'll support you," and the other would say, "If you run I'll support you." And Dick, right up to the end was saying, "If you run, Arnold, I'll support you." And, in fact, Dick was saying up to the end, "I would prefer that you run." And Arnold did, and surprised us.

MARINUCCI: We had a week in which we kept being told Arnold was going to give a press conference, and, "He's strongly leaning against." There was day after day of strongly leaning against.

GORTON: I don't think I said "strongly," but I was taking his temperature everyday, and being his spokesman, I was just telling the truth. For a long time, I thought, and I said, "I think Arnold is running." And that was my take on it. And then one day, it didn't seem like that anymore to me, so I said that.

BARABAK: How did we get from leaning against to the *Tonight Show* announcement?

GORTON: You'll have to ask him.

SIPPLE: I think if we reconstruct that day, the Feinstein announcement that she was definitely not going to be a candidate probably factored into it.

BARABAK: Would he have run if Dianne had run?

GORTON: I had the feeling that he would definitely run if Dianne had run. I really don't know, but I've asked him about it, about his decision making. I walked out of the Jay Leno show and looked at him. And he just looked at me like he thought it was really funny, the look on my face, which was staggered, as some of you know who were there. I think he just made up his mind he was going to run.

MARINUCCI: I have to ask about the *Tonight Show* appearance, because he gave a five-minute talk, in which he hit all the major talking points of what would be his campaign: "We're mad as hell and

we're not going to take it anymore." "The politicians are fumbling and fiddling away." and "My opponents are going to throw everything at me." He didn't consult with any of you guys?

SIPPLE: At the point where there was an exploration of the candidacy, there were some discussions that probably were reflective of that, but not a briefing paper before the *Tonight Show*. It was a cumulative sense of his from discussions we had had prior to this time.

WALSH: He had come back from the *Terminator 3* European promotional tour and met with Mayor Riordan. He had



Recall panel participants: Tyler Snortum-Phelps (Camejo), Richie Ross (Bustamante), Larry Grisolano (Davis), Garry South (Davis), Carla Marinucci (moderator, *San Francisco Chronicle*)

numerous discussions with other folks, doing the due diligence. And as Attorney General Lockyer pretty much summed up Arnold's attitude through the entire campaign and part of the due diligence, at least from my exposure in those early days, was hope, opportunity, "Can I make change?" "Can things happen?" He talked to people and they went through all the negative sides of what would happen if he ran. They went through the positive sides of what he could actually do. And, probably more than anything else, there was his desire that he could actually take it. And the more people said the harder it would be, the more he got enthusiastic about taking the challenge.

GORTON: That's Arnold.

BARABAK: So who knew? If his top political strategists did not know, who knew? Did he say something to Maria?

SIPPLE: Maria knew.

BARABAK: He and Maria were the only two?

GORTON: Right.

BARABAK: And is this the way the campaign operated? He'd go out and you

guys would say, "Hey, look what Arnold did today? What a surprise."

GORTON: Did it look like that to you, Mark? Sorry, but it was not that way.

SIPPLE: Some historians and archivists would point to an incident in 1980, where he had been in training for *Conan, the Barbarian*, the movie, and there was a body building championship in Australia that he was slated to judge. And instead of being a judge, at the last minute, he became a participant and won. I don't know if there's a connection, but, obviously, he had a dramatic entry into the race.

MARINUCCI: One more question and then I want to get back to the Democrats. It was said that Riordan was blind-sided by this announcement. And Maria had said publicly that she advised him very strongly against running. He did not take her advice, obviously. Who can tell us about that?

GORTON: Maria was very supportive of him running before he decided to run, and I can say that for sure from conversations. She was very

supportive. I also know he had lots of conversations with Dick Riordan, including the day before he decided to . . . where Dick Riordan said, "You know, Arnold, you should run, not me."

BARABAK: So Maria came around in the last 48 hours, or in the Green Room?

GORTON: Well, since I don't know when Arnold came around, I don't know when Maria came around.

MARINUCCI: Just as Arnold is about to announce, on the Democrat side there's chaos with Democrats like Loretta Sanchez calling for other people to be in the race. Bustamante is considering it, and there's a summit meeting in San Francisco, with a bunch of political consultants, yourself included, Richie. You were called together with Willie Brown. As you're about to go into the meeting you said, "Sometimes people stab in you in the back in politics, and sometimes you need to look for people to stab you in the stomach." Were you at that point thinking, "Yes, he's going to do this?"

ROSS: The phrase was, "Stab you in the front." Mr. Brown invited several

of us to come together. We went to the meeting to have a discussion about ways to defeat the recall. I think that meeting was on a Monday. Later in that same week, other people, who we won't discuss, had different points of view about the need for an alternative candidate. Those discussions took place over the weekend. I did not raise any of those discussions with Cruz.

Then on Tuesday, when we heard that Senator Feinstein wasn't going to run, I felt an obligation to at least share with him the other discussions that were taking place, and that I was party to, and that he had a right to know about, and to put those discussions into whatever calculation he was going to make. And he asked me point blank that Tuesday evening, "Well, what are my odds?" I said to him, "Cruz, you know, 1 in 5, 1 in 6." He said, "Well, those aren't very good odds." I said, "No, but I think you have to evaluate those odds, compared to the odds that you might have at another time in a different circumstance." And he said, "What's your recommendation?" And I said, "I'm not going to make one. You ought to make a decision predicated on if you ran and lost would you regret those thoughts more on October the 8, than if you didn't run and never knew?"

The next morning he called me up, he had discussed it with his wife, and said to me he was going, and I began to communicate that with people, and it happened just like that.

BARABAK: I want to follow up with Garry. Garry, you're someone who is known here for your subtlety and light touch. What efforts went into clearing the field and establishing the race that you guys wanted to have, which was just a straight yes or no on the recall? Behind the scenes, what were you doing?

SOUTH: Senator Feinstein actually had more to do with the attempt to clear the field than the governor did. Senator Feinstein talked to the governor in mid July, I believe, and said, "You have to fight this thing. You have to get off the dime;

you have to stop acting like this is not going to happen or that it's not happening. You have to stop being governor, and stop going around signing bills and doing photo ops. You have to start directly, specifically, aggressively, fighting this recall." And she told him that she was going to talk to all the other seven Democratic statewide elected officeholders to implore them to stay out of the race. It's interesting that of all the folks that were out there agitating to have a backup candidate, the one who was most opposed to that was the one who, herself, had fought off a recall. None of the others have. And



Recall panel participants: Mark Barabak (moderator, *Los Angeles Times*), Sean Walsh (Schwarzenegger), George Gorton (Schwarzenegger), Don Sipple (Schwarzenegger), John Feliz (McClintock), Wayne Johnson (Simon)

Dianne was adamant from day one that Democrats, regardless of their view of the governor, had to bind behind the no on recall, and that to waste effort and time trying to find a so-called backup candidate not only in the final analysis would not work, which is what I had been saying for months, but that it would impede our ability to make this thing a clear cut choice between no on the recall and whatever was going to happen on line two. So Dianne really was the power behind the attempt to try to keep the field clear. The governor did very little of that, if any, that I'm aware of.

BARABAK: And where was the governor's head at on all this stuff, around this period? Angry? Upset? Concerned?

GRISOLANO: What period?

BARABAK: Well, we're talking about when the field is still unclear. He knows there's going to be a recall, but it's not clear who he's going to be running against. What was his mindset?

GRISOLANO: Well, he was certainly concerned. I don't think he had

gotten to a point where it had gelled with him how he was going to attack the thing, and what the appropriate response was. It took a couple of weeks. And, certainly, he got advice, he talked to people, and he kind of cleared up in his own head how to organize a response to this, what kind of campaign is necessary, and I think that was what was going on between qualifying and filing with him, sorting all that out.

SOUTH: When the recall reared its head, I think in the governor's own mind, it presented a dilemma to him. He had, as has been reported, basically forsworn fundraising for 2003. He had kept a small officeholder committee open. He had agreed to a budget for that committee which was fairly small, and had told all of us internally that he did not want to raise money even for that committee until at least September. He wanted to get the budget behind him; he wanted to get some governing behind him.

He's a realist; he has two ears and two eyes;

and he knows that he was hurt in the 2002 campaign by the perception that he was a nonstop fundraiser, that governmental functions, at least in some people's criticism, were suffering because he was spending all of this time on the campaign trail raising money. So he was aware of all that, and he simply didn't want to get back engaged in a campaign.

So when the recall reared its head in February, I think he was hoping against hope that it would not qualify so that he did not have to get back into full bore campaign mode and bring back upon him all of the criticisms that had been leveled on him in 2002 about the connection between fundraising and government action and on and on and on. Internally, with some of the people that were advising him, there was the sense that the signature-gathering had been stopped. But there was a division inside the camp about whether or not a blocking action could be mounted to complicate or thwart the gathering of the signatures, or whether or not that was a waste of money and energy. □

Fierce Legal Battles Raged Around the Recall

This excerpt is from the panel on legal challenges to the recall chaired by Karen Getman, IGS Executive in Residence, former chair of the Fair Political Practices Commission (FPPC), and an attorney with Remcho, Johansen, and Purcell. Her panelists included Steve Coony, chief deputy attorney general; FPPC Commissioner Tom Knox; Tom Hiltachk of Bell, McAndrews, Hiltachk and Davidion, who represented Ted Costa and Rescue California in the initial litigation, and now serves as counsel to Governor Schwarzenegger; Robin Johansen, of Remcho, Johansen, and Purcell, a long-time counsel to Governor Gray Davis and the lead litigation counsel for the governor in the recall litigation; and Mark Rosenbaum of the ACLU in southern California, whose lawsuit over the punch-card voting machines actually stopped the election for eight days in mid-September.

KAREN GETMAN: This is the panel on the legal challenges and issues that arose during the recall litigation. Steve mentioned he thought there were something like 12 lawsuits. We counted about 20, although the AG's Office has told me about four that we didn't even know about. So there were 20 to 25 lawsuits filed challenging various aspects of the recall, which was just extraordinary, given the shortened time frame. And what you have up here are the people who played major roles in those lawsuits.

This is an unusual panel because we've got lawyers. And I hope you appreciate that to some extent they're constrained by an attorney-client privilege in a way that your last panelists were not, although we can talk about a lot of things now that the privilege was blown in the last panel.

I want to start by asking them how politics and legal issues were intertwined here. Robin, could you talk a little bit about how the governor's legal challenges to the recall played into the political strategies that we just heard about trying to defeat the recall?

ROBIN JOHANSEN: The biggest issue that we had representing the governor was not trying to look as though we were going to do away with the recall. And as those of you who are familiar with

the lawsuit that we did file on behalf of the governor know, we didn't ask the Court to stop the recall, we asked the Court to do two things: one, move it to the March ballot; and, two, allow the governor to run as a candidate on the second question. That was a constraint born of some legal realities about our assessment of whether there was a way to stop the recall.

But there's always this downside that we as election lawyers have to face, and that is, if you lose and you tried to keep people from voting, you're going to look pretty bad. So that was a major issue. It was an issue that we resolved in favor of bringing one lawsuit in the California Supreme Court, asking for those two things. And in our view, it would have made it a fairer election.

We at the time were looking at what everybody else was looking at and saying, "This is going to be a debacle." And to a certain degree, we were wrong. When we look at how the registrars managed to pull that election together in that kind of time and with those few resources, I'm just amazed. And it wasn't as much of a debacle as we thought it would be.

There were a lot of votes that didn't get counted, and I still believe that very strongly, that there were voices that were not heard because of the punch cards. And Mark can talk about that. But it was not the kind of train wreck that in some ways we predicted it would be.

GETMAN: Do you think that there were challenges that, in fact, could have knocked the recall statute out, could have prevented the recall at all that you didn't bring more for political reasons than for legal reasons?

JOHANSEN: No. We're dealing with a state constitutional provision that had never been tested, but that was fairly simple in its design. It was terrible in implementation, and there's a lot of room here for some strong improvement, legally. But when you stop and look at it, it's a state constitutional provision, so the only things that are going to trump that are general constitutional issues, and those are kind of narrow when it comes to a state issue like recall.

GETMAN: Tom, yesterday you reminded me of something that I think is

important, which is that in most of these lawsuits Ted Costa was not named as a party, and yet Ted Costa intervened in virtually all, if not all of them. Can you talk about what that strategy was, and how that played into his political strategy to qualify the recall?

TOM HILTACHK: We were largely playing defense. We were not named in any of the lawsuits. So from our perspective. . . .

GETMAN: Was that deliberate, Robin?

JOHANSEN: For the most part. I was only involved in one, but there was never any idea that we would try to keep Mr. Costa out.

HILTACHK: We had three things we had to think about with every new lawsuit that was filed. One was a practical decision: did we have the resources? And by resources, I mean, manpower, womanpower, and money, because we thought as a strategy going in probably as early as June that they would try to break our bank with litigation. Second was just a legal analysis as to whether the lawsuit was something that we needed to be a part of for a variety of reasons. So the lawsuits that we did ultimately join, we had made a legal calculation that we had to be part of that lawsuit. And, third was the political opportunity, if you will, to continue to make the case that we were trying to make at the time.

On the political side, with every lawsuit that we would intervene in, we had four principal objectives that we were trying to articulate with our getting into the lawsuit. The first one was to characterize all the lawsuits as being an attack on the voters, and to characterize ourselves as defenders of the voters.

So for all of you in the media, whoever talked to me, and most of you did numerous times, I always started with 1.6 million—"1.6 million people turned in signatures, signed petitions, and we're here to defend those 1.6 million." Every one of our briefs' first line was: "1.6 million people signed petitions. They deserve to have their recall."

The second thing, and this is a little more subtle, and it goes to the point that Robin made, is we very much tried to promote the county clerks as good, competent, civil servants, whom we trusted to do a good job. We never attacked the

county registrars in any form or fashion, because we knew that they were our best allies.

Third, we were concerned about Secretary Shelley. And one of the reasons we would promote the county clerks was to continue to put pressure on Shelley to be a public servant and not a partisan. So while we tried not to ever attack the secretary, we were always trying to put pressure on him to say, "Look, there's a process. Just follow the process. Don't let politics play a part of this. And just let this happen as it's going to occur."

And the last thing we did is we wanted to pin every lawsuit on the governor, no matter who filed it. . . .

JOHANSEN: We knew you were going to do that.

HILTACHK: . . . no matter what was going on. This was Gray Davis. This was planned, orchestrated, and this is just the first of many more to come, or the second, or the third, or the twelfth of many more to come. That was our political message that we were delivering any time we made the legal and practical decision to get involved.

GETMAN: Since the governor was being tagged with all of the lawsuits anyway, why didn't you get involved in more of the litigation?

JOHANSEN: Well, for one thing, you want to be able to say, "Hey, that's not us. That's somebody else." More than

half of these things sprang up, and the first thing I knew about it was I read about it in the paper. It was just extraordinary. Other times, people would call me and say, "Hey, I've got a great idea!" These were usually lawyers, and I'd say, "Okay. How does that help the governor?" And they would go on about some legal theory.

Some of these points made it into the lawsuits that were filed in the California Supreme Court, the one about choosing the wrong number for the signatures to file as candidates. Basically, as I saw that one, it would push us into a two-election cycle, where you would have the recall, and then you would have the replacement election. The idea was that Kevin Shelley was using the wrong number of signatures to qualify to run as a replacement candidate. And I said, "Well, how does that help the governor?" I couldn't quite figure that one out. So we didn't have much to do with many of these, almost none of them.

HILTACHK: Maybe that's a lesson we can learn from this. In the first panel we learned that there probably wasn't a vast right-wing conspiracy. We were convinced there was a vast left-wing conspiracy on the lawsuits, and we believed these to all be orchestrated, all timed, and all largely funded.

JOHANSEN: He thought I was the puppet master here.

GETMAN: It must be a different Democratic Party that you were thinking

able to do it with less. Certainly, we talked about what the Internet would do. It could be something quite different from what we had before because you got all the little old ladies now, and everybody that's got a computer at home on the kitchen counter, and they've got a printer right there, and they can go on the Internet. So when we started making the petition, we made it very specific that it would be downloadable and printable on one page. . . . We thought we might really have something, a different dynamic, because so many people had access to the Internet and had the home printer.

CHANCE: We didn't hear much from Davis about this until about mid February, and at that point he was denouncing this as a right-wing effort to overturn his election, sour grapes. What was going through the governor's mind and the governor's team's mind as Costa came forward?

STEVE SMITH: I don't think we took it at all seriously until Darrell Issa put in money, bottom line. Frankly, it wasn't serious until Darrell Issa put in money. At that point, we took it seriously. So back in February, yes, you had to make public responses to it, it was the beginning race, but it just wasn't taken all that seriously.

DAN BORENSTEIN: Weren't you worried at all about being able to put out this little brush fire before it turned into a conflagration?

SMITH: There has not been a California governor since recall was around that there hasn't been at least one recall filed. There's something like 30 of them. It's an incredible number. They aren't serious without money. So until significant dollars were put in, there were discussions, there was nervousness, but it was nothing significant.

BORENSTEIN: Gray Davis has just come out of an election with record low turnout, and he barely squeaks by. He promises that he's learned his lesson. And then it seems like business as usual. It seems he was leaving the door wide open for these guys.

SMITH: Well, it was business as usual to the degree that we didn't respond to their efforts until much later.

CHANCE: Issa didn't get involved until April.

Frustrated and Angry, California Voters Finally Opt to Recall Their Governor

On March 25, 2003, Ted Costa took the first recall petition out to a Wal-Mart. After an hour, he called a friend. "Mark," he said, "they're lined up 30-deep to sign this thing. They're running across the parking lot to sign it. This is going to be a prairie fire. I've never felt anything like this since Prop 13."

Thirty-one times before California governors had been threatened with recall. This year, for the first time, the challengers succeeded. In the opening session of the IGS post mortem, Amy Chance of The Sacramento Bee and Dan Borenstein of the Contra Costa Times pressed recall leaders Mark Abernathy, Sal Russo, and David Gilliard to explain how they finally managed to win. And the Davis campaign's Steve Smith explained why Gray didn't.

AMY CHANCE: Around February 4, shortly after we last met here and just three months after the 2002 gubernatorial election, taxpayer activist Ted Costa announced his intention to launch a recall campaign against Gray Davis. He was going to need 900,000 valid signatures to put the matter before voters, and there weren't a lot of people giving it a lot of credibility at that point. Mark, what led to that?

MARK ABERNATHY: December 18 is when Ted and I decided we were going to push the recall. There were other things we were discussing, like the spending limit, but we decided we would do the recall. We had \$200,000 in the bank, the Political Action Committee, that we could start with. We figured we would need about a million dollars; we might be

ABERNATHY: When we served notice on Governor Davis, I think it was February 5, I remember the first line of it because I wrote it. It said we're recalling the governor because of "gross mismanagement of state finances by overspending the people's money." That was the first line. And that's the reason, in my estimation, that the recall went so good and the governor was recalled—"gross mismanagement of state finances by overspending the people's money." Now, when we went to serve that on the governor there was quite some discussion among the governor's political folks. Steve, you were probably in on that discussion whether the governor should respond or not, because the governor had the opportunity to put his response in there. He was getting advice from someone, and maybe you could tell us who was advising yes and who was advising no. But it was decided then that he would make a response, and some folks were quite surprised. In early February he decided to make that response, because maybe he did take it more seriously than others. Later, we'll talk about the timeline of where the signatures were coming in and why you probably should have been worried a lot more a lot earlier.

CHANCE: Why did Gray decide to respond?

SMITH: It was essentially a decision that there is a process here just in case we should respond. We don't think this will ever be necessary, but just in case, we will respond. It was not the kind of thing where, as is normal in a ballot measure or something else like this, you go through polling and focus groups to decide. We didn't do that. It had just not gone to that level. It was using some of the brains around the operation. It was a response draft.

CHANCE: The Republican Party wasn't getting behind this, was it, Sal? At the February convention there was not a lot of institutional support from the politicians and the party.

SAL RUSSO: We did the first rally at the Capitol that day, and it was noticeable that of all the people at the rally, very few of them were from the convention, which proved something to us—that there was a grassroots movement afoot that had nothing to do with the organized parties. The party people literally didn't come

across the street. These were all people in the community. And probably the biggest mistake that Gray Davis made was not recognizing that this was serious from the beginning.

As I said in the January conference when we were here last, the one element that was always missing from the 2002 campaign was voters were never angry at Gray Davis. Every reporter here heard me say that multiple times, that while they thought he was a failed governor and they didn't think he did a very good job, there was no anger. There was no "throw the rascal out" sentiment, and it never came. I thought that ultimately the final budget problem would be the tipping point on the anger. But it never came.

After the election in November, Gray Davis basically admitted that he had not been all that candid. I'd like to say he lied, but he was deceptive. Clearly, he gave people the idea that things were okay with the budget, that he really had it managed.

When they found out three weeks after the election that we had a budget debacle, that fueled the anger that I kept waiting for in 2002. I've likened that to pulling threads on a sweater. The thread they were pulling on was anger over the budget. And as they pulled on that thread, then they started to think about the electricity crisis, and how Gray Davis had failed on electricity. They started thinking about all the other elements that led Mark to put that line in his petition about failed leadership. And we really had anger.

A newspaper column in December was the first time it had ever been in print; Melanie Morgan jumped on it pretty early on KSFO, and we got the talk radio thing launched. But I had my first discussion on the recall at a meeting with a number of Democrats on January 24, in which they said, "Gray Davis is recallable, but we don't think that it can be done if it's a right-wing Republican taxpayer. . . ."

CHANCE: Which Democrats? It's time to name names. Candidates or strategists?

RUSSO: Neither one. Unfortunately I can't be candid on this. They shared some information they had and said that it was very doable. If it were not taxpayer-driven, and it were broad-based, it would appeal to liberals as well as conservatives. They had some help that they could give

if we got this thing started, and stayed independent of the taxpayer group. So I called Mark that day, and I told him about my meeting, and I said why I thought we needed to work on parallel tracks, but we had to be in close contact, use the same petition. I encouraged him not to turn the petition in on February 5, I said, ". . . because I don't think we're ready yet." I had a great deal of skepticism. I had worked on what we call the "Brown-Out" campaign in the '70s, on behalf of our ad clients, when we were looking at recalling Jerry Brown.

In the course of that we discovered that people didn't take kindly to recalls; recalls were an extraordinary remedy; people didn't think they were appropriate. Because you wouldn't spray Malathion to kill the medfly was not a reason to recall a governor. It took more than that.

So even though this chatter was going in December and January, I was highly skeptical. And even in the meeting with the Democrats on the 24, I said, "I'm not sure this is doable. But if it is doable, it's going to be doable because we have anger," which I could see that we had, "and, secondly, we have tools available to us that we've never had before, and that is, the marriage of the Internet with talk radio." I don't think people really grasp how important that was.

BORENSTEIN: Wasn't the very nature of having you involved potentially dangerous? Here you've just managed what many people considered one of the most failed gubernatorial campaigns. Wasn't there a real danger it was going to look like sour grapes?

RUSSO: One of the things they shared in that meeting was that if there was a protagonist in the recall that person was going to be negatively viewed. And in the instance of this meeting they were saying that they thought it was very important that Bill Simon not have anything to do with this thing, which I happened to agree. When we did our focus groups and polling shortly thereafter we found that whoever led this thing was going to be negatively viewed; he would have done good deeds, but it would hurt him personally. Which is what Issa found out. While he rallied the faithful in a positive way, he took on such negatives and the Democrats piled on. □

By Gerald C. Lubenow

The Media Was the Circus

If the media is the message, then the clearest signal to emerge from the California recall is the confirmation it provides that politics in America is, increasingly, a celebrity game. This has less to do with the fact that the winner, Arnold Schwarzenegger, is an internationally famous movie star than it does with the fact that the media now deals with all politicians as though they are celebrities and treats elections as if they are made for TV docudramas.

The national media, headquartered in the East, was outwardly aghast at the prospect of the recall. Inwardly, of course, they were rejoicing at the opportunity to cover a campaign with a far more interesting cast of characters and a much juicier plot than the tiresome Democratic presidential race had to offer.

In a New York minute, the recall swept presidential politics from the front pages, dominated the network news shows, and turned cable into all recall all the time. Suppressing their glee, the media mavens professed to be shocked, shocked at such goings on. Depending on the commentator and the mood of the moment, the recall was either a degrading circus or a descent into electoral chaos.

The New Yorker, citing the burgeoning field of California characters, dismissed the whole affair as a fiasco. A few weeks later, this staid *New Yorker* produced a puff piece on the Rev. Al Sharpton that referred to him as “New York’s first legitimate presidential candidate in more than thirty years.”

Indeed, the same national press corps that mocked the field of marginal characters running in California regularly reports on the campaigns of Sharpton, Carol Mosley Braun, and Dennis Kucinich as if they are serious candidates. Proving otherwise in an Iowa debate, Kucinich announced he was for free health care and free college tuition.

Washington pundits on the Sunday talk shows soberly lamented California’s tawdry show biz politics. These same pundits and reporters are lining up to do cameos of themselves on “K Street,” the HBO docudrama of Washington wheeler-dealers that has taken the capital by storm.

In one recent swap that would make a Hollywood agent blush, *Washington Post* media critic Howard Kurtz appeared as himself on “K Street.” He then invited “K Street” executive producer George Clooney to guest on Kurtz’ CNN show “Reliable Sources.” Clooney complimented Kurtz’ acting.

A number of publications ran columns on Schwarzenegger written by their entertainment editors, and some even assigned their entertainment reporters to cover campaign events. I may be wrong, but I don’t recall the *New York Times* or the *Wall Street Journal* assigning their business writers to cover the campaigns of Michael Bloomberg or Jon Corzine.

Celebrity, it appears, is in the eye of the beholder. Californians are accustomed to movie stars in politics; Easterners feel more comfortable with business barons. California’s political landscape is littered with wealthy business people who tried to convert their private profits into public office.

A bit of media hypocrisy might be laughable if it weren’t coupled with clueless reporting. A prime example is Michael Lewis’s cover piece in the September 28 *New York Times Magazine* under the headline: “How could so many Californians look in the mirror and see a governor? What is it about Gray Davis and the woman next door?” The story fea-



tured a full-page photograph of the sour-faced “neighbor” and began with nearly a full page of the “next door neighbor” and her daughter attacking Gray Davis.

There was one problem: the neighbor didn’t live next door to the governor. She lived several football fields away, across a pond. *Times* readers were led to believe she knew the governor as a next door neighbor when she didn’t know him at all.

Like too much of the coverage, the *Times* piece was edgy, entertaining, and spectacularly wrong. There were widespread predictions that a governor would be elected with a quarter of the vote. Schwarzenegger won with 48.7 percent, a larger margin than Davis had in 2002. Minor party candidates, the focus of so much recall coverage, got barely five percent of the vote—half of as much as they drew in 2002.

Nor was there chaos at the polls, as many had warned. Observed Karen Getman, former chair of California’s Fair Political Practices Commission, “Because of all the attention and legal wrangling, this may have been one of the smoothest elections California ever had.”

Indeed, the election went off without a hitch, and the coverage was a disaster. Focused on their circus scenario and the celebrity candidates, most of the press missed the stunning dimensions of the debacle suffered by California Democrats. Nearly a third of them voted Republican, as did 41 percent of the Latino voters. The Democrats’ gender advantage disappeared as 59 percent of female voters went Republican.

As Schwarzenegger installed a government of moderate Republicans and even some Democrats, the transfer of power was smooth, professional and even cordial. If Gray Davis had shown as much grace in office as he did in leaving it, he might never have faced the recall.

IGS Program Trains the Next Generation of Pols

Christine Trost, IGS

In the fall of 2001 IGS received a grant from The Pew Charitable Trusts to develop a series of campaign training seminars that would teach young professionals about a series of practices, strategies, and tactics aimed at encouraging voter participation in campaigns and elections without creating a competitive disadvantage for the candidate. Our initiative, called "Improving Campaigns," relies on a "best practices" strategy for changing the behavior of candidates and their advisors by relying on academic research to demonstrate how practicing better politics can be a winning campaign strategy. It is based on a belief that we can significantly

improve election campaigning by providing the next generation of political consultants with training in these best practices.

During the spring and summer of 2002, we offered three one-day campaign-training seminars to young professionals interested in pursuing a career in campaign politics. Our training presented an overview of the key elements of a winning campaign—message development, message delivery, campaign fundraising, and grassroots mobilizations—and a panel on ethical and effective campaign practices.

We met on the day preceding three regional conferences sponsored by *Campaigns and Elections* magazine in Washington, D.C., Chicago, and Los Angeles. *C&E* waived its \$385 registration fee for our students, making it possible for them to benefit from the expertise and information shared by leading political consultants at *C&E*'s conferences.

In our second year, we expanded our training to two-days and offered it in five cities—Sacramento, Washington, Madison, Los Angeles, and Cambridge. The additional day allowed us to add panels on media coverage of political campaigns and on the profession of political consulting and a hands-on exercise, where participants worked in teams to develop their own campaign plan for a fictional candidate.

Our attendees were mostly young people who had served as interns or volunteers on campaigns in their own communities and were seeking guidance and training that would allow them to assume greater responsibilities on future campaigns. A total of 825

participants attended our seminars.

We estimate the value of the seminar at nearly \$400 per person. However, thanks to a generous grant by The Pew Charitable Trusts, which completely underwrote all of the

participants, officeholders, and political consultants participated in our lunch and dinner panel discussions. They were identified and recruited by our local political consultant recruiters and CCL founder and codirector, Dan Schnur. Nearly all of our

"Center for Campaign Leadership has built an ethical framework for teaching campaign politics to young Americans, one that transcends party or ideologies and unites young political aspirants in a common goal—building ethical leadership and improving campaign politics.—Sen. John McCain



expenses of the training, participants were charged only a nominal materials fee of \$40. The funding provided by The Pew Charitable Trusts was absolutely essential to ensuring that we would reach our targeted audience—college seniors, recent graduates, and graduate students with limited financial resources.

A distinguished array of political consultants and campaign professionals served as our instructors. Political journalists, civic leaders, academ-

speakers were unpaid volunteers who graciously accepted our invitation to speak because they agreed with the goals of the program. Over 60 political consultants, 15 journalists, and 10 civic leaders, officeholders or academics shared their experience and knowledge with our students.

CCL's research findings and more information on the program are available at the CCL website at <http://campaigns.berkeley.edu/research.htm>. □

TRIVIAQUIZ

(1) 13: Virginia, Maryland, Connecticut, Massachusetts, Rhode Island and Providence Plantations, North Carolina, New Jersey, Pennsylvania, New York, New Hampshire, South Carolina, Georgia, Delaware

(2) 11: Tennessee, Kentucky, Ohio, Mississippi, Indiana, Illinois, Alabama, Maine, Michigan, Wisconsin, Minnesota

(3) 3: Vermont, Texas, Hawaii

(4) 17: Louisiana, Missouri, Arkansas, Florida, Iowa, Oregon, Washington, Nebraska, Kansas, Colorado, Montana, Wyoming, North Dakota, South Dakota, Oklahoma, Alaska, Idaho,

(5) 6: Utah, California, New Mexico, Nevada, Arizona, West Virginia

Richard Fenno on Black Politics

"In the study of representation, I am a grizzled veteran," Richard Fenno recently told an IGS American Political History Seminar. "But in the study of African-American politics, I am a rookie."

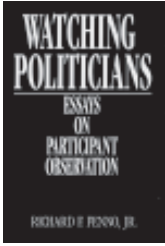
Fenno was at IGS to discuss his new book, *Going Home: Black Representatives and Their Constituents*. If Fenno may think of himself as a rookie on the subject of African-American politics, his sure, perceptive hand in *Going Home* should make him a nominee for rookie of the year.

He deftly dissects the unique approach taken by four African-American legislators, examining how Louis Stokes sought a national constituency to protect black interests; how Barbara Jordan chose not to link her fate to the Congressional Black Caucus but to seek influence within the institution; how Chaka Fattah focused on public policy; and how Stephanie Tubbs Jones sought power through personal relationships.

Fenno is the author of Congressmen in Committees and Watching Politicians: Essays on Participant Observation both available from IGS Press.



Richard Fenno



Book #3230 \$13.95

Fenno, America's leading practitioner of participant observation, reflects on how the press and political scientists reacted

when George Bush chose Dan Quayle to be his vice president. He draws on his unique experience to explain the enduring ethical, tactical, and methodological problems involved in studying politicians.



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Albert Pierce directs the Center for the Study of Professional Military Ethics at the U.S. Naval Academy. In this volume, he addresses the

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New From Berkeley Public Policy Press

Here It Is—The Definitive Account of the Governor's Race That Grippled a Nation!

Democratic Attorney General Bill Lockyer's blockbuster announcement that he had voted for Arnold Schwarzenegger was just one of many bombshells at IGS' historic postrecall conference. Get all the inside details in *California Votes: The 2002 Governor's Race and the Recall That Made History*.

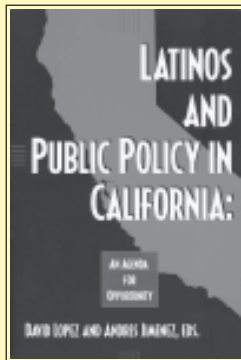
This volume, the latest on the quadrennial gatherings of what one reporter called "the innermost of California's political insiders," details the planning behind Gray Davis's preemptive strike that took Richard Riordan out in the Republican primary, and the dynamics of Davis's hairsbreadth victory over Bill Simon in the general. Here, too, is a compelling first-person narrative of the angry groundswell that drove him from office. Reading the two in juxtaposition, one is struck by a sense that the recall's success and Davis's failure were an inevitable climax to the election of 2002.

If you missed the 1998 governor's race, here's your chance to catch up—get both the 1998 Governor's Race and the 2002 Recall volume for just \$40.



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UC's Latino Policy Institute Delivers a Landmark Look at California's Latinos—The State's Most Dynamic Sector

In the 1990s Latinos accounted for 85 percent of *all* population growth in the state. Currently Latinos are one-third of the population and the largest ethnic group among the state's school children. If these demographic trends continue, Latinos will become the absolute majority of the state's population before the middle of this century.

California's future is inextricably intertwined with the fate of its burgeoning Latino population. Despite their growing social and political presence, Latinos as a whole still constitute less than 20 percent of the electorate, possess a smaller share of wealth relative to other groups, and lag significantly behind other groups in educational attainment. These disparities are likely to persist into the foreseeable future and to frame statewide policy debates on opportunity and access.



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