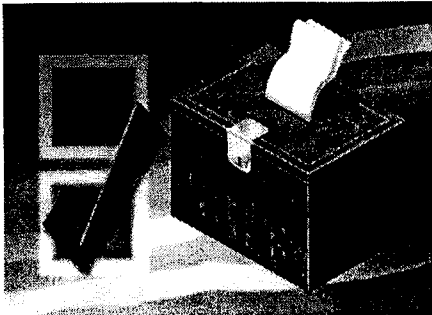


Jon Coupal: Don't derail direct democracy

By JON COUPAL
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The right of initiative has been properly characterized as a "precious right" by the California Supreme Court. Yet, criticisms of direct democracy, mostly from the Left, have grown in recent years. These include criticisms from the usual media detractors but, more dangerous to direct democracy, have also been expressed by members of California's highest court.

Direct democracy rights, which include the initiative, referendum and recall, came about in California in the early 1900s as the only way to break the grip the railroads had on an abjectly corrupt Legislature. Today, given the continued inability of the Legislature to do its job, in addition to its record-low voter approval rating, one would think that

any discussion of weakening direct democracy wouldn't even be on the table. Indeed, the entire purpose of direct democracy is to provide to ordinary citizens a "legislative battering ram" to bypass a corrupt or indolent Legislature.

One recent complaint is that the initiative power has become a tool that can only be used by wealthy interests. No one disputes that qualifying an initiative – especially a constitutional amendment – is difficult. It was intended to be. But a measure that truly has grass-roots support and an extensive volunteer network reduces the reliance on paid signature gatherers. The best example of this, of course, is Proposition 13, which relied exclusively on volunteers. Only \$28,500 was spent in qualifying Prop. 13, which covered the cost of printing and mailing the petitions.

Prop. 13 represents direct democracy in its purest form the way the initiative power was intended when adopted by the people a century ago. It certainly shouldn't be lumped together with special interest initiatives that have qualified thanks to financial support from wealthy interests. Recent "reform" efforts, like those dealing with a proposed state constitutional convention, have failed because the level of grass-roots support was simply not there like it was with Prop. 13.

Another complaint by the Left is that it is too easy to amend the state constitution using the initiative. It is true that there have been more than 500 amendments to the California constitution of 1879. However, our analysis reveals that more than 90 percent of those amendments originated from the Legislature and not the people. Ironically, many of those who complain about the ease of amending the constitution also support eroding the two-thirds vote requirement to pass the state budget or to raise state taxes. Yet, the process of amending the constitution also requires a two-thirds vote of the Legislature.

Columnist Peter Schrag, who wrote a book blaming Prop. 13 for all of California's ills, recently advocated for more judicial activism to rein in direct democracy. He seems to think that the purpose of the judiciary is to invalidate initiative constitutional amendments passed by the voters that liberals don't like. Examples include Prop. 13, the term-limits initiative and the Prop. 8 ban on same-sex marriage.

The reality is that most of the significant initiative constitutional amendments that have passed, starting in 1978 with Prop. 13, have involved measures generally representing a more conservative philosophy. The reality is that there haven't been many successful sweeping constitutional amendments initiatives representing a liberal philosophy. The most notable one being Prop. 98 in 1988. Hence, these attacks on the initiative process are really attacks on the conservative philosophy.

If the initiative power were significantly curtailed, it would result in the courts and the Legislature becoming more powerful while giving ordinary citizens little practical recourse when the tax-and-spend elitists make pronouncements as to what is best for us little people.