

Center for California Studies

Californiana

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2004 Envisioning California Conference

Refounding California: Envisioning the Future of State Governance

The 16th Annual Envisioning California Conference, *Refounding California: Envisioning the Future of State Governance*, opened with the backdrop of the first presidential debate and then shifted gears to focus on the governance challenges of an exponentially growing population seeking to live the "California Dream."

State Librarian emeritus Kevin Starr gave a rich keynote presentation introducing the Conference's themes by asking, "Does anyone in this room...doubt that we are in the midst of a transformed and transformational era akin to the Gold Rush, the Depression of the 1870s, the era of the

middle-class Progressive reform in the early 1900s, the Great Depression of the 1930s, and the mobilizations of the Second World War?"

Friday started with six panel discussions dealing with the politics of change. *Past as Prologue* featured panelists describing the events of 2003-04 as mirroring patterns dating from the chaos of conquest and statehood, recounting the

1934 insurgent campaign of Upton Sinclair and arguing the present as a continuation of an on-going reform process. *Private Ambitions & Public Business* was cheered as an unusually balanced challenge to conventional wisdom of the left and right. *Below the Surface* included representatives of both the Davis and Schwarzenegger administrations asking what Californians

want from state government. That theme was also central to *California-Speak* and *The Common-Wealth*, each of which struggled with issues of public demand for services and hostility to state spending. *Imagination, Myth and History*, which explored the

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Panelists at the Concluding Plenary (l to r, Rosario Marin, Dan Schnurr, Leo McCarthy & Rod Wright)

Tenth Annual California Journalism Awards

The first California Journalism Awards were presented as part of the Center's 1995 Envisioning California Conference. This year the Tenth Annual California Journalism Awards again returned to the Conference. The Awards, which recognized both print and broadcast journalists for excellence in coverage of California government and politics, are jointly sponsored by the Center for California Studies and the Sacramento Press Club.

The Conference luncheon was opened by Phil Garcia, Special Assistant for Governmental Relations to Sacramento State President Alex Gonzalez. The awards were presented by Don Andrews and Lynda Gledhill, co-presidents of the Sacramento Press Club. Following the awards, Holly Heyser, President of the national Association of State Capitol Reporters and Editors, dazzled the audience with her wit, humor and insights in her

keynote address, "The Golden Opportunity of Celebrity Governors."

The California Journalism Awards for the year 2003 included:

The John Jacobs Award for Special Feature/Enterprise Reporting went to Kimberly Kindy of the *Orange County Register* for her investigative series into the California Technology, Trade and Commerce Agency. Her investigation revealed that on deals totaling \$4.2 million the state played little or no role in the

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Alum John M. Puente, page 7

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literature of change, was organized by the California Legacy Project, sponsored by Santa Clara University and Heyday Press.

The 10th Annual California Journalism Awards were presented at lunch (see page 1).

Afternoon panels included *Governance Refounded* that examined legislative reforms, including a part-time legislature; *Reporting or Creating the Circus* which featured a lively debate on news coverage of the recall, Arnold Schwarzenegger and state politics generally; and *Kaleidoscope or Monochrome* that addressed the vital question of what a refounding would mean to California's diverse communities.

The Conference concluded with a plenary devoted to leadership. Lead-

ership emerged as a common theme in many of the conference topics and Dan Schnur, Republican political and media strategist, artfully led some of California's most respected leaders through an exploration of the meaning of leadership in a state where change is the constant. Former Lt. Governor and Assembly Speaker Leo McCarthy started the discussion with a thoughtful assessment of the development of California politics and government over the past thirty years and offered equally thoughtful suggestions for achievable reforms. Rosario Marin, former candidate for the U.S. Senate in last March's Republican primary, spoke convincingly about politics as the vehicle for policy change. Former Assemblymember Rod Wright

vigorously challenged the notion of reform as inevitably good and warned against leadership based on a romanticized view of the past.

Nearly 300 registrants and panelists kept debates animated, and provided a healthy examination of what in government is "radical," what is subject to "mid-course change;" what we might view as the "persistence of Progressivism;" what reforms are just "stupid ..like reforming Coca Cola;" and what is unpredictably and uniquely part of, in Kevin Starr's words, "California—a global experiment of unprecedented proportions."

We thank our conference co-sponsor, The Center for Southern California Studies at CSU Northridge, site of the 2005 conference. ■



Conference keynote speaker Kevin Starr

California Journalism Awards *continued from front page*

deals for which they claimed credit. The judges found Ms. Kindy's work to be "a great example of straight reporting with the investigative best that broke new ground and had real impact."

The John Jacobs Award for Daily Coverage was awarded to James Sweeney of the Copley News Service. Mr. Sweeney chronicled one of the most eventful years in the state's brief history of Indian gambling. As the judges noted, "Sweeney has been almost alone in covering the tribal gambling phenomena for years—and is still the journalistic leader in covering a very complex subject."

The 2003 Award for Excellence in Radio Reporting was given to Ina Jaffe and Cathy Shaw, of National Public Radio's "All Things Considered." Ms. Jaffe and Ms. Shaw examined the volatility of California politics, the use of the initiative process, and the way minorities are disproportionately affected. As the judges noted, their reporting provided "insight, balance and good investigative reporting."

The 2003 Award for Excellence in Television Reporting went to Randy Paige, Frank Snapp and Richard Alvarez of KCBS-TV. This KCBS team produced "Fostering Failure" an investigative series focusing on

foster children in California which resulted in legislative action. As the judges found, this was an "excellent enterprise story that revealed the shame of the state's educational system for foster children. A story with impact that has the potential of rescuing lost lives."

The Katharine M. Macdonald Award for Excellence in Student Journalism went to Matt Ballinger, from Orange Coast College in Costa Mesa. His article focused on a series of closed meetings held by the campus student government in violation of the state's open meeting laws. Mr. Ballinger's reports forced the student government to abandon its closed meetings. ■

Danger on Peaks

By Gary Snyder; Reviewed by Troy Jollimore, San Francisco Chronicle

Reading Gary Snyder's *Danger on Peaks*, I often felt as if I had just received a rather chatty letter from an old friend after a long silence. The apparently straightforward, offhand and plainspoken poetry Snyder has been writing for over half a century has always encouraged a certain sense of intimacy. (These appearances are somewhat deceptive: much of this poetry is actually quite sophisticated, and its ability to seem simple and informal is itself a technical accomplishment.) Many of us who live in Northern California, or various other parts of the West, and who are

familiar with the places whose names pepper this book, have come to think of Snyder as an old acquaintance, a kind of cosmic neighbor. The image is so genial and unassuming that it is all too easy to forget that its possessor is in fact one of the most influential, and most skilled, American poets writing today.

The real subject of the book is time. Many of the earlier books, up to and including *Axe Handles*, seemed to presuppose a cyclical view of time which tended to minimize if not deny the reality of mortality. This view

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The LegiSchool Corner

This year, LegiSchool marks ten years of providing award-winning civic education opportunities to California's young people and educators. Since 1994, LegiSchool has produced thirty eight Town Hall Meetings addressing legislation and public policies related to teen pregnancy, bilingual education, gun control and teen obesity, to name a few. During this time, LegiSchool has reached out to thousands and thousands of high school students in an effort to engage them in the state's legislative process and the very laws and policies that impact their everyday lives. LegiSchool has also been helped by generous support from AT&T, the Wells Fargo Foundation and the California Teachers Association.

LegiSchool's 2003-04 Town Hall Meetings included: *Election 2004: What's at Stake?* (October 14), *Young People and Voting: Does*

it Matter? (December 9), *Drug Testing Students: Right or Wrong?* (February 10) and *Video Games and Young People: Access and Rights* (April 7). The line-up of meetings for the 2004-05 school year offers yet another series of timely and topical subjects for young people and teachers alike.

In addition to Town Hall Meetings, LegiSchool, in conjunction with the California Channel, produces and distributes videos related to fundamental operations of state government. For example, some of the videos include *How a Bill Becomes Law*, *A Day in the Life of a Candidate*, and *The Voting Process: You Have the Power!* LegiSchool also offers a free binder to educators, State Government for Beginners, a comprehensive collection of information on state government and its leaders. Other programs include professional development training for teachers and LegiSchool's Real World Civics

Summer Internship Program for Sacramento County students.

This unique collaboration between the Center for California Studies and the State Legislature has indeed come a long way since its founding. Happy Anniversary LegiSchool and here's to another ten years of service to California's young people and the educators who work so hard to provide them with meaningful instruction in the area of state government.

As a teacher recently told us, "The Town Hall Meeting forum allowed students to feel that they had a strong impact and say in our state's legislative affairs. The students gained a sense of purpose."

For more information about LegiSchool events and materials, call (916) 278-6906 or visit LegiSchool's website at www.csus.edu/legischool. ■



Judging Legislatures

The Legislature is “*the most dysfunctional in the Nation;*” the “*...legislative process is broken*” and reforms are needed to make the legislature “*...more faithful in its representation ...more accessible and accountable to voters.*”

The Legislature in question, however, is New York’s, not California’s. The Brennan Center at New York University recently evaluated the New York Legislature and found it wanting. The Brennan Center report included favorable comparisons to the California Legislature and employed criteria rarely used by legislative critics in California.

With Governor Schwarzenegger’s musings about a part-time legislature and Ted Costa’s proposed initiative, it is appropriate and timely to ask how Californians should judge their Legislature. This edition of SNAPSHOTS is designed not to provide answers but rather to outline criteria and standards used by scholars and others to judge legislatures.

HOW NOT TO JUDGE

American legislatures date from 1619 when the Virginia House of Burgess first met—which undoubtedly also started the American tradition of criticizing legislatures. Humorists, scholars and outraged citizens have long chided, criticized and condemned state legislatures. Both contemporary and historical attacks, however, often fall into one of two logical fallacies.

The first fallacy is to criticize a legislature for being a legislature. It’s equally illogical to criticize water for being wet or a legislature for debating. All state legislatures have certain inherent characteristics. Legislatures are elective so it is hardly surprising that legislators will be concerned with doing things that voters want so they can be re-elected. Legislatures are representative and geographically based so it’s natural for legislators to champion the interests of their districts. A legislature is deliberative so it is suppose to take time, debate, and reach compromises. Obviously, legitimate criticism can be made if an inherent characteristic is taken to an extreme (i.e., representation can become dysfunctional NYMBYism) but it is unproductive to criticize a legislature for acting like a legislature.

The second fallacy is to conflate one’s own political preferences with the majority views. It is human nature to believe your opinions are both correct and shared by the majority. In reality, this may or may not be true. A liberal Democrat in Georgia or a conservative Republican in California may be disgusted with their state legislature but, like it or not, the voters sent a Republican majority to Atlanta and a Democratic majority to Sacramento (even in the 1990’s when the Courts imposed a competitive redistricting plan). An easy corrective to this fallacy is to simply ask whether you would feel the same if your party held power in the Capitol.

CRITERIA

Criteria for evaluating legislatures generally fall into three categories: constitutional, functional and procedural.

Constitutional Criteria

Constitutional criteria start with the basic obligations and duties of a legislature under the Constitution and focus on how well a legislature performs as a co-equal branch of government. This is often condensed to three issues:

Balancing: Legislatures are a co-equal branch of government and thus should have, in the words of James Madison in the 51st Federalist Paper, “the necessary constitutional means and personal motives to resist encroachments” by the executive or the judiciary. Alan Rosenthal, the dean of American legislative studies, describes this as the legislature’s ability to “share with the governor the capacity to participate as equals in setting the priorities and policies for the state.”

Representation: Legislatures have an obligation to represent both district and statewide constituencies, i.e., to ensure that the interests and needs of their communities are articulated and protected. Legislatures also have an obligation to help individual constituents having difficulties with state government. Legislatures should also provide for descriptive representation, i.e., membership should roughly reflect the general population.

Lawmaking: More than the simple act of passing laws, lawmaking is the process wherein conflicts among the public’s values, interests, and priorities are expressed, managed and resolved.

This requires information, analysis, deliberation, a willingness to listen to all sides, negotiation and compromise. Resulting laws should reflect majority interests while protecting the minority and deal effectively with problems.

To these constitutional criteria, can be added three operational criterion identified by Rosenthal:

- The connection between legislators and their constituents and responsiveness to constituent views, when such views exist;
- The balance between the deliberative and political aspects of lawmaking which involves access to policy expertise and an effective committee process so that the merits as well as the politics of measures are considered; and
- The effectiveness of legislative leadership which, in turn, requires experienced and skilled leaders able to facilitate compromise build consensus and protect the institution.

Functionality Criteria

In 1970, the Ford Foundation funded the Citizens Conference on State Legislatures to develop a yardstick to measure the “decision-making capabilities” of state legislatures as governed by their “structure, organization, rules, procedures and practices.” The resulting study, *The Sometimes Governments*, ranked state legislatures in five basic categories:

Functionality, i.e., adequate session lengths, staffing, physical facilities, manageable size of members, committees and committee assignments, structure and procedures, intra-house coordination and decorum.

Accountability, i.e., adequate public access, records and information; constraints on leadership; adequate protection

of the minority; ability of individual legislators to influence the legislature’s decisions.

Informedness, i.e., adequate time to gather and assess information; effective committee system that enables detailed analysis; professional and specialized staff; adequate fiscal review capacity; effective interim activities; and efficient system of processing and printing bills, analyses, etc.

Independence, i.e., ability to determine its own procedures, sessions, budgets, etc.; ability to function as a co-equal branch of government; ability to conduct oversight; and adequate protections from undue influence by organized interests on individual members and the institution as a whole.

Representativeness, i.e., clear identification between legislators and constituents; diverse membership; ability of legislators to act effectively on behalf of constituents.

Process Criteria

The Brennan Center evaluation of the New York Legislature was based on the notion that the effectiveness of an entire legislature can be determined by its processes and procedures. The Brennan Center identified fourteen process criterion:

- Number of bills introduced vs. enacted;
- Ability of the house to override committee referrals;
- Committee assignments per member;
- Requirements for committee hearings;
- Control of committee staffing;
- Proxy voting in committee;
- Restrictions on discharge motions;
- Meeting notice requirements for Rules Committees;
- Time limits on debate;

- Frequency of debate on significant legislation;
- Leadership ability to remove bills from legislative calendar;
- “Fast roll calls” on final passage votes; and
- “Empty seat voting.”

According to the Brennan Center, failures in these process areas have created five serious problems in New York, including dysfunctional committees; barriers to full consideration of legislation; inadequate review and debate; inadequate means to reconcile differences in bills as passed by the two houses; and legislative inefficiency and high costs.

SUMMARY

Defining the standards to judge a legislature can be akin to standards for judging art: many subjective opinions but few commonly accepted principles. But it is important for Californians to think about how their legislature should and should not be judged and also how reform proposals should be evaluated. This SNAPSHOT raised the issue and offered a partial list of possible criteria. If you have ideas or suggestions on how legislatures should be judged, please send them to the Center at calstudies@csus.edu.

Citizens Conference on State Legislatures. *The Sometimes Governments: A Critical Study of the 50 American Legislatures*. Bantam Books, 1971

Jeremy M. Creelan and Laura M. Moulton. *The New York State Legislative Process: An Evaluation & Blueprint for Reform*. The Brennan Center for Justice, New York University, 2004

Alan Rosenthal, *Heavy Lifting: The Job of the American Legislature*. CQ Press, 2004

Capital Fellows Alumni

The poet John Dryden observed “mighty things from small beginnings grow” and that is a fair description of the first year of the Capital Fellows Alumni. The foundations for future success were completed by the affiliation with the CSU Sacramento Alumni Association, adoption of by-laws and the creation of a Board of Directors. The sixteen Board members and alternates are a talented and enthusiastic group drawn from all four Capital Fellows Programs who reflect the diversity and history of the Programs.

Outreach efforts by the Board, individual alumni and the Center’s Outreach and Alumni Affairs Coordinator Rob Gregg have resulted in 120 members.

In late July the Capital Fellows Alumni organized a reception for out-going 2003-04 Fellows. On October 1, following the closing of the Center’s annual Envisioning California Conference, a reunion and reception was held atop Sacramento’s Capitol Plaza Holiday Inn. The event was free for all alumni, and more than 100 people were in attendance. Alumni Board President

Bob Schelen (AFP 1986–87) welcomed everyone and President Elect Jorja Jackson (JAF 1998–99) introduced the 2004–05 Fellows who joined the party.

The next Alumni event will be a breakfast with Superintendent of Public Instruction **Jack O’Connell**. The breakfast is co-sponsored by the Sacramento State Alumni Association and is free to all members of the Capital Fellows Alumni Affiliate. Those who are not yet members can register to attend for \$15. The breakfast will be held at the Alumni Center on the Sacramento State campus at 7:30 a.m. on December 7, 2004. Please RSVP to the CSUS Alumni Association by calling (916) 278-6295.

We would like to strongly encourage all alumni to provide us with your e-mail address in order for us to keep you up-to-date on events. Please send a note to the Center for California Studies, calstudies@csus.edu. ■



2004-05 Judicial Administration Fellow Shaun Young chats with 1991-92 Senate Fellow Pearl Selinsky.

Danger on Peaks continued from page 3

is still present in *Danger on Peaks*; but counterpoised against it is something new, a recognition of the reality of irreversible change, and thus of the possibility of loss. The first sequence, “Mount Saint Helens,” is an autobiographical account, largely in prose, of the poet’s relationship with that mountain. His first ascent, four days after the bombing of Hiroshima (and one day before he himself learned of that awful event) is contrasted with later explorations of a radically different landscape following 1980’s huge eruption. The psychic drama of the poem consists in the struggle between the nonjudgmental, accepting, Zen version of the poet’s self—the one who tends to take the long view, and who says, of the post-eruption regeneration zones surrounding the mountain, “Both the wild and the managed sides will be instructive for centuries to come”—and the less certain, more troubled, more *human* Snyder, who mourns for what has happened to Mount St Helens, and to the world of his childhood.

Snyder is known, of course, as a nature poet. Perhaps some readers will think that the writer of blurbs and five page letters about former supervisors makes

an odd counterpart to the Snyder who, in “Glacier Ghosts,” takes a “Nap on a granite slab” and spends a “chilly restless night, /—ants in my hair”. [35] Yet in *Danger on Peaks* the two are constantly transforming into one another. “Strong Spirit” and “Really the Real” both begin in the *medias res* of academic arrangements and local travel narratives, but the former ends with a moving memorial service overlooking the Pacific, while the latter, in perhaps the book’s loveliest moment, concludes with a sighting of thousands of sandhill cranes, emissaries of “what you might call / *really* the real, world.” [51]

Ultimately, this vision of the possibility of multiple lives within a single lifetime may be the book’s most affecting element. And why shouldn’t these two souls exist in a single body, or for that matter, in a single body of work? Both the wild and the managed sides of Snyder’s personality and work will be instructive, and treasured, for generations to come. ■

Troy Jollimore teaches philosophy at California State University, Chico. Excerpt, 2004 San Francisco Chronicle book review



CENTER FOR CALIFORNIA STUDIES

The Center for California Studies is a public policy, public service, and curricular support unit of California State University, Sacramento, dedicated to promoting a greater understanding of California's history, cultures, governments and public policies.

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John M. Puente (rt) with former California governor Pete Wilson

Featured Alum

Executive Fellow Profile: **John M. Puente**

I was selected as an “alternate Fellow.” In the eyes of the interview panel, I was in the second tier of finalists. This second tier would not even come into play unless someone declined a Fellowship position. Nevertheless, 1996 turned out to be my year and that summer I was offered a position as an Executive Fellow. After my tenure in law school, I was excited to begin my career—a long career I hoped, and continue to hope—in public service.

Having grown up in Sacramento, politics overshadowed all other career interests in my life. As the oldest of three children of a young, single mother, I learned a lot about government early on in life. Be it standing in line to collect food-stamps or going to the bank on the first and fifteenth, I learned of the government as a provider. Later, when the terrible affliction of drugs befell my family, I learned of government as the protector—removing a well intentioned yet ill-equipped and addicted mother from our family. Lastly, as my grandparents provided consistency in my life, I learned of government as an enabler—namely enabling me through Cal-Grants and later federally guaranteed loans to obtain a higher education. I took advantage of what government provided and graduated from St. Mary's College of California in 1993 then Gonzaga University School of Law in 1996. Through the Fellowship Program, I hoped to learn about how government works and policies are made and to begin giving back some of what I'd been given.

In the mid-1990's, welfare reform was

one of the biggest policy issues in state government. Not surprisingly, I wanted to be part of California's efforts to reform a well-intentioned program that had gone wrong somewhere, because I believed that my experiences as a beneficiary would be helpful. One of the more controversial public figures of the time, Eloise Anderson, was the Director of the California Department of Social Services. She was (and remains) controversial because of the way she challenged beneficiaries of public services to take more responsibility for their lives and to work harder to lift themselves up and off of the public dole. It was through my Fellowship that I gained a better understanding of the impact, both positive and negative, of government programs and also how these programs are administered.

Following my Fellowship year, the department hired me as an attorney handling child welfare issues, as well as child and elder abuse cases. Two years later, I became General Counsel for the Medical Board of California, which put me in the midst of what could be called the most significant policy discussion of our day, health care. Nearly three years later, I became Associate General Counsel for Molina Healthcare, Inc., a managed health care plan serving the government sponsored health programs populations in several states. Just recently, after almost four years in the private sector, I've returned to state service as Chief of the Division of Licensing, Department of Managed Health Care. Now the challenge is reform of the state bureaucracy and I think I am up to the task! ■

2004-2005 Capital Fellows

The 2004-2005 Capital Fellows were officially welcomed by Sacramento State President Alexander Gonzalez at the university's Julia Morgan House on October 24, 2004.

The 64 Assembly, Executive, Judicial Administration, and Senate Fellows completed their respective program orientations and began their office placements this fall. During orientation Fellows met with public officials; familiarized themselves with state government structure, processes, and public policy issues; participated in academic seminars; and further developed professional skills.

As in the past, this year's class of Capital Fellows reflects a rich diversity of people with strong public service interests. Fellows' major areas of study range from business, to English literature, to philosophy, to

graduate programs in biological science, law, public administration and social ecology. Fellows received baccalaureate degrees from 33 different public and private colleges and universities, including 26 California institutions and seven out-of-state schools.

The class is 61 percent female and 39 percent

male, which reflects the nationwide trend with respect to public administration graduates. Racially and ethnically, the class reflects the diversity of graduates from the University of California

and the California State University systems. Fifty-five percent of the Fellows are people of color.

Joined by the Program Directors and Assistants of the four Capital Fellows Programs, Center Executive Director Tim Hodson encouraged the Fellows to heed and follow Mahatma Gandhi's dictum, "You must be the change you wish to see in the world." ■

Heed and follow Mahatma Gandhi's dictum, "You must be the change you wish to see in the world."

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