HOW CALIFORNIA WORKS

Building Democracy in the Golden State

BY JONATHAN VANKIN

DISCOVER › CONNECT › ACT

CALIFORNIA LOCAL

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With love and gratitude,
for everything,
this book is

For my Dad, Larry
(1931–2004)

For my Mom, Jean

For my wife, Kirsten

And for everyone in California
and anywhere in the world working
and fighting to build democracy
everywhere.

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Wishing that things
worked one way or
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that we can impact things,
from democracy itself to a
local development project
in your neighborhood.

—FRED KEELEY

EDITORS' NOTE

'Citizen' Is a Verb

As you might tell from the title, *How California Works* is an optimistic book. Here you will find true stories about the ways California is leading the world toward a better future, from protecting women's and voters' rights to building a sustainable energy infrastructure.

This is not naïve, starry-eyed optimism—one of this book's five sections, "California in Crisis: The Downside of the Dream," features seven chapters about issues ranging from homelessness to drought. We are well aware that we bring this book out at a time when many Californians—let's face it, people the world over—are confronting myriad crises. We are also aware that individuals and organizations throughout California are trying, imperfectly, to make our state a better, fairer, safer place.

What you will find here are a number of true stories about specific policies and institutions that show how, at its best, California has resisted and pushed back against anti-democratic forces. The chapters in this book include histories and policies, deeply human characters, and controversies that have led us to where we are today.

Our friend and colleague Jonathan Vankin is definitely a "policy wonk," but more than that he is a storyteller. Here you will find 45 stories that together will help you understand California in a new way.

We hope that by elucidating the nuts-and-bolts realities behind California's civic infrastructure, this book will help you feel inspired to participate in the difficult and worthy project of "Building Democracy in the Golden State."

We get that this is a big lift. You may be among the number of Californians who believe that things have gotten so complex, it's impossible to participate in any meaningful way. You may feel that there's no way to

engage, or to even comprehend how your local and state governments work. This book proves otherwise.

At California Local, our slogan is "We Make it Easy to Citizen." Here, we use the word "citizen" as a verb (something we learned from the great comic/theorist/PBS star Baratunde Thurston).

We see our website, CaliforniaLocal.com, as a "civic engagement engine" that helps people connect with elected officials, nonprofit groups, and others who are active in the life of your community. We explore the glue that holds communities together.

We're more interested in policies than politics. We know that as Californians, we may not all share the same views, but we do share the same sidewalks, freeways, airports, parks, and other public amenities. We all pay taxes, and we all have the right to government services. And we have the right to elect the representatives who will shape those services.

In the chapters that follow, Vankin looks back at California's history to understand how the state's constitution was written—and rewritten, again and again, to become the eighth longest in the world. He explores what it takes to become a city in California, and also how those who live in unincorporated areas get their services. Another chapter looks at how civil grand juries serve as citizen watchdogs for many kinds of government functions, from county government to city councils to community service districts. In the section titled "Powering California," Vankin dives deep into California's energy resources and its efforts to fight the climate crisis. And in the final section, he looks at some of California's most innovative legislative landmarks.

Just as California leads the world in technology via Silicon Valley, and in popular culture via Hollywood, etc., the Golden State leads the world in public policy. Way less sexy, for sure, but possibly way more important.

It's a bold claim, but one that we believe Vankin backs up in his exploration of *How California Works*.

ERIC JOHNSON, *California Local cofounder and editorial director*

SHARAN STREET, *California Local executive editor*

FOREWORD

Truth vs. Cynicism

Three stories from a lifelong public servant about how California works—and sometimes doesn't.

BY FRED KEELEY

For far too many Californians, the answer to the question "How does California work?" is "It doesn't." Sadly, that is the victory of cynicism over healthy skepticism.

Cynicism is the base notion that nothing is really good, that nothing works, and that what's really true is the worst you can imagine. That brand of thinking is a recipe for failure. Skepticism, on the other hand, is the healthy way we test ideas againshed:t the truth of experience.

Every skeptical Californian should read *How California Works* because it is the contextual way to engage in meaningful, informed democratic participation at all levels of California government. Whether you are fascinated with any one of the dominant state issues (education, housing, transportation, climate change, criminal or social justice) or want to dig into a proposed local land use item, understanding the arc of California history and current state of play is essential.

As an individual who has had the honor of serving the people of California in a number of local and state elected offices, I can offer three brief stories from personal experience that speak to the importance of historical knowledge.

Some readers may recall that a couple decades ago, an energy crisis led to rolling blackouts that crippled the state. It fell to the leadership of the California Assembly, including yours truly, to fix the problem, and we saw first hand how a lack of understanding and a misreading of facts on the ground caused the catastrophe. I participated in another historic moment when a

clear understanding led to a policy success that still resonates today. And in my current position as mayor of Santa Cruz, I am engaged in a major change in the process of governance that is taking place in real time.

The California Energy Crisis of 2000

In 1996, then-Governor Pete Wilson found himself in the middle of a state, national and worldwide recession. At that time, British Prime Minister Margaret Thatcher was testing an economic and political theory that advanced a radical notion: By treating electricity as a commodity, with many buyers and many sellers, competition in and of itself would bring prices down by 40 percent or more, thus reducing consumer costs and business inputs. This would, in the Prime Minister's view, serve as a key to economic stimulation and rapid movement out of the recession.

Gov. Wilson, eyeing a bid for the Republican presidential nomination, latched onto this idea and advanced it in California. The California Legislature, by virtually unanimous votes in both houses, embraced Wilson's proposal. Thus the regulated monopolies that had essentially provided generation, transmission and distribution of electricity for more than 100 years were broken up.

The power companies themselves believed that treating electricity as a commodity would directly result in lower retail costs to consumers. Well, it did not work out that way. In fact, total costs for electricity increased tenfold, from $7 billion to $70 billion, in a single year.

Failing to understand the elements of a commodity market (many buyers, many sellers, transparent transactions, substitute products, and the ability of the buyer to walk away if the prices don't suit them) was tragic. Far from providing a way out of the recession, it prolonged the recession and created an energy crisis in the process. It also resulted in rolling blackouts throughout the state, which caused investors to regard California as akin to a Third World economy where reliable electricity was in question.

A catastrophic mess resulted from this failure to understand history, and how things really work. The governor failed because he and his advisors did not understand the immutable elements of commodities markets, nor did they come to grips with issues such as "stranded assets," "power purchase agreements," or other basic elements implicated through deregulation. The

legislature failed because it made a mad rush to judgment that deregulation was, in and of itself, a virtuous public policy. As John Burton (D-San Francisco), former president pro tempore of the state Senate, often said during his lengthy public service career, "In legislation, speed kills."

In addition to the massive increase in costs to consumers, electricity deregulation delivered a windfall of profits to out-of-state merchant generators of electricity who had purchased power plants from investor-owned utilities (at bargain basement prices) and wanted to recover their capital costs as quickly as possible.

A full understanding of history, as well as an appreciation of commodity markets and the basic laws of economics, could have resulted in a workable deregulation of electricity. Instead, history seemed to extend back no further than the beginning of the recession, and policy-making ahead no further than the next election.

As Speaker pro Tempore of the California Assembly when the new law exploded (I arrived the year after the passage of the deregulation bill became law), I was assigned the task of understanding the crisis, and authoring many of the bills that worked us out of it. Not an easy task, but one which required deep examination of history, and a go-slow approach to fixing a broken system so as to cause no more pain.

Fixing a Broken Electoral System

Looking at an equally vexing issue, redistricting, we can see how a deep appreciation of history and how things really work presented Californians with a democracy-enhancing solution.

Each year, following the national census, seats in the United States House of Representatives are reapportioned among the states based on changes in population. For a long time that has essentially moved seats from the northwest to the southwest and Florida as Rust Belt states lost seats to states with sunnier climates. For California, this has resulted in significant growth in the state's delegation in Washington, DC (although the most recent census resulted in a loss of one seat in Congress).

Redistricting is the state-level process of drawing districts for the House of Representatives, the state Senate and Assembly, and the Board of Equalization.

Historically, this process has been the purview of the legislature and the governor.

The redistricting process has been the most political of all political exercises, as it directly decides the fate of all sitting legislators for the coming decade. The problem with this process was that asking sitting legislators to draw new districts purely based on the census, the Voting Rights Act, and a legal principle known as "communities of interest" did not result in districts that reflected demographic, income, or other socio-economic considerations. Legislators, being actual human beings, cannot help themselves but act to protect their political interests and those of their political parties. This political game essentially allowed legislators to select their voters, rather than voters electing their legislators.

Redistricting legislation following the 2000 census is a great example of legal corruption in this process, and history is our great teacher. In 2002, when four pieces of legislation were introduced to adjust legislative district lines to account for population changes, Democrats had majorities in both houses, but did not have two-thirds of either house. That meant Republicans were relevant, as they held the few votes needed every time a bill included either appropriations (which is to say state funding) or an urgency clause, or both.

While the population trend lines were favoring Democrats, Republicans wanted to remain relevant. And that is exactly what they were able to achieve, with cooperation from Democrats. Democratic leadership in both houses were willing to forego achieving two-thirds majorities within a few years, in exchange for keeping the status quo—and their own individual seats.

Legislative Democrats were willing to do this because Republicans threatened a statewide redistricting ballot measure of their own if they did not get what they wanted from the Democratic majority. In other words, Republicans were willing to lock themselves into a permanent but relevant minority so long as Democrats were willing to limit their legislative majority to less than two-thirds in either house for a decade.

This is exactly the kind of partisan trick that drives many voters to distraction. Restoring faith in the political redistricting process presented a major challenge. The creation of California Forward, a project spearheaded by a handful of large nonprofit California foundations, paved the way.

For purpose of full disclosure, I was a founding member of the California Forward board. Following a couple of years of community meetings through-

out the state, and hundreds of conversations in communities large and small, California Forward advanced a statewide ballot measure that took redistricting out of the hands of legislators and put the process into the hands of the independent California Citizens Redistricting Commission. Members of the commission are required to consider only the three lenses permitted under law: the census, the Voting Rights Act, and communities of interest.

While both the Democratic and Republican parties vigorously opposed the ballot measure, voters did not. In fact they passed the measure by a large margin.

The result of the independent redistricting has been significant growth in Democratic seats in both the Assembly and the state Senate. Most of this shift involved turning moderate Republican seats in the Central Valley to moderate Democratic seats. Many of the elections that turned these seats were won by Latinos. That is to say, the results have mirrored the actual change in demographics in California. Voters now select their representatives, and no longer do legislators select their voters. Thus, the real reason for redistricting is being achieved, and a politically corrupt system is no longer in place.

How was this done? It was done by the people acting together, using the political reforms of the early 1900's to create positive and lasting institutional change of the best kind.

Again, this is an argument for knowing history and how things work in the making of public policy. This is an argument for getting *How California Works* into the hands of every citizen so they can take informed actions for change.

Creating More Housing through Legislation

One more contemporary example of the importance of an informed electorate involves the massive change underway regarding land-use authority in California, from its traditional location at local government to the state—a change you will find well documented here in *How California Works*.

For more than 150 years, most land-use authority resided in county courthouses and city halls. Local city councils and boards of supervisors made local land-use decisions within a broad context of general plans, zoning ordinances. These local entities received a bit of guidance from the State in the form of the California Environmental Quality Act and the California

Coastal Act. There were also compliance instructions from the Department of Housing and Community Development on local housing elements.

All of this has a checkered history. On the downside, there have been very bad decisions at the local levels that included red-lining, restrictive covenants, and other restrictions that prohibited property sales to certain ethnic groups. Much of that has been ruled illegal by courts, but more than a few of those provisions have stuck around, along with their ugly impacts.

On the upside, hyper-local decisions on individual development proposals by city councils and boards of supervisors meant the government closest to the people who are impacted by such decisions had final say. The result, however, has been that local decision-makers have said "no" in too many cases to much-needed housing for all income levels. As the state's population has grown by millions, the housing stock has not kept up. Rising housing prices and rents have increased, with many living in overcrowded conditions, and others fleeing the state for less-expensive housing.

Since 2017, the legislature and governor have passed more than 100 bills designed to tear down barriers to housing development. Bills that prohibit "subjective development standards," such as "character of a neighborhood," are now in place. A bill that prohibits local government from requiring *any* on-site parking if the development proposes more than 30 units and is close to public transit is also now on the books.

Now that I am a directly elected mayor of a medium-sized city, I see that such changes are clearly resulting in much more housing development, but much less local ability to shape such development to local concerns. Most local residents still think that their objections to impacts of new development can be mitigated by their local officials—such as reducing the number of units in a project, or requiring more on-site parking, both of which are tools no longer in the local government tool box. Knowing the history of land-use, and the significant movement of power from city halls to the capitol building, is critical to an individual citizen's empowerment.

In summary, knowledge is power. Wishing that things worked one way or another is not the same as knowing how things work. It is when we all know how things work that we can impact things, from democracy itself to a local development project in your neighborhood.

I commend *How California Works* to all Californians. It is our power.

Fred Keeley is the first-ever directly elected mayor of the City of Santa Cruz. (Previous mayors were members of the city council tapped by their peers to serve one-year terms.) He is the former treasurer of Santa Cruz County, and former member and speaker pro tempore of the California Assembly. In the Assembly he authored the two largest environmental protection and park bond acts in the nation's history. Prior to his stint in Sacramento, Keeley served two terms as a Santa Cruz County supervisor.

Keeley is on the faculty of the Panetta Institute of Public Policy at Cal State Monterey Bay, and he teaches a course in California Government and Politics at San Jose State University, his alma mater.

INTRODUCTION

Welcome to California, the Most American State

Why are we so focused on California and figuring out how this state works? Other than the fact that we live here, that is? Because to understand California is to understand America.

One of the 20th century's most important writers on the subject of California, Carey McWilliams, in the title of his 1949 book, called the state "The Great Exception." By "exception," McWilliams, longtime editor of *The Nation*, did not mean that California is somehow different or apart from the rest of America, but almost the opposite. He argued that what happens in this historically unpredictable state generally predicts and even shapes the ever-changing character of the United States.

In California, "lights went on all at once, in a blaze, and they have never been dimmed," McWilliams wrote. Since before it was a state at all, California has been the fountain of opportunity for Americans. Or at least it's been perceived that way. The Gold Rush, 100 years before McWilliams wrote his book, offered the promise of instant riches for anyone with the guts and determination to go and get it. No experience necessary, and you didn't need political connections.

Of course, things didn't work out that way for every gold prospector. But the Gold Rush was far from the last "gold rush" in California. Oil, agriculture, entertainment, land development, technology and numerous other "booms" have driven and remade the state relentlessly for more than a century—with no sign of letting up. And each of these booms has resonated throughout the country, making California both a leader and a reflection of America.

In the words of University of Southern California sociologist Manuel Pastor, "California is America, only sooner."

The Pulitzer Prize-winning novelist Wallace Stegner, in a 1967 *Saturday*

Review essay titled "California: The Experimental Society," gave a similar evaluation of the state, albeit stated more starkly. "Like the rest of America, California is unformed, innovative, ahistorical, hedonistic, acquisitive, and energetic—only more so," Stegner wrote.

Californian and American Demographics

California is, of course, the largest state in terms of population, with 39,237,836 residents as counted by the 2020 U.S. Census. More than one of every 10 Americans lives in California. The state's population also closely reflects the demographic makeup of the country as a whole. About one in five Californians (22.4 percent) is 18 years old or younger, same as the United States (22.2 percent). And 16.8 percent of all Americans, per the 2020 census, are 65 or older—very close to California's number of 15.2 percent.

In terms of ethnic demographics, California is, if anything, more diverse than an increasingly diverse country at large. In another example of California being "America, only sooner," the state is leading the nationwide trend toward greater ethnic diversity.

As a share of the total U.S. population, people who identify as "Hispanic or Latino" on the U.S. Census form increased nationwide from 16.3 percent to 18.7 percent in the decade between 2010 and 2020. In California, that group rose from 37.6 percent to 39.4.

The growth in the "Hispanic or Latino" population drove down the "Black or African American" percentage both nationwide and in California. Nationally, the percentage of people identifying as "Black or African American" dropped slightly from 12.6 to 12.4 percent. In California, it fell from 6.2 to 5.7.

The Asian population inched up in California (13 percent to 15.4) and nationwide (4.8 to 6.0), according to the Census Bureau figures.

But the biggest demographic story in both the state and country was the decline of the white population. From 2010 to 2020, that number dropped by more than 10 percent nationally and more than 15 percent in California.

Like the United States, California is a land of city-dwellers. As in the rest of the country, the state's population is mostly packed into urban areas. Only about 9 percent of the state's residents live in areas that are generally classified as "rural," though those regions comprise about 55 percent of the

state's land. Countrywide the divide is more extreme. Only about 3 percent of American land is "urban," with 97 percent "rural." Yet only 14 percent of the population lives in those rural areas.

Comparing California to the Rest of the U.S.

California is, in fact, the most diverse state in the union according to a 2022 study by the finance company WalletHub, which does a number of such state-ranking studies. Its metrics for arriving at that conclusion went well beyond ethnic diversity, to include "socioeconomic diversity, political diversity, religious diversity, cultural diversity, household diversity and economic diversity."

California ranked first in "socioeconomic" and "cultural" diversity, as well as eighth in "household" diversity. The state also topped the nation in linguistic diversity and placed second in diversity among industries.

California also blew past the competition in another WalletHub survey—taking home the prize as the most "fun" state in the country.

"There are certain states where fun is not just an option but also a way of life," wrote the WalletHub researchers, and California came in atop the 50 states in that category. But there was a WalletHub study in which California didn't fare quite as well—patriotism.

The site rated states based on such metrics as military enlistment and veterans per capita, voting participation rates, volunteerism (such as the Peace Corps and AmeriCorps), and jury duty participation, among others. Based on all of those factors, California ranked 36th of the 50 states (the most "patriotic" state, by the way, was Alaska, followed by Montana).

Incidentally, the site found that blue states—those that voted for Democrat Joe Biden in the 2020 presidential election—were more patriotic than Donald Trump-voting red states.

But which state is quantifiably the most "American"? Another study, this one by the real estate site Estately, took into account a list of characteristics that it determined to be stereotypically American, such as as Olympic gold medals won, total Major League Baseball players born in-state, astronauts born in-state, bald eagles per square mile, and number of Google searches for the phrase "Bin Laden dead."

Iowa, Ohio and West Virginia took the win, place and show positions

in the survey. Despite breaking into the top 10 in the gold medal-winner and astronaut categories, California somehow placed a lowly 43rd for this idiosyncratic definition of Americanism.

There Is No America Without California

So California may not qualify as highly "American" or "patriotic" in surveys based on somewhat arbitrary criteria. But the reality is, without California, America would be a very different country. Arguably, there is no institution that holds such a powerful grip and influence over American culture as the institution perhaps most closely identified with California—Hollywood.

The motion picture industry came to California just a little more than a decade after the technology for movies was invented. In 1908, Chicago vaudeville performer and entrepreneur William Selig set up the first West Coast movie production company, in the Edendale neighborhood of Los Angeles. Just seven years later, the movie business had exploded and 60 percent of all motion pictures produced in the U.S. were made in California. In 2020 Hollywood generated about $5 billion annually from movie ticket sales alone, and half of all film and television production took place in California, mostly in and around the Los Angeles area.

Even more important than the pure economics of Hollywood, movies and television—that is, stories on film of one sort or another—shape the cultural narratives that Americans live and define themselves by.

"American identity in mass society is built around certain commonly held beliefs, or myths about shared experiences, and these American myths are often disseminated through or reinforced by film," wrote the authors of the 2016 book *Understanding Media and Culture*. The films that spread and prop up these myths are generated mostly in California.

California Connects America With Itself

A little more than 300 miles north of Hollywood lies Silicon Valley, center of U.S. technology production. The corridor between San Jose and San Francisco, including the Santa Clara Valley and the San Francisco Peninsula, has been a center of technological innovation since at least 1956,

when the first semiconductor manufacturing firm Shockley Semiconductor Labs—founded by the inventor of the transistor, William Shockley—hung a shingle in Mountain View.

When several employees grew weary of Shockley's disagreeable demeanor, they set out on their own and created Fairchild Semiconductor, which went on to make computer processors for the Apollo space program in the 1960s. In 1971, engineers at another Santa Clara Valley firm, Intel, shrunk down the semiconductor into what they called a "microprocessor." That invention opened the way for the creation of small, portable personal computers that fit on an ordinary desk, and later on a person's lap.

Of course, processors and the computers they power continued to shrink to the point where they could be held in one hand and carried in a pocket.

Smartphones, as we continue to call our tiny computers, have of course become a ubiquitous feature of daily life in America, connecting humans to each other and to the vast trove of information contained on the internet—which may not be the sum total of all human knowledge, but is certainly a significant percentage. As of 2021 in the U.S., a country of 332.4 million people, there are nearly 300 million smartphone users.

The state not only feeds the American cultural zeitgeist, it feeds America, literally. California has been the country's top food-producing state for a half-century, according to the U.S. Farm Services Agency. Though it has only about 4 percent of the country's farms and ranches, California generates 13 percent of the agricultural supply and produces 99 percent of a number of foods, including almonds, walnuts, raisins and olives.

California defends the country, as well as feeding it. The state has more military bases than any other, with no fewer than 32 such defense installations throughout the state—mostly in Southern California. In total dollars spent on defense contracting, California places third behind Texas and Virginia. The $61 billion spent in the 2020 fiscal year was more than twice the dollar amount spent in the next most prolific defense state, Maryland.

The list of California's contributions is long but perhaps can best be summed up by the fact that almost 15 percent of the U.S. economic production is generated in California. Not only does California reflect and influence the rest of America, it seems fair to say that the United States without California would not be the same country.

PROLOGUE

Explanatory Journalism, Explained

There was a time not too long ago—let's call it "the 1970s"—when becoming a reasonably well-informed citizen was a manageable task. Important news of the day was packaged neatly in daily newspapers and in easily digested, 30-minute nightly broadcasts on each of the three major TV networks. Local TV stations broadcast their own news hours, or half-hours, in the early evening, and again at 11 p.m., after the networks wrapped up their primetime entertainment programming.

Then, on July 1, 1980, Cable News Network (CNN) began broadcasting nationwide. The new channel carried news, and nothing but news, 24 hours a day, 365 days a year. And CNN hasn't slowed its firehose of around-the-clock information ever since.

The network represented the first step in a catapulting trend toward what exists today, a phenomenon significantly accelerated by the sudden explosion of the internet through the 1990s and 2000s—and continuing relentlessly now. That trend has given us what's come to be known as "information overload."

Helping Readers Make Sense of the Overload

Cable TV, talk radio, the internet and its social media spawn have created an environment of total, nonstop information. What this new hyper-media-saturated society has not created, however, is an environment of understanding. How do we intellectually and emotionally process this endless waterfall of news? There are no guides.

All of the information in the world—and that's what it feels like much of the time—is useless unless human beings, and human societies, have the ability to make sense of it. The results have become painfully clear as

a flood of misinformation, disinformation and just plain bullshit has run rampant across American society, fueled by the internet and the rest of the nonstop media.

But even amidst this state of overwhelm, a new form of journalism, recently rising to some degree of prominence, attempts to facilitate some degree of understanding by not simply reporting the news, but explaining it. This genre is called, appropriately enough, explanatory journalism.

What Explanatory Journalism Is Not

Media, even in the hypercharged internet era, is dominated by the same four types of traditional journalism as always.

Straight news reporting is what most news consumers probably expect when they think of "journalism." Basically, a reporter gathers information about an event—e.g., a presidential press conference, an earthquake, a football game, a murder—and composes a story conveying the most important facts about that event to the reader. Straight news reports are often written in the "inverted pyramid" format, with the most important information at the top of the story—the "five Ws," that is, the "Who, What, Why, When, and Where" of the event. Increasingly specific, granular detail is included as the article goes on.

Investigative reporting is a type of journalism in which the reporter gathers and presents information well beyond the basic "five Ws," in an attempt to uncover and report facts that would not be easily apparent to any observer. While straight news reporters react to events by recording the facts of what happened, investigative reporters do not necessarily accept those initial "facts" as the final word. As a *Columbia Journalism School* article puts it, "investigative reporting means journalists go beyond what they have seen and what has been said to unearth more facts and to provide something new and previously unknown."

Opinion journalism covers any type of journalism in which the author is free to express an undisguised opinion or point of view. Movie reviewers and theater critics, political columnists, editorial writers, sportswriters (in some cases), and—in the internet era—many bloggers on such platforms as Substack and Medium are opinion journalists.

Feature writing is something of a hybrid, melding fact-gathering with a more literary style of narrative storytelling to convey what the writer hopes will be a fuller picture of a topic, event, or person. Features tend to have the longest word counts of any of the four main genres, though investigative reports can sometimes reach epic length.

Explanatory Journalism Focuses on the Nuance Behind the Facts

Explanatory journalism is none of the above—or all of them. An "explainer" could incorporate elements of any, all, or none of those four types to achieve its objective, which is to "provide essential context to the hourly flood of news," according to a report on the rise of the form by the Brookings Institution. "Not simply a separate fact-checking operation but the mobilization of a rich array of relevant information made possible by new technology but presented to the public in accessible and digestible formats."

According to John McDermott, an editor for the multimedia news outlet *Digiday*, "Explanatory journalism is a form of reporting that attempts to present nuanced, ongoing news stories in a more accessible manner." The key concept there is "nuance." While more traditional forms of journalism can seem like bulletin boards, posting fact after fact with no regard as to what it all means, explainers often explore the subtleties of a news story, the history, the cause and effect, and ultimately what it all means for you, the reader, and for society as a whole.

The Rapid Rise of Explanatory Journalism

According to Roy Peter Clark, vice president of the Poynter Institute—a nonprofit journalism institute in Florida—"though not named as such, explainers are as old as the journalism hills." But they weren't popularly known as "explanatory journalism" until the Pulitzer Prize committee began awarding prizes specifically for the category in 1985.

The first Pulitzer for explanatory journalism went to Jon Franklin of the *Baltimore Evening Sun*, for his seven-part series "The Mind Fixers," which was "about the new science of molecular psychiatry." In 2021, one of two

prizes for explanatory journalism went to four Reuters reporters who authored a four-part series on the use of "qualified immunity," a legal doctrine that protects police officers from lawsuits. *Atlantic* reporter Ed Yong nabbed an "explanatory" prize for his series about the COVID-19 pandemic.

Even as the exponential growth of online media has turbocharged the spread of information (and misinformation), the internet has also played a significant part in the rise of explanatory journalism. As information overload created a desperate need for understanding, explanatory journalism emerged to meet that demand.

In 2013, a young *Washington Post* writer named Ezra Klein originated a feature on the paper's website called *Wonkblog*, one of the first online outlets to focus on explanatory journalism. Klein left the *Post* the following year, and with fellow up-and-comers Matthew Yglesias and Melissa Bell founded the site *Vox.com*, an entire media outlet devoted almost exclusively to explaining the news rather than "breaking" it, or digging for investigative scoops.

The New York Times (Klein's current employer) quickly followed the *Vox.com* lead, starting *The Upshot*, the Gray Lady's own online showcase for explainers. By that time, Bloomberg News had already unveiled its explanatory site *QuickTake*. And *Slate*—one of the internet's first full-featured online-only "magazines"—added its own ongoing feature, aptly titled *The Explainer*.

What California Local Explanatory Journalism Is All About

As *Digiday*'s McDermott observed, the generally more colloquial, informal tone common to online writing has also made the digital space a comfy home for explanatory journalism. Traditional print and even television news reporting strikes a tone of authority, as if the facts dispensed in newspapers or by stentorian TV anchors have been inscribed on stone tablets.

Explanatory journalism lends itself to greater fluidity and familiarity—the better to get across the nuances or subtleties of a topic, treating the person on the other end as a listener more than a reader. An explainer might weave in elements of historical background, narrative, forward-looking speculation, anecdote and even occasional humor, in order to make the subject accessible. Of course, facts are facts and explainers must be, like all

journalism, thoroughly researched and accurate. Beyond that basic requirement, in an explainer, whatever works.

At *California Local*, explainers focus—as you will (we hope) see in this book—on subjects that directly affect Californians. Some explanatory pieces focus on an essential aspect of local government infrastructure—such as water, fire protection, and education—that affects daily life in ways that most of us rarely think about. Others take on expansive, statewide developments, such as police reform legislation, the link between climate change and wildfires, or the ongoing housing crisis.

Whatever the topic, the *California Local* explainers in the following pages are designed to help you, the reader, better understand life in this state, to go beyond *what* is happening here to *why*.

The next step is to take that understanding and use it to improve life in California—to fix what's broken, and take the things that do work well and make them even better. We hope that by offering thorough and accessible explanations of California issues, our explainers will lead to Californians becoming even more involved and thoughtful about our state.

But that part is up to you.

CALIFORNIA GOVERNMENT TIMELINE

THE STONE AGE

Bering Strait Migration

Humans arrive. The continent has a new apex predator: bad news for bears.

11,000 BCE *(and for thousands of years later)*

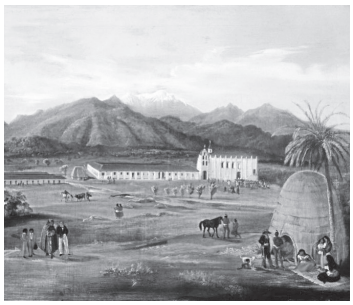
Time of the Tribes

An estimated one-third of all migrants to North America settle in the future California—an immigrant magnet even back then.

1542

The Europeans Arrive

Juan Rodriguez, who somehow acquired the surname "Cabrillo," encounters the people of the Kumeyaay tribe, who had made San Diego Bay their home for 12,000 years. There goes the neighborhood.



1769

Dawn of the Missions

Cabrillo "claimed" California for Spain, but it was more than 200 years before the Spanish began to colonize the province. Led by Fr. Junipero Serra, Spain set up a system of 21 missions and four presidios (i.e. forts) that converted the native inhabitants to Christianity. By force.

1808–1836

A Multinational Colony

France's Napoleon Bonaparte invaded Spain in 1808, placed his own brother on the Spanish throne, and became the new ruler of California. Next thing ya know, with the Treaty of Córdoba in 1821, Mexico takes over. For one year, in 1832, California is a Mexican-ruled dictatorship.

1836–1846

Road to Self-Rule

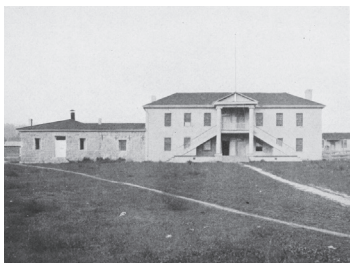
Juan Bautista Alvarado, a member of the California legislature, launches a bid for an independent California, but then takes a deal to serve as governor under Mexico. Despite internal turmoil, Mexico held onto the colony, only granting self-rule during Pio Pico's reign as Alta California's last governor.

CALIFORNIA GOVERNMENT TIMELINE *Continued*

1846

U.S. Invasion

U.S. troops invaded California as part of a war against Mexico—a response to what some, including then-Congressman Abraham Lincoln, claimed was a faked provocation. The war ended in 1848 with the Treaty of Guadalupe Hidalgo which made the U.S. the new owner of California.



1849

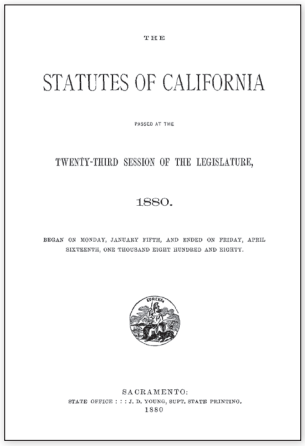
Constitutional Convention

In just four months, 48 delegates hammered out the document, and 13,000 of California's 107,000 eligible voters took to the polls just 30 days later, ratifying the Constitution overwhelmingly.

1850

Welcome to the United States

California became the 31st U.S. state when Pres. Millard Fillmore signed the Compromise of 1850. It entered the union as a "free" state, although its elected governor proposed laws banning Black people, and advocated a "war of extermination" against indigenous people.



THE

STATUTES OF CALIFORNIA

PASSED AT THE

TWENTY-THIRD SESSION OF THE LEGISLATURE,

1880.

BEGAN ON MONDAY, JANUARY FIFTH, AND ENDED ON FRIDAY, APRIL SIXTEENTH, ONE THOUSAND EIGHT HUNDRED AND EIGHTY.

SACRAMENTO:
STATE OFFICE : : : J. D. YOUNG, SUPT. STATE PRINTING.
1880

1879

Another Constitution

Not even 30 years after California's 1849 constitution was adopted, a new constitutional convention was called and delegates drew up a new working document. Even today, it's still not finished—since 1879, more than 500 amendments have been added.

1911

The Fourth Branch

The state government still has the three branches—executive, legislative and judicial—but since 1911 there has been a fourth branch. That would be the voters, who gained the power to pass their own laws, repeal laws, or even kick out elected officials.

CALIFORNIA REPUBLIC

2023

California Today

The state is now home to almost 40 million people. As in ancient times, it is a diverse place—more than 200 languages are spoken here.

PART I

Figuring Out California's Civic Infrastructure

The basic governmental structure spelled out in the 1849 constitution still stands today, but some aspects of the state's founding document have been cut —for example the provision restricting voting rights to "every white male citizen," and also banning any "idiot or insane person."

From Chaos to Confusion to Compromise

Why California Government Is Set Up This Way

CHAPTER 1

To say that the pre-statehood government of California was in flux would be quite an understatement. The territory started the century as a colony of Spain ruled by the Spanish King Charles IV. The French ruler Napoleon Bonaparte forced Charles to abdicate in 1808, handing the crown to his son, King Ferdinand VII.

Napoleon then kicked Ferdinand off the throne and installed his own brother, Joseph, as King of Spain and the Indies—the "Indies" being the American colonies including Mexico and its California region. So for a few years at least, California was ruled by Napoleon, through his older brother.

That didn't sit well with Mexico, which remained loyal to Ferdinand, who was held prisoner by Napoleon. Joseph Bonaparte abdicated in favor of Ferdinand in 1813 and fled to the fledgling United States after his younger brother's famous defeat at Waterloo.

The Utter Chaos of California's Earliest Government

Mexico took advantage of the Spanish disarray by igniting and, in 1821, winning a war of independence. But Mexico's independence only led to more disarray in Alta California, as it was known then. The Mexican government installed a governor in 1831, Manuel Victoria, who quickly seized dictatorial power for himself—and was removed from office by an armed rebellion a year later.

That wasn't the end of the wild political swings in the territory. Another revolution in 1836 led to Alta California declaring independence from Mexico, only to see its first governor, Juan Bautista Alvarado, rescind that declaration the following year, and once again accept the Mexican Consti-

tution as California's own. Yet another revolution came in 1844 with the Californians again kicking out a Mexican governor and placing their own choice, Pio Pico, in the top job. The Mexican government gave its OK to Pico in exchange for California's remaining part of Mexico.

And then, the United States invaded.

The Mexican-American War broke out in 1846 and centered mainly on Texas. But the Americans had their sights set on what they called "Mexican California" as well. The invaders had little understanding of the California political currents of the time and assumed they were fighting directly against Mexico—when in actuality their battlefield foes were the same Californians who sought nothing but autonomy from any government except their own, and were more than willing to negotiate for it.

In fact, when a peace treaty finally was negotiated, the Treaty of Guadalupe Hidalgo in 1848, it was done so without the knowledge of the U.S. President, James Polk, who was furious. Polk grudgingly accepted the treaty, then promptly fired the diplomat who negotiated it, Nicholas Trist, when Trist made his way back to Washington. Polk had hoped to capture Baja California for the U.S. as well.

The Beginnings of Modern California Government

A little more than two years after the Guadalupe Hidalgo treaty was signed, annexing Alta California as a U.S. territory, Congress passed the Compromise of 1850. The package of legislation was designed to admit western territories into the union without alienating southern slaveholders. The Compromise assured that California would be admitted as a free state.

On Sept. 9 of that year, one of the most unremarkable presidents in American history, Millard Fillmore, took an action that would prove to be one of the most consequential in the development of the country. He signed the Compromise package, welcoming California as the 31st of the United States of America.

The state already had a constitution ready to go. It had been ratified in 1849, after being drafted at a convention of 48 delegates at Colton Hall in Monterey, in anticipation of the territory's coming elevation to statehood.

The state constitution remained in effect once Fillmore signed the law making California an official state.

That original constitution set up the same distribution of power among three "departments," or branches, of government that still exist today. The legislative branch consisting of two houses, senate and assembly, held the power to make laws. The power to execute those laws rested in a "Chief Magistrate" who would go by the title Governor of California.

The power to pass judgment on people who break the laws, as well as the power to interpret the laws, rested in a multi-level judicial system topped by the state Supreme Court, going all the way down to county courts.

The basic governmental structure spelled out in the 1849 constitution still stands today, but some aspects of the state's founding document have been consigned to the dustbin of history—in particular the constitution's provision restricting voting rights to "every white male citizen," and also banning any "idiot or insane person." The constitution did allow the legislature to grant suffrage to "Indians or the descendants of Indians" should it choose to do so by a two-thirds majority vote. But it never did.

Not until 1870, when Congress ratified the 15th Amendment to the U.S. Constitution guaranteeing the right to vote regardless of "race, color or previous conditions of servitude," did California's indigenous people receive at least the technical right to vote. But most California Native American people were still shut out from voting for another 54 years until Congress passed the 1924 Citizenship Act recognizing native people as full U.S. citizens with voting rights.

The 1849 Constitution also contained a lengthy bill of rights that guaranteed many of the same rights spelled out in the federal Constitution. It also explicitly banned slavery—something that would not happen at the federal level for another 16 years.

The California Constitution Gets a Do-Over

Three decades passed under the 1849 constitution with only three amendments added to the original text. But the constitution left many state government functions rather vague—so in 1879, a new constitution was drafted and ratified.

The new version contained a number of innovative changes. It established the University of California as a "public trust," making the higher education system largely autonomous, governed by its own Board of Regents rather than by the legislature. The Constitution also established a 40-hour work week at a time when workers in the country's nascent manufacturing industries routinely worked a crushing 100 hours per week.

The 1879 constitution more sharply outlined the powers of the legislature to spend public money, and it confronted political corruption head-on. "Lobbying," the practice of seeking to "influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means," was deemed a felony, as was accepting such influential inducement from lobbyists.

That anti-lobbying clause was met with skepticism, however. An editorial in the *Sacramento Daily Union* rather jadedly proclaimed that lobbying was one of those activities which, though questionable, "cannot be reached by law, and every intelligent member of the [Constitutional] Convention knew this." And a 2003 article by California historian Judson Grenier said that the 1879 Constitution "in fact did little to alter the fundamental structure of officialdom imposed by the first constitution."

But the new constitution wasn't all progressive reforms. Article XIX imposed draconian restrictions on the rights of Chinese and "Mongolian" immigrants, giving the legislature power to "prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids."

The constitutional provision barred employment of Chinese people both by government agencies and private corporations. This stunningly racist provision of the state constitution remained in place until 1952, when voters overwhelmingly approved Proposition 14, repealing Article XIX.

California Government Today

The U.S. Constitution was ratified in 1788, and has been amended just 27 times since, and not at all since 1992. California's 1879 Constitution has been amended more than 500 times, making it the eighth-longest-winded

constitution of any government in the world.

The three-branch structure of the government laid out in both the 1849 and 1879 constitutions remains in place, but the government itself has become much more complex. As of 2022, according to the state controller's office, the state government employed 258,483 Californians.

In addition to laws passed by the legislature, more than 200 state agencies create regulations to enforce those laws, and each regulation has the same authority as a law passed by the legislature itself. The California Office of Administrative Law, however, must approve all regulations to make sure they are "clear, necessary, legally valid, and available to the public."

According to a 2020 study of state regulations by George Mason University, California is far and away the most heavily regulated state, with nearly 400,000 regulations on the books. The national average for the 50 states, per the study, is 135,000 regulations.

The governor is not the only elected official in the executive branch. Six other officials are also chosen by voters statewide: attorney general, secretary of state, controller (the state's chief financial officer), insurance commissioner, treasurer, and lieutenant governor.

The state Board of Equalization is also elected but is divided into four districts. The board is responsible for administering the state's property tax system, as well as taxes on alcoholic beverages, insurance companies and private railroads.

In California, all state elected officials serve limited terms. The governor may serve two four-year terms, either back-to-back or not. Governors whose first term or terms came prior to 1990—when voters passed Proposition 140 imposing term limits—are grandfathered in. That's how Gov. Edmund G. "Jerry" Brown was allowed a third and fourth term from 2011 to 2019, after earlier serving as governor for eight years from 1975 to 1983.

Under a later term-limits law, Proposition 28, passed in 2012, state legislators are limited to 12 years, total, either in the assembly or the senate or in combination. The state's 40 senators each serve four-year terms. Assembly members, of which there are 80, each serve two-year terms. Since the passage of Proposition 1-A in 1966, holding a seat in the California state legislature has been a full-time job.

The 'Fourth Branch' of Government

Why has the California Constitution been amended hundreds of times? Why do governors and other elected officials sometimes face recall elections? How have voters effectively vetoed 29 laws passed by the legislature, taking them off the books?

The answer to all of those questions is that in California, there are in effect four branches of government. The people—at least the ones willing to vote—serve as a separate branch of government.

Under the California system of "direct democracy," instituted by Gov. Hiram Johnson in 1911, voters have had three powers, on top of their power to elect their public officials: initiative, recall, and referendum. As explained in Chapter 37, the "direct democracy" system has strayed a long way from its original purpose.

CALIFORNIA

CITIES BY THE NUMBERS

How Many Incorporated Cities?

461

(plus 21 incorporated towns)

First City Incorporated

FEBRUARY 27

1850

Sacramento

Last City Incorporated *(so far)*

JULY 1

2011

Jurupa Valley, Riverside County

Cities That Are Also Their Own Counties

1

San Francisco

Counties With No Incorporated Cities?

3

Alpine, Mariposa, and Trinity

Counties With at Least 80 Percent of Their Population in Cities

12

Yolo, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, San Francisco, San Bernardino, Los Angeles, Ventura, Orange, San Diego

Percentage of Californians Living in Cities

94.2%

California Cities with More Than 1 Million People?

3

Los Angeles, San Diego, San Jose

California Cities with More Than 50,000 People

187

Largest City
Population

3,919,973

Los Angeles

Smallest City
Population

201

Amador City

Largest City
Area

501.55

SQUARE MILES

Los Angeles

Smallest City
Area

0.3

SQUARE MILES

Amador City

Most Densely Populated City

18,790.8

PER SQUARE MILE

San Francisco

Least Densely Populated City

75.4

PER SQUARE MILE

California City

In 2011, the legislature—in a last-minute move in a session driven by a fiscal crisis—rammed through SB 89, a bill that took away about $190 million in funds previously allocated to cities through the state's Vehicle Licensing Fees. SB 89 made it virtually impossible to incorporate new cities.

How to be a "City" in California.

It's Not as Easy as It Looks.

CHAPTER 2

Glance at a map, and California looks like a heavily rural state. About 80 percent of the state's land mass is classified as "rural." You may never know from a map that California is one of the most heavily urban states in the country.

About one in every four of California's 39 million residents lives in one of the state's 10 most populous cities. And about 94 percent of all people in the state live in urban areas. California is one of only two states, the other being Texas, with more than one city of over a million people. California has three: Los Angeles, San Diego, and San Jose.

If a city is defined as an incorporated area with a population of at least 50,000, California is dotted with 187 of them, based on data from the United States Census Bureau's 2021 Population Estimates Program. That's almost one of every four 50,000-plus cities in the United States. Of those, 77 have populations of more than 100,000—again roughly 25 percent of all cities that size in the country.

California's physical geography, on the other hand, is pretty much in the middle of the pack in terms of urbanization. Only 5 percent of the land is considered urban. That's a lower percentage of urban territory than 22 other states. In California, half the population lives in four counties—Los Angeles, Orange, San Diego, and San Bernardino.

Perhaps the most remarkable aspect of California's urbanization is how quickly it happened. The East Coast of the U.S. had a big head start—by 1920 the populations of New York City and Philadelphia, for example, topped 5.6 million and 1.8 million respectively.

At the same time, Los Angeles was already California's most populated metropolis, but it was home to a relatively meager 577,000 people. Today Los Angeles remains the state's largest city with nearly 3.85 million residents, according to the U.S. Census Bureau.

California's least populous city is Amador City, with a mere 201 residents. Located about two hours by car north of San Francisco, the tiny city was founded as a gold rush town in 1853, and incorporated as a city in 1915. With a land mass of just 0.3 square miles, Amador City also has the smallest physical area of any city in the state.

What Does It Mean to Be a California City?

There may be only 187 municipalities in California with populations over 50,000, but there are many more cities than that. In fact, the state has 482 incorporated cities and towns—including San Francisco, which is both a city and a county. Some communities are cities while others—just 21 in California—are towns.

On top of that, there are more than 1,000 "census-designated places," which, though they are communities with names where people live and work, are neither cities nor towns. They have no state-recognized borders or independent governments. Their boundaries are filled in by the U.S. Census Bureau solely for the purpose of compiling data.

For governmental functions, CDPs rely on the counties in which they reside. Or they depend on special districts, created under state law to provide a wide range of specific services from water and firefighting to recreation and mosquito control. About 18 percent of the state's population lives in unincorporated communities.

What makes a city a city? Well, first of all, size does not matter. The Santa Clara County community of Los Gatos is a "town," with a population of more than 32,000, while Apple Valley in San Bernardino County boasts more than 72,000 people, yet remains a town as well. The difference is in the paperwork. The decision whether to be a city or a town is up to the local governing council. Those elected officials must approve the selection of nomenclature by an 80 percent supermajority.

Why Become a City?

The clearest benefit of cityhood (or "townhood") is self-government—the foundation of the democratic system.

"Local assemblies of citizens constitute the strength of free nations. Town meetings are to liberty what primary schools are to science; they bring it within the people's reach," wrote Alexis De Tocqueville in his classic 1838 work *Democracy in America*. "They teach men how to use and how to enjoy it. A nation may establish a system of free government, but without the spirit of municipal institutions it cannot have the spirit of liberty."

In that spirit of local institutions, a city is governed by a city council with members elected by local voters either on an at-large basis—that is, all candidates run citywide—or by district, with councilmembers representing their own districts. As of May 2020, according to the National Demographics Corporation, 155 California cities had converted to the district system while the remainder maintained the at-large method.

While many of the state's largest cities also elect a mayor as the city's chief executive officer, most employ a city manager rather than an elected mayor.

A city manager serves solely as an administrator, and unlike a mayor has no official influence over city policy, though the council may rely on its city manager to provide research and information, or even make recommendations to aid the elected officials in making policy decisions. A manager acts as, in effect, a chief executive for a city. The manager's job is to make sure policies agreed upon by a majority vote of the council are properly implemented.

The Long Road to Cityhood

To call itself a city or town in the first place, a community must go through a process known as incorporation. Sacramento, California's capital city, is also its oldest incorporated city, earning that distinction in 1850, the same year California became a state.

Today, incorporation means going through a rigorous and complicated process with the Local Agency Formation Commission (LAFCO) in the county where the community sits. (Each city, town and census-designated place must be contained within a single county). Before a community can even apply for incorporation, at least 25 percent of registered voters there (a community must have a minimum of 500 registered voters to qualify at all) must sign a petition stating their desire to make their community a city.

Once that's done, a process that can take up to eight months, then the

initial application begins. At the top of the application, the citizens of the place must give a detailed explanation of their reasons for wanting cityhood. Those could range from the desire for local control over services and government functions, to the need to raise new tax revenue, to increasing government accountability by establishing a local city council.

Applicants must also perform an extensive fiscal review of their plans, designate boundaries for their proposed city, and come up with a full plan for how to provide local services such as water and sewer, law enforcement, and land-use planning.

Finally, a community must pay the application fee, which historically has ranged from $50,000 to as high as $150,000. Then, and only then, does the county LAFCO take a look at the application. That process can also take months and requires input from the public.

State's 'De Facto Moratorium' on New Cities

Only four new cities have incorporated since 2004, and none since 2011. The last one was Jurupa Valley, a city of 106,000 in Riverside County. The planned community of Mountain House in San Joaquin County received the go-ahead from the county's LAFCO to incorporate in September 2023. But the process required a vote, set for the March 2024 primary election ballot.

In 2011, the legislature—in a last-minute move in a session driven by a current fiscal crisis—rammed through SB 89, a bill that took away about $190 million in funds previously allocated to cities through the state's Vehicle Licensing Fees, diverting the cash to other programs.

SB 89 made it virtually impossible to incorporate new cities, and threatened the viability of the state's four newest incorporated cities. The money just wasn't available anymore. In 2017, however, a new bill, SB 130, took property tax money and sent it to those four cities to help them compensate for the shortfall.

But SB 89 remains in place, and according to League of California Cities Legislative Director Dan Carrigg, the law imposed a "de facto moratorium" on the incorporation of new cities, a moratorium that Mountain House aimed to break.

"The passage of SB 89, however, which removed a major funding source

relied upon by incorporating areas, must be addressed by the Legislature," Carrigg wrote in an op-ed for *Western City* magazine. "Or it is unlikely California will have any new cities in the future."

Of all California superintendents of public instruction, starting with Sonora Judge John G. Marvin in 1851, only one woman has held the post. That was Delaine Eastin, who served from 1995 to 2003, winning election to two terms.

California's Education Bureaucracy

How We Teach Our Kids

CHAPTER 3

In 1849, as California was getting ready to become the 31st state in the union, the framers of its Constitution found themselves in a spirited debate over one issue that would become fundamental to the future of any state: education. Would California adopt a system of public education at all? Or simply leave the schooling of its children to their families, or to private entities?

In the end, of course, they chose to establish a public school system. But there was another problem. How would this extensive and sprawling bureaucracy be managed? The framers decided to put the responsibility in the hands of one man—in a job that would be known as the California Superintendent of Public Instruction.

California education has become a sprawling bureaucracy in the ensuing 170-plus years. And yet today, all of California's more than 10,500 schools—including alternative, special education, and community day schools—ultimately fall under the supervision of that one man.

And it has almost always been a man. Of all California superintendents of public instruction, starting with Sonora Judge John G. Marvin in 1851, only one woman has held the post. That was Delaine Eastin, who served from 1995 to 2003, winning election to two terms.

Power Struggle Between Superintendent and Governor

No sooner had the superintendent's job been created than there came a serious push to ditch it. In 1853, Gov. John Bigler attempted to get the state legislature to eliminate the elected post, proposing that the responsibility for overseeing the California public education system be handed to the clerk of

the state Supreme Court, who presumably could handle education as a side hustle. But the young state legislature overruled the governor.

The Bigler incident was the first indication of a power struggle between the superintendent and governor that has continued more or less unabated to the present day. A certain amount of tension also exists between the superintendent—again, a statewide elected official—and the 11-member California Board of Education, which is appointed by the governor.

California is one of only 13 states to elect their top education official. In 27 others, the state Board of Ed picks its own superintendent. The governor appoints the post in the remaining states.

The Board of Education was not created until three years after the superintendent's position was established, in 1852. Starting in 1991, under Gov. Pete Wilson, California also had a state Secretary of Education, in addition to the Superintendent of Instruction and the Board of Education. The position had little actual authority, and in 2008—after the fourth of Gov. Arnold Schwarzenegger's five education secretaries quit the job—the Pacific Research Institute called for the post to be abolished, decrying it as a "sinecure." Three years later, Schwarzenegger's successor Jerry Brown took them up on it, eliminating the position from his cabinet.

Nonetheless, the elected superintendent's position remains, with the responsibility for overseeing the appointed Board of Education. The board is the policy-making arm of the Department of Education, which in turn is the top administrative entity for K-12 public education throughout the state.

State Education System's Power Structure

Though local and county education systems have their own governing boards and administrators, the State Board of Education (SBE) wields a considerable amount of power over education statewide. The SBE sets policies for the state's Department of Education, a bureaucracy with nearly 2,800 employees, though the state legislature is responsible for passing laws that make up California's Education Code. The Code covers such issues as student rights and disciplinary procedures, as well as whether and how schools teach certain topics—sex education, for example. Anything not specifically designated by the Code is left up to local school districts.

The board selects textbooks for grades K-8, and is responsible for creating the curriculum frameworks for all grades. It determines the tests given for the California Assessment of Student Performance and Progress, the statewide student testing system that replaced the Standardized Testing and Reporting Program in 2013. In addition, the board approves allocations of state and federal education funding, and oversees California's compliance with federal education laws.

The superintendent is in charge of making sure that the board's policies are carried out. The job, according to the education site *EdSource*, however, is largely about advocating for policies. As the state's top education official, the superintendent's positions and opinions carry considerable influence. The officeholder also holds a position on several state committees, including the California State Teachers Retirement System and Commission on Teacher Credentialing.

While the superintendent, board, and Department of Education are the ultimate authorities for state education policies and practices, the heart of the state's education system lies within the 1,037 local school districts, with almost 6.2 million students (as of 2019-2020)—the United States' largest school system.

Local districts are governed by elected school boards, each with five key responsibilities. Their overall mission, according to the California School Boards Association, "is to ensure that school districts are responsive to the values, beliefs and priorities of their communities."

They do this, per the association, by "setting direction, establishing an effective and efficient structure, providing support, ensuring accountability, and providing community leadership as advocates for children, the school district and public schools."

Those are the broad strokes. In specific terms, local school boards set staffing and, perhaps most importantly, negotiate contracts with unions that represent teachers and other employees. The district superintendent and other administrators usually carry out those negotiations on the school board's behalf.

Each of California's 58 counties also has a school superintendent, whose primary job is to serve as a sort of middleman between the local school districts and the state Board of Education, making sure that the state's policies

are put in place at the local level, and providing support services and oversight on both the academic and financial sides to the districts.

Of those 58 county superintendents, 53 are elected officials, but the counties of Los Angeles, Sacramento, San Diego, San Francisco and Santa Clara appoint their superintendents. Seven counties have only one school district: Alpine, Amador, Del Norte, Mariposa, Plumas, San Francisco, and Sierra.

CHAPTER 4

How Cool Are Libraries?

In 1849, just three years after 250 U.S. Marines and seamen landed on the shores of Monterey Bay and quickly proceeded to raise the American flag, claiming the town as U.S. territory—one year after the Treaty of Guadalupe Hidalgo made all of Alta California part of the United States—several prominent Monterey citizens started to plan for a new institution. They would create what became California's first public library.

The following year, after funding the library by selling shares to mostly wealthy townsfolk at $32 apiece (about a thousand bucks in today's money), the library had acquired about 900 fiction, nonfiction, and poetry books, as well as troves of government documents and maps. That was also the year California was named the 31st state in the union.

More than 170 years later, according to the California State Library, the state has 1,128 public libraries, employing nearly 18,000 people, and with collections housing close to 100 million items, which these days include not only books, maps, and documents, but DVDs, CDs and ebooks, along with other digital-only materials available to be borrowed by the California public.

Those libraries also operate thousands of programs for the public, almost 140,000 for adults and over 250,000 for kids in 2018-2019 alone, with 10.6 million people attending public library programming in that span.

Libraries: How the Enlightenment Lives On

Public libraries are the purest example of democracy in action, arising straight from the Enlightenment, when 18th-century Europe was swept by the radical idea that rational thinking, fueled by science, knowledge, and logic, held the key to bettering the human condition. According to Princeton University librarian Wayne Bivens-Tatum, the core idea of the Enlight-

enment—that the free flow of knowledge builds a more perfect society—provided "the philosophical foundation for modern American libraries."

European Enlightenment ideas were also the formative influence on America's Founding Fathers, so it is not surprising that one of those founders, Benjamin Franklin, was also the founder of America's first library. In 1731, still 45 years before American independence, Franklin began raising funds for a subscription library, a type of library popular in Europe, requiring a monthly fee for members. Non-members could also borrow books from The Library Company, as Franklin christened it. They needed only to offer some form of collateral, guaranteeing the book would be returned.

In another innovation, Franklin stocked the library with books published in English. At the time, it was *de rigueur* for European libraries to stock only works in Latin.

Franklin was also instrumental in creating the country's first free public library. Shortly before his death in 1790 at age 84, Franklin donated a trove of books to the not-coincidentally-named town of Franklin, Massachusetts, which used them to initiate its own library.

Taxpayers Take Up Library Funding

Not until 43 years later, however, would a U.S. town—Peterborough, New Hampshire—think to fund a public library with money from its own taxpayers. Another 19 years after that, in 1853, the Boston Public Library opened its 16,000-volume collection for free lending to any Massachusetts resident, making the BPL the first large municipal library in the country.

Today, there are 9,057 public libraries throughout the United States. Along with 3,094 college and university libraries, plus 98,460 school libraries and a smattering of military and government libraries, Americans now have access to books and other knowledge-bearing materials at 116,867 library facilities in the 50 states and five territories.

Libraries are, in many ways, the lifeblood of a free country. That Enlightenment idea survives even today. But just barely. Libraries all-too-often find themselves under attack, both from censors and from government officials wielding the scythe of budget cuts.

The Public Library and its Enemies

In 2019, the American Library Association Office for Intellectual Freedom recorded 377 "challenges" to books in libraries and in school curriculums, targeting 566 books. Among the most frequent targets of censorship attempts were the Harry Potter series, Margaret Atwood's seminal work of feminist science fiction *A Handmaid's Tale*, and *A Day in the Life of Marlon Bundo*, a children's book about a gay rabbit by comedy writer Jill Twiss, who writes for the HBO program *Last Week Tonight with John Oliver*.

Without minimizing the threat of censorship, however, it may be accurate to say that budget cuts pose the most imminent danger to the public library system. At the height of a California fiscal crisis in 2011, Gov. Jerry Brown put together a budget that eliminated state funding for public libraries completely.

Ultimately, the California Library Association (CLA) was able to squeeze $4.7 million out of Brown, enough to maintain the "basic integrity" of library services, and to secure the $12.5 million in federal corresponding funds used for such services as the Braille and Talking Books program.

As the COVID-19 pandemic of 2020 and 2021 dragged on, dragging down California's economy with it, Gov. Gavin Newsom took a very different approach toward library funding. According to the CLA, Newsom in January proposed adding $10 million in library funding to the budget because libraries, he said, would play an important role helping the state recover from the pandemic disaster.

The money would go toward developing out-of-school learning programs at a time when students throughout the state were forced to use "distance learning" via the internet to keep up with schoolwork—and more than a million children had no internet connectivity. The increased funds also went to meal programs for kids, with "grab 'n' go" meals. The new money also brought library services to those who could get to the physical library during the pandemic.

As for the Monterey Public Library, it moved into a new, expanded facility in the 1950s, and now offers library services online as well, bringing the state's first public library well into the 21st century.

It wasn't until 1913 that Los Angeles County established the country's first public defender's office. Another 50 years would pass before the U.S. Supreme Court, in the case Gideon v. Wainwright, solidified the constitutional guarantee of representation, and decided that without a lawyer, no defendant could be said to receive a fair trial.

CHAPTER 5

Welcome to the Justice System

For many Americans, other than public schools, our most direct and meaningful interaction with the government happens in the court system. Most of us don't get to visit the Oval Office, the governor's mansion or even the mayor's office. But in court, we come face-to-face with government officials, and a system that can make an immediate and significant impact on our lives.

The county Superior Court system will most often be the first point of contact. But even before you get into a courtroom, the system can be confusing and intimidating.

But don't let that get to you—courts are designed that way. When you walk into a courtroom, you're supposed to feel the importance and solemn nature of the place, and more importantly, of the judicial system. In reality, the court system is a flawed machine that often seems geared toward churning out justice like an assembly line, and only rarely resembles the made-for-TV version as seen on *Law and Order*.

Here's a basic introduction to California's Superior Court system, what it is, and how it works. Things vary somewhat from county to county, but the general outlines of how justice is dispensed in the state are the same.

Why Would You Go to Court?

As of 2023, there were approximately 2,300 judges in the California court system including the seven state Supreme Court judges and 105 on the Appeals Courts. There are two main reasons why you would end up in front of one of those judges: you're mixed up in a civil case—in other words, a lawsuit—or you are facing criminal charges.

Unless you are accused of a crime, you won't have any reason to visit the

Superior Courts as a defendant. But civil lawsuits are a different matter and in many significant ways much more complicated.

Why would you file a lawsuit? The simplest reason is—you've been done wrong. Generally, lawsuits involve a violation of your legal rights, rather than actual crimes, which are violations of the state or federal criminal code. Maybe you believe a business associate broke a contract. Or perhaps you slipped and fell at a grocery store because the floor was slick with spilled olive oil. Maybe someone lied about you behind your back, and you believe your reputation has been damaged.

The reasons for filing lawsuits are as limitless as your rights to binding contracts, personal safety, an unsullied reputation, and so on.

But suffering a wrong, or perceived wrong, is only the start of the process that could lead you into a courtroom. You have to decide who to sue, and if you have a reasonable chance of winning the lawsuit. But most importantly, you must decide where and which type of court is right for your lawsuit. This is called "jurisdiction," and if you file in the wrong jurisdiction, your lawsuit will simply be thrown out, regardless of whether your claim is justified or not.

In the most basic terms, you have to file in the right place. If a business associate broke a contract that was signed in Santa Cruz, and you file suit in Santa Clara County, your suit will be tossed, and you'll be forced to start all over again.

It also helps to know whether you have "standing" to file any particular lawsuit. To have standing means that you have actually suffered an injury (physical, financial, emotional or some other kind) caused by the person or entity that you're suing. Usually, a court will make the final decision on whether a plaintiff (that is, the person bringing the lawsuit) has standing.

Other Reasons to See the Inside of a Courtroom

Of course, there are several other reasons that could land you in court outside of lawsuits and criminal cases. County probate courts, for example, handle a wide range of family and financial matters, from distributing the property of dead people, to appointing guardians for children whose parents can't do the job—or for adults who are impaired by age, mental illness, or some other incapacitating factor.

Small claims court handles civil cases in which the money involved comes in at less than $10,000. The purpose is to make resolving these "small claims" cheap and relatively quick. As anyone who has watched *Judge Judy* understands, lawyers are banned from Small Claims Court. The plaintiff (that is, the person who is suing) and defendant (the one being sued) must stand in front of a judge and make their own arguments.

Juvenile Court handles criminal cases for defendants under 18 years old. But cases of child abuse and neglect also go through the Juvenile Court system.

While all of these various types of cases can be disconcerting and confusing, to say the least, most county Superior Court systems maintain a website that makes the process much simpler and less cumbersome than it was in the pre-internet era.

A court's online Self Help Center allows county residents to file required forms in cases ranging from divorce to child custody, unlawful eviction and even a simple change of legal address—all from the comfort of a computer. The website also includes detailed information on how to proceed if you have been charged with a crime, need to fight a traffic ticket, or file a small claims suit, among numerous other legal functions.

Defense and Prosecution: Whose Job Is That?

The Sixth Amendment to the United States Constitution guarantees any criminal defendant the right to "have the assistance of counsel for his defense." What that means, in the real world, is that every county or legal jurisdiction in the country must provide lawyers for any criminally accused person who cannot afford one.

In California, 40 of the 58 counties maintain their own public defender's office, staffed with attorneys who draw salaries from the county, and headed by a public defender who is appointed by the county board of supervisors—unlike the district attorney, who is the lead prosecutor and must be elected by voters.

The district attorney and public defender may be perpetual adversaries, but there is also a third category of public lawyer. Most counties maintain an alternate defender's office, though some counties contract with private

attorneys to provide "alternate" defense services.

Though technically coming under the auspices of the public defender's office, the alternate defender's office functions as a separate entity for ethical reasons. The entire rationale for the office's existence is to avoid conflicts of interest by the public defender. According to an explanation on the Santa Clara County Alternate Defender's website, conflicts most often arise when more than one person is charged with a crime in the same case. Because each person is entitled to a unique defense, the public defender is not allowed to represent both defendants in multi-defendant cases.

The Right to an Attorney

Though the U.S. Constitution guarantees criminal defendants the right to legal representation, no established system existed in the United States for providing that service until the early 20th century. The idea of a "public defender," a defense lawyer whose fees were paid out of public funds, originated in California.

Clara Foltz, who also happened to be the first woman licensed to practice law in the state, came up with the idea of a government-funded "defense office" in 1893.

Foltz's idea took another two decades to catch on, however. It wasn't until 1913 that Los Angeles County established the country's first public defender's office. Another 50 years would pass before the U.S. Supreme Court, in the case *Gideon v. Wainwright*, solidified the constitutional guarantee of representation, and decided that without a lawyer, no defendant could be said to receive a fair trial.

At the time of that decision, 1963, most states already guaranteed criminal defendants the right to counsel in felony cases. But 15 did not, a situation that was forced to change by the *Gideon* decision.

The public defender represents any person accused of a crime and determined to be indigent. That is, they can't afford a private defense attorney. According to a 2006 report by the California State Bar Association, that covers the "vast preponderance of persons" charged with crimes in the state.

Early in the process after an arrest, a potentially indigent defendant meets with a paralegal from the public defender's office, who—in addition

to gathering information about the defendant's case—collects info about how much money that person makes. That determination guides the decision as to whether the defendant qualifies for a public defender.

The public defender, however, cannot officially represent a defendant until a judge gives the OK, after an initial court appearance.

The Prosecutor's Advantage

The district attorney's office prosecutes every criminal case in the county, starting before an alleged offender is arrested. In many cases, police must submit a warrant to the DA, spelling out what they expect that person to be charged with, before arresting a suspect. The warrant undergoes a thorough review by the DA or one of the prosecutors working in the office, to figure out whether there's enough evidence to charge the suspect with a crime.

The process is not just a rubber stamp. Prosecutors, like most lawyers, would rather not take cases they don't believe they can win. It is not uncommon for a prosecutor to send that warrant back to the cops, telling them to keep right on investigating until they gather enough to make a case that sticks.

That power, in addition to the disparities in staff size and funding—the DA generally has more lawyers and a significantly bigger budget than the PD—is another advantage that the district attorney holds over the public defender. The DA's office can decide which cases it takes. The PD must take any case thrown its way by the court.

The civil grand jury is essentially a watchdog body, composed of 19 citizen volunteers who examine the operations and finances of county agencies, as well as those of cities within their county, and the county's various school districts.

CHAPTER 6

Secret Justice

How California Grand Juries Work

The grand jury system remains one of the most obscure and least-understood—yet most important—pieces of our American legal machinery. That may be because, while trials must be public under the Sixth Amendment to the United States Constitution, no such requirement applies to grand jury hearings.

In fact, under both federal and California law, grand jury proceedings must be kept secret. As a result, the public is kept largely in the dark, not only about what grand juries do, but how they work.

The basic facts are simple. While a trial jury—which is technically called a "petit jury"—is composed of 12 people selected from the local community, who serve only as long as the duration of a trial, the grand jury is 19 strong and convenes for three months at a time. Grand jurors are also picked from the community, selected from the list of available trial jurors.

What Is the Civil Grand Jury?

Grand juries deliver criminal indictments. That much is well-known, and written into the Constitution's Fifth Amendment. But what is not as widely understood is that in most California counties, there are two differing grand jury systems. One hands down indictments for felony crimes. The other is known as the civil grand jury, and its job is to investigate the government itself.

California is the only state in the union whose constitution requires counties to maintain civil grand juries. Each of California's 58 counties seats a civil grand jury every year. In many counties, the civil grand jury is a separate entity from the criminal grand jury, whose sole function is to investigate and deliver indictments in felony criminal cases and is guided by

prosecutors working for the district attorney. The civil grand jury's job is to hold government accountable.

The civil grand jury is essentially a watchdog body, composed of 19 citizen volunteers who examine the operations and finances of county agencies, as well as those of cities within their county, and the county's various school districts. In smaller counties, a single grand jury may perform both the civil and criminal functions.

The civil grand jury actively recruits members, who will serve for a full year. Any county resident may apply. For those who make the cut, civil grand jurors expect to spend between 10 and 30 hours per week on grand jury activities and investigations. Civil grand jury service pays a small stipend, typically about $20 per day of actual jury work, plus a mileage reimbursement.

The civil grand jury investigates just about any aspect of local government, and can initiate investigations in response to citizen complaints or issues of concern to individual jurors.

The body can even undertake misconduct or corruption investigations against public officials—including the county supervisors themselves—which could result in those officials being removed from office.

But unlike the criminal grand jury, the civil version does not issue indictments. Instead, it writes reports. Though the civil grand jury's personnel and proceedings are confidential, the reports are made public—and the public can access an archive of civil grand jury reports online, generally via the county's Superior Court website.

How Criminal Grand Juries Work

A criminal grand jury functions a little differently. Rather than starting its own investigations proactively, the grand jury for criminal cases acts only on cases handed to it by the district attorney.

Though it is rare for a DA to make cases to the grand jury personally, one of his or her office's deputy district attorneys will likely be present in the grand jury proceedings to present evidence, question witnesses, and otherwise guide the proceedings toward an indictment.

The criminal grand jury process, unlike a criminal trial, is not a two-sid-

ed affair. Its only purpose is for prosecutors to secure indictments. Defendants do not have any opportunity to make their cases, or even appear—or for that matter, to know that the grand jury proceedings are going on.

Grand juries handle only felony cases. Misdemeanors do not require indictments. But the range of felonies that could come before a grand jury is extensive, from gang-related murders, to Silicon Valley cyber crime, to rape and sex trafficking, to political corruption.

A British Invention

Though the U.S. grand jury system was created by the framers of the Constitution, the practice of empaneling grand juries dates back centuries, to traditional English law. The earliest origins of the grand jury system are believed to date back to an edict by England's King Henry II, who issued a set of laws collectively titled the Assize of Clarendon in 1166. Among the orders were that a jury of 12 men would name suspected criminals to a judge representing the king.

The idea of jury trials was still a couple of centuries away at that time. Most trials were conducted by "ordeal," the details of which for now may be better left to the imagination.

But within about 200 years, the "ordeal" system had given way to trial by jury. To prevent unfair accusations leveled by local officials, a "grand inquest"—later to be known as a grand jury—was tasked with gathering evidence against accused criminals, and making official accusations on behalf of the king.

The grand jury system traveled to the New World, and was used in the American colonies. When the colonies broke away and formed the United States, the Founding Fathers considered the grand jury system a vital check on the government's power of prosecution, leading them to enshrine the grand jury requirement in the Constitution.

Why are boundaries so important? Because the boundaries of a city or district determine which governing body can levy taxes on its residents and businesses.

CHAPTER 7

LAFCOs Are No Joke

How Government Boundaries Are Set

By the end of World War II in 1945, California was home to 140 United States military bases. With the war over, that meant the new influx of federal money kept right on going through the Cold War era of the 1950s. Those military bucks helped power a period of economic growth that saw the state quickly sprouting new cities, roadways, and what came to be called suburban sprawl.

With rapid growth rolling forward in largely haphazard fashion, by the end of the 1950s the need for some sort of oversight or control was urgent. In his 1959 inaugural address, California's 32nd governor, Edmund G. "Pat" Brown, announced the formation of what he called the Governor's Commission on Metropolitan Problems, to get a handle on the "often inefficient, costly, and confusing" machinations of local government, in which "necessary services are rendered by overlapping and competing agencies."

By 1963, the Commission had come up with a set of recommendations that became codified as law when the legislature passed the Knox-Nisbet Act—combining similar bills by Contra Costa state Assembly Member John T. Knox and San Bernardino Senator Eugene G. Nisbet—to create the first Local Agency Formation Commissions.

What Exactly is a 'LAFCO,' Anyway?

The new commissions were immediately established in 57 of the state's 58 counties. Only San Francisco didn't have one, largely because the boundaries of the city and county there are the same, making potential conflicts more unlikely.

Known by the rather amusing acronym LAFCO, these then-new county-level agencies were charged with overseeing and approving the creation

of new cities and other local government entities, such as special districts for water, fire and other services. LAFCOs also review changes to boundaries of cities and special districts, to maintain some sort of order in the organization of government functions.

"Agency boundaries are often unrelated to one another and sometimes overlap in a seemingly random manner, often leading to higher service costs to the taxpayer and general confusion regarding service area boundaries," according to the California Association of Local Agency Formation Commissions, known as CALAFCO.

Under California state law, the legislature must approve any changes to city or district boundaries. Since the 1963 law, the legislature delegated that authority to LAFCOs. No "local agency"—that is, a city or other type of district—may alter its boundary lines without going through LAFCO first, not even by voter initiative.

Not only are LAFCOs the regulatory watchdog that must approve or reject any proposed change to a local entity's boundary, they also act as planning commissions, identifying where future boundaries may end up. What LAFCOs do not do, and are barred under state law from doing, is making specific decisions on how land should be used. They do not get involved with designing subdivisions, or deciding on whether parcels of land should be developed or not. But by regulating city and district boundaries, their broad influence over land-use decisions is substantial.

Boundary Issues: The Reason We Have LAFCOs

In addition, only the governing body of a specific, boundary-defined district can regulate public works, such as water distribution or recreational facilities. And perhaps most important, boundaries determine who gets to make land-use decisions. A city council can approve developments only within the boundaries of its own city, for example, and not in county-controlled territory.

When do cities and districts change their boundaries? According to a 2013 guide to LAFCOs produced by the state Senate Committee on Government and Finance, LAFCOs are specifically responsible for oversight of the following types of boundary changes: annexations and detachments, city incorporations and disincorporations, formations and dissolutions of special

districts, mergers between cities or districts, and reorganization that may involve two or more of those changes.

The exceptions are school and community college districts, as well as special tax districts known as "Mello-Roos" districts, which are created to fund specific infrastructure projects. The state legislature maintains control over regulating those districts.

It is also important to note that while each county has a LAFCO (San Francisco, the last holdout, added one in 2000), a LAFCO is not a county agency. County supervisors typically occupy seats on LAFCO boards, but a board of supervisors has no authority over a county's LAFCO.

Maximizing the efficiency of local government services is job one for LAFCOs. A couple of examples happened in Santa Cruz County, where in 2017, the LAFCO recommended the elimination of one of the county's 10 water districts, which had fallen into disuse. But four years later, that district's boundaries were still on the books.

Then in 2021, the Santa Cruz LAFCO recommended that two of the county's four parks and recreation districts shut down by the end of the year, mainly due to inactivity and revenue shortfalls.

LAFCO Laws Evolve Over Four Decades

LAFCOs also hold responsibility for protecting agricultural land and open space from development, making sure that new building takes place in urban and suburban areas, as far away from agricultural land as possible.

At the same time, preventing "misuse of land resources" was the original motivation behind the Knox-Nisbet Act, and that means controlling "sprawl," which CALAFCO defines as "irregular and disorganized growth occurring without apparent design or plan."

The creation of county LAFCOs in 1963, however, failed to quell the seemingly uncontrollable proliferation of special districts throughout California cities and counties. The legislature quickly spotted this problem, and in 1965 passed the District Reorganization Act, which established specific procedures for the reorganization of special districts, including when one district annexes part of another, or when two special districts merge, or for that matter, when special districts dissolve.

The new rules meant new powers for LAFCOs. Now, not only would these commissions oversee the formation of special districts, they would have their hands in just about every aspect of any change made to a district.

Though the makeup of LAFCO boards can vary, they were, and remain, usually composed of two members of the county board of supervisors, as well as two members of city councils within the county, and two from special districts. Plus, in most cases, at least one seat is reserved for a member of the general public who has all of the same powers as the elected officials on the board.

In 1977, the state legislature passed the Municipal Organization Act, with the purpose of further promoting "orderly growth and development." LAFCOs were now responsible for implementing three separate laws, even though they sometimes conflicted or duplicated each other. So in 1981, CALAFCO formed a subcommittee to write a new law that would combine the three pieces of legislation, smoothing out the loose ends and rough edges.

The CALAFCO subcommittee finally signed off on a draft in January of 1984. Assemblymember Dominic Cortese, who had previously served as a Santa Clara County supervisor and LAFCO member, sponsored the legislation, taking up the cause in February of 1984.

It took until 1985 to enact the bill—now known as the Cortese-Knox Local Government Reorganization Act, or L-GRA. Knox was no longer in the legislature, but Cortese added Knox's name as a tribute to his efforts as the originator of the LAFCO concept.

A New Law in 2000 Gives LAFCOs Additional Powers

In 1997, Robert Hertzberg—an assemblymember from the San Fernando Valley—authored a bill that created another entity, the Commission on Local Governance for the 21st Century. The commission's purpose: to investigate how local governments are organized and come up with recommendations for how to streamline and improve their operation.

In 2000, the commission produced its report, Growth Within Bounds. The group's number one recommendation? Reform LAFCO policies and procedures.

The commissioners were not impressed with the Local Government Reorganization Act, stating that "the law is a composite of three previous procedural statutes that were not substantially modified when combined, nor have they been since. Consequently, policies are often unclear and procedures are cumbersome and uncertain. Moreover, LAFCOs are viewed by many local officials as biased and non-responsive to local development needs."

Ouch.

It was immediately evident that more changes to LAFCO operations were coming—and so they did, with a new L-GRA. This one became the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, with Hertzberg—who as of 2021 was state Senate Majority Leader—getting his name in the bill's title as the force behind the Commission on Local Governance.

The new law gave LAFCOs a new level of independence and power, granting them the unilateral authority to "approve or disapprove with or without amendment, wholly, partially or conditionally" the formation of new special districts and cities, as well as the various other types of boundary changes. The 2000 legislation expanded LAFCOs' powers into other areas as well, giving them authority to study government agencies and make recommendations for improving their efficiency.

The Cortese-Knox-Hertzberg Act of 2000 remains the governing legislation for LAFCOs statewide, more than two decades after it became law.

There was a growing consensus that the coast needed to be protected. The tipping point came on Jan. 28, 1969, when the Union Oil Company's Well Number 21, 5.5 miles off the coast of Santa Barbara, exploded.

CHAPTER 8

Guardians of the Coast

The Ebb and Flow of California's Coastal Commission

California's 840 miles of coastline may be the most beautiful in the country, and with 362 miles of beach fully open to the public the state ranks among the best at sharing its coastal scenery with its people. One of the main reasons for that bounty is the California Coastal Commission, a state agency whose mission since 1972 is to regulate development in the Coastal Zone, and which, according to the *Los Angeles Times*, plays "a key role in improving public access to beaches and has pushed back on numerous planned developments."

There is a reason California's coast doesn't resemble the Jersey Shore, or South Florida with its towering beachside hotels and luxury condos. That reason is the Coastal Commission. Except for San Francisco Bay, which has its own regulatory body, the Coastal Zone under the commission's jurisdiction stretches from Mexico in the south to Oregon in the north.

The zone reaches three miles into the ocean—the outer limit of state waters—and generally about 1,000 yards inland from the high tide line, though in some areas it stretches farther back depending on the landscape.

Nukes and the California Coast

With this massive amount of territory under its control, the Coastal Commission is one of the most powerful governmental bodies in the state. Where did it come from and how did it become such a dominant force? The first spark of what became the Coastal Commission can be detected as far back as 1953, to a speech delivered by President Dwight D. Eisenhower.

Eisenhower's most famous speech was his parting address warning of the threat posed by what he called the military-industrial complex, but arguably his second-most important address has come to be known as

"Atoms for Peace." Just as the United States and Soviet Union were escalating their frightening nuclear arms race, Eisenhower outlined a future in which the awesome power of the atom would be used for good and peaceful purposes. Such as the generation of electricity.

In 1958, California's largest power company, PG&E, took up Eisenhower's idea, proposing to construct a nuclear power plant on one of the most pristine swaths of coastline in the state, Bodega Bay in Sonoma County. PG&E succeeded in digging a 70-foot-deep hole that was supposed to be the site of the main nuclear reactor, but a coalition of political activists and environmental conservationists rose up to fight the plan. The prospect of a nuclear reactor dangerously near the San Andreas Fault helped fuel the coastal activists' cause. In 1962, PG&E gave in and canceled the plan, and opposition to the Bodega Bay nuke and its ultimate cancellation ignited what became a full-fledged statewide effort to protect the coast.

Prop 20: It Took a Ballot Initiative

The demise of the Bodega Bay nuclear power plant project was not the end of the incursions into California's coast. From proposals for more nuclear plants to the filling of coastal wetlands to construction of upscale homes along the beaches in Malibu that blocked seaside views and cut off public beach access, the decade of the '60s was a time of near constant threat to the California coast.

Only about 100 miles of the coastline were open to the public at that time—while California's population was swelling, with 27 percent growth over the decade, putting yet more pressure on the coast and all of the state's environmental resources. The number of people living in the state has more than doubled since 1970, to more than 39 million, with nearly seven of every 10 Californians residing in a coastal county, though those counties cover just 22 percent of the state's land.

There was a growing consensus that the coast needed to be protected. The tipping point came on Jan. 28, 1969, when the Union Oil Company's Well Number 21, 5.5 miles off the coast of Santa Barbara, exploded. The blowout spewed about 4 million gallons of oil over a 35-mile stretch of coastline before the well was finally capped on Feb. 7. The disaster was the

worst oil spill in American history, and remained so for 20 years (until the Exxon Valdez calamity in 1989).

The Santa Barbara spill not only gave a huge push to the environmental movement nationwide, leading directly to the creation of the annual Earth Day a year later, it also left no doubt that taking specific, strong measures to protect California's coast was a now-or-never proposition.

Assemblymember John Dunlap first tried to pass a coastal protection bill in 1968, after learning of a 5,200-home development called Sea Ranch, planned for 10.6 miles of the Sonoma County coastline. Dunlap tried again the following year, but still met resistance. The defeats steeled the resolve of not only Dunlap but also a veterinarian from Cotati named Bill Kortum. It was Kortum who had first alerted Dunlap to the Sea Ranch project. In fact, Kortum—who remained an environmental activist until his death at age 87 in 2014—had previously been instrumental in the movement to block the Bodega Bay nuclear plant.

In response to the Sea Ranch proposal and other big-money real estate developments along the coast, Kortum and a group of fellow activists formed Californians Organized to Acquire Access to State Tidelands (COAAST). When Dunlap asked Kortum to extend his activist group statewide, Kortum signed up a dozen environmental groups to form the Coastal Alliance, a group designed specifically to support the coastal protection legislation authored by Dunlap and Los Angeles Assemblymember Alan Sieroty.

The legislature still wouldn't pass the bill. So in 1972, the Coastal Alliance was able to place an initiative on the November ballot—Proposition 20, the State Coastal Zone Conservation Commission Creation Initiative.

Voters rebuked the recalcitrant legislature and passed the initiative with a 55 to 45 percent vote, creating the state agency now known as the Coastal Commission. The new law allocated $5 million to the Commission (about $37 million in 2023 dollars), or $1.25 million per year for the four years until the law, and the Commission, were set to expire.

The Coastal Act of 1976

In addition to creating the initial iteration of the Coastal Commission, Prop

20 required the new body to create a long-term plan for managing the coast for the entire length of the state. After four intensive years of research, the plan was largely incorporated into legislation that made the Coastal Commission a permanent state agency. This time the legislature passed, and Gov. Jerry Brown signed, the California Coastal Act.

The 1976 law prioritized public access to the beaches and other coastal areas as well as preservation of the coast's complex ecosystem. It defined the boundaries of the Coastal Zone, over which the Commission had jurisdiction. And perhaps most importantly, it gave the Commission near total power over any development in the Zone, whether the developer is a private business, individual person, or a government agency—including the federal government.

Any of those entities proposing to build in the Coastal Zone must obtain a permit. The Coastal Commission reviews local plans for coastal areas, can rule on appeals of local decisions, and enforces the standards spelled out in the Coastal Act. That means that certain types of developments are looked on more favorably than others. Specifically, publicly accessible recreational facilities are given preference over commercial or other private developments.

New developments of any kind cannot reduce or block the public's access to beaches and coastal environments. Developments must also protect environmentally sensitive habitats in order to receive Coastal Commission approval. The view counts as a resource that the Coastal Commission is mandated to protect as well.

What Does the Commission Look Like?

The Coastal Commission consists of 12 members, along with three alternate members. Six of the primary 12 seats are designated for members of the general public. The other six are held by local elected officials, each representing one of six coastal districts: North Coast, North Central Coast, San Diego Coast, Central Coast, South Central Coast and South Coast. The governor appoints four of the members—two elected officials and two public members. Those commissioners serve two-year terms and can be removed by the governor before their terms are up.

The Senate Rules Committee and the Speaker of the Assembly appoint four commissioners each—again, two public and two elected officials. Those appointments come with four-year terms, but unlike the governor's commissioners cannot be removed. The state Natural Resources Agency Secretary, Transportation Secretary and Lands Commission Chair also sit on the Coastal Commission, but none has a vote.

The commission meets on a monthly basis at varying locations throughout the state's coastal areas. Each monthly meeting goes on for three days. Meetings are public and members of the public can ask questions or make comments. Information researched and presented by commission staffers, with questions from the commissioners, make up the core of each meeting.

And of course, after they have time to pore over the information they've received, commissioners vote on the proposals and issues on their agenda.

Gov. Deukmejian Tries to Kill the Commission

Since its inception, the Coastal Commission has never been a favorite of developers and conservative politicians. Republican Gov. George Deukmejian, who held office from 1983 to 1991, went out of his way to cast the commission into what longtime executive director Peter Douglas—a principal author of both Prop 20 and the Coastal Act—called its "dark period."

By the time Deukmejian took office, the commission had a staff of 212 and an annual budget of $14 million. The new Republican governor, who came into office following Gov. Jerry Brown's first two terms, quickly attacked the Commission, which he claimed was an obstacle to local decision-making. His attempts to starve the Commission to death nearly succeeded.

By 1989, the Coastal Commission's budget and staff had been slashed by nearly half—at the same time the federal government was also drastically shrinking its financial support. A state Senate investigation tasked with slashing wasteful spending took a deep dive into the Commission's finances, and far from finding bloat, instead discovered that the agency no longer had enough money to do its lawfully appointed job.

By 2010, the *Times* reported, the Commission was taking an average of 400 days to rule on development proposals, and didn't have enough money to afford printer paper for its office computers.

In 2017, Mary Shallenberger, the Commission's longest-serving member, told the *Los Angeles Times* that those cuts crippled the agency. "Most of our problems go back to the really devastating budget cuts by Deukmejian," she said. "We have never recovered from that."

What Has the Commission Accomplished?

Despite the draconian budget cuts and staffing shortfalls, the Commission has generally been able to uphold the mission laid out for it in the 1976 law and 1972 ballot initiative that created it. Here are just a few examples.

The Coastal Commission in 1991 proved that when it says that its job is to maintain public access to the beaches as well as ocean views, it means business. After Japanese tycoon Minoru Isutani paid $841 million to buy the iconic Pebble Beach golf resort in Monterey County, he wanted to turn the links into a private club with memberships going for $150,000 each (about $339,000 in 2013 cash).

The Commission by a 10-1 vote blocked the plan. The reason? Turning the course into a private club would restrict the public's access to the shoreline that Pebble Beach overlooks. Isutanu ended up losing $340 million on the deal, and eventually pulled out of Pebble Beach.

Then in 1998 the Hearst Corporation made a deal with San Luis Obispo County supervisors to add a golf course to its Hearst Ranch property—home of another California icon, Hearst Castle. When the proposal came to the Commission, all 12 commissioners voted to nix it. About 1,000 members of the public showed up at the Commission's meeting to protest the planned golf course. A staff report slammed the Hearst proposal as "not consistent with the development, agriculture, recreation, visual resource, environmentally sensitive habitat, public access, hazards, and archeological policies found in chapter three of the Coastal Act."

And in 2011 the Commission came full circle—42 years after the devastating Santa Barbara oil spill that played such a crucial role in bringing the Commission into being. The Commission approved plans for an oil pipeline that would stop the practice of tankers carrying oil off the shore, reducing the risk of further spills.

Community Services Districts

When County Government Isn't Enough

CHAPTER 9

On Dec. 2, 1952, three men met in a small store on Mission Boulevard in Riverside, California, where they convened the first board meeting of a body called the Rubidoux Community Services District. When George Skotty, the board chair and owner of that small store, banged his gavel, Rubidoux officially became the first community services district in the state, under a law passed by the legislature just a year earlier.

That law, though it has been amended and updated numerous times since, became enshrined in the California government code as section 61001, the Community Services District Law. The legislature reenacted the law—a process required when lawmakers decide to amend a section of an existing statute—in 1955. In the seven decades after the Rubidoux district convened its initial meeting, voters in 321 regions elected to form Community Service Districts (CSDs) to handle various forms of basic service generally provided by city or county governments in California—services ranging from water delivery to fire protection.

The Problem of Inadequate County Government

Under the law, voters must really want or need those services pretty badly, because it takes a two-thirds majority of residents inside a CSD's proposed boundaries to approve its formation. The effort to create one can be started by a citizen's petition, or county resolution. Community services districts serve unincorporated areas where the county itself provides many of the services a city might provide. But county governments cannot always meet each community's specific local needs, leaving residents feeling overlooked or ignored.

The community services district law was designed to solve that problem,

allowing residents of unincorporated areas local control of governmental functions and, perhaps most importantly, the ability to raise money for those functions by levying property taxes—tax money that is channeled directly back into the local community, rather than filtering through state government.

CSDs: Standing In for Local Government

Community services districts make up about 10 percent of the approximately 3,300 special districts in California. Most special districts are allowed to perform only one specific service: water, fire protection, cemeteries, parks, and so on. The difference is, CSDs may perform any combination of multiple services—up to 32 in all, ranging from water and fire, to street lighting, sanitation, airport management, libraries, animal control and more.

Most CSDs, however, limit themselves to just a couple of functions. The Point Dume CSD in Los Angeles County manages a public park and a community center, as well as sponsoring various neighborhood recreation events. Christian Valley Park CSD in Placer County is limited to water delivery and road maintenance. On the other hand, the Bear Valley CSD in Kern County takes responsibility for water delivery, wastewater treatment, road and other infrastructure maintenance—even a police department.

The original CSD, Rubidoux, started out by covering trash collection and disposal, street lighting, weed abatement, and fire prevention services for just 4,000 residents. Today, the district also provides water treatment and delivery, as well as wastewater collection and disposal, for a population of more than 26,000.

How CSDs Are Governed, and Where

Once formed, under current law, CSDs are governed by a five-member board of directors in most cases elected by voters within the district's boundaries. Often a CSD is carved into five "divisions," with one director elected from each division, but some CSDs still elect their governing boards on an at-large basis. Directors serve four year-terms, staggered so that the entire board never turns over in a single election.

Districts with elected directors are referred to as "independent." But a small

number of CSDs remain "dependent," that is, governed by the local city councilmembers or county supervisors, who double as the CSD directors.

Perhaps not surprisingly, CSDs tend to appear most commonly in rural counties, with plenty of unincorporated areas, and where services are often difficult for a centralized county government to provide. Tiny Del Norte County, with a population under 28,000 and only one incorporated city (Crescent City, the county seat), is home to no fewer than eight community service districts.

The state's most heavily populated county—Los Angeles County, with more than 10 million residents—has only one (the above-mentioned Point Dume). But only about 1 percent of Los Angeles County residents live in areas classified as rural.

Santa Cruz County, with about 270,000 people, has none. San Diego County, the state's second-largest at 3.3 million people—more than one-third of them in the city of San Diego itself—has seven community service districts. The county is about 76 percent rural territory.

Sacramento County is home to two CSDs. Cosumnes CSD traces its history back to the Elk Grove Park District in 1923, which reorganized to become Elk Grove Community Services District in 1985. That district merged with Galt Fire Protection District in 2006 to become the Cosumnes CSD as it exists today, providing water service, solid waste disposal, police services, street lights, and several other functions.

The other CSD in Sacramento County, Rancho Murieta, was formed in 1982, and provides water, sewer, public security, recreation and garbage collection to its 6,300 residents.

So You Want To Start a CSD?

So you live in an unincorporated area of California, you want better public services and you think that forming a CSD sounds like a good idea? Well, think long and hard because this won't be easy or quick.

First, citizens planning to create a CSD must meet with their county's Local Agency Formation Commission, or LAFCO, the independent agency that under state law regulates and must approve the creation of any new district, of any type.

After the LAFCO meeting, during which staff will provide guidelines and advice on how to go about forming the new CSD, next up is the formation of a study committee made up of local citizens.

Members of the committee draw up proposed boundaries for the prospective CSD, decide which services the district will offer, perform a feasibility study to present to the LAFCO, create (at least) an estimated five-year budget, and ultimately go through the red tape involved in circulating a petition.

That petition must include signatures from at least one of every four residents of the planned district, or the whole effort is dead. And not incidentally, this entire process costs money in filing fees and various other costs that the citizens committee must cover.

If the effort survives that cumbersome and expensive process, it then goes through an extensive review by the county LAFCO, in which the agency examines the proposed district's finances, environmental impact, and potential impact on other local governments and districts. LAFCO holds a string of public hearings and can add to, cut from, or otherwise alter the CSD proposal—or reject it entirely.

And then, assuming the CSD proposal is still kicking, comes the election with its two-thirds majority requirement.

Latest Revision Streamlined the CSD Law

The sort-of good news, however, is that the hefty and much-amended 1951 Community Services District Law has been stripped down considerably. The latest revision of the law, authored by San Diego Democratic State Senator Christine Kehoe, slimmed the law down from an unwieldy 300 separate sections to just 82.

The revision, SB 135, most importantly brought the CSD statute up to date with changes to the California Constitution—including 1978's tax-limiting Proposition 13, and the 1974 Political Reform Act that created stricter ethical standards for local agencies and officials.

Gov. Arnold Schwarzenegger signed the new version of the Community Services District Act in 2005, and the new law took effect on Jan. 1, 2006.

CHAPTER 10

Joint Powers Authorities

Building Airports and Highways in the Dark

What if there were a government entity that had the power to levy taxes, to accumulate debt, to enter into contracts, acquire land, construct buildings, and a wide range of other government functions—all without answering to voters, or even to their elected representatives. In fact, in many cases, citizens may not even know that this entity exists.

Sounds scary, right? But in California, this type of government agency has been around for 100 years. And there are hundreds, maybe thousands of them in cities and counties throughout the state. The most recent numbers indicate more than 1,800—and that was as of 2007.

Known as Joint Powers Authorities, this type of entity is not necessarily as suspicious as it sounds, and in most cases, JPAs serve a legitimate purpose. A 2021 Nevada County Grand Jury report pointed out that "at their best," JPAs can save money by combining expertise, and effort. The report also found that JPAs are subject to little oversight or accountability, leaving them open to "possible misuses and abuses." Nevertheless, JPAs have been used throughout the state's history to do big things, from building highways and airports to protecting land for wildlife habitat.

So what is a Joint Powers Authority? According to a 2007 report by the state Senate Local Government Committee, "joint powers are exercised when the public officials of two or more agencies agree to create another legal entity or establish a joint approach to work on a common problem, fund a project, or act as a representative body for a specific activity."

The first JPA in California, back in 1921, was created between the city of San Francisco and Alameda County, with the singular purpose of constructing a sanitarium for patients suffering from tuberculosis, a disease then epidemic in San Francisco.

The two Bay Area governments were permitted to work together in an

early form of Joint Powers Authority thanks to a 1921 law authored by San Mateo State Senator M.B. Johnson, allowing any two city or county governments to act as a single government, albeit only for a specific purpose.

Not everyone was thrilled with the creation of this new type of potentially quite powerful entity. A challenge to the law made it all the way to the state Supreme Court. But in 1923, the court upheld the JPA law.

The Ever-Expanding Scope of Joint Powers

After that, there was no stopping the expansion of JPAs. In the 1940s, the state legislature broadened the law to allow not just city and county governments to form JPAs, but special districts, such as water and fire districts, as well.

A few years later, another piece of legislation cleared the way for state governments and even federal government entities to create JPAs with cities, counties, and special districts. In 1947, the California Legislature decided to allow separate joint powers agencies to govern the functions of JPAs, independently of the governing bodies of each member entity.

And in 1949, all of those previous JPA laws were codified into a single piece of state legislation that also granted JPAs the ability to take on debt and sell bonds, in order to fund public construction projects.

As JPAs have proliferated in recent years, they have been formed to address issues ranging from road construction and airport expansion to habitat conservation and groundwater management.

There are two main ways of structuring a JPA: "vertical" and "horizontal." The latter type of JPA involves two or more separate governments—a city and a county, for example, or two cities—with a need or problem in common. Building a road that runs through both member cities in a JPA would be one example of a common interest.

The original California JPA was created because in the 1920s, the damp, chilly climate in San Francisco was thought to be harmful for people trying to recover from tuberculosis. By working together with Alameda County, the city was able to house TB patients in the neighboring county with its drier, more temperate weather.

Horizontal JPAs have some degree of accountability, because if one of the member governments becomes dissatisfied or perceives some sort

of malfeasance, it can simply withdraw from the JPA, which would likely dissolve it.

A 100-Year Old Potential for Abuse

The Nevada County Grand Jury report warning that JPAs carry the risk of abuse found a lack of oversight over the entities. Civil grand juries are the only public investigative bodies with legal authority to investigate JPAs, and while every California county maintains one, the civil grand jury's role is only as a watchdog. It has no power to force a JPA or any other agency to correct the problems it finds.

Vertical JPAs are where most of the potential problems are found. In a vertical JPA, two or more agencies within the same organization join forces. Until 2012 when California's local redevelopment agencies were dissolved, it became common for a city to form a JPA with its own redevelopment agency. That way, the city could issue bonds and take on debt for redevelopment efforts without voter approval, simply by using the JPA as the bond-issuing entity.

In a 2015 investigation in Orange County, the Civil Grand Jury warned that vertical JPAs could be used the way businesses use shell companies to conceal shady deals.

"This organizational structure has the potential to cloak funds and accountability of those funds," the OC Grand Jury warned, adding that "the opaque, layered structure gives the government the ability to obfuscate financial transactions."

In Contra Costa County, the Civil Grand Jury in a 2018 report found that each of the county's 19 incorporated cities reported belonging to at least one JPA, totaling 157. But with multiple cities belonging to individual JPAs, the actual number of JPAs in Contra Costa County at the time was 66. The grand jury report also found that the 19 cities in those JPAs had issued a total of $1.5 billion in bonds—without any mechanism for keeping tabs on the debt rolled up by the JPAs. And that's a problem. By issuing bonds through JPAs without oversight or voter approval, cities can take on more debt than would otherwise be legally allowed, the Contra Costa Grand Jury noted.

Who could be left picking up the tab for that excessive debt? The answer

according to all of the grand jury reports is the same—the local taxpayers.

JPAs Can Set Examples of Governments Working Together

Why, then, do JPAs exist? There's a long list of good reasons.

"JPAs exist for many reasons, whether it's to expand a regional wastewater treatment plant, provide public safety planning, set up an emergency dispatch center, or finance a new county jail," wrote the state Senate Local Government Committee, in a 2007 report. "By sharing resources and combining services, the member agencies—and their taxpayers—save time and money."

In its own report on the subject, the League of California Cities noted that, "In this age of regionalism, limited resources available to local governments to carry out their missions, and ever increasing unfunded mandates from the state and federal governments, joint powers authorities have become a cost effective means by which local governments can carry out necessary business."

At their best, JPAs can serve as an example of governments or agencies with competing interests working in unison to achieve common goals for the public good. But as the county grand jury reports have warned, the "opaque" structure, particularly of vertical JPAs, might be a scandal waiting to happen.

"At their worst," the Nevada County Grand Jury declared, "they can be sinkholes for cost overruns and cronyism, lack transparency, and evade oversight by citizens and officials."

How Government Takes a Bite Out of the Mosquito Population

CHAPTER 11

When the earliest European explorers landed in San Francisco Bay, they were surprised to find few indigenous people in sight, as they had expected. Instead, they were greeted by massive clouds of whirring, aggressive insects. Two centuries earlier, their Spanish precursors in other regions of the Americas had also encountered these tiny but fearsome creatures, and given them the name "mosquito," which translates from Spanish as "little fly."

But the name hardly did justice to the insects, which attacked humans with abandon and caused rashes of itchy bumps, and more seriously—though this was not understood at the time—crippling, even fatal diseases such as yellow fever and malaria.

Mosquitos Attack European Settlers in the New World

On the East Coast more than 160 years earlier, the first English settlers in Jamestown, Virginia, learned about the mosquito threat the hard way. Not only did the insects torment the colonists with relentless biting, they inflicted a wave of death on the inhabitants of the Jamestown fort, rather unwisely built adjacent to a festering swamp.

According to historian Gordon Patterson in his 2009 book *The Mosquito Crusades*, 51 Jamestown settlers perished within six months of their initial landing due to "fevers," and over the next decade about two out of every three of Jamestown's inhabitants died of devastating fever.

Up the coast in what became known as New England, the Puritan settlers, aka Pilgrims, didn't have it much better. Mosquito bites were one of their incessant complaints.

Nonetheless, in Massachusetts the Puritans attempted to prohibit the Native Americans from smearing their bodies with bear fat to repel the insects—a practice considered "heathen" by the religiously fanatical settlers. One Puritan crusader, John Eliot, assured the indigenous people that "prayer and pains through faith in Christ Jesus" would protect them from mosquito bites.

During the Gold Rush of the mid 1800s, a century after Spanish explorers arrived in San Francisco Bay, mosquitos and their accompanying plague of malaria continued to tear through California.

California Is Home to 53 Mosquito Species

The tiny mosquito has been around far longer than human beings. The first mosquitoes are believed to have evolved as long as 200 million years ago, making them contemporaries of the dinosaurs. The oldest fossilized mosquitoes, discovered in Montana, are estimated to be 46 million years old.

Today, all those millions of years later, mosquitoes rank as the deadliest wild animal on the planet, killing about 725,000 humans per year, almost 15 times as many as the second-place snakes, who claim about 50,000 lives each year.

Approximately 3,000 species of mosquitoes exist worldwide. California is home to 53, though not all species exist in every county. Santa Clara County, according to the county's Vector Control District, has about 20 species of mosquitoes. Placer County residents have to cope with more than 30 species—five of which are considered "primary vectors" of diseases that include West Nile virus, Western equine encephalitis virus, St. Louis encephalitis virus and of course malaria.

Santa Cruz County lists nine "important" species in the county. And the scope of a district often extends beyond mosquitos. The Sacramento-Yolo Mosquito & Vector Control District, for example, changed its name in 1990 to reflect expanded services to address ticks, yellow jackets and other vectors.

The latest addition to California's mosquito cornucopia is the Aedes albopictus mosquito, also known as the tiger mosquito. The Aedes, according to a *Los Angeles Times* report, came to California in 2001 via shipments of "lucky bamboo" from China. They are described as "ankle biters," because they fly low to the ground.

The State's Century-Long War Against Mosquitoes

California has been waging an organized war against the insects for most of its existence as a U.S. state. The Mosquito Vector Control Association of California (MVCAC), the main advocacy group for the fight against mosquitoes, boasts 60 member agencies throughout the state, including 49 special districts dedicated to mosquito abatement.

Special districts are government entities that exist to provide specific services within a designated area—services that top-heavy municipal bureaucracies may not be able to adequately provide. The first special district in California was formed in the San Joaquin Valley in 1887, to provide irrigation water for farmers there.

In the early 20th century, special districts expanded beyond water delivery to serve a wide variety of needs. One of the most pressing needs was mosquito control. In 1915, just 28 years after the birth of the special district system in the state, the California Legislature passed AB 1590, a bill authorizing the creation of mosquito abatement districts. The bill was signed into law by Gov. Hiram Johnson, a leader of the "progressive" movement who also created the state's direct-democracy system of ballot referenda, initiatives, and recall elections.

Prior to the law, mosquito control efforts were funded largely by private donations. The fight against mosquitoes may have had as much to do with real estate values as with public health. The 1915 bill was initiated by Hillsborough developer Harry Scott, in collaboration with a medical entomologist, William B. Herms. Johnson signed the bill in May of that year. By November the Marin Mosquito Abatement District became the first to be formed under that law. A month later, a three-city district formed with San Mateo, Burlingame and Hillsborough as members.

Mosquito Abatement Districts Save Lives

A mosquito abatement district's primary service is monitoring water where it appears, primarily in small pools, and setting traps to capture, count and identify mosquitos. Because the diseases that mosquitoes carry, including

West Nile Virus, are bird diseases, vector control districts also collect and test dead birds, often with the help of "citizen scientists" who report the birds' locations.

Water is key. Mosquitoes fly through the air to annoy and endanger humans, but actually spend three of the four phases of their life cycle in water. Female mosquitoes, which are the only ones who attack humans—male mosquitoes feed on plants—lay their eggs on the surface of standing water pools.

An egg can hatch in as little as 48 hours. At that point, the larvae remain in the water to shed their skin, or "molt," four times, growing larger with each molt until the larva transforms into a pupa, the final stage before becoming an adult mosquito. Adult mosquitos must rest on the surface of the water before going airborne and seeking their human prey.

In rural and agricultural areas, mosquito and vector control districts apply targeted insecticides via aerial spraying in marshes, rice fields, and other places where standing water can breed mosquitoes. In urban areas, mosquito and vector control districts work with residents to eliminate standing water. Get rid of standing water, and mosquitoes cannot reproduce.

That's why one of the most important functions of a mosquito abatement district is to monitor private swimming pools—of which there are more than 1.1 million in California. Each of those residential swimming pools is capable, if left unchecked, of breeding 1 million mosquitoes every month.

Residents of a mosquito abatement district will be asked to keep their pools in one of two conditions, "Clean and Functional" or "Empty and Dry." District officials may send notices to pool owners asking them to confirm, nowadays usually with an emailed photograph, that their pools meet one of these conditions. A clean and functional pool will have a working filtration system, regular chemical treatments, and a water surface that is clear and free of debris or algae.

During rainy seasons, empty pools frequently collect small puddles of water, and that's all a mosquito needs to lay a raft of eggs.

An owner whose pool fails to live up to either standard may request, or be required, to have a mosquito abatement service to get rid of eggs and larvae. One technique for accomplishing that task is the release of mosquito fish into the water.

The small *Gambusia affinis* species thrives in small pools, backyard ponds

and other smaller bodies of water populated by developing mosquitoes. The fish control the mosquito population by eating the larval-stage mosquitoes, and were introduced for that purpose to California in 1922. Each fish weighs no more than a few ounces, and only one fish per 20 square feet of surface water is generally required. Solano County Mosquito Abatement District technicians distributed more than 50 pounds of mosquito fish in 2020 alone. That total, during the height of the COVID pandemic, was down from 182 pounds in 2017.

District scientists will also work with affiliated academic institutions to carry out research on and surveillance of mosquito populations with the goal of preventing outbreaks of mosquito-borne diseases.

PART 2

Forces That Shaped California

Under President Herbert Hoover, laws were put in place banning the hiring of anyone of Mexican descent into a government job. Large corporations including California's powerful Southern Pacific Railroad got on board with the program, laying off thousands of Mexican American workers.

CHAPTER 12

California Melting Pot

How Immigration Built the State

California, the most populous state in the union with more than 39 million residents, also has the largest population of immigrants. As of 2019, the most recent year with a precise count available, 10,564,220 Californians were born outside the United States—27 percent of the state's population.

In the U.S. as a whole, 13.7 percent of the population is made up of immigrants—about half of California's percentage. Most of the migrant population is composed of folks properly documented to reside in the U.S.. According to the Migration Policy Institute, about 2.7 million undocumented immigrants live in California.

Those born in Mexico, Central and South America make up the largest percentage of legally authorized immigrants, at 49.5 percent. Asia-born immigrants are next at 40.2 percent, with Europeans comprising 6.2 percent of all immigrants now living in California. Most undocumented immigrants—79 percent—are from Latin America.

California is a state built by people who came from somewhere else. It was not until 2010 that people born in California outnumbered those who had migrated from either another state or another country. Today, about 56 percent of Californians are "native" to the state. But if you go back to its founding, the entire territory and everyone in it switched countries and became "immigrants" of sorts overnight.

1848: California's Residents Become Instant Americans

By early 1848, nearly two solid years of war against Mexico had cost 13,000 American lives. At that time, the entire U.S. population was about 17 mil-

lion. In today's terms, the Mexican-American War would have left 254,000 Americans dead. But Mexico was hurt even worse, with 25,000 casualties.

The war started with a bitter dispute over Texas. The region declared independence from Mexico in 1836, but the American government in Washington, D.C., dragged its feet on making Texas officially part of the U.S. When U.S. President James Polk decided it was time to annex Texas, war broke out on April 25, 1846.

By Feb. 2, 1848, the Americans had pushed far south and captured Mexico City. The war ended with the signing of the Treaty of Guadalupe Hidalgo on that day. Under the treaty, Mexico not only conceded any rights to Texas, it agreed to sell 525,000 square miles of other territory to the U.S. for the sum of $15 million (approximately $550 million in 2022 money). Among that huge swath of land, the territory that two years later became the state of California.

The treaty also gave the Mexicans living in California the choice to become U.S. citizens. In effect, these citizens of a "foreign" country, including an elite of wealthy landowners—territorial Governor Pío Pico among that group—became instant immigrants.

The treaty also promised that their land rights would be honored. Fast-moving events, however, would render that promise mostly hollow. Just about a week before the treaty ending the war was signed, a momentous event took place that would, almost overnight, turn California into a land of dreams for immigrants and migrants from all over the U.S. and the world—and something of a nightmare for Californians.

At Sutter Creek in the Sierra Nevada, at a mill owned by "Captain" John Sutter, a Swiss-German explorer who built the first white settlement in California, a man named James Marshall discovered gold. Over the next two years, more than 300,000 migrants flooded California, with dreams of striking it rich.

Mexicans, who until 1821 (when Mexico declared its independence) were Spanish subjects, formed the largest bloc of immigrants to early California. Independence from Spain provided a great incentive for Mexicans to move north in search of land and wealth. Under Spanish rule, all lands were held by the crown and land grants were few. That changed when the new government of Mexico took over. Starting in 1834, the government issued

more than 600 land grants to well-to-do Mexican immigrants as well as to white settlers such as Sutter.

Next Wave of Immigrants Arrives From China

It was a century-and-a-half before social media, but news of the discovery on Sutter's land spread in a hurry, not only across the U.S. and its territories, but around the world. In 1849, word of the gold strike reached Hong Kong and quickly disseminated throughout China—a country then in the midst of a 30-year economic depression.

The struggling Chinese people envisioned a better life in this land they called *gam saan*, or "gold mountain." By 1851, an estimated 25,000 had left their homes and arrived in California, instantly becoming about 10 percent of the state's entire population at the time. But as happened with most aspiring Gold Rush millionaires, very few of the Chinese immigrants found success in the mining business.

The state was hardly welcoming to the Chinese immigrant miners. In 1850 the newly formed state legislature passed a "foreign miner's tax" that charged any gold prospector who was not a U.S. citizen $20 per month—the equivalent of almost $750 today—just to hold a license. While in theory the tax applied to all immigrant miners, in practice it was collected only from the Chinese and Mexican immigrants who followed their dreams to California. White European immigrants generally got off without paying.

The tax expired in 1870, but by that time the state had drained Chinese miners of $5 million (more than $113 million in 2023 cash). Between the tax and general brutality of striving to make it in the mining business, thousands of Chinese immigrants simply gave up. Being broke, they couldn't afford passage back across the Pacific. So they took whatever work was available, which thanks to pervasive discrimination wasn't much.

One industry was happy to hire Chinese labor—the railroads. As many as 20,000 Chinese laborers laid tracks for the Transcontinental Railroad, taking pay between 30 and 50 percent less than their white counterparts, and dying at a frightening rate from the hazardous nature of their work. While the exact number of Chinese workers killed remains uncertain, historians estimate the figure could be over 1,000.

When railroad work dried up, Chinese immigrants continued to face discrimination that shut them out of most jobs available to white Californians of that era. So many opened their own businesses—shops, laundries, restaurants and whatever they could as they attempted to survive in the "gold mountain."

The Chinese Exclusion Act

The Chinese received little thanks for their labor, and the services they provided in constructing the foundations of California's infrastructure. In 1882, driven mainly by California legislators and politicians, the U.S. Congress passed the Chinese Exclusion Act, a law designed specifically to restrict immigrants from Asia from entering the country.

In 1910, with San Francisco a primary port of entry for Chinese immigrants, the Bureau of Immigration quickly constructed a facility on Angel Island, about six miles offshore in San Francisco Bay. Despite its nickname of "the Ellis Island of the West," the purpose of the facility was less to welcome immigrants than to keep them out.

The Chinese Exclusion Act not only created a nightmare for immigrants from China—many of whom forged identities to pass themselves off as merchants, clergy, diplomats or teachers, groups that were exempted from the Act—it served as the model for decades of subsequent restrictive immigration laws. Most notoriously, the Immigration Act of 1924 set strict quotas on immigrants of specific races and nationalities, and banned immigrants from Asia altogether.

The 1882 Exclusion Act was finally repealed in 1943, but the new law placed a limit on visas for Chinese immigrants at 105 per year nationwide. About 13,000 Chinese Americans served in World War II, but about half had still been denied citizenship due to the Exclusion Act. A new immigration law passed in 1952, however, repealed the last vestiges of "exclusion" while maintaining strict quotas on Chinese immigration. The quota system was not swept away until the Immigration and Naturalization Act of 1965, and as a result over the following decade, the Chinese American population doubled.

California Immigration in the 20th Century

Immigration from Mexico into California exploded in the early 20th cen-

tury. From the turn of that century to 1920, the Mexican American population in the state ballooned by a factor of 11, from just over 8,000 in 1900 to more than 88,000 two decades later. That made Mexican Amercans about 3 percent of the state's population at that time. Today, Mexican Americans comprise about 26 percent of California's population, and they make up 84 percent of the state's Latin American residents.

Most immigrants from Mexico, however, did not make the trip to California directly from south of the border. They most often crossed the border into Texas and remained there for a few years before migrating west to California with the hope of better-paying jobs. In the first third of the 20th century, Mexican immigrants tended not to settle in neighborhoods exclusively populated by other Mexicans, but in communities with diverse immigrant populations.

Prior to 1930, many Mexicans in Los Angeles—the most popular city for Mexican immigrants—settled in an area called the Plaza which today also includes the city's Little Tokyo and Chinatown neighborhoods, and in that era also housed a large population of Italians.

In 1929, however, came the stock market crash, igniting the Great Depression. As millions of people lost their jobs, Mexican immigrants came to be seen as unwelcome competitors with white Americans for the increasingly scarce jobs that remained. President Herbert Hoover announced a program he called "Real Jobs for Real Americans."

In reality, the program was essentially an effort to rid the United States of its Latino population—including U.S. citizens of Mexican heritage. In California and other states with large Mexican immigrant populations, local governments staged "repatriation drives," which were actually mass, forced deportations. According to research by former California state Senator Joseph Dunn, 1.8 million U.S. residents were forcibly deported to Mexico during the 1930s and 60 percent of them, almost 1.1 million, were U.S. citizens who despite their citizenship were not considered "real Americans" either by the government or large segments of the white population.

Under President Herbert Hoover, laws were put in place banning the hiring of anyone of Mexican descent into a government job. Large corporations including California's powerful Southern Pacific Railroad got on board with the program, laying off thousands of Mexican American workers.

War Brings Mexican Workers Back to California

World War II brought a sudden change, if not in the prevalence of racial and ethnic bigotry, then at least in attitudes toward Mexican workers. Established by executive order by President Franklin D. Roosevelt in 1942, the Mexican Farm Labor Program, better known as the Bracero Program, allowed Mexican laborers to enter the United States on short-term work contracts, primarily to alleviate a shortage of agricultural workers created by the military draft.

The program remained in place for 22 years, bringing about 4.6 million laborers from Mexico into the U.S., most of them into California. While the program created opportunities for Mexican immigrants to legally enter the country, American employers too often looked to skirt the program's requirements, hiring undocumented workers instead of those who arrived through the Bracero Program.

The influx of undocumented workers created a backlash and in 1954, under President Dwight D. Eisenhower, the U.S. government instituted the shockingly named "Operation Wetback." It was yet another program of mass deportation that sent about 1.1. million workers back to Mexico.

California Immigration Today

The COVID-19 pandemic and Donald Trump-era anti-immigration policies slowed the pace of immigration to California. According to research at the University of California, Merced, the state's immigrant population, including documented and undocumented immigrants, as well as those who have won U.S. citizenship, dropped by 6 percent from 2019 to the end of 2020. That means the figure of 10,564,220 immigrant residents cited earlier in this chapter fell to about 9.7 million in approximately 12 months.

Other factors slowing immigration from Mexico, according to a *New York Times* report, include improved economic conditions in Mexico, the aging of Mexico's own population, and the collapse of the U.S. housing bubble in the mid-2000s, which reduced demand for laborers to work on home construction and maintenance.

In June of 2022 Gov. Gavin Newsom declared "Immigrant Heritage

Month," a signal that California has at least tried to change its attitude toward its immigrant population from the days of mass deportations and bans on entry of the previous century.

"Immigrants, whether they arrived to seek safety or opportunity, have been integral to the identity and growth of California as we know it," Newsom wrote in his proclamation. "The state will continue to support and stand with immigrant families and lead in building more inclusive and just policies which foster innovation and advance our collective economic and community growth."

Connecting the entire country by railroad changed the face of American life, but no state was affected as profoundly as California—for both good and ill. As one writer put it, railroads were simultaneously "imperious instruments of economic warfare, and the essence of progress."

It Started With the Stagecoach

How California's Transportation System Grew

CHAPTER 13

In the history of California transportation, the year 1865 was pivotal. Timothy Guy Phelps led a group of business investors in creating the San Francisco to San Jose Railroad Company, California's first major railroad firm. Phelps, a former state Assembly member who had emigrated from New York at the outset of the Gold Rush in 1849, had a vision of ultimately connecting Northern and Southern California by rail.

Just two years earlier, work got underway on what was at the time the greatest technological project in the country's history—the Transcontinental Railroad, which terminated in Sacramento. Up to that point the only real way to travel across the country was by stagecoach, which cost $1,000 (about $22,000 today) for a grueling, grubby, supremely uncomfortable and perilous journey that could take as long as six months.

The Transcontinental Railroad would cut the trip down to under a week, with far cushier accommodations and a pleasantly smoother ride, all for the relatively affordable price of $150 ($3,500 circa 2022).

Phelps' vision was to do something similar for in-state California transportation. In 1868, Phelps and his partners sold their nascent company to Leland Stanford, who had recently served as California's eighth governor and who was already a railroad tycoon in a partnership with three other powerful businessmen known as "The Associates"—popularly referred to as the "Big Four."

The next year, the Big Four merged their Central Pacific Railroad with the company they'd purchased from Phelps to form the Southern Pacific Railroad. On Sept. 5, 1876, the first train from San Francisco arrived in Los Angeles. The era of mass transportation in California, an innovation that would help shape the state over decades and up to the present day, was underway.

The Rule of the Railroads

Connecting the entire country by railroad changed the face of American life, but arguably, no state was affected as profoundly as California—for both good and ill. As one writer put it, railroads were simultaneously "imperious instruments of economic warfare, and the essence of progress."

California became part of the still-nascent United States in 1850, but in practical terms, the state remained isolated from the rest of the country and largely self-contained. Railroad transportation changed that. And while California was integrated into the political life of the U.S., its own political life quickly came to be dominated by the company that held an absolute monopoly over railroads in the state.

The Southern Pacific Railroad monopoly extended well beyond railroads. With total control over the state's only effective means of transportation, the company controlled whole industries—as well as local, county and state governments. It earned the appellation "The Octopus" from novelist Frank Norris, who imagined its tentacles extending everywhere.

The Automobile Gives Rise to Transportation Politics

Rail became a primary mode of local transportation, linking disparate regions of the state. Cable cars started running in San Francisco in 1873, and the San Francisco Municipal Railway began carrying passengers in 1912. But thanks to an innovation coming out of Detroit, rail was already on its way to being supplanted as the preferred way for Americans to get around, both in cities and elsewhere. In 1913, Henry Ford's new company began manufacturing mass-produced automobiles.

By the middle of the 20th century, the automobile was not only the dominant means of California transportation, it was reshaping the Californian and American landscapes. Coupled with "white flight" from urban areas and federal housing policies that encouraged development of single-family homes, the prevalence of cars and the burgeoning highway system on which they traveled produced the phenomenon known as "suburbanization." The sprawling residential communities, almost exclusively

populated by white residents, were suddenly springing up miles away from urban centers, connected to cities and to each other by seemingly endless ribbons of asphalt.

By 1956, California had 2,000 miles of highway that was designated as interstate. When President Dwight D. Eisenhower signed the Federal-Aid Highway Act of 1956, the state received an infusion of funds to continue building its highway system. That meant more suburban sprawl—and racial segregation between cities and the newly developed suburbs.

It also meant degradation of urban centers, as freeway developments often tore through neighborhoods, dividing and sometimes eradicating urban, largely Black communities. As highway construction exploded, so did opposition to new development. Through the late 1950s and 1960s, new highway projects in San Francisco, Berkeley, Oakland, Los Angeles, Sacramento, San Diego, and Orange County were curtailed or shelved due to local protests. The anti-highway movement was linked closely to the civil rights movement, with activists pressing for equal access to transportation systems.

The Advent of Long-Term Transportation Planning

The 1960s and 1970s were also a kind of golden age of transportation planning, with government stepping in at both the federal and state levels to create new entities to take charge of the long-term transportation outlook.

Eisenhower's 1956 highway act kickstarted the interstate highway system—an idea that had been pushed at the federal level since President Franklin Roosevelt proposed it in the late 1930s. Under an earlier version from 1938, the Bureau of Public Roads produced a report outlining plans for a network of six interstate roads—three going north-south, three east-west—totaling about 27,000 miles.

A revised version in 1945 expanded the proposed amount of roadway to roughly 37,000 miles, but it wasn't until the 1956 law that Congress actually allocated funds, totaling about 90 percent of the projected cost, or $24.8 billion (about $271 billion in 2023 cash). Labeled "The Greatest Public Works Project in History," the proposed interstate system would cover more than 40,000 miles and take 13 years to construct.

The interstate highway system revolutionized domestic travel as completely as the Transcontinental Railroad had a century earlier. Prior to the highway system, Americans who wanted to travel long distances by car were confined to a few narrow, often poorly paved (if paved at all) roads. The most famous, memorialized in song, was Route 66, stretching from Chicago to Los Angeles. Then there was the Lincoln Highway running from New York to San Francisco, which opened in 1913 and which in 1919 took a military convoy 62 days to travel. For a typical tourist, a cross-country drive could easily take weeks.

As interstate highway construction moved along at a breakneck pace, controversies about how and where to build in heavily populated areas, as well as a brewing financial shortfall, made one thing clear: Highway construction needed better planning at the regional and local levels if the system of interconnected roads tying together all 48 continental states was going to work.

The Federal Highway Act of 1962, signed by President John F. Kennedy on Oct. 23 of that year (at the height of the Cuban Missile Crisis, proving once again that presidents can tackle more than one problem at a time), addressed the lack of transportation planning by mandating that in order to obtain federal funds for highway and other transportation projects, states must create a process for managing and planning how their transportation systems would develop years into the future.

The '3C' Planning Process

The bill signed by Kennedy did not require states to set up permanent organizations dedicated to transportation planning, but it did create a requirement that came to be known as "3C." States, to qualify for federal funds, must show that they have set up "a Continuing Comprehensive transportation planning process carried on Cooperatively by States and local communities."

Urban planning entities were not a new concept. In 1922, civic leaders in the New York metropolitan area created the Regional Planning Association, which produced the first volume of its work, the *Regional Plan of New York and Its Environs*, in 1929. The *Regional Plan* was a landmark in urban plan-

ning, for the first time proposing a comprehensive structure for roadways, railroads and other urban amenities such as parks, industrial centers and residential developments over the entire, sprawling landscape in and around New York City. Previous efforts focused only on individual municipalities.

The city of Chicago had initiated a far-reaching urban planning process even earlier, in 1909. And by 1945, the city of Atlanta, along with DeKalb and Fulton counties, created the Metropolitan Planning Commission, the first publicly run multi-county planning agency in U.S. history.

It wasn't until 1973, under President Richard Nixon, that Congress passed a new version of the Federal Highway Act formalizing the 3C "continuing, comprehensive, cooperative" planning process by requiring that states create Metropolitan Planning Organizations (MPOs) for all population centers of at least 50,000 people.

The new legislation conditioned federal transportation aid on the creation of MPOs, and for the first time designated federal funds—specifically, one-half of one percent of all federal transportation funds—for purposes of planning.

Today, according to the Institute for Local Government, California has 18 MPOs handling the transportation planning process for territory that encompasses 98 percent of the state's population.

California Steps In With New Transportation Laws

California was somewhat ahead of the game when it came to transportation planning. By the early 1960s, the state had become effectively the capital of "car culture," and the legislature responded to anti-highway controversies by giving local governments more control over transit, and more funds to develop rapid transit systems. The Collier-Unruh Local Transportation Act of 1963 allowed counties to assess a new in-lieu tax (a type of property tax paid instead of a vehicle license fee) of one-half-cent, with its revenue dedicated to local California transportation systems. The San Francisco Bay Area's BART system was built largely with those funds.

And then in 1971—two years before the 1973 federal creation of MPOs—the legislature passed if not the most consequential California

transportation law in its history then certainly one of them—SB 325, aka the Transit Transportation Development Act, or TDA.

Shepherded by senate President Pro Tempore Jim Mills of San Diego, the bill set up a rather complicated new tax scheme to fund transit at the local level.

The act established seven Regional Transportation Planning Agencies (RTPA) in counties with large rural areas. The RTPAs, along with County Transportation Commissions created by the new law in larger counties, are responsible for administering the funds raised by taxes under SB 325.

The new law lowered the state sales tax from 4 percent to 3.75 percent. (As of 2022, California's base state sales tax rate was 6 percent.) At the same time, SB 325 allowed counties to raise local taxes from 1 percent to 1.25. The extra quarter-percent would be earmarked for transportation and placed into a Local Transportation Fund, giving counties control over transit funds while maintaining the overall tax rate at a steady level.

At the same time, SB 325 took the unprecedented step of taxing gasoline. Previously, California exempted motor vehicle fuel from the state sales tax. But under the tax formula devised by Mills, the 3.75 percent sales tax now applied at the pumps as well. The money went into the state's general fund to make up for the lost revenue from the quarter-percent reduction. Inevitably there would be "spillover," that is, revenue that exceeded what the state required to cover the deficit from the sales tax reduction.

The spillover went into the State Transit Assistance fund for mass transit projects. The Local Transportation Fund would be administered by county governments and distributed based on population in the various regions of each county.

The landmark law almost never happened. Gov. Ronald Reagan, who in theory opposed raising taxes or creating new government agencies (though it should be noted, he presided over what were at the time the largest tax increases in state history), fully intended to veto the bill. But with some dogged political maneuvering, Mills was able to recruit the support of numerous business leaders, persuading Reagan to okay SB 325.

RPTAs: Giving Rural California a Voice in State Policy

As the name would imply, the primary function of each RPTA is planning. The agencies are required to update their long-term transportation plan every four years. The same requirement applies to MPOs. Along with the 18 MPOs, there were currently 26 RTPAs in California as of 2022, for a total of 44 transportation planning bodies covering the state.

RPTAs guarantee that rural and smaller suburban areas get a voice in formulating California transportation policy. They also chase down funding for improvements and new projects in the regional transportation system. Local transit projects that state transportation officials may not fully understand have a better chance of approval after going through a local process with an RPTA.

"RTPAs play an important role in Caltrans' overall planning efforts," former California Department of Transportation official Garth Hopkins told *RuralTransportation.org*. "The state realizes that even at the District level, a local agency will be better informed about their needs and priorities."

Researchers at Stanford—
funded by an arm of the
Pentagon later renamed the
Defense Advanced Research
Projects Agency—built
the earliest version of the
internet as part of a project to
enable communications at the
front lines of a war zone.

The Military-Industrial Complex Moves In

How Defense Spending Shaped the State

CHAPTER 14

President John F. Kennedy opened the 1960s by declaring a new era of optimism in the United States—the "New Frontier," he christened it. But just three days before Kennedy's inauguration on Jan. 20, 1961, outgoing president Dwight D. Eisenhower delivered a speech with a darkly ominous message.

Eisenhower, who before becoming president had been Supreme Commander of the Allied forces that won World War II, gave what became perhaps the most memorable farewell speech of any president. Ever. Eisenhower warned of a newly emerging menace which he labeled "the military-industrial complex." This entity, Eisenhower explained, had arisen in the previous decade as the United States developed "a permanent armaments industry of vast proportions."

No such industry existed in the U.S. before World War II. Military weapons and equipment were manufactured only as needed, by the same manufacturing companies that produced automobiles, commercial ships, and other heavy machinery. After the war the U.S. put the brakes on military manufacturing, and largely downsized its capacity to build armaments.

When the U.S. got involved in the Korean War at the start of the 1950s, just five years after the end of World War II, the military was caught flat-footed. For the first several months of the three-year war, American forces had to make do with outdated equipment left over from the previous war.

The country wouldn't make that mistake again.

California: Capital of the Military-Industrial Complex

Hostilities wound down on the Korean Peninsula in 1953, but U.S. domestic

military production, research and development accelerated faster than ever thanks to the ongoing Cold War. Private companies, which after previous wars quickly reverted to civilian production, instead stepped up production of weapons and other military systems, paid for through massive government contracts.

There was no region of the country where the impact of the emergent defense industry was felt more directly than in California, where military spending drove the state's economic growth, bringing in new industries and with them suburban housing developments, highways, office buildings, shopping centers and all of the other features that transformed the California landscape in the late 1950s.

All of these developments were paid for largely by government dollars—via the salaries of a large military workforce, and revenues from military hardware and software purchased from California companies.

Today, the magnitude of defense spending in California has receded somewhat, but the military-industrial complex still plays an important part in the state's economy, and even now California is among the top recipients of defense contracting dollars.

For the 2019-2020 fiscal year, according to a U.S. Defense Department Office of Local Defense Community Cooperation (OLDCC) report, California ranked third in total defense spending at $61 billion, behind Texas ($83 billion) and Virginia ($64.3 billion). Even so, California ranks well ahead of the next state on the list, Maryland, which pulled in less than half as much, at $30.4 billion.

The total amount of defense spending includes both defense contracts and spending on defense personnel in the state. In contracts alone, California pulled in $44 billion in fiscal year 2020, down from $50.2 billion in 2019.

Who Gets All That Defense Money?

The top recipient of defense dollars, according to the OLDCC report, was the Northrop Grumman Corporation. Despite moving its corporate headquarters from Los Angeles to the Washington, D.C., area in 2011, Northrop Grumman retains seven California locations—six in the Los Angeles area, plus one Silicon Valley facility in the Santa Clara County city of Sunnyvale.

Among Northrop Grumman's numerous defense products, the company makes the B2 Stealth Bomber, a variety of "autonomous systems" aka drones, and "directed energy" weapons—high-powered laser beams used to defend against incoming drones, rockets and even cruise missiles.

In 2020 the company nabbed the contract to develop the Air Force's Ground Based Strategic Deterrent (GBSD), which is the next-generation nuclear missile system replacing the 50-year-old Minuteman III, the linchpin of the land-based portion of the land/sea/air "nuclear triad."

The GBSD contract was worth $13.3 billion for an eight-year development period, and $63 billion over 20 years. The first missiles were scheduled for test-launch in 2023 from Vandenberg Space Force (formerly Air Force) Base in Santa Barbara County, though in June a General Accounting Office report revealed that development of the GBSD Sentinel missile was at least one year behind schedule.

Also in 2020, the San Diego-based General Atomics—a privately held company founded in 1955 as a division of another defense contracting giant, General Dynamics, and purchased in 1986 by billionaire businessman and aviator Linden Blue with his brother Neal (also a billionaire)—picked up a $7.4 billion contract for what the Air Force calls the Agile Reaper Enterprise Solution. General Atomics produces the MQ-9 Reaper drone.

Drones and Secret Spy Planes

Under the five-year contract, the firm could turn out up to 36 new Reaper drones per year. The Reaper is one of the primary drones that has been used for strikes against targets in Afghanistan, Pakistan and elsewhere. The remotely piloted plane is primarily used for surveillance and intelligence-gathering, however.

General Atomic Technologies Inc., the largest privately held defense contractor in the U.S., ranked 27th in total defense contracts for FY 2020. The largest defense contractor overall is the publicly traded Lockheed Martin, which operates a super-secret aerospace facility in Palmdale known as Skunk Works, where the first stealth fighters were produced.

The Lockheed Skunk Works was also the home of the SR-71 Blackbird—a spy plane that could fly at an altitude of 90,000 feet in excess of

2,000 miles per hour. The SR-71 was flown in top-secret intelligence operations from 1964 to 1999.

How Defense Dollars Built Silicon Valley

Though its legendary Skunk Works still sits in Southern California, Lockheed in 1956 moved its Missile Systems Division from Burbank 340 miles north to Sunnyvale, then an agricultural town in Santa Clara County. Though there wasn't much going on in what would two decades later become Silicon Valley, Naval Air Station Moffett Field was located adjacent to the farmland purchased by Lockheed, and Stanford University was already making the region a hot spot for engineers.

Building such high-level military armaments as the Polaris, the first nuclear missile capable of being launched from a submarine, Lockheed grew to become the second-largest defense contractor in the United States. After just nine years in Sunnyvale, the Missile Systems Division swelled to 28,000 employees. In 1995, it merged with Martin Marietta Corporation, the third-largest, to become the top recipient of military contracts in the country.

The Defense Department by the 1960s relied on what would become Silicon Valley (which didn't get its iconic nickname until 1971) to produce the computer processors that guided the guided missiles, military satellites and rockets. Fairchild Semiconductor, the company that manufactured the first microchips and essentially gave birth to what we now know as the technology industry, received 80 percent of its revenue from the Pentagon in the '60s.

The most revolutionary technological innovation (arguably of all time), the internet, was also created with defense money in Silicon Valley. Researchers at Stanford—funded by an arm of the Pentagon later renamed the Defense Advanced Research Projects Agency, or DARPA—built the earliest version of the internet, ARPANET, as part of a project to allow cutting-edge computer communications to operate at the front lines of a war zone.

The Silicon Valley/Pentagon 'Divide' (Or Not)

Over the years, many of the executives and entrepreneurs who made Silicon Valley the technological Mecca that it quickly became have at least publicly pro-

jected a disdain for defense contracting. A "divide" reportedly opened between the military, whose lumbering procurement process could take years, and the Valley, which prided itself on a nimble and fast-moving culture of innovation.

The reality is, there is no such divide, and never has been. An extensive survey of defense contracts by the nonprofit tech industry watchdog group Tech Inquiry found that of all the major Silicon Valley firms, only Facebook, Apple and Twitter (since renamed "X") shied away from defense contract work.

"Narratives decrying a massive divide between Silicon Valley and the military are anecdotal and qualitatively false," the report concludes. The "divide" is largely an illusion created by the seeming contradiction between the rigid, cumbersome defense contracting process and the Valley's free-wheeling entrepreneurship.

"We are always tempted to refer to Silicon Valley as a monolithic entity in terms of politics or in terms of its business model," tech industry historian Margaet O'Mara told the military news site *Breaking Defense*. But Silicon Valley is far from "monolithic" in its reluctance to take on military work. The opposite, in fact, is true.

"Silicon Valley is there because of defense, aerospace contractors," O'Mara said.

The Rise, Fall, and Rise of Defense Contracting

As with Silicon Valley, the whole state benefits from defense contracts—but the spending patterns are subject to many variables. When the big postwar push began, its effects were striking. It took California until 1950—the first 100 years of its existence—for the state budget to reach $1 billion.

By 1959, defense spending had hit $5.2 billion in California—almost one of every four defense dollars spent in the whole country, according to the 1962 article "Defense Spending: Key to California's Growth" by historian James L. Clayton.

California had surpassed New York and moved into first place among U.S. states for "prime" defense contracts back in the final year of the Korean War, 1953. In the ensuing decade, defense contracts awarded to California firms were more than double the total granted to any other state—about $50 billion (approximately $472 billion in 2022 dollars).

During that period of explosive growth in California, defense expenditures in other states dropped steadily, according to Clayton's research. California became the capital of the military-industrial complex largely due to the aerospace industry. California already led the country in aircraft manufacturing heading into the 1950s—one third of all workers in the industry were employed in California as early as 1947.

In fact, as of 1928 more than 20 aircraft makers were already open for business in California. The Los Angeles area alone sported 53 airfields including Mines Field, which was renamed Los Angeles International Airport shortly after World War II and today is the fourth-busiest airport in the U.S.

After the Korean War, the bulk of new defense contracts, 63 percent, went to aeronautical development—aircraft, missiles, and their associated electronic and guidance systems. With the infrastructure already in place, it seemed inevitable that California would dominate this new world of never-ending military manufacturing. And that's exactly what happened.

Then came the early 1990s. The Soviet Union collapsed and the federal defense budget shrank. In 1987, one of every four aerospace industry workers was employed in California. By 1997, according to a Rand Corporation report, one-third of those workers were gone from the job rolls. In Los Angeles County, where the industry was particularly concentrated, the aerospace worker-base plunged by half.

California aerospace made at least a partial comeback as the country settled into the post–Cold War reality, thanks largely to the "space" portion of "aerospace." Between 2004 and 2016, according to data from the Los Angeles County Economic Development Corporation, employment in jobs producing guided missiles and other spacecraft and parts rose 62 percent.

The Los Angeles area employs about 25 percent of all workers in the space and missile manufacturing fields. As of 2016, 90,100 aerospace industry jobs were located in Southern California, 14 percent of all U.S. jobs in the industry.

Silicon Valley Boom and Bust

Ups and Downs in California's Tech Mecca

CHAPTER 15

Though William Shockley's invention of the transistor is often credited as the seed that grew into Silicon Valley, the roots of the technology industry in Santa Clara Valley go back much further—to a heartbreaking event almost 70 years earlier, when a 15-year-old boy unfortunately contracted typhoid fever and died while on a trip through Europe with his parents.

The boy was Leland Stanford Jr. The Stanfords were adoring parents who gave their long-awaited only child everything he needed or wanted. When he died, their grief was overwhelming. The Stanfords were determined to give their son a living, permanent memorial. So they founded a university in Palo Alto and named it for the boy.

Leland Stanford Sr. wanted this university to be different. For much of the 19th century, "practical" education was considered a separate and somehow lesser endeavor than what the traditional university was supposed to teach—namely, the liberal arts, which then meant subjects such as philosophy, Greek, Latin, literature and so forth. Stanford wanted students of his newly founded university to graduate equipped, as he saw it, for the demands of everyday life and for personal success.

To call Leland Sr. and Jane Stanford luminaries of 19th-century California society would be an understatement. Stanford was an industrialist and railroad tycoon—he was a primary investor in the Transcontinental Railroad—who was also one of the state's most prominent political leaders. He served as governor from 1862 to 1863, then as a U.S. Senator from 1885 until 1893, when he died at age 69.

But he was also a grief-stricken father. Leland Jr. was the only child he and Jane were able to conceive and successfully bring into the world, an event that didn't happen until they had been married 18 years, when

Leland was 44 and Jane a few months shy of 40. While 40 years old isn't a highly unusual age for a first-time mother in the 21st century, in the 19th it seemed nothing short of a miracle.

Leland Stanford Sr. never saw anyone graduate from what became known as Stanford University. He died two years after the institution opened its doors. The university's focus on practical subjects like engineering and technology, however, produced graduates who would go on to create many of the tech companies that took root in the Santa Clara Valley and the San Francisco Peninsula. Of those graduates, none were more important to the creation of Silicon Valley than Bill Hewlett and David Packard.

The First Garage

According to a widely told tale, Steve Wozniak and Steve Jobs created Apple, the tech firm that would become one of the most profitable corporations in history, in the garage of Jobs' house in Los Altos. Jobs later claimed that "the garage is a bit of a myth," and Wozniak said that "the garage didn't serve much purpose, except it was something for us to feel was our home."

Less well-known is the fact that 40 years earlier, in 1938, Hewlett and Packard rented a house at 367 Addison Avenue in Palo Alto specifically for its garage, fully intending to build a technology company. Both had graduated from Stanford in 1934, and both came under the mentorship of Fred Terman, a professor who later rose to become dean of Stanford's engineering school.

Terman also started what at the time was a threadbare electronics lab at Stanford, where the young Hewlett and Packard would hang out, trying to figure out how to someday start their own business. Terman not only encouraged them to follow their aspirations but fed them the idea for their first product, an audio oscillator.

Hewlett and Packard, unlike Jobs and Wozniak, used the garage as a workshop and early corporate headquarters. The duo did all of their research, testing and manufacturing in the garage for at least a year when the success of their new Hewlett Packard Company allowed them to move into a larger facility in 1940. The original HP garage still stands today, preserved as a museum at its original location.

For his mentorship and advocacy of Santa Clara Valley as a home for technology startup companies, Terman earned the unofficial title "Father of Silicon Valley."

Today, Silicon Valley is indisputably the capital of the world's technology industry, with 39 companies on the Fortune 1000 headquartered there. A 2021 study found that the Valley is home to almost 7,900 "scaleups," that is, companies that have raised more than $1 million since their founding—only about 1,300 fewer than the entire continent of Europe.

Silicon Valley's dominance over the tech industry appears unassailable, even with a reportedly increasing rate of businesses leaving California. No other region of the country even comes close, and the Valley is well prepared to survive even the dark days that set in during the latter months of 2022.

Dark Clouds Over the Valley

As 2022 became 2023, an ominous cloud appeared to loom over Silicon Valley. Almost as soon as Elon Musk began sending pink slips to 5,000 of Twitter's 7,500 employees in October of 2022, Mark Zuckerberg—CEO of Facebook's parent company Meta—said that he would lay off 11,000 employees, about 13 percent of the company's workforce. Zuckerberg's grim announcement came less than three years after a hiring spree in which the Menlo Park-based social media colossus took on 13,000 new employees.

In January, Google announced that it would slash 12,000 employees from its payroll, or about six of every hundred people who work for the online search giant.

The initial tech payroll purges were quickly followed by Salesforce, a cloud computing company that ranks as San Francisco's largest private employer. While dumping 10 percent of its workforce, a total of approximately 7,000 jobs (though not all in California)—CEO Marc Benioff publicly blasted Salesforce employees for supposedly not working hard enough.

The online retail behemoth Amazon announced 18,000 layoffs companywide. Though headquartered in Seattle, Amazon reportedly has about 7,000 Bay Area employees. As of November, 263 of those, slightly under 4 percent, had been laid off.

Los Gatos-based Netflix, the online streaming entertainment icon, laid

off nearly 500 employees in 2022. Flexport, a supply-chain software startup based in San Francisco, announced 640 job cuts, or 20 percent of its workforce, in January 2023. Coinbase, a leading cryptocurrency exchange, slashed about 1,100 jobs in 2022, and as the crypto market continued to collapse, said it would lay off another 950 of its 4,700 remaining staff in 2023. Even the longstanding online payment platform PayPal, co-founded by Musk in 2000, laid off 80 workers in its San Jose headquarters, and dozens more in other states.

The list goes on. According to the site layoffs.fyi, which maintains a database of tech industry job cuts, in the first five weeks of 2023 alone, 57 tech firms worldwide had announced almost 22,000 layoffs, thousands of those in California.

Dark days indeed. And yet, even as widespread industry bloodletting continued, the future of the tech industry did not appear to be in much danger. Despite the layoffs, the three counties that form the heart of what is now considered Silicon Valley—Santa Clara, San Francisco and San Mateo—recorded the lowest unemployment rates in the state, as of January 2023. Tech industry experts remained sanguine, even optimistic, about the future of technology in California.

"The industry obituary has been written prematurely a few times," Margaret O'Mara, author of the 2019 book *The Code: Silicon Valley and the Remaking of America*, told the *Guardian*. "It may be the end of an era for Silicon Valley, but it is unlikely to be the end of Silicon Valley."

The Valley Before Silicon

Even the ravages of 2022/23's dizzying layoff spree will certainly not put an end to Silicon Valley. But where did Silicon Valley begin? The Santa Clara Valley, the Northern California region to which the "Silicon Valley" nomenclature was initially applied, extends from just south of the San Francisco Bay, cutting between the Diablo Range and the Santa Cruz Mountains. For most of the 20th century, the region was best known not for computers but for orchards. About 30 percent of the world's French plums, also called prunes (once they're dehydrated), came from the rich agricultural region which until relatively recently was known as the "Valley of the Heart's Delight."

The most notable technological innovation to come out of the Valley during that early period was canned fruit. The canning industry was born out of necessity in the late 19th century when the region was producing so much fruit that supply outstripped demand and prices took a plunge.

Canning began as a way to preserve excess fruit for later sale. As the technology of mass production improved, canned fruit became its own marketing phenomenon. From about 1920 to 1950, roughly 90 percent of the country's preserved and canned fruit came out of the Santa Clara Valley, with factories based in San Jose.

It was also around 1950—1948 to be exact—that an event occurring 3,000 miles to the east marked the first small step in changing the "Valley of the Heart's Delight" into the Silicon Valley technopolis that exists today.

A cantankerous and generally unpleasant—but undeniably brilliant—physicist at Bell Labs in New Jersey, the above-mentioned William Shockley, invented a device for controlling and amplifying electrical signals: the bipolar transistor. In 1956, the invention would gain Shockley a Nobel Prize, with his collaborators John Bardeen and Walter Brattain. By that time, Shockley had already relocated to Palo Alto.

The Racist Who Gave Rise to Silicon Valley

As brilliant as he was in the field of electronics, Shockley was at least that incompetent and insufferable in the rest of his life. He couldn't get along with his co-workers at Bell Labs, who found him abrasive and arrogant. He divorced his wife though she was in the midst of a battle with cancer, and married a psychiatric nurse. He later denigrated his two children—a son who earned a Stanford Ph.D. and a daughter who graduated from Radcliffe—as representing "a very significant regression" from his own colossal intellectual stature.

He went on to make the grave mistake of assuming that his genius for physics extended to biology, psychology and sociology. Despite his world-changing work on transistors, he considered his true legacy to be his theories of what he called "retrogressive evolution," which was really just his racist belief that Black people were intellectually inferior to whites.

Shockley never experienced a moment of reckoning for his repugnant

views, which dominated the last three decades of his life. Nonetheless, his invention of the transistor revolutionized the Santa Clara Valley and the world. The Palo Alto company he started in 1955, Shockley Semiconductor Laboratory (a transistor is a type of semiconductor), was the first in the valley to design and make the devices that later, after generations of advancement in miniaturization, became known as computer chips. Shockley's invention still powers everything from iPhones to television sets to cars. He also pioneered the use of silicon to manufacture semiconductors, the process that, obviously, gave the valley its name.

But grotesque racism was not Shockley's only flaw. Thanks to his paranoid, tyrannical management, his company didn't last long and soon his employees fled to form, first, Fairchild Semiconductor, and eventually dozens more pioneering Silicon Valley firms.

Silicon Valley Starts to Spread

By the end of the 1960s, the Santa Clara Valley had become a recognized hub of the United States technology industry. Hewlett Packard had moved onward and upward from the Addison Street garage to be a Fortune 500 company listed on the New York Stock Exchange. Lockheed (later Lockheed Martin), the aerospace firm and defense contractor, moved to the valley in 1956. Employees of Fairchild Semiconductor went on to start more than 30 technology companies in the region, including Advanced Micro Devices in Sunnyvale, National Semiconductor in Santa Clara, and Applied Materials, also in Santa Clara.

Employees of the numerous Valley-based tech firms, the story goes, had already christened the region "Silicon Valley" in their conversations around the proverbial water cooler. The name was a nod to the elemental substance used since 1954 to manufacture transistors. (Previously, the element germanium was the essential material in transistors.) But the term did not appear in a public medium until 1971.

That's when Don Hoefler, a reporter for the industry publication *Electronics News*—a tabloid-sized weekly newspaper considered essential reading for tech execs of that era—had lunch with Ralph Vaerst, founder of Ion Equipment Corp., who casually dropped the water-cooler term into their

off-the-record chat. Hoefler, knowing a headline-worthy phrase when he heard one, went back to the *Electronics News* offices and added the catchy term to an article he'd been working on about the rapid growth of the semiconductor industry in the Santa Clara Valley.

Published on Jan. 11, 1971, Hoefler's piece was headlined "Silicon Valley, USA." The memorable moniker quickly became a synonym not only for Santa Clara Valley but a synecdoche for the entire Northern California technology sector. Today, Silicon Valley companies extend over the entire San Francisco Bay Area, from north and east of San Francisco to the southern city limits of San Jose and beyond.

And Then, There Was the Internet

On Oct. 29, 1969, a computer node located at UCLA sent a signal to a second node located at Stanford Research Institute (SRI) in Menlo Park. Founded by Stanford University in 1946, SRI International is now an independent technology research facility that has lit the sparks to ignite dozens of innovations that have formed the basis for innumerable Silicon Valley businesses, as well as other innovations that have since become ingrained in American, and global, culture. Color television, Light-Emitting Diodes (LED), the digital fax machine, medical ultrasound machines, solar energy cells, and even the 911 emergency number all originated or were developed at SRI.

The brief message sent in 1969 from UCLA to SRI, which consisted of the two letters "LO" (the computer crashed before "LOGIN" could be typed), may have represented the most world-shaking innovation of all. The message was transmitted through a network called ARPANET, a system allowing computers to communicate with each other over long distances, developed by the U.S. Defense Department's Advanced Research Projects Agency (ARPA, since revised to DARPA).

Five years after that first ARPANET message, two computer scientists—Benton Kahn and Vinton Cerf—published a paper describing a new "protocol" for sending information across a complex network of computers anywhere in the world. Called Transmission Control Protocol, or TCP, this innovation opened the door to creating an international network of com-

puters that could communicate and instantaneously exchange data. Kahn and Cerf called this international network "the internet."

Netscape Tames the Internet

Fast forward to 1994, when the Mountain View startup Netscape introduced a piece of software it called "Navigator," which most people simply referred to as "Netscape." The easily downloadable, free program took the seemingly innumerable, complicated protocols and computer code that made the internet work, and consolidated them into a neat, colorful screen that displayed text in various fonts, as well as graphics, and even, after a few more updates, audio and video (albeit in rather clunky, slow fashion).

Netscape's "browser" allowed users to navigate—or in more popular parlance, "surf"—a new thing called the World Wide Web. The "web," as it quickly became known, was a network of self-contained "sites" that could be accessed through the internet. Netscape was a great leap forward. Suddenly, the internet was a fun place full of information, entertainment and, inevitably, commerce. Netscape was a portal between the real world and cyberspace.

Most importantly, thanks to this new web browser, the World Wide Web could be accessed by pretty much anyone, with a bare minimum of technical knowledge or none at all. What had previously been a network utilized mainly by academics, the military and a small number of hardcore tech nerds became a mainstream medium of mass communication almost literally overnight.

When Netscape did its initial public stock offering in 1995 it commanded 90 percent of the web browser market—other browsers looked like lame knockoffs—and saw its stock price double in one day despite the fact that the 16-month-old company had never made a profit, was giving away its core product for free, and appeared to have no real plan to generate actual cash. Netscape's startling, seemingly instantaneous success set off what came to be known as the dot-com bubble.

Boom and Bust in the Valley

Which brings us back to the big tech bust of 2022 and 2023. Why did

it happen? The easiest answer is that Silicon Valley has a long history of booming and busting. That history notably includes the boom in home video game systems in the early 1980s, which gave way to the personal computer (PC) boom that took off in 1981, when 1.4 million home computers were sold, half of them in the U.S.

In 1982, that number jumped to three million, with Cupertino-based Apple becoming the first PC maker to top $1 billion in revenue. Like the Netscape-fueled dot-com boom that came along in the next decade, the PC boom was fueled by software. Apple in particular offered an operating system—the software used to run the computer itself—that featured a functionality known as a GUI, or graphical user interface. The GUI concept was developed a few years earlier by researchers at Xerox PARC in Palo Alto.

It was the GUI that made the Netscape browser possible. Where previously computer users were forced to bravely wrangle their way through seemingly inscrutable text-only lines of code on a hard-to-read black-and-green (or orange) screen, now they could operate their computers with the aid of little pictures or "icons" (the "graphical" part) that they could manipulate with a palm-sized device called a mouse (another innovation of researchers at SRI as far back as the 1960s).

Yet by 1985, the whole computer industry in Silicon Valley fell into what *The New York Times* called "a severe slump." No one seemed to be able to ascertain exactly what caused the slump, but according to the *Times* report, the most likely cause was a boom that just became too big.

"The computer industry is feeling the pain of its own excesses," the *Times* reported. "Too many companies specializing in the same things have been formed, each lured by potential riches and each believing in its own success. In a time that has been widely hailed as the era of the entrepreneur, many people think the computer industry is suffering from the ill effects of entrepreneurialism run amuck."

Dot-com: Another Big Bust

That same type of overinflated bubble led to the dot-com bust of the early 2000s. The phrase "dot-com" was yet another creation of SRI researchers who figured out how to organize the internet using addresses that could

be typed in more or less plain English rather than a sequence of apparently nonsensical numbers.

The success of Netscape and the browser that eventually knocked it off its perch, Microsoft's Internet Explorer, unleashed an onslaught of companies doing business on the internet—that is, dot-com businesses. Some were existing brick-and-mortar outfits seeking to expand into the virtual world, but many existed only online. In 1999, the value of 199 dot-com stocks tracked by researchers at the financial firm Morgan Stanley reached an astonishing $450 billion (that would be over $800 billion in 2023 dollars).

Those 199 companies must have been raking in eye-watering amounts of profit. Right?

Well, nope. In fact, those 199 dot-coms combined to show $6.2 billion in losses. The dot-com business no longer showed an interest in making money the old-fashioned way, that is, by creating and selling useful, profitable products.

Instead, it became all about entrepreneurs jacking up their companies' stock prices then quickly cashing out with IPOs, becoming multimillionaires literally overnight while their companies, and other investors, all-too-frequently tanked. Needless to say (or at least it should have been needless to say but apparently needed to be said), this business model was not built to last.

By the end of 2001, internet stocks collapsed and more than $1 trillion in wealth invested in dot-com companies simply vanished.

The Bust of 2022-2023?

By the end of 2022 it was *déjà vu* all over again. Tech companies watched their stock prices crater as revenues sagged. Apple was the best performer of the big tech firms, losing only 16 percent off its stock price in 2022. Facebook's parent company Meta watched $800 billion of its stock market value vaporize as its stock price dropped a dizzying 75 percent from September of 2021 to the end of October 2022.

Meta's fall was quite typical. NASDAQ, the stock exchange that is home to most high-tech stocks, dropped by a cumulative 30 percent in 2022.

What happened this time? Again, no one's quite sure. One popular

theory blames the COVID-19 pandemic, which caused hundreds of millions of people in America and around the world to stay inside their homes for the better part of two years in 2020 and 2021. All of those housebound consumers spent increasingly vast amounts of time online, buying things, absorbing advertising on social media sites, video-chatting on subscription sites such as Zoom, and generally screwing around.

When human beings began to emerge from their shells in 2022, internet businesses took a beating. Or so the theory goes.

Other factors could include rising interest rates as the U.S. Federal Reserve put a chokehold on the economy in an effort to reduce inflation. Also playing their part were generalized fears that the economy is headed for disaster thanks to such ominous developments as the Ukraine war, media reports (accurate or not) of a looming recession, inflation—which soon receded but remained an issue—and overall political uncertainty.

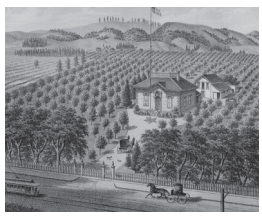
By the springtime of 2023, things did not look good. But if the history of Silicon Valley tells us anything, it is that while California's tech industry may suffer, it somehow always survives.

CALIFORNIA

FROM GOLD TO SILICON

The California Gold Rush: 1849-1855

A carpenter named James Marshall inadvertently discovered gold in 1849, also quite inadvertently creating California as we know it. The fortune seekers who migrated by the thousands shared one thing in common: They needed to eat.



Plot Twist: Agriculture vs. Mining

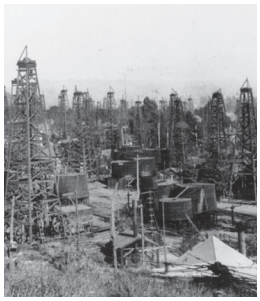
California may have been short of food for its ballooning population, but one thing it did not lack was land. To meet the need, and the spectacular business opportunity, farmers flocked to the state. Mining was an environmental disaster, especially for the new farms. In the 1870s, the government passed the first set of what would grow to be hundreds of laws protecting the environment: strict regulations on the mining industry.

Rise of the Railroads

California was now a place people wanted to go. So of course, a new technology arose in response. Rail travel also allowed farm products to move quickly around the state, and into other states.

A Railroad Builds a University

Leland Stanford was a tycoon whose investments in rail made him super-rich. Stanford used some of those riches to create a university in Palo Alto, also named Stanford, that specialized in teaching "practical" subjects such as engineering, producing graduates—and quite a few dropouts—who formed the foundation of California's tech industry.



Oil and Water

The Gold Rush inadvertently gave rise to two of California's other foundational industries when two failed prospectors relocated to Southern California. Edward Doheny struck oil in the Echo Park area of Los Angeles, igniting an industry that built the city's infrastructure. William Mulholland, an amateur geologist who worked his way to the top of the Los Angeles water department. upended the political and economic landscape when he realized that the plentiful water supply held in the snow-capped Sierra Nevada could be diverted to Los Angeles.

Hooray for Hollywood

The new prosperity of Los Angeles, which owed a significant debt to both Doheny and Mulholland, by 1911 allowed the rapid expansion of what would become California's most famous industry—the movie business, better known as "Hollywood."

The Military-Industrial Complex

Leland Stanford may have envisioned his university would transform California, and the world, but it seems doubtful he could have foreseen the rise of the permanent defense industry that both relied upon and drove Silicon Valley, and the minds trained by Stanford University. But that is precisely what happened. In 1969, that symbiosis created what is arguably the 20th century's most world-changing innovation, when the first internet message was sent from UCLA to the Stanford Research Institute.

DARPA and the Internet

The symbiosis of the defense industry and technology created what is arguably the most world-changing innovation of the 20th century: the internet. The first internet message was sent from UCLA to the Stanford Research Institute in 1969, and it consisted of two letters, LO. It was transmitted over a network called ARPANET, developed by the U.S. Defense Department.

Agoston Haraszthy was a Hungarian immigrant whose innovative methods of cultivating vineyards made him a key figure in the birth of the Californian, and American, wine industry.

How California Feeds the Country

The Rise of Agriculture

CHAPTER 16

California is America's food-producing powerhouse. Despite being home to just 4 percent of the farms and ranches in the country—83,217 of them, according to the most recent United States Census of Agriculture—the state generates 11.04 percent of the U.S. agricultural value. In 2021, that meant $54.5 million in cash receipts from agriculture poured into California. In fact, California is the fifth-largest supplier of food and other agricultural products to the world.

The Central Valley alone—the 400-mile-long, 50-mile wide region starting just south of Bakersfield and extending northward to Redding—produces 8 percent of America's food supply though it contains just 1 percent of the country's farmland.

Half of all fruits and vegetables grown in the U.S. come from California, and the state effectively produces all (at least 99 percent) of America's almonds, pistachios, pomegranates, and walnuts. California is also the nation's leading grower of lima beans, lemons, kumquats, raspberries, strawberries, and spinach—to name just a few.

Where Would the American Diet be Without California?

If California were to suddenly stop producing food, America may not starve, but eating would instantly become a lot more expensive and less healthy. And much grainier.

Orchard crops—nuts and many fruits—would virtually disappear from the market and numerous vegetables would become more difficult to find. When the price of fruits and vegetables rises, food consumers turn to grain-filled diets loaded with bread and rice to make up the difference. It should be noted, how-

ever, that about 20 percent of the U.S. rice harvest comes from California.

As happens in most every crisis, society's most disadvantaged would be hit the hardest. Research has shown that high prices are a significant barrier for low-income families to eat healthy diets based on fruits and vegetables.

The loss of California food production would not be a concern only for fruit and vegetable eaters. While not one of the country's biggest beef producers, California's roughly 11,000 ranches are home to 670,000 beef cattle. That's the 16th-most of any state.

California does, in fact, lead the nation in milk production. As of 2019, almost one of every five pounds of milk in the United States (18.57 percent) came from California's 1.72 million milk cows. (One gallon of milk is equivalent to 8.6 pounds.) Almost half (46 percent) of the 41.9 billion pounds of milk produced in the state every year, according to California Milk Advisory Board statistics, is used to make cheese.

The resulting 2.4 billion pounds of cheese makes California the country's second-largest cheesemaker. California is also the United States' leading maker of ice cream, churning out 133 million gallons per year, with 12 pounds of whole milk required to produce a single gallon of ice cream.

How did California, better known in the 21st century for its high-tech and entertainment industries, become the agricultural engine of the United States? The answer goes back to the period that first defined California—the Gold Rush.

The California Population Boom of the 19th Century

The great California Gold Rush was a demographic-change rush. Three months into 1848, the entire population of California stood slightly under 157,000, of whom roughly 150,000 were indigenous people. Another 6,000 were Californios, that is, Californians of Mexican or Spanish ancestry. Fewer than 1,000 belonged to neither group.

Less than two years later the promise of instant riches in Gold Country had brought 100,000 new migrants into California from out of state (California became an American state in 1850). By 1860, the population of California nearly reached 380,000.

Those hundreds of thousands of new Californians came from all over the other United States and the world. In the subsequent decades as California's population boomed, nearing 600,000 by 1880, people from New York and other eastern states, plus Ireland, England, Germany, China, Japan, Italy, Portugal and of course Mexico now called themselves Californians. As diverse as the new residents were, however, they had one thing in common. They all had to eat.

The Mission System and the Origins of California Agriculture

California in the 1850s was a consumer state, requiring large amounts of food but producing only a little. So where did that food come from?

In the early 19th century, California missions were outposts of Franciscans first dispatched in 1769 by the Spanish King Charles III, and supported by Spanish troops, to convert California's indigenous people to Christianity. Even more importantly, from the Spanish perspective, the "mission" was to indoctrinate, by whatever means necessary, the native Californians to European ways, to make them more compliant subjects for colonization.

The missions themselves were mythologized in earlier versions of California lore as oases of "song, laughter, good food, beautiful languor, and mystical adoration of the Christ," in the words of 19th-century poet Helen Hunt Jackson. In reality, they were closer to the description offered by California historian Carey McWilliams—who in his 1946 book *Southern California: An Island on the Land* called them "a series of picturesque charnel houses" that rounded up the native inhabitants, first by the temptations of "food, colored beads, bits of bright cloth, and trinkets," and later by brute force.

Once the missionaries had the indigenous Californians behind their mission walls, they enslaved them. Cut off from their families, communities and culture, frequently beaten, shackled, and devastated by a range of European diseases for which they had no immunity, the enslaved native people were forced to work in the fields as the missions each cultivated extensive farmland.

Because they relied on slave labor, the missions saw no upside in in-

vesting in agricultural equipment or technology. According to McWilliams' account, the missionaries didn't even bother building fences around their crops because it was cheaper to force enslaved people to guard the fields. As a result, under the inhumane system imposed by the Spanish missionaries, California agriculture remained primitive.

Rise of the Rancheros

After launching a war of independence in 1821, Mexico wrested control of the California territory from Spain and ended the mission system in 1834. Rather than redistribute the land owned and farmed by the missions to the native people from whom the missionaries seized it, the Mexican government carved it up and granted it to private individuals, mostly wealthy California-born Mexican families.

The former mission lands now became "ranchos," and the owners were rancheros. Many native people, whose numbers had been cut in half under the mission system to 150,000, went to work on the ranchos, some under virtual slavery conditions despite having been ostensibly freed when the Mexican government abolished the missions.

Ranchos grew crops such as corn and wheat, as well as some orchard fruits. But their main product was cattle and other livestock. Under the rancheros, California agriculture remained stalled.

The Mexican-American War, ending in 1848 with the United States annexing California from Mexico, brought an end to the reign of the rancheros. But would the settlers who immediately began pouring into California do anything to develop the nascent state's agriculture?

Agriculture Takes Off

The new Californians who arrived in search of gold found that meeting their basic need for food was expensive and getting more so. The fact that many prospective miners arrived in California with nothing but the shirts on their backs (and pants down below, presumably) meant that demand for all sorts of goods—especially food—was high. So merchants could get away with charging outrageous prices.

According to historical sources, it wasn't unusual for a single egg or slice of bread in 1849 to go for a whole dollar—almost 40 bucks in 2023 cash. The local food production shortfall was made worse by California farmers who ditched their own fields to head for the hills in search of instant riches. Oregon farmers stepped in to fill the demand, but it didn't take more than another few years for miners to realize that only a lucky few were going to strike gold, and that there were profits to be taken in feeding the ever-growing number of Californian mouths.

The young state's vast expanses of open land, wet winters and dry, warm summers proved ideal for grain crops. Wheat became the state's first major agricultural product. At first, the wheat farmers, most of whom came from eastern and midwestern states where conditions for growing were very different, were innovators.

California Farms and the Need for Cheap Labor

In states where land was not as plentiful, wheat farms were small and could be managed and operated by members of the families who owned them. California farmers in the 1850s and 1860s oversaw fields so large that no single family could provide enough labor to maintain them. California farmers led the way in creating "factories in the field," as Carey McWilliams called California farms in his 1939 exposé of farm labor conditions. These California farms relied on hired laborers to keep them running. But labor was scarce, driving wages up. By the 1870s, California workers commanded 70 percent better pay, on average, than their counterparts in regions to the east.

The state attempted to solve the problem of labor shortages and their resulting high costs by importing workers from abroad, mainly from countries much poorer than the still-young United States: Japan, India, China, and of course Mexico provided relatively plentiful sources of farmworkers who would accept low pay and arduous working conditions.

When Congress passed and President Chester Arthur signed the explicitly racist Chinese Exclusion Act in 1882, barring (with a few exceptions) Chinese workers from entering the U.S., the California agriculture industry had to find a pool of labor that could compensate for the sudden shortage of Chinese immigrants. The problem was, white farm workers

refused to accept the same scant wages and harsh conditions that had been imposed on the Chinese. At least, white adults did.

The solution? Children. The state Board of Trade held serious discussions of a plan to "substitute the labor of deserving white boys" for the now-dwindling supply of Chinese immigrant workers. This situation persists. According to the Center for Farmworker Families, in the United States about 400,000 children now work as farm laborers. The Federal Labor Standards Act offers less protection against child labor in the agricultural industry than in most other industries.

The need to hold down labor costs led California's farmers to another innovation: mechanization. A study published by the journal *California Agriculture* in May of 2000 found that in processing rice and tomato crops, mechanization reduced the use of human labor between 92 and 97 percent compared to the period prior to mechanization, and cut labor expenditures from up to two-thirds of total farm costs down to 20 percent. In the late 19th century, California's farmers didn't have those numbers at their fingertips, but they didn't need to. The new mechanization was the key to continued profits.

Grain Farmers Forget One Important Thing

In their focus on profits through mechanization and reduced labor costs—horses rather than humans powered much of the machinery of the era—California's grain farmers overlooked one important element of their business. While they aggressively pushed the technology of mechanization forward, they overlooked the necessity to adapt their cultivation practices to changing conditions.

According to a report published by the University of California Giannini Foundation of Agricultural Economics, the wheat farmers did little to update their agricultural methods and techniques. The result was that "decades of monocrop grain farming, involving little use of crop rotation, fallowing, fertilizer, or deep plowing, mined the soil of nutrients and promoted the growth of weeds."

A number of agricultural entrepreneurs saw the opportunity for a new type of farm production—fruit. George Gregg Briggs was a frustrated gold

miner who created a series of orchards along the Yuba River, in the heart of gold-mining country. After a flood in the winter of 1862 he moved his operations down to Ventura County—finally relocating to Alameda County. Briggs began by planting watermelons and using his profits to ship peach, apple and pear trees from New York state for replanting in California.

William Meek and his business partner Henderson Lewelling developed the state's first cherry orchards in Alameda County by importing cherry trees from Iowa, and following up with almond, plum and apricot orchards. Then there was Agoston Haraszthy, a Hungarian immigrant whose innovative methods of cultivating grape vineyards made him a key figure in the birth of the Californian, and American, wine industry. Those were just a few of the hard-charging fortune-seekers who saw their chance for prosperity not in California's mines, but in its soil.

California's Agriculture Industry Today

More than 170 years after those entrepreneurs founded what became one of California's defining industries, as many as half of all American farm workers live in California, and a reported 75 percent are undocumented immigrants. Though these workers are indispensable to keeping the California agricultural juggernaut plowing forward, they face harsh working conditions ranging from poor food and housing and exposure to toxic chemicals to regular sexual harassment.

In 1962, activists Cesar Chavez and Dolores Huerta founded the National Farm Workers Association, a forerunner to the United Farm Workers of America, which is the first and longest-operating union for agricultural laborers. Chavez and the organization led a series of protests for farm worker rights, perhaps most famously a four-year boycott of California-grown grapes.

Today, farm workers rank among the state's lowest-paid workers. While many farm workers are paid an hourly rate that actually exceeds the state's minimum wage, farm work is spotty and few laborers average 40 hours per week, which would be considered "full-time" work. As a result, according to figures from the Economic Policy Institute, the gap between "full-time equivalent" (FTE) wages and actual wages is wider for California's farm

workers than for workers in any other industry. A worker in the "fruits and nuts" sector would make an annual $30,038 working full time. But in actuality, due to the impossibility of putting in 40-hour weeks throughout the year, those workers make an average of $18,565 per year.

California's agricultural industry has also endured droughts that just since 2020 cost $1.2 billion and almost 9,000 lost jobs, according to a study at UC Merced. But a 2019 meeting of the California Board of Food and Agriculture heard a largely, if cautiously, optimistic assessment of the future.

By the year 2050, UC Davis economist Dr. Daniel Sumner told the board, income from farming will have continued to grow, and demand for the state's agricultural products will remain high—as long as the state manages labor costs, the water supply, the requirements of government regulations, research and development, and climate change.

CHAPTER 17

The Rise of Suburbia

Before World War II, Americans were mostly either city dwellers or country folk. As far as the suburbs went, only 13 percent of the population resided in communities defined as such. But once soldiers started coming home from the war, the entire American landscape changed with startling speed. By 2018, 52 percent of all households described where they lived as "suburban."

California, in particular, has long been stereotyped as some kind of nightmare of suburban sprawl. But that's a misconception, according to recent studies and statistics. A landmark 2014 study by the Washington, D.C. nonprofit Smart Growth America found that California was one of the country's least sprawling states. The regions anchored by San Francisco, Anaheim, Los Angeles, San Jose, and Oakland all ranked in the top 10 "most compact, connected large metro areas," with "large" defined as more than 1 million residents.

Stockton and Modesto placed fourth and seventh respectively among "medium" metro areas (between 500,000 and 1 million population) while Santa Barbara and Santa Cruz were the second and fourth most "compact, connected" among "small" (under 500,000) metro regions.

An analysis of 2020 U.S. Census data by the site *New Geography* found that California's urban areas had the highest population density of any state, even beating out second-place New York. California, per the census, also had the highest share of its population living in urban areas, 94.2 percent.

But wait a minute. Weren't we talking about suburbs?

Therein lies a problem with understanding suburbia, and measuring the degree of suburbanization in any state or region. No one, least of all the U.S. Census Bureau, knows exactly what a "suburb" is.

What Is a Suburb?

The Census Bureau deals with the question of understanding suburbia by ignoring it. A 15-page compendium of geographic terms published and used by the Census does not even include the term "suburb." Instead, the Census Bureau starkly divides the country into two types of regions—urban and rural. And that's it.

The data point that 52 percent of American households describe where they live as "suburban" comes from a 2017 survey conducted by the federal Department of Housing and Urban Development, aka HUD. The survey asked respondents to describe their own neighborhoods as falling into one of three categories: urban, rural or suburban. But not even professional planners can agree on a single definition of suburbia.

"The use of the term suburb usually implies a few characteristics of the built environment: sprawling, low-density development; predominantly single-family residential uses; the separation of retail and commercial uses into strip malls, shopping malls, big box stores, and suburban office parks; automobile dependence; and long-distance commutes into the central city for work," wrote the planning site *Planetizen*.

However, when it comes to defining suburbs, "the exceptions are as common as the rules," *Planetizen* wrote, noting that while suburbs are generally understood as separate jurisdictions outside of central cities, some suburbs do, in fact, exist inside of cities. Nor do all suburbs have smaller populations than the cities they surround. The population of San Francisco, *Planetizen* notes, "is far smaller … than its surrounding metropolitan area."

Hard Data on Defining Suburbia

Jed Kolko, chief economist for the employment site *Indeed*, along with three government researchers, attempted to determine what people in the real world mean when they describe their neighborhood as "suburban," in an exhaustive survey of 55,000 Americans conducted in 2020.

Echoing findings in a smaller study conducted by Kolko five years earlier, the 2020 study found that the most reliable predictor of whether a respondent described a neighborhood as suburban (or urban, or rural) was population

density. But there were other factors as well. According to a *Bloomberg* summary of the larger survey, "areas with higher median incomes were more likely to be called suburban. Areas with older homes were more likely to be called urban. Areas with lots of senior citizens were more frequently called rural."

The study also contradicted the belief that suburbs must exist outside of cities. Almost half, 47 percent, of households located within the limits of a central city nonetheless described their neighborhoods as suburban. At the same time, 13 percent of respondents who lived outside of central cities still classified their neighborhoods as urban, rather than suburban.

An earlier, 2015 study conducted by Kolko used a much smaller pool of respondents, just over 2,000, but found similar results, with 53 percent in that study describing their neighborhoods as suburban. The most reliable predictor of how people described their areas was population density. In that 2015 study, Kolko found that residents of ZIP codes with between 102 and 2,213 households per square mile were most likely to say that they lived in the suburbs. Below 102 was typically described as rural, and above 2,213 was called urban by respondents.

How the Federal Government Created Suburbia

America's demographic shift from a primarily urban and rural country to a suburban one was no accident. The government, using various types of housing subsidies, designed it that way on purpose.

In the immediate aftermath of World War II, the U.S. was still ensconced in a housing shortage that dated to the Depression. One-third of returning veterans reported living with family, friends or roommates who may even be strangers. Deliberate government policies were quickly implemented to address the crisis, building crucial infrastructure such as highways to connect suburban areas to workplaces and urban centers.

The Federal Housing Administration (FHA) and Veterans Administration (VA) juiced the housing market, offering cheap, subsidized mortgages, often requiring little or no money down. Before the FHA and VA stimulus programs, aspiring homeowners were forced to post down-payments of, on average, 58 percent of a house's purchase price before they were considered for a home loan.

For that matter, home loans came with terms of no more than five or six years, during which only the interest would be paid off. At the end of that period, the principal was required to be repaid as a single "balloon payment." As one might expect, these conditions limited home ownership to those of significant financial means. President Franklin Roosevelt's "New Deal" programs, including creation of the FHA in 1934, changed all that, allowing mortgages to be stretched over 20 and 30 years with relatively small up-front payments.

After the war, the FHA also started issuing low-interest loans to builders.

The combination of low-cost home construction and cheap mortgages—it became often less expensive to buy a house than rent an apartment—set off a tidal wave of homebuilding. But where to put all of these new houses? The FHA knew where it wanted them to go, and imposed strict conditions on construction and mortgage loans that guaranteed that the vast majority of new housing would go up on open land outside of urban centers—land which before had been used for farming, or nothing at all.

Racial Segregation Was Part of the Plan

While the FHA programs allowed three of every five Americans to afford a home, where previously only one in 10 could, the agency made sure that preference went to large houses on plots of land set back at least 15 feet from the street (the loan terms also dictated street widths) with abundant space for lawns and gardens. Those rules were also designed to promote the car as the primary mode of transportation, which gave a boost to one of the country's then-newest manufacturing sectors, the automotive industry.

The FHA rules also, very deliberately, were designed to promote racial segregation. Loans were often conditioned on the requirement that homes would not be sold to Black buyers. Federally subsidized housing for Black people was restricted to the inner cities.

That was the politically *progressive* position of the era. The right-wing view was that Black people should be eligible for no public housing subsidies at all. In fact, when President Harry Truman expanded the scope of the federal housing plan with the Housing Act of 1949, conservatives in Con-

gress tried to kill the bill by inserting an amendment requiring new suburban developments to be racially integrated.

The FHA required separation of land-use districts. The lovely new suburban homes could be located only in areas with other residences. Businesses were not allowed, and in fact, the government's desire was to cluster all businesses in a community into a single "shopping center." It hardly seems a coincidence, then, that America is both the world's most suburbanized country, and also the country with more shopping malls per capita than anywhere else in the world.

The overwhelming whiteness of suburbia, which was part of the federal government's postwar plan, is also changing. California, the Los Angeles area in particular, had earlier set a pattern for racial segregation that was later copied in suburban developments nationwide, according to Gene Slater, author of the 2021 book *Freedom to Discriminate: How Realtors Conspired to Segregate Housing and Divide America*.

Slater, in an essay for the *Los Angeles Times*, noted that at the turn of the 20th century, racially segregated neighborhoods were unknown in American cities. "Where you could live, in L.A. and cities nationally, depended on where you could afford to live—not your ancestry," Slater wrote.

That quickly began to change as developers of the proto-suburban subdivisions that soon characterized much of Los Angeles introduced race-based "covenants" into their contracts—clauses forbidding sale of homes in those subdivisions to persons of color. The then-new, high-end developments of Beverly Hills, Bel-Air and Hillhurst Park all came with the deed restrictions, guaranteeing that those neighborhoods would be restricted only to "particular people."

The New Demographic Face of Suburbia

Developers quickly realized that they could sell homes in middle-income subdivisions, such as Culver City, with the same racial restrictions, presumably making those less-fancy homes more attractive to white buyers. And by 1913 even lower-income neighborhoods were deliberately segregated, with the supposed intention of benefitting "the working man." As if the only working men were white.

Los Angeles in that era was the country's fastest growing real estate market, so it was not surprising that realtors and developers nationwide copied its methods, making the racial "covenants" the norm for any new suburban neighborhood, anywhere in the U.S.

In 1948, a unanimous Supreme Court decision, *Shelley v. Kraemer*, held that racial covenants were unconstitutional, violating the Fourteenth Amendment's equal protection clause. The decision, unfortunately, did not stop real estate agents from engaging in the same sort of discrimination on an under-the-table basis. Not until President Lyndon B. Johnson signed the Fair Housing Act in 1968 was racial discrimination in home sales made explicitly illegal.

Though the covenants are not enforceable, their discriminatory language—banning sale of homes, in many cases, not only to Blacks but to Jewish people, Asian-Americans and other minority groups—remains embedded in property deeds that date back to the era when they were legal and common, in almost every state. California is one of the rare exceptions. But it took until 2022 for the state to put a law in effect requiring counties to remove the racist language.

With the turn of the 21st century, the face of the suburbs was changing, according to a 2020 Brookings Institution report. Suburbs now reflect the overall American trend toward increasing demographic diversity.

Whites had a big head start, meaning that even today, 76 percent of white Americans live in suburban areas, which Brookings defines rather straightforwardly as "the territory located outside of the primary cities of these major metro areas." That's less than three percentage points more than in 1990, three decades earlier.

By contrast, 54.3 percent of Black Americans live in suburbs, compared to just 36.6 percent in 1990. Latinx or Hispanic people have shown a similar flight to the suburbs, with 61.4 percent now living there compared to 49.5 percent in 1990. And while more than half of Asian-Amerians, 53.4 percent, were suburb-dwellers in 1990, 63.1 percent lived in suburbs as of 2020, according to the Brookings study.

Ever since World War II, America has shifted into a suburban nation. Now, the suburbs are finally starting to represent what the American people actually look like.

CHAPTER

18

Mall Culture and the California Dream

Viktor Grünbaum was a well-known figure, an architect and a passionately left-wing socialist in the avant-garde art scene that flourished between the World Wars in Vienna. When the Nazis came to power in Germany and proceeded to invade and annex the country of Austria in March of 1938, Grünbaum, who was Jewish, knew he had to flee.

In that same year, Grünbaum arrived in New York City with eight bucks to his name. He spoke no English. And yet, less than two decades later, Victor Gruen (as he called himself in the United States) created what would become one of the most enduring elements and symbols of American postwar consumer capitalism. The shopping mall.

It was never what Gruen intended.

Gruen, in perhaps his best-known speech (given in the late 1950s), inveighed against the "avenues of horror" he saw slicing through American suburbs, "flanked by the greatest collection of vulgarity—billboards, motels, gas stations, shanties, car lots, miscellaneous industrial equipment, hot dog stands, wayside stores—ever collected by mankind."

His answer was: planning. Gruen decided to start from scratch, designing a new type of town center the way it should have been, at least in his view. One that wouldn't spawn such "horrors." In 1956, the Gruen-designed Southdale Shopping Center opened in Edina, Minnesota, a suburb of Minneapolis. A two-story structure with shops on each floor, connected by escalators, surrounding an open courtyard and all covered by a roof, the center drew almost as much awestruck national press attention as Disneyland, which had opened in Southern California a year earlier.

Gruen saw Southdale as the center of a community, to be surrounded by a dense urban center with multi-family housing, parks, schools, and even medical facilities. The mall would be what sociologists call the "third place,"

neither home nor workplace, where people would meet, socialize, and offer, as Gruen himself described it, "the needed place and opportunity for participation in modern community life that the ancient Greek Agora, the Medieval Market Place and our own Town Squares provided in the past."

Sometimes a Shopping Mall Is Just a Shopping Mall

The shopping mall would serve as the centerpiece, fulfilling the progressive democratic vision Gruen and his Viennese compatriots held between the wars. But in the end, none of that happened.

Rather than a modern-day Greek Agora, the only development that surrounded the Southdale mall was a parking lot, one that included a stunning total of 5,200 spaces, making Gruen's creation a hub for the very aspect of mid-20th-century American life that he most despised: the car culture. The shopping mall was only that—a shopping mall, albeit one that set the template for thousands more over the next several decades. Just 60 malls, none indoor, were built in the United States between 1950 and 1955. After Southdale opened, at least 240 went up by 1970. Gruen was not pleased with what he had wrought.

"I am often called the father of the shopping mall. I would like to take this opportunity to disclaim paternity once and for all," Gruen said in 1978, two years before he died at age 76. "I refuse to pay alimony to those bastard developments. They destroyed our cities."

What happened? How did Gruen's grand design for a kind of democratic socialist utopia get derailed to become, aside from an awesome place for teenagers to hang out, the physical manifestation of consumer capitalism's worst impulses?

Before Southdale, California Launched Mall Culture

Four years before the Southdale mall opened its doors in Minnesota, California inaugurated its own mall culture when the Lakewood Center opened just northeast of Long Beach. Lakewood, a planned suburban community,

was similar to the better-known East Coast suburb, Levittown, New York. Developers Louis Boyar, Mark Taper and Ben Weingart bought 3,375 acres of open farmland in 1949 and over the next five years built 17,500 nearly identical houses in their new Southern California suburb, selling them for about $7,500 each. That would be roughly $84,000 in 2023 cash—a pretty reasonable price.

As people bought the houses nearly as fast as they went up, the same developers also built a centralized place for their new residents to spend their postwar-prosperity cash. That was Lakewood Center, at the time the largest shopping mall in the U.S., including parking for 10,000 cars. Exactly the sort of place that would give Victor Gruen nightmares.

The open-air mall's anchor, a May department store, saw 200,000 shoppers walk through its doors in the first days it was open.

Lakewood was the fourth mall built anywhere in the U.S., and the first in California. But shopping centers—developments with multiple smaller stores cropping up around a single, large store—dated back to the 1920s and, perhaps unsurprisingly, first appeared in California. In those days the anchor store was usually a supermarket, allowing people to buy their groceries in a single location, and get any additional shopping done in the smaller shops nearby.

By 1960, according to figures from the Association for Consumer Research, there were 4,500 malls in the country, and by 1975 the total had grown to 16,400. One of every three dollars expended on retail shopping was spent at those shopping centers. And 12 years after that, it was one of every two dollars at 30,000 malls.

But 1975 was also the year that the Lakewood Center mall appeared to be on its last legs. It was rescued by the Macerich Company, who renovated and rebuilt the old structure, turning it into an indoor mall that remains in business today. Macerich went on to become the third largest mall operator in the country on the strength of its success in turning around the Lakewood Center.

Mall Culture in the Movies

Clearly, malls never fulfilled Victor Gruen's dream of becoming the "town square" of American suburbia. Instead they were just another commercial

extension of the great suburbanization of the mid-to-late 20th century. But for decades, they created their own culture, or at least subculture.

"Mall culture" was such a dominant theme of American life that it turned up in dozens of Hollywood movies, mainly from the 1980s and '90s—though it was 1978 when the now-classic zombie flick *Dawn of the Dead* employed a shopping mall as its setting for depicting ravenous zombies as a metaphor for mindless consumerism.

Four years later, *Fast Times at Ridgemont High* presented a more realistic—and optimistic—depiction of a suburban mall as a nexus of the teenage social universe, at least in Southern California. The real-life Sherman Oaks Galleria stood in for the fictional "Ridgemont Mall" in the movie.

The 1995 indie film *Mallrats*, by writer/director Kevin Smith, continued to glorify a mall-centered teenage life, this time on the East Coast. The New Jersey mall in the film, inspired by malls of Smith's own youth, was actually the Eden Prairie Mall in Minnesota, which gave the production a sweet financial deal to film there. The title came from the term used to describe teenagers for whom the mall had become the center of their social existence—a phenomenon that was relatively new when *Fast Times* came out more than a decade earlier.

Smith later revisited the theme of mall-centrism, at least for one key scene in his 2008 movie *Zack and Miri Make a Porno*. Smith shot that scene in Monroeville Mall in a suburb of Pittsburgh, Pennsylvania—the same mall where 30 years earlier director George Romero filmed *Dawn of the Dead*.

Those are only a few films in which mall culture played a central role. Others include the 1989 comedy *Bill and Ted's Excellent Adventure*, which offered an affectionate satire of teenage mall existence; the 1995 teen comedy *Clueless*, which utilized several different Los Angeles-area malls as stand-ins for the fictional mall in the film; and even *Terminator 2: Judgment Day*, from 1991, in which a futuristic robot played by Arnold Schwarzenegger (just over a decade before he became California's governor) wreaks destruction on a mall identified in the movie only as "The Galleria," but which was actually Santa Monica Place—17 years before the Frank Gehry-designed indoor mall's major renovation as an indoor/outdoor space by Macerich, the same firm that redid the Lakewood mall.

The Death and Rebirth of Mall Culture (and Ghost Malls)

In its 1986 book-length report snappily titled *I'll Buy That!: 50 Small Wonders and Big Deals that Revolutionized the Lives of Consumers*, the Consumers Union (publishers of *Consumer Reports* magazine) named the shopping mall—alongside antibiotics, the birth control pill, personal computers, smoke detectors and power lawnmowers—as a revolutionary "wonder."

About three decades later, in 2017, the international financial firm Credit Suisse issued a report predicting that one of every four malls then in existence would close by 2022. The firm's prediction of a mallpocalypse was not far off the mark. According to a report by the Federal Reserve Bank of Richmond there were 1,500 malls in 2005 and 1,150 in 2022. That's a drop of almost one in four, albeit over a 17-year rather than a five-year period.

What becomes of those decommissioned ghost malls? Other than becoming fodder for weirdly popular YouTube videos?

In California, legislation signed into law by Gov. Gavin Newsom in October of 2022 created a legal framework for converting closed "big box" chain stores, which are often the anchor stores in closed-down malls, into new housing. The stores, and the malls they once anchored, are located in areas zoned for business. The new legislation allows affordable housing units to be constructed in the structures that once housed Sears, Fry's Electronics, Bed Bath & Beyond, and other large chain stores.

Even before Newsom signed the new laws, several California communities were already targeting unused mall space for new housing. Marin County's Northgate Mall was the site of a proposed 1,356-unit housing complex. San Leandro's Bayfair Center mall was purchased by a developer looking to build 1,000 housing units there. And San Francisco's Stonestown Galleria is set to become a whole new neighborhood, with 3,000 new homes surrounding six acres of "green" public space.

The 'American Dream'

California has recently seen 11 closed malls, according to a report by the shopping site *MallsinAmerica.com*, from the Crossings at El Dorado in

Placerville up north, to Murrieta Marketplace in Riverside County. But as in America in general, the future of malls appears to be a case of the rich getting richer while the middle class and poor fade away.

According to a *Washington Post* report, malls that continue to thrive have spent, or are in the process of spending, millions of dollars to reinvent themselves.

"There is an accelerating polarization between the 'best' and the 'rest,'" researcher Neil Saunders of the firm GlobalData Retail told the *Post*. "Newer, nicer malls have become magnets for consumers, pulling them away from struggling properties."

The malls that will not only survive but succeed will do so by emphasizing the "experience" of the mall, rather than simply the available shopping—and the shopping that remains will appeal to higher-income consumers. Brands such as Nordstrom, Apple and Lululemon are set to anchor malls that feature gyms, high-end restaurants and spas, according to the *Post* report.

One new mall in New Jersey that opened in 2020 cost $5 billion to construct and comprises—in addition to about 350 stores including ultra-high-end retailers Tiffany, Hermes and Dolce & Gabbana—a water park with an indoor wave pool, an indoor ski slope complete with snow, an NHL-regulation size ice rink, a miniature golf course, Ferris wheel and other flashy amusements.

The name of the mall? What else? American Dream.

CHAPTER

19

Hooray for Hollywood

California's Most Glamorous Industry

In Southern California, simply drop a reference to "the industry" and people get it. California is closely identified with numerous industries—technology, defense, agriculture, oil and others—but only one industry is so intimately connected to the state that it doesn't even need to be named. That industry is, of course, the movie and television business, better known by its synecdoche: Hollywood.

Today, Hollywood is one of the largest industries in California, generating $226 billion in annual sales as of 2020, according to a Motion Picture Association report, based on stats from the federal Bureau of Labor Statistics.

Hollywood, however, was once nothing but the name of a small city created out of a large swath of agricultural land at the base of the Santa Monica Mountains known as Cahuenga Valley. In 1887 a shoemaker-turned-real-estate-developer named Harvey Wilcox bought a 150-acre tract and filed a subdivision plan with the Los Angeles County Recorder's Office, giving the upstart community the name "Hollywood."

Oddly enough, considering what the region later became, the devout Christian Wilcox envisioned his new community as an oasis of piety where alcoholic drinks were banished and land grants for churches were free. But his dream of a teetotaling utopia died with him in 1891.

A competing developer, Hobart Johnstone "H.J." Whitley, took over, developing a hotel, markets, a bank, and numerous other upscale businesses—while also successfully pressuring the county to install essential infrastructure such as an electrical grid and streetcar system, as well as a main thoroughfare through the area that became known as Sunset Boulevard.

The Movie Business Goes Hollywood

Whitley had his eye on another type of business that had recently arisen on the East Coast in the wake of Thomas Edison's invention of the Kinetograph, the first motion picture camera. The landmark invention was actually the creation of Edison's assistant, William Kennedy Dickson, but Edison registered the patent in his own name. And in so doing, the famed inventor and entrepreneur inadvertently helped create California's movie industry.

Edison formed a cartel that included a separate company created by Dickson, Biograph Pictures, as well as the primary manufacturer of motion picture film, the Eastman Kodak company. Edison's cartel, the Motion Picture Patents Company, produced movies and, more importantly, aggressively pursued legal action against anyone else who wanted to get into the movie-making business.

Edison's cartel slapped one fledgling company, known as Universal Studios, with 289 patent and copyright infringement lawsuits. Nor was his bullying of other film producers limited to the courtroom. Edison was reportedly not above sending paid goons to crack skulls and break legs when he wanted rival productions shut down.

There were other reasons for moving to Southern California. Obviously, the weather allowed movies to be made year-round. But mostly, moviemakers were desperate to get as far away as they could from Edison. Out west in Hollywood, Whitley was ready to welcome them. He enticed the first studios to relocate there in 1911, a year after Hollywood merged with the city to the east, Los Angeles, and by 1920 the combined city was the global epicenter of the movie business. Almost all of the movies made in the United States were filmed and produced there, and 80 percent of all revenue from movies around the world poured into the industry now known simply as "Hollywood."

It helped that California courts were much friendlier to the independent producers who had relocated to their state than they were to Edison and his cabal of patent-hoarders. In 1915, federal courts followed suit. In the case *United States v. Motion Picture Patents Company*, a U.S. District Court in Maryland ruled that Edison and his cartel went way too far in enforcing their patents, and had used the tactic to "as a weapon to disable

a rival contestant, or to drive him from the field," rather than simply to prevent infringement.

Rise of the Moguls

Hollywood built itself from scratch. In those early days, entrepreneurial energy and a certain type of ruthlessness were all it took to make it big in the industry. Unlike many traditional businesses on the East Coast and in California, Hollywood was wide open to immigrants—and especially to Jewish immigrants, a group that played an essential role in building the Hollywood system that evolved into the multibillion-dollar cash machine that it is today.

It's become a particularly noxious anti-Semitic trope to say that "the Jews run Hollywood." While that statement is clearly just bigotry, it is true that many of the most important and powerful founders of the Hollywood system were Jewish immigrants from eastern Europe–and there are very specific and valid reasons for that.

Endemic anti-Semitism in Europe prevented Jewish people from holding positions in industries, labor guilds and professions. What was open to Jews were less "respectable" occupations that were considered beneath the supposed dignity of Christians. Jewish Europeans flooded this supposedly shady sector of the economy as their only way to make a living. Among those out-of-the-mainstream fields was entertainment.

When they emigrated to the United States to escape this all-consuming anti-Semitic oppression, Jews sadly found little improvement in the situation. The discrimination may have been less flagrant, but Jews remained closed off from Christian-dominated jobs. The so-called legitimate theater was, in that era, one of those industries that did not exactly welcome Jewish immigrants (or any Jews at all). So they turned to vaudeville, a bawdy, outrageous type of lowbrow entertainment that had been created mainly to ridicule Jews and other immigrants. A common early vaudeville character was the "stage Jew," a non-Jewish actor usually wearing a large, fake nose and speaking in a wildly exaggerated "Yiddish" accent, singing songs that employed cruel and offensive stereotypes of Jewish people for laughs.

But because vaudeville was looked down upon by most of Christian

society as vulgar and cheap, Jews were able to gain a foothold and eventually came to dominate the business with their own brand of comedy and music. Such entertainment superstars of the early 20th century as the Marx Brothers, Fanny Brice (later immortalized in the Broadway musical *Funny Girl*) and Jack Benny (real name: Benjamin Kublesky), among many others, were all Jewish, and all got their starts as vaudeville performers.

Ownership and operation of vaudeville theaters was also open to Jews. That's where four Jewish immigrant brothers from Poland, whose family name was Wonskolaser but who Americanized it to "Warner," got their start before going on to found Warner Bros. Studios.

The garment industry was another field looked down upon by "respectable" society, where Jewish entrepreneurs were able to make their mark. Some then moved from there into the movie business. Like vaudeville, the garment business required aggressive salesmanship and hard-nosed business sense, both qualities essential to the new movie business. Samuel Goldwyn and William Fox both founded movie studios in Los Angeles after working in the New York garment business.

There were of course non-Jewish movie moguls as well. Walt Disney, a Congregationalist Christian, was perhaps most notable among them. Mack Sennett, an Irish Catholic, created the iconic "Keystone Kops," named for his own Keystone Studios. Sennett started his career working for director-turned-mogul D.W. Griffith, a Methodist Christian, whose 1915 epic *Birth of a Nation* was one of the most cinematically innovative films of early Hollywood—but is mainly remembered for its violent racism, serving essentially as propaganda for the Ku Klux Klan.

The Grip of the Studio System

Those early moguls continued to rule Hollywood with an iron hand through most of the industry's "Golden Age," a somewhat vaguely defined period that historians generally date from the early 1930s to the late 1940s, though some don't see it ending until the early 1960s.

The era saw the formation and domination of the "studio system," under which five major Hollywood studios, three smaller ones, and two much smaller ones, ruled the industry and controlled all significant commercial film produc-

tion in the United States. The "Big Five" were Metro-Goldwyn Mayer—better known by its initials MGM and by the roaring lion that opened all of its films—Paramount Pictures, Fox Film Corporation (which merged with another company in 1935 to become 20th Century Fox), Warner Bros and RKO.

The "Little Three" were Universal Pictures, Columbia, and United Artists. These were actually quite large studios, but unlike the Big Five (with the exception of RKO) they did not own theater chains and therefore could not rigidly control distribution as well as production of their films.

Then came the small studios known as "Poverty Row," Republic Pictures—which churned out low-budget westerns starring then-young actors such as John Wayne, Gene Autry and Roy Rogers—and Monogram Pictures, perhaps best known for producing at least 40 movies featuring the rather stereotypically Chinese fictional detective Charlie Chan, who was played exclusively by white actors.

Under the studio system, the studios controlled every aspect of movie production and kept actors, even the biggest stars of their era, under contracts that paid them salaries that remained fixed regardless of how many pictures they made or how well those movies did at the box office. The same held true for directors, screenwriters, producers and everyone else involved in moviemaking. Studios filmed most movies on their own lots, confining all aspects of production to one place. "On location" filming was a rarity.

Most importantly, however, the studios controlled distribution by owning their own movie theaters, making sure that all of the studio films reached the public, and anyone else's product was shut out. Even independent movie theaters had to cope with a studio practice known as "block booking," in which theaters that wanted to book a profitable studio blockbuster were required to also screen lesser films—all at prices dictated by the studios.

The total grip of the studio system was finally broken in 1948, in the Supreme Court case *United States v. Paramount Pictures, Inc.* The court ruled that the studios operated as a monopolistic cartel. Similar to the 1915 case ending Edison's intimidation of his competitors by wielding his patents, the court ruled that the studios' ownership of motion picture copyrights "did not entitle them to conspire with each other to fix uniform prices of admission to be charged by exhibitors," and that "a copyright may no more be used than a patent to deter competition between rivals in the exploitation of their licenses."

The studio system which built Hollywood into a $2 billion industry by 1940 (about $42 billion in 2022 terms) was effectively over. But Hollywood was far from done.

Hollywood Goes Corporate

Shortly after the 1948 Supreme Court decision, another new development drove a nail into the studio system's coffin. That was television. By allowing people to view movie-like entertainment without leaving their homes, television was well suited to the suburban sprawl overtaking American life in the 1950s. As people moved away from urban centers, movie theaters became more inconvenient to access. In 1940, an average of 80 million Americans bought movie tickets every week. By 1960, that number was halved—obviously a disaster for Hollywood.

Hollywood had to change, and change it did, as the hard-charging Jewish immigrant moguls receded into history and giant, multinational corporations moved in. Today, six corporate entities dominate both film and television production: Disney, which in 2019 bought 20th Century Fox; Universal, owned since 2011 by the internet and cable TV company Comcast; Paramount, owned since 1994 by the media conglomerate Viacom; Warner Bros, which has been through a series of owners in recent decades and in 2022 merged with Discovery (owner of a conglomerate of cable TV channels); Sony, owned by the Japanese technology and entertainment megacorporation of the same name; and Netflix, the online streaming powerhouse which started in 1998 as a DVD rent-by-mail outlet and two decades later was raking in $30 billion in revenue per year.

The corporations have solved the problem of television by the simple solution of owning TV networks as well as movie studios. Disney owns the ABC network, most of the TV shows once owned by Fox, as well as the FX network of cable channels. Disney also owns its own streaming service, Disney+, as well as Hulu, another streaming competitor to Netflix.

Viacom owns CBS and its related streaming service Paramount+. Comcast owns the NBC network in addition to Universal Studios, and Warner/Discovery owns the subscription cable network HBO and its streaming counterpart, HBO Max.

Hollywood's Place in California Today

What this means for California is hard to calculate, but it means a lot, economically. By allowing film and TV productions a 20 percent tax credit, the state says that from 2015 to 2020 it generated almost $22 billion for the state's economy, the equivalent of $24 in economic activity for every single dollar invested, according to a 2022 study commissioned by the state film commission and carried out by the Los Angeles Economic Development Corporation.

The Motion Picture Association—a business lobbying group that represents the six major Hollywood corporations—compiled a report in 2022 stating that the industry is responsible for 186,720 jobs in California, pumping more than $30 billion into the state's economy in the form of wages for those workers.

Perhaps more important than the money, however, is the cultural impact of Hollywood. For better or worse, the images and stories that emerge from California's film and television industry mold how Americans see their country, the world, and themselves. But because Hollywood is a business that, like any business, pursues profits before anything else, those images and narratives only occasionally reflect everyday reality, instead remolding the experience of life into escapist fantasies.

"Hollywood trades in the spectacular, the dramatic, the titillating," wrote University of Oregon Cinema Studies Professor Priscilla Peña Ovalle, in a 2015 essay. "Even romantic comedies usually elevate the 'everyday' business of love with fantasies of wealth."

Hollywood Narratives Shape the World

Movies often divide people, or even animals, into exaggerated caricatures of good and evil. In an essay for *Film Inquiry* magazine, film scholar Samuel James noted how the 1975 blockbuster *Jaws* portrayed a great white shark as a "monstrous villain, instead of a natural underwater creature," and "changed our perception of sharks." In fact, *Jaws* created a perception of all non-human creatures as potentially evil rather than simply as beings who share the natural world with people.

Movies can do the same with people. Griffith's *Birth of a Nation*, men-

tioned above, portrayed Black people as inherently villainous and responsible for the South's defeat in the Civil War at a time when that war and the deep resentments it created were fresh in the American mind and when Black people, though no longer enslaved, continued to live under the oppressive Jim Crow system of discriminatory laws.

The film quite literally put Black Americans in further danger by reigniting what was then the largely defunct Ku Klux Klan. The moribund KKK revived itself by rallying around the movie, which depicted Klansmen—who today would be accurately described as domestic terrorists—as chivalrous heroes.

Birth of a Nation is a particularly horrifying example, but the stories that California's movie industry creates and sends out to the world are always powerful.

"Movies create the cultural narratives that quietly control our society. The images and messages we see on-screen inform our understanding of the world, and critically, they tell us how we should show up as individuals," wrote Katica Roy, founder of the gender-equity think tank Pipeline. "How should we behave? What's acceptable for me? What's not?"

Hollywood may not be the single largest industry in California, but its product—stories, narratives, dreams—makes it the most influential, because it not only provides jobs and revenue, it shapes the way we see ourselves.

PART 3

Powering California

Where The Energy Comes From

There are more than 6,000 items currently in general use that are produced from petroleum, ranging from fertilizers to Scotch tape, cosmetics to candles, dentures to surfboards, and hundreds of products in between.

How Oil Dominates the Energy Economy

CHAPTER 20

California is making progress toward its goal of becoming a net-zero carbon emissions state by 2045. In 2021, with 24 years to go, the state drew slightly more than one-third of its electricity from renewable sources in 2021. The problem is, electricity is far from the whole greenhouse gas emissions picture. In fact, according to California Air Resources Board (CARB) data, electricity generation accounted for only 14 percent of those climate change-causing emissions in the two decades beginning in 2000.

The worst offender was the transportation sector—41 percent of all greenhouse gas emissions in the state came from transportation over the two decades covered by the CARB data. Most of that pollution, unsurprisingly, came from cars. According to a study at UC Davis, 70 percent of transportation-sector emissions come from light-duty vehicles, in other words, cars and small trucks.

With more than 14 million registered automobiles, California far outpaces the runner-up, Texas, which has about 8 million, per 2020 data. So one thing is clear: if California wants to get to net zero in the next two decades, it will have to do something about all those cars.

CARB handed down a ruling in August of 2022 banning the sale of all new gasoline-powered vehicles by 2035. There is no scenario for getting to net zero carbon in California that does not involve electrifying the transportation sector as fully as possible, according to a report by the San Francisco-based consulting firm Energy and Environmental Economics, Inc.

That's because oil is not used much in the production of electricity. In fact, in 2021, California listed oil as producing only 37 gigawatt hours of electricity, which was counted as zero percent of the state's total energy

mix. Nationally, only one-half of one percent of electricity was generated using petroleum, though other fossil fuels, namely natural gas and coal, accounted for 60 percent.

But electricity may be the only part of the world's energy picture that does not rely on oil.

How Oil and Other Fossil Fuels Cause Climate Change

According to the National Oceanic and Atmospheric Administration (NOAA), carbon dioxide is the most problematic of the greenhouse gasses, which trap heat rising from the planet's surface.

In fact, carbon dioxide serves an essential function. Without its heat-trapping properties temperatures on Earth would rarely rise above the freezing point, making the planet largely uninhabitable. A certain amount of global warming is good and necessary. But there is definitely such a thing as too much of a good thing.

Various natural processes, such as plant photosynthesis—in which plants absorb carbon dioxide and convert it to glucose—remove CO2 from the atmosphere. In the United States, forests vacuum up about 13 percent of all carbon dioxide. Oceans are also a carbon "sink," the term for entities that absorb more carbon dioxide than they emit.

The problem is that carbon sinks work very slowly, and their functions cannot be accelerated. The planet moves at its own pace. Human beings, on the other hand, have been cranking out so much carbon dioxide so fast that the planet's natural carbon sinks can't swallow it up quickly enough.

Since the start of the industrial revolution more than 200 years ago, the volume of carbon dioxide in the atmosphere has spiked by 50 percent. In just the past 60 years, levels of carbon dioxide in the atmosphere have increased at triple the rate of natural increases throughout history. The end of the most recent ice age, about 11,000 years ago, saw a dramatic increase in carbon dioxide—but nothing like the jump seen over the past six decades, according to the NOAA.

A 2022 report to the United Nations, authored by a consortium of 270 climate researchers from 67 countries, offered an especially alarming

assessment of the planet's future if the world's nations fail to slow down the rapid rise in atmospheric carbon dioxide—and with it, global warming.

"The cumulative scientific evidence is unequivocal," one of those researchers, Maarten van Aalst of Red Cross Red Crescent Climate Centre in the Netherlands, told the science journal *Nature*. "Any further delay in global action on adaptation and mitigation will miss a brief and rapidly closing window of opportunity to secure a liveable and sustainable future for all."

Humans and Oil: The Early Days

A combination of the Greek word for rock, "petra," and the Latin word for oil, "oleum," petroleum is literally "rock oil," so termed because it is found among the layers of rock that make up the Earth's crust.

Many millions of years ago, the world was populated primarily by plants and algae. A type of green algae that lived in the sea has been found to be a billion years old, and may be the ancestor of every plant on Earth. In any case, over the course of millions more years, the prehistoric plants and algae sank into sediment and were buried under new layers of dirt and rock, where the Earth's heat and the weight of the rock slowly but surely converted the dead organisms into the hydrocarbon-based substance we know today as "rock oil."

Petroleum, believed to be the second-most abundant liquid on the planet (behind water), is not a recent discovery. As long as 6,000 years ago, settlers in Mesopotamia found a sticky, black substance seeping from between rocks on the banks of the Euphrates River. For centuries, the ancients used this semi-solid petroleum, which today we would probably call asphalt, as building and caulking material for a wide variety of structures from ships and stone houses to bathtubs.

What we would recognize as early oil wells first appeared in China, in about 347 CE. The ancient Chinese had discovered oil about 900 years earlier and used it to boil sea water for desalination, as well as to fuel fires for cooking and heating. Eventually, they figured out how to use iron rods and bamboo pipes to penetrate deep into the Earth and bring oil to the surface.

How Dependent on Oil Are We?

The site of the world's first oil well in the modern era was not in Texas, the Middle East, or any now-famous petro-state. It was in Titusville, Pennsylvania. It was drilled by Colonel Edwin Drake, who was not a "colonel" at all but a struggling entrepreneur of the type common in the mid-19th century, always on the make for some scheme that would let him earn a living and even, if he was really lucky, get rich.

Drake's idea was to find some kind of fuel to burn in lamps instead of the increasingly expensive whale oil. Lighting lamps was, in fact, the primary use of oil in the ensuing half-century after Drake essentially invented the oil drilling industry. But in 1908, another entrepreneur, Henry Ford, introduced the Model T. With the first affordable automobile in production, the era of car culture had begun, and with it the era of mass oil consumption.

Well over a century later, according to the U.S. Energy Information Agency, gasoline—refined from crude petroleum—comprises 44 percent of all the oil used in the United States, where drivers burn through about 370 million gallons per day, 365 days per year. But while cars may be the biggest consumers of petroleum, along with diesel-powered trucks, and every variety of aircraft, the substance permeates our entire culture.

There are more than 6,000 items currently in general use that are produced from petroleum, according to the nonprofit energy information group the Norwood Resource. They range from fertilizers to Scotch tape, cosmetics to candles, dentures to surfboards, and hundreds of products in between.

Eliminating petroleum from daily life, then, will involve a far greater effort than converting to electric cars—though that will indeed be a significant step in the right direction. Freeing society from the grip of climate change-causing petroleum will mean revamping individual behavior and consumer culture from top to bottom.

Our Oil Addiction Is No Accident

Consumer demand for cars and other products certainly drove the sudden dominance of oil over American, and global, society. And to be fair, oil use improved the quality of daily life considerably.

In London, England, at the turn of the 20th century, transportation was almost completely reliant on a fleet of 50,000 horses who collectively dropped well over 1 million pounds of excrement in the city's streets every day. Stateside, in New York City, the problem was even worse. About 100,000 horses produced roughly 2.5 million pounds of dung, plus an average of 200,000 pints of urine, on a daily basis. Not only did this create an unbearable stench, but the waste drew massive clouds of flies that spread typhoid fever and other diseases, as did the carcasses of horses worked to death and often simply left to decay in the street.

So the rise of petroleum, at least at first, appeared to solve a lot of problems and to make life much more tolerable. But the grip of oil, as opposed to other forms of energy, over every aspect of modern life was not inevitable either. The giant corporations and cartels that created the market for oil are the same ones that now make it difficult to transition away from fossil fuels to renewable, carbon-free energy sources.

In 1870, John D. Rockefeller founded the Standard Oil Company, and within a decade had a near monopoly on oil production in the country—owning 90 percent of all oil refineries and pipelines. Standard Oil also controlled the world's largest fleet of oil tankers. A 1911 Supreme Court decision broke up that monopoly, but in doing so also created most of the oil companies that continue to dominate the industry more than a century later. Chevron, Exxon (formerly Esso), Mobil and others were all formed from the splinters of Rockefeller's original mega-corporation.

Until about 1970, the major U.S oil companies—which also included Texaco and Gulf—along with British Petroleum (now BP) and Dutch giant Shell Oil formed a de facto cartel known as the Seven Sisters. After various mergers and sell-offs, the giant companies are now generally referred to simply as "Big Oil." But they continue to wield collective power.

They have a partner, however, in government, which serves as a foundational pillar of Big Oil's dominance. According to a report by the International Monetary Fund, governments around the world shower oil companies with free cash, $5.9 trillion—$11 million per minute—in 2020 alone, equivalent to 6.8 percent of the world's gross domestic product. Those subsidies, the IMF predicts, will reach 7.5 percent of global GDP by 2025. (Subsidies cover coal and natural gas as well as petroleum.)

How Governments Prop Up Big Oil

Two-thirds of those subsidies are handed out by just five countries, the United States, China, Russia, India, and Japan. They ensure Big Oil's continued vice grip on the world's energy economy by allowing the oil companies to keep their prices low.

Drivers confronted with startling prices nearing $7 per gallon at the pump may scratch their heads at IMF's description of oil prices as "low." But according to the IMF, more than 90 percent of the subsidies are handed out for no other reason than to let oil companies undercharge for environmental costs. "Efficient" pricing, that is prices that reflect the true and full costs of producing oil and other fossil fuels, would reduce global carbon emissions by 36 percent by 2025, generate revenue equal to 3.8 percent of world GDP, and prevent almost a million deaths caused by air pollution, the IMF reported.

The G20, the organization of global states to which the five most prolific subsidy-granting countries belong, has resolved to phase out "inefficient" subsidies. But that resolution came at the G20's 2009 meeting. According to the IMF, the subsidies have only kept growing since then.

What's the result of this consolidation of power in the hands of Big Oil, propped up by trillions of taxpayer dollars? The oil companies have an almost unlimited ability to block alternative energy initiatives. In the western United States, for example, 77 percent of public land that could be used for renewable energy such as wind and solar—and which have little or no potential for oil production—remain prioritized by federal and state government for oil and natural gas development, according to a study by the Center for American Progress.

Oil companies have used their government-subsidized vast resources to keep favorable policies like land use priorities firmly in place, through a network of highly funded lobbying groups. The groups also push for cuts in subsidies for renewable energy sources.

"We need a Separation of Oil and State to reduce the fossil fuel industry's ability to buy off politicians," wrote the advocacy group Oil Change International. "We need to make a subsidy shift away from fossil fuels and towards renewable clean alternatives. And we need to free our imaginations from a fossil-dominated future."

In 2022, the California Public Utilities Commission announced that California would be the first state to end subsidies for natural gas line hook-ups, a small but first step toward reducing the dominance of the fossil fuel industry. And Gov. Gavin Newsom has set a goal of ending oil extraction completely by 2045.

New, up-to-date natural gas plants generate between 50 and 60 percent less carbon dioxide than new coal plants, making natural gas much better—or at least less bad—for the environment.

Natural Gas and the Future of California

CHAPTER 21

California has a policy, in fact a law, that mandates converting all of its electricity sources to clean energy by the year 2045. Gov. Jerry Brown signed the legislation in 2018 but the state still has a long way to go.

In 2021, two-thirds of California's electricity came from non-renewable sources. And by far the largest share of electricity comes from one single source: natural gas, which that year accounted for 37.9 percent of California's total electricity-producing mix.

The importance of natural gas in producing electricity to power Californian homes and businesses far outstripped any other source. Solar power placed a distant second, contributing 14.2 percent of the state's electricity, followed by another renewable source, wind, at 11.4 percent. But even adding in nuclear power's 9.3 percent, the total electricity produced by those three sources still falls short of the total power California derives from natural gas.

What Is a Fossil Fuel?

Natural gas is a fossil fuel, meaning that like oil and coal, it comes from the remnants of organisms—mostly plants but also prehistoric animals—that lived hundreds of millions of years ago, even before dinosaurs emerged on the scene.

When they were alive, these organisms stored energy from the sun in their cells. Once dead, they were buried under layers of dirt and rock. Extreme pressure and heat converted their cellular energy into molecules called hydrocarbons, the source of the energy in the fossil fuels that power the modern world.

Different levels of pressure and heat turn the fossilized organisms into

different types of fossil fuels. Some become oil, some become coal, and the rest become natural gas, which is a colorless, odorless, gaseous substance known by the technical term hydrogenic methane.

Hydrocarbon-containing fossil fuels, including natural gas, must be extracted from their burial places deep inside the planet's crust by such invasive, often dangerous and destructive processes as mining, drilling and a somewhat more recent innovation known as hydraulic fracturing, or "fracking," which is especially good at extracting large volumes of natural gas from shale rock.

How Natural Gas Heats the Atmosphere

When compared to other fossil fuels, natural gas appears to be significantly less polluting. New, up-to-date natural gas plants generate between 50 and 60 percent less carbon dioxide than new coal plants, making natural gas much better—or at least less bad—for the environment.

Natural gas can be compressed or even turned into liquid and used to power transportation vehicles, including buses. After diesel, natural gas is the second most used fuel in the United States' transit bus fleet. As of 2019, almost 25,000 transit buses in U.S. cities ran on natural gas. And that's good for the environment because natural gas emits between 15 and 20 percent less heat-trapping gas than gasoline when burned to make vehicles run.

Unfortunately, the news is not all good. Measurements of emissions from natural gas focus only on what happens when the gas is burned. A bigger problem occurs in the act of getting the gas out of the ground.

About 60 percent of natural gas production in the U.S. is accomplished through hydraulic fracturing, aka "fracking," the process of blasting huge amounts of water mixed with various, largely toxic chemicals into the ground. The highly pressurized blasts open up cracks, i.e. fractures, in the subsurface rock that makes oil and, especially, natural gas more easily accessible.

Fracking, however, leaks large amounts of methane gas, which traps heat at a rate 25 times higher than carbon dioxide, according to the U.S. Environmental Protection Agency. According to some estimates, almost 8 percent of all natural gas released through fracking simply leaks straight into the atmosphere.

Over a 20-year period, methane traps heat at up to 86 times the rate of carbon dioxide. Fossil fuel extraction and production are estimated to emit 110 million tons of methane each year, according to the United Nations. And according to the Environmental Defense Fund, about 25 percent of today's global warming is directly caused by methane emissions.

Do We Need Natural Gas?

California continues to rely on natural gas to keep its electrical grid up and running, but the state is trying to kick the habit. In 2024, a ban on fracking takes effect, a ban ordered by Gov. Gavin Newsom in 2021 after the legislature failed to back legislation ending the practice. But fracking accounts for just 17 percent of in-state oil and natural gas production.

As of 2017, California had nearly 200 natural-gas-powered electric plants in operation, pumping out 39 gigawatts of electricity, enough to power more than 29 million typical homes (if all of those plants ran at full capacity). But natural gas plants have been shutting down as the state transitions to renewable sources and clean energy providers take away some of the business that would otherwise go to the fossil fuel operations.

From 2012 to 2019, the state added about 20,000 megawatts of wind and solar capacity to the state's electrical grid. Meanwhile, 2018 saw three natural gas plants "retired," taking 2,054 megawatts offline. Another 5,980 megawatts were set to be removed by natural gas plant shutdowns over the following two years.

According to an analysis by the Union of Concerned Scientists—which focused on 89 plants in the area served by the California Independent System Operator, the state's primary grid operator—there is no need at all to build new natural gas plants to replace those being shut down. The study found that 28 of those 89 plants could be shut down immediately without any detrimental effect on the reliability of California's power grid.

CALIFORNIA CLIMATE CHANGE

Clearing the Air: California Leads the Battle Against Pollution

A Highland Park Optimist Club banquet in 1954

1947

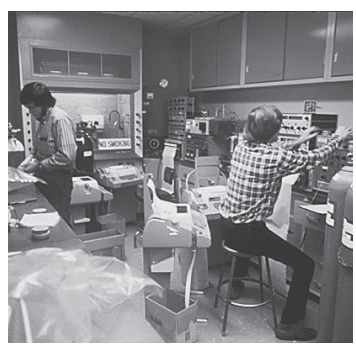
Los Angeles County Air Pollution Control District: In 1943, a brownish haze engulfed Los Angeles—the world's first acknowledged episode of smog. Four years later, LA County created the first government body dedicated to air quality.

1955

Bureau of Air Sanitation: Following the pioneering research at CalTech showing a clear link between auto emissions and smog, the state created this new agency, establishing the first air quality standards.

1960

California Motor Vehicle Pollution Control Board: This new agency specifically placed limits on what can come out of a car's tailpipe and also from the engine's crankcase, which CalTech found to be just as noxious.



Researchers analyzing air samples using machines at a California Air Resources Board lab in the 1970s.

1967

Mulford-Carrell Act: Gov. Ronald Reagan signed a bill combining the two separate air quality agencies into the California Air Resources Board (CARB), which imposed such strict emissions regulations that the auto industry invented the catalytic converter.

As President Richard M. Nixon looks on, Chief Justice Warren Burger swears William Ruckelshaus in as the first administrator of the U.S. Environmental Protection Agency.

1970

California's Emissions Standards Waiver: Pres. Richard Nixon created the Environmental Protection Agency, which imposed nationwide automotive emissions standards. But California received a waiver from those standards—because its own regulations were, and still are, tougher.

Back in the 1970s, air pollution researchers used technology supplied by NASA to obtain hydrocarbon samples for testing.

1991

Ban on Leaded Gasoline: Tetraethyl lead, first added to gasoline in 1922, does indeed make combustion engines run smoother. It's also extremely harmful to humans so the federal government started phasing the lead out of gas in 1975. California banned it entirely in 1991. The feds followed suit five years later.

2006

Global Warming Solutions Act: The first law in the nation to directly attack the causes of climate change, signed into law by Gov. Arnold Schwarznegger, AB32 required CARB to slash greenhouse gas emissions by 2020. The state met the goal in 2016.

2016

Updating the Global Warming Solutions Act: A decade after AB32, Gov. Jerry Brown signed SB32, a bill imposing an even tougher standard—reducing emissions dramatically by 2030.

2022

CARB's Advanced Clean Cars II Rule: Once again, California led the fight against air pollution and climate change. CARB voted to ban 100 percent of new gasoline-powered car sales by 2035.

Photovoltaic panels on a rooftop in Los Angeles.

For all of its futuristic potential as well as destructive power, nothing yet discovered on this planet can generate energy as efficiently as nuclear fuel.

Nuclear Power in California

The Good, the Bad, and the Ugly

CHAPTER 22

When Gavin Newsom was California's lieutenant governor, and in 2016 already eyeing a run at the state's top job, he led the campaign to shut down the state's last operating nuclear power plant. The Diablo Canyon nuclear facility churned out about 8 percent of all energy produced in California, according to researchers at Stanford University and Massachusetts Institute of Technology, and 15 percent of the carbon-free electricity.

In 2016, Newsom was highly skeptical that the plant, located just off Avila Beach in San Luis Obispo County and near a complex of seismic fault lines, would—or should—survive. As chair of the State Lands Commission, the board that would decide whether to renew PG&E's licenses to operate the plant's two reactors, Newsom said, "I don't think that PG&E, in its quiet moments, would disagree that this may not have been the ideal site for a plant," and added that the power plant would not "survive beyond 2024, 2025."

Six years later, as the incumbent governor, Newsom did an about-face. In November 2021, Congress had passed one of President Joe Biden's signature legislative initiatives, the Infrastructure Investment and Jobs Act—more popularly known as the "Bipartisan Infrastructure Bill." Contained in that law's $1.2 trillion in spending were $6 billion for a new plan called the Civil Nuclear Credit Program. The money would go to bail out nuclear power plants in danger of shutting down.

Though PG&E said it would kick in $50 million to cover lost property taxes in San Luis Obispo County, which would result from the shutdown, the company said that it would ultimately cost more to keep the plant running than to close it. In 2018, the California Public Utilities Commission voted unanimously to approve the Diablo Canyon shutdown plan.

In an April 2022 interview with the *Los Angeles Times* editorial board,

Newsom said he wanted some of that $6 billion to keep Diablo Canyon running after all. The governor said that PG&E would be "remiss" if it failed to file an application for a share of the federal money.

In November of 2022, the U.S. Department of Energy approved a $1.1 billion grant from those funds to keep Diablo Canyon going.

Though Newsom's spokespeople said that he still wants to see the Diablo Canyon reactors shut down "in the long term," his support for keeping the plant open past 2025 seemed like a stunning reversal. What happened? Why did Newsom support ending nuclear power in California in the first place, and why did he change his mind?

What Is a Nuclear Power Plant?

Nuclear power has generated intense controversy since humans first learned to harness the energy contained in atoms eight decades ago. The Atomic Energy Act of 1946, the first U.S. law regulating how to use this awesome new technology for "peaceful purposes," warned of "unknown factors" involved in the civilian application of nuclear power. (It was called "atomic" power back then, though the terms mean essentially the same thing.)

For all of its futuristic potential as well as destructive power, nothing yet discovered on this planet can generate energy as efficiently as nuclear fuel.

Derived from uranium, a common metal that occurs naturally in the Earth's crust, nuclear fuel is contained in small, ceramic pellets each one about the size of a Tootsie Roll, the bite-size kind. A single pellet contains as much energy as a ton of coal or 149 gallons of oil.

The pellets are packed into long metal tubes and inserted into the core of a nuclear reactor, the huge machine that, through its own complicated process, causes the fuel to burn. A typical pressurized water reactor (PWR, the most-used type) contains about 51,000 rods holding approximately 18 million pellets.

A PWR pressurizes the water, up to 2,200 pounds per square inch, allowing it to heat up to roughly 600 degrees Fahrenheit without boiling. The superheated water is then used to power steam generators, causing a giant pool of non-radioactive water to boil. The steam turns a set of turbines, which power generators that create electricity.

How much water does a nuclear power plant use? Diablo Canyon, which operates two PWRs, draws 2.5 billion gallons of water from the Pacific Ocean per day. Some of the water, the pure version used to make steam, remains clean and is returned to the ocean. But water superheated by the reactor becomes highly radioactive and must not leak outside the containment structure.

A standard PWR can pump out one gigawatt or 1,000 megawatts. Every hour that the reactor runs at full capacity generates one "gigawatt-hour" of electricity. That's enough power for 750,000 typical homes.

Most nuclear power plants operate multiple reactors. Of the 55 plants active in the U.S. as of 2022, 32 operated two reactors while there were three triple-reactor plants running. The three-reactor Palo Verde Generating Station in Maricopa County, Arizona—about 110 miles east of the California state line—is the largest nuclear power plant in the country.

Nuclear Power: The Good

As you may know, nine of the 10 hottest years in recorded history came in the 10-year period ending with 2021, which was the sixth-warmest year ever recorded. All of this heating, and all of the many dangers that come with it, are caused by greenhouse gases, mainly carbon dioxide, methane, and nitrous oxide. What creates greenhouse gases? Burning fossil fuels for energy. And what does *not* create greenhouse gases?

Nuclear power.

According to the Nuclear Energy Institute—a lobbying group—in 2019 alone the amount of electricity provided by nuclear plants would have spewed a staggering 471.3 million metric tons of carbon dioxide into the atmosphere if it were produced by fossil fuels. That's the amount produced by 100 million automobiles.

To be clear, nuclear power is not "carbon neutral." Over the entire life cycle of a plant—including construction, decommissioning, uranium mining, and radioactive waste disposal—a nuclear plant produces 117 grams of carbon dioxide for every kilowatt-hour, measured over a plant's entire life cycle. That's according to a study by the World Information Service on Energy, an anti-nuclear group based in the Netherlands. Brown coal,

according to the same study, produces more than 1,000 grams of CO2 per kilowatt-hour. Natural gas coughs up 442 grams per kilowatt-hour.

A 2021 United Nations study had even better news for the nuclear industry and its supporters. The study assessed the total environmental impact of all energy sources—environmental factors such as water consumption, land use (a typical nuclear plant occupies about one square mile), use of material resources, radiation, and "human toxicity," which includes cancer-causing potential and other poisonous effects.

The study found that of 22 energy-producing technologies, nuclear power scored second-lowest for overall environmental impact throughout its life cycle. Only hydroelectric power scored better.

Nuclear power has other advantages as well, according to its advocates and various studies, including its sheer reliability. Nuclear plants are the workhorse of the U.S. energy industry, operating almost year-round day and night.

According to a study by the U.S. Energy Information Administration (EIA), in 2021 nuclear plants were on line and producing power 93 percent of the time, compared to just 49 percent for coal, 37 percent for hydroelectric plants, 25 percent for photovoltaic solar panels, and just 54 percent for natural gas.

Nuclear Power: The Bad

Every energy source comes with its drawbacks. Even with some optimistic studies projecting that the entire world could be powered by renewable resources by the year 2050, there are considerable limitations on those types of energy sources. Renewables such as solar, wind, hydroelectric, and biomass are "clean" and constantly replenished by nature but, as noted above, they aren't highly efficient, at least not in their present form.

So why not just go all-in on nuclear power? Perhaps the most basic reason is cost. According to the 2022 EIA Energy Outlook study, every kilowatt of power produced by a one-gigawatt reactor costs $5,366 in construction expenses. A wind farm costs $1,980 per kilowatt to build, while a natural gas facility costs a scant $912 per kilowatt.

Why are the costs of building nuclear power plants so high? Safety. After a frightening accident at the Three Mile Island plant near the Penn-

sylvania state capital of Harrisburg in 1979, regulators cracked down. New, "permanent and sweeping" safety requirements were imposed on the 51 plants being built at the time, ranging from enhanced preparation for accidents to upgrades in design and construction. This rapidly raised the price of building new nuclear facilities—in fact, no new plants broke ground at all until 2013.

Two reactors in South Carolina that began construction that year, however, were halted in 2017 due to delays and rising costs.

Meltdown! The Scariest Problem With Nukes

That brings us, of course, to the scariest problem with nuclear power plants. The potential for catastrophic accidents.

A 2007 study published in the medical journal *Lancet* found that among energy technologies, nuclear power has one of the lowest rates of death associated with its use and "one of the smallest levels of direct health effects." But the effects of a possible nuclear accident could, in theory, be disastrous. The uranium fuel used in reactors is not nearly as pure as used in nuclear bombs, which means that even in the worst scenario, a nuclear power accident won't cause a nuclear explosion. But that doesn't mean an accident cannot be deadly.

The worst-case scenario is a "meltdown," which occurs when the nuclear chain reaction inside a reactor gets out of control, causing the fuel rods to overheat and melt. The melted fuel can be as hot as 3,600 degrees Fahrenheit. That was the approximate temperature of the melted fuel rods in the 1986 Chernobyl nuclear disaster in Ukraine (then part of the Soviet Union). That's almost 10 times as hot as a California wildfire.

The superheated fuel is highly radioactive. If it pools at the bottom of a reactor containment structure, burning a hole through the floor, the melted fuel releases its deadly radioactivity into the surrounding environment.

The water used to cool the reactor core is also radioactive, and overheats when a meltdown takes place, potentially causing steam explosions that can blow a hole in the structure, spewing radioactivity into the air.

When that happens, the results are brutal. After the 1986 Chernobyl meltdown, Soviet officials released a death toll of 31 people, but subsequent

research by the United Nations, the National Research Center for Radiation Medicine in Ukraine, and the Ukrainian government suggest that the Soviet figure was a gross underestimate.

Fortunately, these doomsday scenarios have not happened in the United States—not even during the Three Mile Island accident in 1979.

What Really Happened at Three Mile Island

At about four in the morning on March 28, 1979, the second of two reactors at the plant located on an island in Pennsylvania's Susquehanna River experienced a breakdown in its cooling system. The reactor shut down automatically and immediately, but a cooling valve remained open.

Due to poorly operating instruments in the plant's control room, and a lack of proper emergency training, workers at the plant missed the open valve. Not enough coolant reached the reactor core, overheating it and causing a partial meltdown. Fortunately, the walls of the reactor's containment structure remained intact, and only a small amount of radiation escaped into the surrounding environment.

Five years later, investigators were able to access the reactor, and found that 45 percent of the core had melted down—but even though 19 tons of melted nuclear fuel had settled in the bottom of the containment unit, it wasn't enough to cause damage to the structure.

Some radiation escaped from the plant, but multiple investigations by federal and state authorities, as well as independent groups, found that radioactivity levels in the plant's vicinity increased only slightly, and not enough to cause serious health problems for local residents or damage to the environment.

The safety improvements throughout the nuclear industry that resulted from the Three Mile Island accident appear to have proven effective. The U.S. has not seen a nuclear accident of any scale in the decades since. In 2002, an inspection at Davis-Besse Nuclear Power Station in Oak Harbor, Ohio, revealed cracking in nozzles leading to the head of the reactor "vessel," the structure containing the reactor core. The plant shut down for two years while the cracks were repaired.

Nuclear Power: The Ugly

While nuclear power is relatively "clean" when it comes to generating greenhouse gases, it is definitely not clean when it comes to producing waste. Taking out this nuclear garbage is not as simple as dumping it in a landfill. Nuclear waste, especially "high level" waste, is extremely radioactive and must be disposed of in ways that do not allow radioactivity to escape.

High-level waste consists of nuclear fuel pellets that have been "spent," that is, they have generated all the energy they have in them and are now useless. Once spent, the fuel is far more dangerous than before it is used in a reactor. As long as 10 years after it becomes spent, a used fuel rod gives off a dose of radioactivity 20 times greater than a dose that would be fatal to humans.

And it stays that way, for all effective purposes, forever. While radioactive atoms, or isotopes, eventually decay and become harmless, the process takes years, even centuries. Plutonium-239, which is one of the isotopes found in spent nuclear fuel rods, has a half-life (meaning the time it takes to become 50 percent decayed) of 24,000 years. According to the Centers for Disease Control, it takes seven half-lives for radioactive material to reduce to 1 percent of its original radiation level.

Uranium-238, the main component of nuclear waste, has a half-life of 4.5 billion years.

Safely storing this massively toxic nuclear waste is one of the toughest problems with nuclear power. The amount of waste produced by nuclear plants fortunately takes up relatively little space. According to a *Scientific American* report published in 2009, by that point the entire nuclear industry had pumped out about 64,000 metric tons of waste. That amount could, in theory, be stored in a pit seven feet deep and the size of a football field (approximately one acre).

In practice, it doesn't really work that way, because packing all those radioactive rods that tightly together would set off a nuclear chain reaction. In fact, most nuclear power plants store their waste on their own grounds, because there's nowhere else to put it.

What Happens to Diablo Canyon?

The fear that Diablo Canyon's placement created the possibility of an

earthquake that could damage the reactors and set off a release of radiation, or even a meltdown, was one main reason cited by Newsom for shutting the facility down. But a 2014 study by the plant's owner, PG&E, declared that the Diablo Canyon plant "and its major components are designed to withstand—and perform their safety functions during and after—a major seismic event."

On the other hand, a report submitted by Michael Peck, former senior resident inspector for the Nuclear Regulatory Commission at Diablo Canyon, claims that "three of the nearby faults are capable of generating earthquakes stronger than the reactors were designed to withstand."

Why reverse course and keep the plant open? The 2021 Stanford-MIT study provided at least the theoretical answer.

"A 10-year extension in Diablo Canyon's operations would reduce carbon emissions from California's power sector by more than 10 percent annually from 2017 levels, reduce reliance on natural gas and save ratepayers a total of $2.6 billion," the researchers wrote. "Operating the plant until 2045 could save ratepayers up to $21 billion."

The study also found that, in addition to producing a reliable source of electricity, the plant could also be used to ease the state's ongoing drought by converting ocean water to fresh water usable by humans. Diablo Canyon could be "a powerful driver of low-cost desalination to serve fresh water to urban, industrial and agricultural users," the study found.

Even if Diablo Canyon does close, the nuclear waste generated there will remain at the site for any foreseeable future. The plant already has 58 "casks" on site, storing spent fuel rods. In April, 2022, PG&E said it needed more casks and had picked a contractor to build them.

Whatever happens to the plant will likely depend on whether PG&E can get its hands on the federal funds set aside for keeping nuclear power plants open. The nonprofit Natural Resources Defense Council, one of the environmental groups pushing to close Diablo Canyon, doesn't believe that will happen.

"The widely supported agreement to retire and replace the plant ... has been affirmed by multiple state and federal regulators," the group's senior attorney, Ralph Cavanagh, told the Associated Press.

Is Hydroelectric Power Clean Energy?

It's Complicated

CHAPTER 23

The changing climate has created an urgent need to switch to renewable, emission-free sources of energy—an ambitious goal that California, by state law, must reach by 2045. At the same time, California finds itself caught in a dangerous Catch-22 because climate change is also making the transition to clean energy more difficult to achieve. Climate change itself is making climate change harder to combat.

If that seems confusing, let's narrow it down to one word—water.

Water is in short supply in California and throughout most of the western United States. More than 70 percent of territory in the 11 westernmost states was under at least "moderate" drought conditions as of August 2022, according to the U.S. Drought Monitor, with about 52 percent under "severe" drought.

What causes the drought? The factors are complex, but climate change makes droughts strike more often, with greater intensity, and with longer-lasting effects, according to the Center for Climate and Energy Solutions, an independent environmental policy think tank.

What does this have to do with clean energy? Drought means less water for electricity, and water-power—aka hydroelectric energy—produces about 17 percent of the world's electricity. In California, however, due to seemingly endless drought conditions, hydro accounts for just 7.49 percent of energy generated in-state. That's still more than the country as a whole, which gets 6.3 percent of its power from hydro.

However, California also pulls in out-of-state hydroelectric power, mostly from the Hoover Dam in Nevada, one of the six largest hydroelectric plants in the country. Operating at full capacity, Hoover Dam generates 2,074 megawatts of power. About half of that electricity goes to California.

Drought Drives Hydroelectric Down, Emissions Up

The western drought has lowered the Hoover Dam's power output by 33 percent. And in 2021, California's in-state monthly generation of hydroelectric power fell to 48 percent below normal, according to data from the U.S. Energy Information Administration. In 2021, Edward C. Hyatt hydro plant at Lake Oroville reservoir in Butte County was forced to shut down due to low water levels.

It was the first shutdown of the plant in eight decades, and experts said that more hydroelectric plants around the state risked going offline as drought conditions persist.

The drought-driven cutbacks in water-power cause pollution to go up. Hydroelectric is one of the lowest-emitting power sources when it comes to greenhouse gases. A 2011 report by the World Nuclear Association found the average amount of greenhouse gas emissions from hydroelectric plants to be 26 tons for every gigawatt-hour (GWh) of electricity produced.

That emissions figure is small compared to natural gas, which emitted an average 499 tons per GWh, and of course the leading polluter, coal, with 888 tons.

But there's one more problem. California does not count large hydroelectric power plants as clean energy. Only hydro plants that produce 30 megawatts or fewer count toward the state's renewable energy goals.

So is hydroelectric an important tool in the effort to slow down climate change, or just another industrial energy source? The answer appears to be—it's complicated.

What Is Hydroelectric Power?

Along with wind, flowing water is one of world's oldest sources of power. Way back in the second century BCE, wheels turned by the force of rushing water drove hammers to pound grain, break rocks and even to make paper. Centuries later, water powered the beginnings of the industrial revolution. The Cromford cotton mill in Derbyshire, England, began operations in 1771 and is considered the world's first factory, its cotton-spinning machines powered by water.

A little more than a century later, in 1880, Grand Rapids, Michigan, became the first U.S. city to power electric lights with hydroelectric energy. That event came 31 years after British-American inventor James Francis developed the Francis Turbine, a type of water-powered turbine still in wide use today, albeit with some significant improvements to the original.

The power of water ultimately derives from two factors: gravity and the sun. Solar heat causes water on the Earth's surface to evaporate. Once it rises into the atmosphere, it condenses into precipitation—rain and snow—and falls back to Earth, collecting in rivers and streams which then flow into lakes and oceans, following the quickest path gravity gives them.

The energy of a flowing river causes a wheel or turbine to spin, which in turn activates an attached generator which produces electricity. This type of hydroelectric power is known as "diversion," because it involves diverting water from a river directly through a facility housing a turbine and generator.

But rivers alone do not provide enough power. Modern hydroelectric energy relies on dams to block water flow, storing the water in reservoirs—and keeping its kinetic energy pent up. This process is called "impoundment." A dam is equipped with penstocks, or floodgates, that open and allow the stored water to rush out, releasing the kinetic energy and turning the turbines.

As of 2020, there were 2,300 dams used for power generation in the United States, out of 90,000 dams in the country.

A Third Type of Hydro Power

The diversion and impoundment methods rely solely on gravity to force water through a power plant's turbines. A third type of hydro plant adds its own electricity to the mix, as a way to store energy in the form of water, because electricity itself cannot be stored. But the energy source used to produce electricity can. This third variety of hydro power is referred to as "pumped storage," and it uses stored water as, in effect, a giant battery.

Pumped storage hydropower is used mainly to fill in when other power sources may come up short, such as peak energy consumption periods—the hottest days of summer, or coldest times of winter—or intervals when nuclear, wind or solar facilities are slowed or shut down.

A pumped storage facility consists of not one reservoir but two, each at a different elevation. When demand for electricity goes up, the water from the upper reservoir pours down into the lower one, through the turbines that generate power. But instead of releasing that water into a river, the pumped storage facility recharges its power supply by reversing the turbines and, using standard electricity from the grid, pumping the water back into the upper reservoir.

There are 43 pumped storage plants in the United States, of which four are located in California. Those four plants combined—two in Fresno County, one in Los Angeles County and one in San Diego County—can generate over 2,700 megawatts of power during times of high need.

A single megawatt of electricity is generally estimated to be enough for 750 to 1,000 typical American homes.

Is Hydroelectric Clean Energy, or Not?

Hydroelectric energy does not use fossil fuels, emits low amounts of carbon dioxide and other greenhouse gases, and of course the fuel it uses, water, is renewable and non-polluting. Nonetheless, there is a reason why California doesn't count large hydroelectric plants as clean energy producers. The environmental damage caused by the massive dams required to make both impounded and pumped storage facilities work, environmentalists say, makes hydroelectric power "neither 'cheap' nor 'clean.'"

According to the environmental news site *Eco Watch*, hydro advocates who claim that water-power is less expensive than other energy sources are dishonestly disregarding "environmental full-cost accounting," a way of assessing costs that looks not only at the price of construction and operation of a power plant, but the "indirect" costs to the surrounding environment.

Beyond the cost of basic construction, dams require new roadways and power lines, both of which can wreak havoc on the environment. The reservoirs created by dams flood areas where there was previously no large body of water, destroying the natural habitats of wildlife in the area.

Stagnant reservoir water and the ever falling and rising water levels kill vegetation, which then decomposes and emits methane, a gas that according to the U.S. Environmental Protection Agency is 25 times more powerful

than carbon dioxide when it comes to trapping heat in the atmosphere. In calculating how well it's doing in reaching its climate goals, California deals with methane by simply not counting it.

But reservoirs nationwide are estimated to emit 13.4 million metric tons of methane annually, with about half that total coming from reservoirs used for hydroelectric power.

"People are right to think of hydro as a low-carbon resource, but the variability is very high and there are some reservoirs that have lifecycle emissions of greenhouse gases that are higher per unit of electricity produced than a fossil plant," John Parsons, an energy economist at the MIT Center for Energy and Environmental Policy Research, told the MIT Climate Portal site. "You don't want to just be advocating hydro everywhere."

The International Monetary Fund has found that a global switch from coal to renewable energy would create an economic boon, saving an estimated $78 trillion by the end of the 21st century.

CHAPTER

24

California and Coal

State Has Almost Kicked the Habit

As California attempts to meet its goal of net zero carbon emissions by 2045, there's one area where the state has a significant head start. Of all the fossil fuels, none spills more greenhouse gases per BTU into the atmosphere than coal. And carbon dioxide is just one of the many harmful byproducts of coal power. Mercury, lead, sulfur dioxide, nitrogen oxides, various heavy metals and other pollutants also come from coal.

It is not a great sign, then, that the United States generates 22 percent of its electricity from burning coal (as of 2021). Worldwide, the percentage is about twice that. But don't blame California, which draws very little of its energy from coal. According to statistics compiled by the U.S. Energy Information Institute, California in 2021 drew a mere 0.1 percent of its electricity from in-state coal. That's less than all but the five states whose percentage is zero.

California, as of 2022, has just one functioning coal-fired power plant—the Argus Cogen plant in San Bernardino County, which has a capacity of 63 megawatts of electricity. By contrast, the state's last operating nuclear plant, Diablo Canyon in San Luis Obispo County, has a capacity of 2.26 gigawatts, about 36 times as much as the coal plant.

Why does California consume so little coal? Probably because California produces very little coal. While the state is a prolific producer of the other two major fossil fuels—ranking fourth among U.S. states in natural gas production and seventh in oil—it contains hardly any coal reserves. Though some coal deposits exist in 47 of California's 58 counties, the only significant coal mining in the state took place at Mt. Diablo in Contra Costa County, mostly in the 19th century.

After about 4 million tons were extracted from the Mt. Diablo coal fields over 50 years, the last mine there closed down in 1906.

The Four Different Types of Coal

Smaller amounts of coal have continued to be mined throughout the state in the ensuing years. Whatever coal comes out of California is lignite, one of four categories of coal and the one considered the lowest grade, meaning that when burned it generates the least amount of heat. Coal is, of course, a fossil fuel, meaning that it is the product of heat and pressure applied to plants, algae and other organisms that died millions of years ago. But lignite is the youngest variety of coal, and never underwent the extreme levels of heat and pressure that formed higher grades, leaving it with the highest moisture content of any coal type.

Most of the lignite mined in California has not been used to create electricity at all, but instead it has become an ingredient in the wax, known as montan wax, that forms the basis for candles, shoe polish, lipstick, various industrial lubricants and other products.

The highest grade of coal is anthracite, which comprises only about 1 percent of all coal mined in the U.S. and is made of almost 90 percent carbon. Anthracite is used primarily in the metals industry.

The most common coal in the U.S., and the second-highest grade, is known as bituminous, which accounts for about 44 percent of all coal mined in the country. Between 100 and 300 million years old, bituminous coal is used primarily in power plants, but also in the manufacture of iron and steel. One step below bituminous coal is the aptly named sub-bituminous coal, which consists of between 35 percent and 40 percent carbon.

California's 'Secret' Coal

While California produces almost no coal and uses very little for electricity, there is a significant caveat to those statistics. California leads the country in imported electricity—that is, electricity produced in out-of-state power plants—according to the U.S. Energy Information Administration.

According to a 2019 investigation by a division of the financial analysis powerhouse S&P Global, California at that time imported electricity from three main coal plants in other states: Intermountain Power Project

in Utah, Navajo Generating Station in Arizona, and New Mexico's San Juan Generating Station plant.

Since that report, the Arizona plant—once the largest coal facility in the western states—closed down, demolishing its three smokestacks in December of 2020. The New Mexico coal plant has also shuttered, finally turning off the fourth and last of its power-producing units in October of 2022. And the Utah plant, which at its height in the 1980s burned 4 million tons of coal per year, was scheduled to end coal-based operations in 2025 as it made a transition to burning hydrogen gas—a "clean" though controversial form of energy production, which critics say is inefficient, expensive and not entirely clean because it takes energy to produce hydrogen in the first place, though the only emission generated by hydrogen fuel itself is water.

Nonetheless, California continues to import coal-powered electricity, at least for now. In 2021, 9.5 percent of all of the state's electricity imports came from coal plants. But California is expected to end all coal-powered energy imports by 2026, according to the state's Energy Commission.

How to Kick Addiction to Coal

With about 40 percent of all global electricity generated by coal, how can the world rid itself of this, the dirtiest of all fossil fuels? The Canadian province of Ontario provides one example. In 2003, Ontario relied on coal for 25 percent of its energy supply. The provincial government took a staged approach to breaking its dependency on coal. Within 11 years, by 2014, the province had cut its coal power to zero, closing its four coal plants one at a time starting in 2005. The coal power capacity was replaced by electricity generated by nuclear and hydroelectric plants.

The U.S. Department of Energy (DoE) appears to favor increased nuclear power capacity as a means to shut down coal. In a 2022 report, the DoE identified 394 retired and active coal facilities that it named as potential sites for nuclear plants. Greenhouse gas emissions in a given region could be slashed by up to 86 percent when a nuclear plant replaces a coal facility, the report said.

Reusing infrastructure left in place by decommissioned coal plants—transmission lines, roads, office buildings, etc.—could also cut the costs of

constructing new nuclear plants by up to 35 percent, the DoE reported.

Governments would need to change their approach to the coal industry. Like oil, coal receives billions of dollars in free cash and other forms of support from the planet's most prolific energy-producing countries. Per a 2019 study by the United Kingdom-based independent think tank ODI, the member countries of the G20 account for 79 percent of global greenhouse gas emissions, making it imperative that those countries drastically reduce their use of coal as quickly as possible.

Instead, those countries have not only failed to stop subsidizing the coal industry, they have actually increased coal subsidies, according to the report. In the years 2013 and 2014, the G20 countries averaged $17.2 billion in coal subsidies. Just three years later, by 2016-2017, that wad of cash had bloated to $47.3 billion.

In the United States, according to figures from the Environmental Energy and Study Institute, coal received about $4 billion in direct subsidies—that is, tax breaks and other types of cash infusions—in 2019. China and India are the world's most prolific subsidizers of coal, however, showering an annual $9.5 billion and $10.6 billion on the industry, respectively, per the ODI report.

Replacing coal with renewable energy sources would also provide a financial boon to the world, and to energy customers. The Union of Concerned Scientists estimates that consumers in the U.S. would save $6.5 billion per year if every unit of energy generated by coal were replaced by a unit of energy from a renewable source.

The International Monetary Fund has found that a global switch from coal to renewable energy would create an economic boon, saving what the IMG estimates would be $78 trillion by the end of the 21st century. That would necessitate governments shifting their subsidy payouts from coal and other fossil fuels to the development of renewable energy. To reap the economic benefits, the IMF estimates, an individual government should plan on financing 10 percent of all costs required to make the transition.

California's Energy Future Is Blowing in the Wind

CHAPTER 25

Gov. Jerry Brown, toward the end of his second eight-year stint in office, signed a landmark climate law that requires California to provide 100 percent of its electricity from "clean" energy sources by the year 2045. The new goal was the culmination of a four-decade effort that began during Brown's initial period as governor. In 1980, after Brown had been in office for about five years and the legislature had passed a 25 percent tax credit for investment in renewable energy, the country's first "utility-scale" wind farm went online.

The wind farm was located in the Altamont Pass region of the Diablo Range spanning Alameda and Contra Costa counties. Within just the next five years, thanks to $1 billion worth of tax credits (which included a 15 percent federal credit, passed by Congress in 1978), California had 1,700 megawatts of wind power capacity, or about 90 percent of all wind power worldwide.

Today, while California remains a prodigious wind-energy producer and is home to the United States' single largest wind farm, the Alta Wind Energy Center in Kern County about 100 miles north of Los Angeles, the state has lost ground as wind energy development has slowed. Despite the state-level commitment to wind and other renewables, county governments have not been friendly to wind energy facilities.

California Falling Behind in the Wind Race

In 2013, San Diego County imposed strict limits on wind farm development, and in 2015 Los Angeles County, the state's largest, banned wind turbines on all unincorporated land. The Los Angeles Board of Supervisors complaints were typical of those heard in other areas of the state and country: primarily visual "blight," noise, and danger to birds.

As of April 2020, California ranked fifth with 5,973 megawatts (mw) of capacity, far behind the new leader, Texas, with its 28,843mw of production capacity. In terms of annual energy output, in 2020 wind was California's third-largest source, generating 11.4 percent of the state's electricity. (Natural gas topped the list at 37.9 percent.)

To meet its ambitious goal of eliminating the state's reliance on non-renewable energy sources, California will need to find a way to build more wind capacity. The new frontier is not on state land at all, but in the waters of the Pacific Ocean.

What Is Wind Energy?

Wind energy is actually a form of solar power, because wind results from the sun heating the atmosphere. Due to irregularities in the Earth's surface such as hills and valleys, as well as the rotation of the Earth itself, the sun heats the air quite unevenly, creating areas of high and low air pressure. Air naturally flows from where pressure is high to where it's lower. That air-flow is what we feel as wind.

Human beings have known that the wind is a plentiful source of energy for centuries, even millenia. The first recorded use of wind power dates back to 5,000 BCE, the first known use of wind to power boats on the Nile River in Egypt. A few thousand years later, around 900 BCE, the first windmills appeared in Persia where they were used to grind grain and pump water, wind providing the energy that powered civilization's first mass food production. Roughly 2,000 years after that, windmills began appearing in the Netherlands and other northern European countries.

When we talk about modern-day wind energy we're talking about wind turbines—machines that convert wind energy into electricity. Groups of turbines constructed together in one area are wind farms.

How Does Wind Create Electricity?

Electricity from wind farms is channeled through power lines into a state or national power grid where it can be bought and sold by power companies or government entities and used by everyday people to power their homes and

businesses, their light bulbs, televisions, washing machines, computers, and so on.

Wind turbines, like windmills before them, look like giant propellers. Even a mild breeze will cause the propellers to rotate. The spinning propeller blades turn a shaft connected to a generator that converts the kinetic energy of the spinning shaft into usable electricity. The electricity is then channeled through a transformer that pumps up the voltage and moves the power onto the grid, where it eventually finds its way to consumers.

Wind Energy Not Without Its Problems

Wind energy produces zero greenhouse gas emissions, and the wind industry comes with other benefits as well—it creates jobs. "Wind turbine service technician" is projected by the Bureau of Labor Statistics to be the second-fastest growing job description between 2020 and 2030.

Wind energy is produced domestically, helping America reinforce its energy independence, and wind turbines and farms, though they can be expensive to build and install, come with relatively low operating costs compared to other forms of energy production.

There is a downside, however. The towering turbines are often seen as marring scenic landscapes, and can also be a source of noise pollution as the giant blades rotate in the wind. But perhaps the most disturbing hazard of wind farms is the threat they pose to wildlife.

According to the Sierra Club, wind turbines kill more than 1 million birds every year in the U.S. While that number is certainly horrifying, it should be noted that it is a small total compared to the annual bird death toll mounted by plain old everyday windows. Birds die at an estimated rate of more than 980 million per year from flying into glass windows, mostly on ordinary buildings between four and 11 stories tall.

Moving Wind Farms Offshore

In May of 2022, the Biden administration announced the first-ever sale of wind farm leases in waters off the California coast. The administration proposed leasing three areas: the Morro Bay Wind Energy Area, about 20

miles off the coast of San Luis Obispo County; and two portions of the Humboldt Wind Energy Area, a 206-square mile region of ocean sitting 21 miles off the shore of Eureka.

According to the federal Department of the Interior, the total amount of ocean territory set aside for offshore wind farms would be 373,268 acres, and the turbines that could be built there would generate 4.5 gigawatts of electricity, enough to power 1.5 million homes.

The State of California is even more ambitious. According to a report by the California Energy Commission issued in August 2022, the state has set an "aspirational" goal of 25 gigawatts of offshore wind energy by 2045. (The Biden administration has set a nationwide goal of 30 gigawatts of offshore wind by 2030.)

Why take wind energy offshore? Most importantly, turbines stationed out to sea are simply better at producing electricity. Wind speeds are higher over the water than on land, and with the flat surface of the ocean, wind changes direction less often. That means each turbine produces more energy, so fewer turbines need to be in operation to produce the same amount of power as a wind farm on land.

Oceans also offer more space to build wind farms, and being situated miles offshore eliminates the visual obstruction and noise pollution problems. Wind farms placed miles out into the ocean will need to float, rather than sit atop large posts fastened to the ocean floor, reducing the need to drill. Fixed-post turbines cannot be constructed in water more than 165 feet deep.

Floating turbines are constructed on land, moved to their locations offshore by boat, and then connected to the seabed by cables. But even floating turbines pose environmental risks. The cables may entangle whales, dolphins and sea turtles. Additionally, the noise produced by the turbines could interfere with whales and dolphins that use echolocation—a kind of natural sonar—to locate feeding grounds, find mates, and dodge predators.

Nonetheless, with its goal of 100 percent clean energy by 2050, the U.S. government is proceeding with offshore wind. In 2021, the White House announced that the Department of Energy had invested $100 million into researching and developing floating offshore wind farms.

The International Energy Agency estimates that for the planet to reach the goal of net zero carbon emissions by 2050, the world must increase

wind power capacity by 390 gigawatts every year over the next two decades, including 80 gigawatts of offshore wind power annually.

The game changer came in 1839 when a 19-year-old Frenchman named Edmond Becquerel discovered that when he exposed platinum or silver electrodes to sunlight, they generated electricity.

CHAPTER

26

Here Comes the Sun

Solar Power and California's Clean Energy Goals

In early September of 2022, California and large areas of other western states endured a heat wave like nothing they'd ever experienced. Peaking on Sept. 7 when nearly 61.3 million people in California, Arizona and Nevada found themselves under "extreme heat" alerts, the scalding conditions were caused by an especially large and persistent "heat dome"—an extreme high-pressure system that traps hot air and makes it even hotter.

Heat domes and their accompanying hot weather have become increasingly frequent and long-lasting in California over recent years, a dangerous phenomenon driven by human-caused climate change. But for Californians living through the brutal heat wave, the concern was more immediate—would the electricity stay on?

Or would California's power grid fail, causing blackouts and leaving desperate residents with no air conditioning or refrigeration as temperatures shot to 110 degrees Fahrenheit in numerous cities including San Jose, Napa and Santa Rosa? The thermometer even topped out at 116 in Sacramento and Merced.

The grid, however, did not break down. Despite numerous warnings, California never had to shut the power off during what *Scientific American* called the region's "monster heat wave."

How did the state pull off this rather remarkable feat? The reasons are complex, but one significant factor was solar energy, stored in the state's network of utility-scale batteries, that is, giant batteries that occupy entire buildings or even whole facilities once used as fossil-fuel-powered energy plants. California draws far more electricity from industrial-size batteries than any other state—almost four gigawatts as of Sept. 1, 2022, according to statistics from the California Independent System Operator Corporation, known as CAISO.

Altogether, solar power comprised 14.2 percent of California's total power mix, about 39.5 gigawatts in 2021, 33.3 of those gigawatts produced in-state, according to California Energy Commission statistics.

Solar energy, it appears, is essential not only for California to meet its stated goal of 100 percent clean energy but also for keeping the state's lights on, particularly during heat waves and other periods of high stress on the power grid.

What Is Solar Energy?

The sun is 4.5 billion years old, and for that whole time, it has been the source of energy that powers pretty much everything on Earth (which is essentially the same age as the sun). After a little less than a billion years went by, a strange phenomenon called "life" appeared on Earth. The sun's energy made that rather important development possible as well, and has been powering life on the planet ever since. But not until about 2,700 years ago did human beings figure out how to capture the sun's energy, in a very limited way, and use it for a specific, human purpose. That purpose, historians believe, was to get rid of pesky ants by burning them using a magnifying glass that concentrated the sun's rays into a searing-hot beam.

For centuries, human use of controlled solar energy was confined primarily to starting fires for one purpose or another, though Egyptians also used it to cause water to evaporate, an early form of air conditioning. And in the early days of the Roman empire, the public-bath-loving Romans figured out that they could warm up their bathing water by constructing bathhouses with large windows to focus the sun's energy.

The game changer came in 1839 when a 19-year-old Frenchman and aspiring physicist named Edmond Becquerel discovered that when he exposed platinum or silver electrodes to sunlight, especially when he coated them with a light-sensitive chemical, they generated electricity.

The Rise of Solar Panels and Storage

It would take another century, but Bequerel's discovery led to the development of photovoltaic cells, flat panels that convert light from the sun into

electricity that can be used to power individual homes and buildings, or channeled into the power grid from industrial-size solar panel fields.

Because solar panels can't generate electricity when it's dark, the energy from solar power utilities must be stored in giant batteries and used when it's most needed. In fact, California is home to the largest utility-size battery facility in the world, the Moss Landing Battery Storage facility on Monterey Bay. The battery facility occupies the decommissioned Moss Landing Power Plant, whose iconic, 500-foot smokestacks still rise above the bay.

It should be noted that, like all energy sources, battery storage comes with drawbacks. The Moss Landing facility has been through three shutdowns since going online in 2020. In 2021, a malfunctioning fire prevention system triggered sprinklers that drenched more than 7,000 giant batteries with water. Then in September of 2022, at a separate facility at the Moss Landing plant, a battery pack manufactured by Tesla caught fire, causing a shutdown of that facility—though not the adjacent 400-megawatt battery facility operated by the Vistra company—and some nearby areas along Highway 1.

According to the Solar Energies Industry Association (SEIA), California continues to lead the nation in solar energy production, generating more than 37 gigawatts as of the second quarter of 2022. The SEIA calculated that one megawatt of solar electricity is enough to supply 190 homes with power. One gigawatt equals 1,000 megawatts.

Utility-scale solar facilities do not make up the complete picture of solar energy in California, or the country. In the first three months of 2022, California led the country in rooftop solar installations. Nationwide, 1.2 gigawatts of residential solar went online in the first quarter of 2022—a 30 percent increase over the same time period in 2021. About half of that capacity was installed in California, Texas and Florida, according to the Washington, D.C.-based nonprofit Environmental Working Group (EWG).

The Political War Against Solar Power

But solar power seems to be under near constant attack, from political players and competing energy industries. California's Public Utilities Commission has proposed a plan that, according to EWG, was originated by PG&E

and other large power utilities, and would impose a tax of about $50 per month on rooftop solar installations.

The CPUC plan would also scale back the credits residential solar users receive for channeling power into the state's grid, a practice known as "net metering." Because rooftop solar often generates more power than a homeowner needs, the state credits the homeowners for the power they contribute to the grid. The CPUC wants to drastically cut that credit from 25 cents per kilowatt-hour to just five cents.

Ultimately, the CPUC passed the plan to cut credits for sharing power with the grid, but stopped short of imposing a new tax on rooftop solar installations.

Under the presidential administration of Donald Trump, solar energy also took a back seat, at best. While Trump saved most of his anti-renewable energy invective for wind power, he derided solar as well, claiming that solar power was "not strong enough" and "very expensive."

While Trump never explained what he meant by "not strong," the expense of solar was to a large extent his own doing. In 2019, Trump levied tariffs of up to 30 percent on solar power equipment and materials manufactured outside the U.S., and outside the U.S. is where 80 percent of materials used by the domestic solar industry were made.

President Joe Biden left those tariffs in place until June of 2022, when he announced a 24-month pause in the tariffs on solar panels manufactured in Cambodia, Malaysia, Thailand and Vietnam. Tariffs on materials made in China remained in place.

The tariffs were not Trump's only strike against the solar industry. In 2020, at the height of the COVID-19 pandemic—which had a similarly destructive financial impact on the solar industry as it did on most industries—Trump lifted what had been a two-year moratorium on rent payments by solar facilities, as well as wind farms, operating on federal land.

Trump's sudden termination of the rent "holiday," which came without warning, left solar and wind companies scrambling to cover back rent payments that reached into the millions. Solar and wind firms paid only $1.1 million in rental fees in 2019, the year before the pandemic hit. The Trump administration interior department said it expected to reel in $50 million in 2020.

Ending the rent moratorium was one of several "speed bumps" installed by Trump to slow the solar industry, according to SEIA President Abigail

Ross Parker. At the same time, Trump actively pushed policies to promote the fossil fuel industry.

California, however, remained defiant as it pushed toward its goal of 100 percent renewable energy. In 2020, the state drew 59 percent of its energy from clean sources, including 34.5 percent from all renewables including solar. In fact, on one day—April 24, 2021—the state drew 95 percent of all power used at about 4 p.m. from renewable sources, totaling about 90 percent for the day. And on May 8, 2022, California did even better, generating enough renewable energy to meet 103 percent of the state's needs for at least a brief period around 3 p.m. About 66 percent of all that renewable energy was solar.

CCAs can do a better job of delivering cleaner energy than the established utilities by offering customers a choice of packages, and tailoring their energy purchases to fulfill those choices.

Consumer Choice Aggregation and California's Climate Goals

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In 2002, the California legislature passed a law, AB 117, that allowed local governments to form a new type of electricity service provider called a Community Choice Aggregator, or CCA. This new entity takes the responsibility for purchasing energy, and deciding what type of energy will be purchased, out of the hands of big, private power companies—three of which supply about 75 percent of all electricity in California. CCAs give that choice to members of the community, as the name implies, via their elected representatives.

CCAs: More Climate-Friendly Than the Big Utility Companies

What does this mean for the climate? CCAs in California have already proved more efficient than the big, private companies—known as Investor-Owned Utilities or IOUs—at delivering energy derived from renewable sources, rather than by burning fossil fuels. According to a study by UCLA's Luskin Center, the average CCA delivers 52 percent of its electricity from renewables.

By comparison, PG&E, the IOU serving most of northern and central California, provides 33 percent of its electricity from renewable sources "including solar, wind, geothermal, small hydroelectric and various forms of bioenergy," the company says.

The San Diego counterpart to PG&E, SDG&E, claimed in 2018 that it derived a relatively impressive 45 percent of the energy it sold from renewable sources, but according to the California Energy Commission, the company was engaging in a bit of creative energy accounting. The following year, the commission instituted new rules for how energy providers may calculate their renewable percentage.

After the rule change, SDG&E's percentage dropped to 31. The reason for the drop was that, under the new rules, power companies were no longer allowed to count "renewable energy credits" (also called Renewable Energy Certificates, or RECs) toward their total amount of renewable energy delivered. RECs can be bought and sold. Though they represent actual amounts of renewable energy generated, they do not correspond to the amount of renewable energy used by a company's customers. They can be sold to buyers who merely seek, as one paper published by University of San Diego School of Law put it, "green bragging rights."

The third California IOU, Southern California Edison, reported 34 percent of its energy coming from renewables in 2019—though by including nuclear power and large hydroelectric plants, the company claimed that 48 percent of its energy was "carbon free."

California law requires utility companies to generate 60 percent of their energy from renewable sources by 2030. And the goal for 2045 is 100 percent—meaning that by then the state's biggest power companies would, at least in theory, no longer contribute to climate change, and would stop using energy sources that pollute the air and other elements of the environment.

What Is It, Exactly, That CCAs Do?

About a quarter of the state's electricity is supplied by 44 publicly owned utility companies, or POUs, the largest of which—in fact, the largest POU in the United States—is the Los Angeles Department of Water and Power (LADWP). The LADWP derives around 60 percent of the energy it supplies to residents of the state's most populous city from renewable, "clean" sources. In 2021, the city council there voted to require the LADWP to reach 100 percent clean energy by 2035, a full decade before the statewide deadline.

If POUs supply 25 percent of the state's power and IOUs the other 75 percent, where do Community Choice Aggregators fit in? There are 24 CCAs in the state. With 100 percent of the state's energy coming from *IOU*s or POUs, what are those CCAs doing?

In fact, Community Choice Aggregation is a policy idea. It doesn't create new sources of power or distribute energy, which remains the job of IOUs and POUs. A city or county that makes the choice to form a

CCA—which is a nonprofit entity—puts the responsibility for purchasing energy from various sources into the hands of elected officials, while the IOU continues to handle distribution and charge the CCA for those costs. In most cases, however, the local officials who tend not to be experts in the dazzlingly complex ins and outs of the energy market outsource that task to professional energy service providers who work directly for the CCA and are paid out of customer fees.

CCAs can be formed only in jurisdictions served by investor-owned utilities. In California, IOUs are regulated by the state's Public Utilities Commission, while POUs are not. Consumers who live in an area covered by a CCA are automatically enrolled, though under the 2002 law they may opt out, in most cases without cost.

CCAs can do a better job at offering cleaner energy than the established utilities by offering customers a choice of packages, and tailoring their energy purchases to fulfill those choices. CCAs generally offer three energy plans: a default plan, a plan that focuses mainly on solar power, and finally the most expensive plan, which promises 100 percent renewable energy sources.

How Did CCAs Originate?

Only nine states in addition to California permit the formation of Community Choice Aggregators, according to the United States Environmental Protection Agency. They are Illinois, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, and Virginia. But this is one area of environmental policy where California, though on the cutting edge, was not first. That honor belongs to Massachusetts, where CCAs were first authorized in 1997.

The 21 towns on Cape Cod and Martha's Vineyard, as well as some nearby islands, joined to form the Cape Light Compact, a CCA that continues to operate today.

In California, CCAs grew out of the energy crisis of 2000 (which dragged on into 2001) when the state for a complex variety of reasons suffered a series of rolling blackouts due to disruptions in the power supply. Three years earlier, under Gov. Pete Wilson, the state had deregulated the

energy market. Among other effects, the deregulation allowed customers to shop around for alternative sources of electricity. But when the crisis hit, the state suspended the consumer choice options.

In response, the legislature passed AB 117 in 2002, but it wasn't for another eight years that a local government took advantage of the law.

CCAs Take Over California Coastline

That local government, Marin County, founded California's first CCA, Marin Clean Energy, in 2010. More than a decade later MCE boasts of providing energy services to 37 communities and about 1 million residents across four counties—Contra Costa, Napa, and Solano in addition to the entity's namesake.

The first city-run CCA was created in 2014 and launched the following year, in Lancaster—making Lancaster Choice Energy the first CCA in Southern California. As of April 2021, according to the California Community Choice Association (CalCCA), a lobbying group representing CCAs, 201 California communities received energy services from CCAs.

The number topped the double-century mark when East Bay Community Energy—Alameda County's CCA, founded in 2018—expanded to encompass the cities of Newark, Pleasanton, and Tracy, while Marin Clean Energy added Pleasant Hill and Vallejo to its service area.

A map published by CalCCA shows that, except for Del Norte County with its population of 28,100 in the far northwest corner of the state, the entire coastal area of California—where nearly 70 percent of the state's population resides—is covered by CCAs or likely soon will be. San Luis Obispo County is listed as "considering" switching to CCA service. San Diego and Orange Counties have filed their implementation plans, according to the CalCCA map.

Of course, a regional CCA does not always serve every city in its coverage area, and individuals retain the right to opt out of CCA service and go back to getting their electricity from whichever one of the big three private power companies—PG&E, Southern California Edison, and San Diego G&E—sells to their area.

In the state's most heavily populated county, Los Angeles, as well as

adjacent Ventura County, a new CCA known as Clean Power Alliance took over from Southern California Edison in 2019. The new CCA covers 29 cities, as well as unincorporated areas, and about 1 million homes across the two counties, according to a *Los Angeles Times* report.

The city of Los Angeles itself, however, remains the purview of the venerable Department of Water and Power, the largest municipally owned utility in the country—with upwards of 1.5 million customers—which was founded in 1902. State law allows for CCAs only in the service areas of private power companies. In 2020 the LADWP announced that was spearheading a $1.9 billion effort to build the world's first utility-level hydrogen power plant.

CCAs and JPAs Meet to Form Super CCAs

How do CCAs continue to expand, incorporating customers across multiple cities and counties? They use another tool of local government that's been around in California since 1921: the Joint Powers Authority. JPAs allow municipal governments, or government departments, to work together for a specific purpose. For that purpose—in the case of CCAs, providing energy, but it could be anything—a JPA allows multiple localities to function as a single government body.

California CCAs have used JPAs to form what could be called, in essence, Super CCAs that span dozens of cities in several counties. In 2017 the Southern California cities of Lancaster and San Jacinto joined their CCAs under a new JPA called the California Choice Energy Authority, or CalChoice.

And in 2021, eight CCAs in Central and Northern California—including Central Coast Community Energy and two CCAs in Santa Clara County—formed a single JPA collectively known as California Community Power. The state's first CCA, Marin Clean Energy, also joined the new JPA, which claims a customer base of 6.6 million people and 2.6 million accounts.

PART I

California in Crisis

The Downside of the Dream

CALIFORNIA HOMELESSNESS CRISIS *in 21 Numbers*

1 Rank of California's Total Homeless Population Among All States

Percentage of all U.S. Homeless Who Live in California **30%**

171,521 Estimated Total Homeless Population in California *(as of 2022)*

Estimated Unsheltered* Homeless Population of California *(*Refers to homeless living on the streets.)* **115,491**

44,120 Estimated Unsheltered Chronically Homeless Population of California

Estimated Chronically* Homeless Population of California *(* Refers to those who have been homeless for at least one year, or repeatedly, and are experiencing a mental health issue.)* **57,760**

42 Percent Increase in California Homeless Population 2014-2020

Percent Increase in Homeless Population in All Other States 2014-2020 **9**

20% OAKLAND City With Largest Increase in Homeless Population 2020-2022

Region With Largest Decrease in Overall Homeless Population 2020-2022 **-18%** ORANGE COUNTY

Dollars Spent by State Government to Combat Homelessness 2018-2021

$13 billion

571,246

Number of Californians Who Received State-Funded Homeless Services 2018-2021

Percentage of Those Receiving State-Funded Services Who Returned to Homelessness

16.9

49.9%

LOS ANGELES & SOUTH COAST

Region with Highest Percentage of Homeless Population

Region with Lowest Percentage of Homeless Population

.04%

SIERRA NEVADA

437

Homeless Population of California Per Capita* as of 2022 *(* per 100,000 residents)*

Region with Highest Per Capita Homeless Population

647

FAR NORTH

159

INLAND EMPIRE

Region with Lowest Per Capita Homeless Population

Percentage of California Homeless Who Are in Families With Children*

(includes children)*

14%

80%

Percentage of California Homeless Who Are Adults Not With Children*

(includes non-custodial parents)*

Percentage of Homeless Who Say That Capping Housing Costs at 30 Percent of Income Would Have Prevented Their Homelessness

90%

**Statistics at time of publishing*

Nearly half of all unsheltered people in the United States live in California. More than seven of every 10 people experiencing homelessness in the state live in unsheltered conditions.

CHAPTER

28

California's Crisis of Homelessness

Back in 2018, California seemed ready to declare war on the state's horrific homelessness crisis. Then-Gov. Jerry Brown struck a deal with legislators to pour $600 million into programs to prevent and treat homelessness. In the same year, voters approved a $4 billion bond to build low-income housing, and another $2 billion in bond money for more affordable housing with built-in mental health services.

The following year, new Gov. Gavin Newsom turned up the heat further, allocating $1 billion—the largest sum ever in the state's budget for anti-homelessness measures. In January 2020, Newsom called the state's homeless problem "a real emergency," and "a disgrace." He asked legislators for another $1.4 billion, the largest portion of it going to housing and healthcare service for the homeless population.

And yet, even with this massive spending push, homelessness in California shot up by more than 16 percent from 2018 to 2019, according to the Homelessness Policy Research Institute (HPRI), a trend that showed no signs of abating in 2020, and likely grew worse. A report by the federal Department of Housing and Urban Development showed that from 2019 to 2020, homelessness in California again jumped 6.8 percent.

In April of 2021, the state unveiled a website compiling data on homelessness that had previously been nearly impossible to access, because it was spread over 44 separate, unconnected databases, according to a *Los Angeles Times* report.

The new site revealed that, while a point-in-time count in January of 2020 showed 161,548
people in some form of homelessness on the single night of the count, local homelessness service providers reported serving 248,130 people. The discrepancy indicates the large numbers of people who move in

and out of homelessness, and as a result were not on the streets to be recorded during the January count.

The HUD report also showed that in California, the Santa Cruz-Watsonville metro area in 2020 carried the uneasy distinction of the highest population-adjusted homelessness rate in the United States, among regions with at least 250,000 people. Los Angeles ranked fourth nationwide.

In addition, nearly half of all unsheltered homeless people in the entire United States live in California, according to a 2019 report by the White House Council of Economic Advisers. More than seven of every 10 people experiencing homelessness in the state live in unsheltered conditions, according to HPRI statistics.

In the state's most populous city, Los Angeles, the number of homeless individuals in a point-in-time (PIT) count taken in January 2020 had risen 16.1 percent from the 2019 count—a total of 41,290 homeless residents, according to the Los Angeles Homeless Services Authority (LAHSA), the agency that administers about $70 million in federal, state, and local funding targeted to assist the homeless population.

Results of the 2021 January count were not compiled simply because the count itself was canceled due to the COVID-19 pandemic. Conducting the count, which is required by Congress, involves about 8,000 volunteers making direct contact with homeless people and entering homeless camps.

The count is necessary to obtain federal funding for homelessness programs, but the United States Department of Housing and Urban Development allowed a 2021 exemption for Los Angeles County, and agreed to keep federal funding levels in place. But the exemption also means that the effects of the pandemic on homelessness in the state remained largely unknown.

New Spending Fails to Stop Rising Numbers

Based on the previous two years' stats, however, California's homelessness numbers seemed unlikely to show much if any improvement. The Los Angeles numbers continued to rise despite the passage in 2017 of Measure H—which added a quarter-cent to local sales tax specifically to fund housing and other services for the homeless population. That ballot measure followed Proposition HHH, passed in November of 2016, a $1.2 billion

bond measure specifically designed to fund 10,000 housing units for people and families in L.A. County identified as "chronically" homeless.

The success of the programs is undeniable. In 2018, 88 percent of the homeless people who were placed in permanent housing by LAHSA remained in that housing and did not return to homelessness. The following year, LAHSA housed 22,769 homeless individuals, and another 18,395 were placed into interim housing. And yet, the county's homeless population continued to grow.

Statewide, even back in January 2020, federal statistics showed a homeless population in California of 151,278—about 10,000 more than the entire population of Pasadena—a number that represented a spike of 17 percent since 2018. And, thanks in part to COVID 19, the numbers of homeless individuals have increased dramatically since these statistics were published.

But the real problem appears to be even worse. Homeless advocates generally agree that the federal numbers, compiled in the biannual volunteer counts—are significantly lower than the real numbers.

The federal definition of homelessness excludes couch surfers, people temporarily rooming with friends or family members, and those who manage to pay for transient motel rooms. The volunteer counts may also fail to tally numbers of people living in tent camps, if the volunteer counter arrives shortly after a camp has been rousted by police.

One recent count in Sacramento, conducted by UC Berkeley researchers using a broader definition of homelessness, ended up topping the federal number by a multiple of six.

That count used a new method that combined PIT numbers with "information from Homeless Management Information Systems (HMIS), which track the services provided by a homelessness crisis systems such as emergency shelter bed nights and street outreach interactions," according to a UC Berkeley report. Unlike the biannual PIT counts, HMIS data is "continuously improved."

A Brief History of Homelessness

The state and federal expenditures, housing programs, and bond issues have

clearly failed to put the brakes on the crisis. How did the state—and for that matter, the country—arrive at this dismal reality?

The term "homelessness" first appeared in the 1870s, according to a 2018 report by the National Academy of Sciences. At the time the term was used mainly as a catch-all for people who were commonly and derisively called "tramps," that is, itinerant men who moved from place to place, most often taking advantage of the newly created nationwide rail system, looking to pick up any work they could. At that time, and for decades to come, homelessness was seen primarily as a crisis of national character—an indication not of economic conditions but of the moral breakdown of family life. Homeless people, mostly men, were looked on as, basically, unworthy.

"As we utter the word tramp there arises straightway before us the spectacle of a lazy, shiftless, sauntering or swaggering, ill-conditioned, irreclaimable, incorrigible, cowardly, utterly depraved savage," wrote Yale Law School Dean Francis Wayland in 1877, expressing a view typical throughout American society in that era.

A 1902 *Los Angeles Times* report on the sudden explosion of homelessness in the city's Skid Row district described an area "swarming with tramps," whom the reporter described as mostly "beastly drunk" and "filthy dirty" and covered with "tenants," meaning bugs.

Then, and until the 1980s, a typical homeless "tramp" was white, male, and over 50 years old.

Since the modern era of homelessness, which the NAS report marks as beginning in the early 1980s, the demographic makeup of the homeless population has shifted, with minorities carrying a disproportionate burden of the suffering. In California, HUD statistics show African Americans making up 29.1 percent of the homeless population, compared to just 6.5 percent of the state's population at-large. Native Americans are also overrepresented, at 1.6 percent of the state's population, but 4.1 percent of the homeless population.

Latinx people comprise 31.9 percent of the homeless in California, which is actually less than their overall percentage of the state's population, at 39.3 percent.

With the explosion of homelessness over the past four decades came a new and more rational understanding of the crisis. The primary driver of

homelessness is now seen not as the moral turpitude of slovenly "tramps" and "bums," but the shortage of affordable housing, a crisis in itself propelled by increasing income inequality and racial inequities.

Homelessness a 'Complete, Abject Failure' of Society

According to National Low Income Housing Coalition figures, 1.3 million renters in California bring home incomes that put them at or below the federal poverty line. Yet as of February 2020, fewer than 290,000 rental units in the state could be categorized as "affordable." California rates have shot up at two times the national average over the past 10 years. And almost half of Califiornia's residents might as well forget about owning a home. The median home price throughout the state exceeds $600,000.

Homelessness rises at the point when median rents top 22 percent of median income. In Los Angeles County, median rents as of 2020 were more than double that—just short of half of the median income, 47 percent.

Californians are losing their homes at a faster rate than government and social services can put homeless people into housing. According to LAHSA statistics, in Los Angeles County alone, 207 people each day find their way out of homelessness, either on their own or with government help. But also every day, on average, 227 people in the county lose their homes.

Newsom summed up the crisis most succinctly soon after his experience as mayor of San Francisco, where he made initial inroads against homelessness, seeing a 30 percent drop in that city after his first year in office—only to see the numbers stall out with no further progress over the remainder of his two terms.

"It's the manifestation of complete, abject failure as a society," Newsom said, a few years after leaving the mayor's office. "We'll never solve this at City Hall."

Is Homeless Crime Also a Crisis?

In the June 7, 2022, gubernatorial primary election, Newsom cruised to a first-place finish with almost 60 percent of the vote after easily thwarting a recall effort the previous year. The Democratic governor would seem politically

invulnerable if not for two problems—homelessness and crime.

A February 2022 poll by the Berkeley Institute of Governmental Studies found that 61 percent of California voters rated Newsom's performance on addressing the homelessness crisis to be "poor" or "very poor," and 51 percent gave him the same alarming rating on the issue of crime. The same poll found that the homelessness crisis and "crime and public safety" were two of the top four issues considered most important by Californians, sandwiched between housing affordability and the price of gasoline.

The primary elections showed, however, that crime and homelessness are perhaps not the crucial voting issues in California that the national media narrative would have the rest of the country believe. Nor is the connection between homelessness and crime straightforward.

While there is a well-established association between homelessness and criminal activity, one study found that the link is largely due to "homeless status offenses," that is, mostly minor offenses that are simply part of being homeless, such as loitering.

Another survey found that crime involving homeless people in the state's largest city, Los Angeles, while "disproportionately high" in relation to the number of homeless people, made up less than 10 percent of all crime in the city. Those stats included crimes in which a homeless person was the victim of crime, as well as those with a homeless suspect.

But while homelessness may not cause as much crime as the general public may believe, crime is definitely a cause of homelessness. According to statistics from the Prison Policy Initiative, Americans who have been convicted of crimes and sent to prison more than once are 13 times more likely to become homeless than members of the general public. Those who have been incarcerated only once are seven times as likely to fall into homelessness.

How worried should Californians be about the connection between crime and homelessness? And what can be done to help solve both problems?

How Much Crime Do Homeless People Commit?

Though the amount of crime in which a homeless individual is named as a

suspect is disproportionately high relative to the size of the homeless population, it comprises a relatively small share of all crime, according to Los Angeles Police Department data studied by KABC-TV.

According to the KABC study, 8 percent of crimes in the city involved homeless people in 2021 and in 2020. That figure includes crimes in which homeless persons were the suspect, but also those in which the victim was homeless, so the actual percentage of violent crimes committed by the homeless is even lower than 8 percent.

According to the LAPD stats, most homeless-involved crime is violent. The percentages have stayed roughly the same each year since 2018, when 60 percent of homeless-involved crime was classified as violent. In 2021 the figure was 61 percent.

In 2021, however, 25 percent of homeless-involved crime, according to the KABC study, was neither violent crime nor property crime. According to a 2018 study by the University of Texas Southwestern Medical Center, in which 255 homeless persons were interviewed over a two-year period, the most frequent charges fell into the category "homeless status offenses."

Those offenses include "vagrancy," and "trespassing," in addition to "loitering," all of which are largely unavoidable for people who have nowhere to go. The study found that arrests for these offenses lead to more crime, because getting arrested and, in many cases, incarcerated make it significantly more difficult to find housing.

"Criminal activity isn't a staple characteristic of these people," Sean Fischer, of New York University, said in an American Psychological Association report. "It may be more accurate to think of them as people struggling to get by."

"Negative effects of arrest and incarceration on housing acquisition warrant consideration of alternative legal system interventions to break the cycle of homelessness, wrote the University of Texas study's authors."

How Does the Homeless-Crime Cycle Break?

What the study's authors rather opaquely referred to as "alternative legal system interventions" can be summed up in plain English as "not asking the police to solve the homeless crisis." According to the National Alliance

to End Homelessness, "far-reaching efforts to criminalize homelessness make the already-precarious state of being homeless and unsheltered even more dangerous."

By "criminalizing" homelessness, the group is referring to the fact that homeless people who engage in such normal human activities as sleeping, walking or, as the Alliance noted, "simply existing" can bring them into contact with law enforcement officers, who may arrest them for loitering or other such purported crimes.

"When their existence is considered a crime, people experiencing homelessness can be punished with expensive tickets and citations, 'sweeps' which force them to evacuate the areas they've come to know as a home, and even arrest and incarceration," the Alliance wrote on its website.

Reducing enforcement of "homeless status offenses" is just one step toward reducing homeless crime. Perhaps the even more important step is getting homeless people into housing, particularly once they have already been subject to arrest or incarceration.

The Vera Institute of Justice, a philanthropic organization dedicated to ending mass incarceration and "overcriminalization," has worked since 2017 with public housing authorities (PHAs) in four regions, including San Diego County, to help create policies that make public housing more accessible to people who have been recently released from prison.

The Vera Institute offers eight recommendations to PHAs to accomplish this goal, one that, according to the studies cited above, should make a significant contribution to reducing homeless crime. The recommendations call for evaluating housing applications on an individual basis rather than simply excluding anyone with a criminal conviction.

"We must take a hard look at how we treat people who have repaid their debt to society," the Vera Institute says. "We should open doors, not shut them."

The Dangers of Being Homeless

While unsheltered persons are statistically more likely to be arrested than other people—with nine times as many saying they had spent at least one night in jail in the previous six months, according to a California Policy

Lab study—they are also far more likely to be victims of crime, particularly violent crime.

Recent San Diego County data showed that members of the homeless population there were murdered at 19 times the rate of the non-homeless population, and were 27 times more likely to be subjected to attempted murder—as well as 12 times more likely to be assaulted and nine times more likely to be sexually assaulted.

The process of releasing patients from psychiatric hospitals into the community, where they can, theoretically, receive more personalized treatment and greater personal freedom, was a nationwide trend. But as with so many changes to American society, California was leading the way.

California's Mental Health Crisis

How Did We Get Here?

CHAPTER 29

Sandra Shells was a 70-year-old nurse at a large Los Angeles hospital, and getting ready to retire, when she was waiting for a bus to take her to work early on the morning of Jan. 13, 2022. She never made it. At around 5 a.m., before the bus could arrive, a 48-year-old man named Kerry Bell punched her in the face, according to the Los Angeles County District Attorney's Office.

The nurse fell backward to the ground, her head striking the pavement. Three days later, she died of her injuries. The city's chief of police, Michael Moore, called the brutal attack "a tragic and senseless murder directly tied to the failure of this nation's mental health resources."

The killing of Sandra Shells was especially horrifying. But it was just one more in a growing trend of crimes connected to mental health problems. In the city of Los Angeles, crimes committed by people with mental health issues have risen dramatically over the past decade. According to Los Angeles Police Department data compiled by the site *Crosstown L.A.*, in 2010 the city saw 152 crimes in which the suspect was experiencing mental illness. In 2018, that number had jumped to 543.

Gov. Gavin Newsom on March 3, 2022, announced a new plan to, he said, bring the problem under control by getting people in California with mental health issues into treatment before they commit crimes, and to stop using jails as de facto mental health facilities. The system proposed by Newsom would be called CARE Court, and would require each of the state's 58 counties to set up a branch of the court system dedicated to getting people with severe mental illness into treatment—whether they want it or not.

Mental Health, Crime, and Homelessness

The official count of homeless individuals in California—a count required

by the federal government in order for the state to receive funding—found that of the 161,548 unhoused individuals counted, approximately one of every four is experiencing severe mental illness. California's homeless population accounts for 28 percent of the nation's total homeless figure, and the percentage of severe mental illness tracks roughly with the national average.

At the same time, the connection between California mental health issues and criminal behavior seems clear, and has clearly been on the rise. A 2020 report by the consulting firm California Health Policy Strategies concluded that available data "suggests that mental illness in jail or prison is prevalent and that individuals with a mental illness are overrepresented in jail or prison."

The report found that in 2009, there were about 80,000 inmates in California jails on any given day surveyed, and approximately 15,500 of them had active mental health cases. A decade later the jail population had decreased—but the number of inmates with mental health problems went up. A recent study found 72,000 inmates and 22,000 mental health cases. That's a jump over 10 years from 19 percent of inmates displaying mental health problems to 31 percent.

"The jails are where we dump thousands of people who really ought to be in psychiatric hospitals, community-based rehabilitation programs or supportive housing," wrote the *Los Angeles Times* in an editorial. "Those facilities were supposed to be built decades ago to replace state mental institutions, which too often served as abusive warehouses for society's sick and unwanted."

The editorial was referring to a process known as "deinstitutionalization," which, as the name implies, was the ongoing mass release of patients from mental health institutions. The process began in the 1950s, and reduced the California mental health hospital population from 37,000 in 1955 to only 2,500 three decades later.

Where did those psychiatric patients go? And why are such large numbers of Californians with mental health problems either living on the street or behind bars?

The Horrors of Psychiatric Hospitals

The first hospital in the United States dedicated exclusively to patients with

mental illness opened in 1773, before the United States actually existed. Located in Williamsburg, Virginia, and known as Eastern Lunatic Asylum—a name later changed to the more palatable Eastern State Hospital—the facility housed as many as 125 patients (called "inmates").

The Virginia-based asylum did not start a trend, however. It wasn't until the mid-19th century, thanks to the activism of a Massachusetts schoolteacher named Dorothea Dix, that asylums for the mentally ill were constructed in significant numbers. Dix herself was responsible for creating 30 such facilities.

The first state-run mental health hospital in California opened in idyllic Napa Valley in 1875. Indeed, Napa State Hospital (originally called Napa Asylum for the Insane) remains open in 2023—California's oldest continually operating state hospital. The facility was created initially to accept patients who could not find a place at the nearby and extremely overcrowded Stockton Asylum, a privately run institution that was the first "insane asylum" in the state, opening in 1851.

As California moved toward its peak of 37,000 psychiatric patients in facilities, a series of horrifying media exposés revealed the sordid conditions that existed inside many psychiatric hospitals nationwide. A 1946 *Life Magazine* report, complete with shocking photos of neglected and abused patients, was especially influential.

California hospitals unfortunately were as guilty of mistreating patients as facilities elsewhere, with overcrowding growing into a crisis. With accommodations for 600 patients, Napa Hospital's population swelled to more than 1,300, with individual cabins meant to house no more than 26 stuffed with more than 70 human beings.

What Is Deinstitutionalization?

What to do with the large numbers of mental patients? The answer, supposedly, lay in the burgeoning field of pharmaceutical science. In 1954, the U.S. Food and Drug Administration approved a new medication called chlorpromazine, sold under the brand name Thorazine. The new drug was the first antipsychotic, and it quickly became a favorite of hospital psychiatrists, who, until its invention, could treat psychosis and schizophrenia only with

dangerous, unreliable procedures such as electroshock and lobotomy.

Lobotomy is a surgery that involves the insertion of a sharp implement called a leucotome (the process was also known as "leucotomy"), resembling an ice pick, through the skull and into the brain to disconnect the frontal lobes. Now considered inhumane and largely abandoned as a form of treatment, lobotomy was common in the 1940s and '50s. It resulted in death for at least one of every 20 patients, and severe, crippling side effects for many more. Amazingly, the creator of the lobotomy, Egas Moniz, won the 1949 Nobel Prize in Medicine for his invention.

Thorazine appeared to accomplish the same therapeutic results for mentally ill patients as those invasive procedures, but more effectively, with less risk. The relatively inexpensive pill appeared to be such a miracle that within a few years it was used not only to treat hospitalized patients, but as a means to release patients from institutions altogether, allowing them to be treated on their own.

Deinstitutionalization had begun.

The process of releasing patients from psychiatric hospitals into the community, where they can, theoretically, receive more personalized treatment and greater personal freedom, was a nationwide trend. But as with so many changes to American society, California was leading the way.

According to psychiatrist E. Fuller Torrey, founder of the national nonprofit Treatment Advocacy Center, "California became the national leader in aggressively moving patients from state hospitals to nursing homes and board-and-care homes." The state was the "canary in the coal mine of deinstitutionalization," Torrey wrote in a 2013 essay.

A 'New Frontier' in Mental Health Treatment

Ronald Reagan is often blamed for emptying the state's hospitals onto the streets, but by the time he became California's governor in 1967, the California mental health hospital population had already dropped to 22,000. It kept right on declining during his administration, driven by excitement over Thorazine and other new "tranquilizer" medications, with little thought to the social or personal consequences.

"Tranquilizers became the panacea for the mentally ill," Charles

Schlaifer, an official with the congressionally created Joint Commission on Mental Illness and Health, told *The New York Times* in 1984. "The state programs were buying them by the carload, sending the drugged patients back to the community and the psychiatrists never tried to stop this. Local mental health centers were going to be the greatest thing going, but no one wanted to think it through."

In 1963, President John F. Kennedy made deinstitutionalization federal policy, signing the Community Mental Health Act. The mental health law was part of Kennedy's "New Frontier" program of social and economic reform coupled with technological innovations such as the space program.

The new law provided $150 million in federal funding over three years to build a network of "community" mental health centers that would take over treatment of mentally ill patients, allowing psychiatric hospitals to be largely emptied out. Kennedy's vision, and that of the Joint Commission on Mental Illness and Health whose 1961 report formed the basis for the law, called for a network of treatment centers that would allow mentally ill people to integrate with their communities, living productive and fulfilling lives to the greatest extent possible.

Kennedy Signs Deinstitutionalization Bill

Caring for the mentally ill was a personal issue for Kennedy. His younger sister, Rosemary, had a lifelong history of mental and behavioral problems. At the age of 23 she was the victim of a botched lobotomy—a procedure ordered by her father, Joe Kennedy Sr., partly because he worried for his troubled daughter's own safety, but also out of fear that the emotionally unstable young woman would somehow disgrace the family name. He had Rosemary confined to a mental hospital after the disabling procedure, prohibiting anyone in the family from seeing her.

When his son, then-Senator Jack Kennedy, secretly visited his sister in 1958, he saw the extent of what had been done to her, and resolved to take action to help the mentally ill.

JFK signed the Community Mental Health Act on Oct. 31, 1963. Sadly for Americans experiencing mental illness everywhere, it was the last

bill he would sign in his lifetime. About three weeks later, Kennedy was gunned down in Dallas.

With Kennedy's death, enthusiasm for funding the national network of mental health treatment centers dried up. Only about half of the planned centers were ever constructed. None received full funding and no further laws to keep the centers operational were passed. And yet patients continued to pour out of psychiatric hospitals.

The passage of the federal health insurance programs Medicare and Medicaid in 1965, under President Lyndon Johnson, further accelerated deinstitutionalization.

Medicaid, which provides health coverage to low-income Americans, specifically excluded in-patient psychiatric hospital care from its roster of covered treatments. As a result, states went all-out to collect Medicaid reimbursement cash, taking mentally ill patients out of psychiatric hospitals and placing them into nursing homes where almost half of the costs were covered by the government insurance plan. By 1980, according to the Kaiser Family Foundation, 44 percent of all nursing home patients in the U.S.—750,000 patients—were considered to have serious mental illnesses.

Edmund G. "Pat" Brown, the California governor who oversaw the beginning phases of large-scale deinstitutionalization in the early 1960s, later came to regret the mass social experiment.

"They've gone far, too far, in letting people out," Brown told *The New York Times* in 1984.

Can People Be Required to Get Help?

The practice of involuntary commitment to psychiatric hospitals has been around as long as psychiatric hospitals themselves. Today, every state has specific laws governing how and when individuals may be forced to get mental health care on either an inpatient or outpatient basis.

In California, however, it's not an easy thing to do. The reasons date back to the era of rapid deinstitutionalization, when the legislature passed, and Reagan signed, the landmark Lanterman-Petris-Short Act (LPS) of 1967. Named for Republican Assemblymember Frank D. Lanterman and Democratic state senators Nicholas C. Petris and Alan Short, the intent

of the LPS Act was to end involuntary and never-ending commitments of people with mental health issues.

The law sets strict criteria for what it calls "5150 Holds" referencing the section number of the California Welfare and Institutions Code that allows the holds. Those involuntary confinements are limited to 72 hours. If the person requires additional care, a psychiatrist can order a "5250," which permits an additional 14 days.

The holds require a court to determine that an individual poses a verifiable danger to themselves or other people. Those criteria can be met if a person has, for example, attempted or made serious threats of suicide or harm toward others. Finally, those deemed to be "gravely disabled," unable to feed or clothe themselves (for example), could also qualify for a "5150."

The LPS law has been modified over the years. Most importantly, in 2002 the legislature passed Laura's Law, which allows county authorities to compel people into treatment if those individuals have serious mental illnesses that make them dangerous. The law was specifically designed for patients with a condition known as anosognosia, which basically means the inability of mentally ill people to perceive their own mental illness. People with the condition are likely to refuse voluntary treatment because they can't see anything wrong with themselves.

That was the case with Scott Thorpe, who had a lengthy history of mental illness that caused him to hold seriously delusional beliefs. Thorpe was convinced that the FBI had planted a microchip in his brain, and that he was destined to have a shootout with the FBI agents supposedly tracking him through the chip. In 2001 he went on a shooting rampage in Nevada City. He killed three people and wounded two others. Among the dead was 19-year-old Laura Wilcox, a college sophomore who was filling in at the front desk of a local mental health clinic during her winter break when Thorpe opened fire.

Wilcox's parents became national advocates for legislation to allow mandatory treatment orders for people with dangerous mental illnesses. In California, however, the legislature allowed the law to be adopted on a county-by-county basis. As of December 2021, 27 of California's 58 counties, including Santa Cruz and Monterey, had declined to put Laura's Law into effect.

Newsom's CARE Court plan would expand on the existing California mental health laws for forced treatment, setting up a new system of courts for that one purpose only. Unlike under Laura's Law, counties would be required to put the system into effect, or face penalties from the state. The treatment options under the system would not only include medical care, but housing and other support services—an approach Newsom says "creates a space for a different conversation than we've had in the past."

The Water Crisis in California's Most Fertile Valley

CHAPTER 30

Access to water is a human right. At least it is in California, where a bill signed into law by Gov. Jerry Brown on Sept. 25, 2012, enshrined it into law.

"It is hereby declared to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes."

Assembly Bill 685, sometimes called the "Human Right to Water Act" made California the first state to legally establish the human right to water. In June of 2021, the 881 residents of the San Joaquin Valley town of Teviston had that human right violated when their town well went dry. The people of Teviston, about three of every four of whom are Latinx and mostly farmworkers, were left without water for more than three weeks, a crisis at any time. But this time it struck in the middle of a record-setting heat wave with temperatures topping 110 degrees.

Human right or not, the state was no help, according to Tulare County's water resources director, Denise England, who told the news site *SJV Water* that government red tape held up funds for emergency drinking water, and trucks hauling in bottled water were forced by state rules to take a circuitous route that delayed the badly needed deliveries.

Though essential, the water deliveries were far from good enough. One resident told Fresno's KFSN-TV News that her family, a household of four people, received five gallons every two weeks.

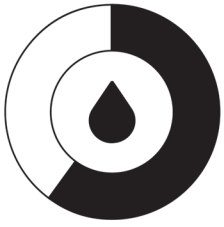
Water Shortages Hit Hard in Poverty Stricken Areas

By contrast, the "water footprint" of the region's top-growing crop, almonds,

CALIFORNIA WATER *in 21 Numbers*

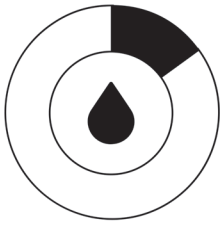
40%

Average annual amount of California water that comes from groundwater



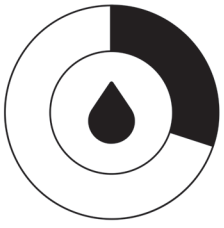
60%

Average amount of California water that comes from groundwater in drought years



15%

Average amount of California water that comes from the Colorado River



30%

Average amount of California water that comes from the Sierra Snowpack

1.5
TRILLION GALLONS

Approx. Capacity of California's largest reservoir *(Shasta Lake n Shasta County)*

83
GALLONS

Amount of water used daily by an average Californian *(as of April 2022)*

201
GALLONS

Average daily water consumed per capita in highest-use county *(Lassen County)*

40
GALLONS

Average daily water consumed per capita in lowest-use county *(San Francisco County)*

660
GALLONS

Amount of water needed to produce one hamburger

34
GALLONS

Amount of water needed to produce one glass of wine

MORE THAN

600,000

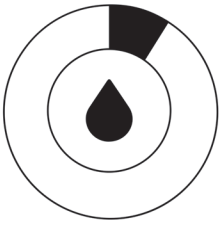
Estimated number of private wells in California

5,741

Number of wells reported dry *(as of Oct. 2023)*

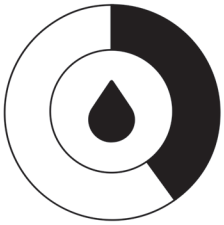
58%

(*Approx*) Average daily storage level of California's largest reservoir, 1991-2020



9%

Amount of California water used for landscaping (i.e. lawns, golf courses, parks etc.)



40%

Amount of California water used by agriculture

3.2 GALLONS

Amount of water needed to grow a single almond

17 GALLONS

Amount of water used in average 8-minute shower

80 TO 100 GALLONS

Amount of water used in average bath

40 GALLONS

Amount of water used in average load of laundry

55 GALLONS

California state limit on daily individual water use until 2025

47 GALLONS

California state limit on daily individual water use 2025-2029

equals 3.2 gallons of water for each almond, according to a 2017 study published by the journal *Ecological Indicators*. That's considerably more than the commonly cited figure of one gallon per almond, popularized in a 2015 *Mother Jones* magazine article.

The water shortages in Tulare County and throughout the San Joaquin Valley hit hardest at those who can least afford to be hit. Teviston's poverty rate was about 35 percent in 2020. Tulare County's poverty rate of 19 percent, according to California Poverty Measure data from 2015-2017, ranked it as the fourth most poverty-stricken county in the state.

The San Joaquin Valley feeds much of California and the United States. California provides about 13 percent of the country's food supply, with a significant share grown in the San Joaquin Valley. The tiny unincorporated town of Teviston sits in the heart of Tulare County, the second-largest agriculture-producing county in California. Though as it turned out, Teviston's dry well was caused by a mechanical failure, it was otherwise not too different from the remainder of the region. In the middle of the state's "megadrought," which incredibly is the second-worst in 1,200 years, according to a Columbia University study using tree-ring data going all the way back to the year 800 CE, more than 700 wells throughout California went dry. And Tulare County was hit harder than anywhere.

According to the state's Household Water Supply Shortage Reporting System, which collects self-reported incidents of dry water supplies from homes served by private wells, as of Sept. 23, 2021, there were 3,498 reports of dry well incidents in California. Of those, 1,469, or 42 percent, were from Tulare County.

The second driest county, according to the reports, was Madera, also located in the San Joaquin Valley, which reported 443 well-water outages, 13 percent of the state total. The water shortages are sadly familiar occurrences in the San Joaquin Valley. From 2014 to 2016, the unincorporated community of East Porterville's population of about 5,500 went without running water, until finally some homes there were hooked up to the new municipal water system in the neighboring city of Porterville.

Severe water shortages persisted in East Porterville. The adjacent city's water system planned to have three wells up and running that would serve East Porterville's residents. But by mid-2021 only one of those wells was

operative. East Porterville's homes were mostly connected to the system, but the water was not flowing.

The demographics of East Porterville are largely the same as in Teviston. Almost 80 percent of the residents are Latinx, with approximately 41 percent earning incomes below the federal poverty line, compared to the national average of 14 percent.

The Vicious Cycle of 'Subsidence'

Why have the people of the San Joaquin Valley suffered so disproportionately from California's drought? The agricultural industry that forms a large part of the valley's economy is by far the region's most voracious water consumer. According to a Public Policy Institute of California (PPIC) report, agriculture and its related industries account for 25 percent of the region's revenue, and 16 percent of the jobs there—while guzzling 89 percent of the water.

Actual residents of the valley consume just 3 percent of the region's water, according to the PPIC. And yet, their wells go dry with alarming frequency, at least in part because the water requirements of the agricultural industry deplete the groundwater supply by about 1.8 million acre-feet per year, with one acre-foot equalling 326,000 gallons.

That process, known as groundwater overdraft, leads to another dangerous phenomenon called "subsidence." A simpler term is just "sinking." With the groundwater supply drained, the surface of the Earth quite literally sinks. In the South Valley town of Corcoran, to cite one example, the ground dropped by more than two feet in the 2011-2015 drought alone.

When the surface sinks, so do rivers and canals which flow into systems that supply homes with water. As they sink, their capacity to deliver water also drops. The Friant-Kern Canal, designed to deliver water to about 250,000 people and 1 million acres of farmland, has dropped about 10 feet due largely to overdraft caused by farm businesses, according to a *Fresno Bee* report. The drop resulted in the canal losing half of its capacity to deliver water.

The subsidence phenomenon leads to a vicious cycle of groundwater pumping. With diminished water delivery due to sinking land caused by overpumping, farmers just pump more water out of the ground to make up for the shortfall, causing even greater overdraft, and more subsidence. And so on.

The Voracious Water Consumption of Nut Crops

The trend toward growing lucrative nut crops, and away from fruits and vegetables, also exacerbates the problem. In 2017, almonds surpassed grapes as the San Joaquin Valley's top crop. According to the U.S. Department of Agriculture, water-intensive almond orchards now cover 1.6 million acres of California farmland.

The full gallon of water generally said to be required for each almond is three times as much as it takes to grow a grape, and about 25 percent of the water required for a whole head of lettuce. Using the figure of 3.2 gallons per almond found by the 2017 Ecological Indicators study, the contrast is even more stark.

Walnuts ranked fourth among the valley's most prolifically grown crops. Growing walnuts consumes about one-third the water needed for almonds, according to the study. In fact, nuts of any variety are a water-intensive crop. According to the European Union Science Hub, 74 percent of all the nut crops in the world are grown in water-stressed environments, as is the case in California.

Farmland Uprooted as Almond Prices Drop

Farmers say that though almonds are prodigious water consumers, they also generate a lot of money, a higher rate of return per gallon than most other crops. Yet in the San Joaquin Valley, even farmers are beginning to feel the effects of water stress. In April 2021, a study by the consulting firm Land IQ and the Almond Board of California found that farmers had scrapped almost 48,000 acres of orchards, including more than 1,800 in Tulare County, almost 1,700 in San Joaquin County, 5,300 in Stanislaus County and more than 7,000 in Fresno County.

While the study did not address how many of those almond trees were uprooted due to the economics of water, prices of almonds have been falling since 2017. But according to the *Sacramento Bee*, many farmers are holding on to their crop anticipating that the drought will drive prices back up. And in recent years, California farmers are planting more and more pistachios,

another thirsty nut, often on acreage that formerly produced crops such as cotton, which can be fallowed in dry years.

Farmers Will Pay the Price for Groundwater Overpumping

It isn't entirely fair to pin the San Joaquin Valley's water shortage solely on nut growers and other agribusiness enterprises. The factors that caused current water shortages are numerous and extraordinarily complicated. But the side-by-side images of residents living below the poverty line trying to survive on a pitcher of water per day as their wells dry up, and farmers pumping millions of gallons out of the ground to grow nuts in the very same valley is not a good look, to say the least.

In the end, it appears that deservedly or not, farmers will pay the price for the region's, and the state's, draining of the water supply. In 2014, the state legislature passed, and Gov. Brown signed, a landmark package of bills, known collectively as the Sustainable Groundwater Management Act (SGMA). The major provision of the new law required local governments and water districts in areas where groundwater has been significantly drained to set up Groundwater Sustainability Agencies (GSAs) whose responsibility is to get the groundwater level back to normal, or at least to "sustainable" levels.

In other words, the amount of water pumped out of the ground must be the same as or less than the amount that goes back in.

Under the law, more than 260 GSAs were formed throughout the state, each one required to come up with a plan for achieving sustainability by the year 2040. There's no way that goal will be possible to meet without farmers cutting back on their water use. That means, as the PPIC stated, "idling some farmland" will be inevitable.

"Some" could mean up to 1 million acres in the Central Valley, according to a report by *SJV Water*. Most of that will come from the San Joaquin Valley region. A PPIC study puts the figure between 535,000 and 750,000 acres of farm that will be lost—at least 10 percent of all the farmland in the region.

CALIFORNIA WILDFIRES *in 25 Numbers*

How many California wildfires burn each year?* **6,455** *(* 5-year average 2019–2023)*

43,843 How many total wildfires since 2018?

Rank of California among states by properties at risk of wildfire? **1** (2,054,900)

717,800 TEXAS State with second-most properties at risk of wildfire?

How many acres of California land burn in wildfires each year?* **1,363,159** *(* 5-year average 2019–2023)*

85 CAMP FIRE 2018 Most fatalities from a single wildfire?

How many firefighters have died in wildfires since 2008? **32**

193 How many civilians have died in wildfires since 2008?

Most acres burned in a single wildfire? **1,032,648** AUGUST COMPLEX FIRE 2020

18,804 CAMP FIRE 2018 Most structures destroyed by a single wildfire?

Most acres destroyed by a single wildfire before 2018? **300,000** SANTIAGO CANYON FIRE (1889)

220,000 MATILIJA FIRE, (1932) Most acres destroyed by a single wildfire in the 20th century?

Most expensive single wildfire? Camp Fire 2018, total cost approx. **$422** BILLION

$17 BILLION — Region with most wildfire damage in dollars (2017-2021)? Northeast Foothills/Sacramento Valley

Average increase in home insurance rate after a wildfire claim? **35%**

4,304,379 (2020) — Most acres burned in a single calendar year

Second-most acres burned in a single calendar year **2,569,386** (2021)

162 (2022) — Most arson arrests in a single year (since 2016)?

Of the 10 largest wildfires in state history, how many happened from 2018-2022? **7**

11 — Of the 20 largest wildfires in state history, how many happened from 2018-2022?

Since 2008, acres destroyed by lightning-caused wildfires? **7** MILLION

2.7 MILLION — Since 2008, acres destroyed by human-caused wildfires?

Since 2008, acres destroyed by power-company malfunction-caused wildfires? **2** MILLION

3.7 MILLION — Since 2008, acres destroyed by wildfires with as-yet unknown causes?

Projected increase in wildfires due to climate change by end of 21st century? **50%**

**Statistics at time of publishing*

The severity of wildfires in the summers of 2020 and 2021, in California and around the world, exceeded even the most pessimistic predictions of climate scientists.

CHAPTER

31

Climate Change and California's Wildfire Crisis

In September of 2020, as frighteningly hot temperatures and high winds blew wildfires across the state and set more than 2.5 million acres of California land ablaze, then-President Donald Trump paid a visit. He met with Gov. Gavin Newson and several top environmental officials, including Natural Resources Secretary Wade Crowfoot, who implored Trump to cease his dismissal of evidence that the warming climate was behind the epidemic of fire.

Trump's response made excruciatingly clear that he was not ready to take climate change seriously. At all.

"It'll start getting cooler. You just watch," Trump stated with familiar yet disconcerting self-assurance. When Crowfoot remarked that science did not agree with him, Trump was again dismissive.

"OK, well, I don't think science knows, actually," he said.

It did not get cooler. Fire season in 2021 continued to be devastating. In 2020, wildfires had burned as much land as in 2018, another year of record-setting fires in the state. There was a slight reprieve in 2021, but the first two years of the decade represent the two worst wildfire seasons in California history. And not only did wildfires burn more land than ever, they burned hotter. And faster.

Climate Complexity Explodes

The severity of wildfires in the summers of 2020 and 2021, in California and around the world, exceeded even the most pessimistic predictions of climate scientists. And so did the "heat domes"—extreme heat waves caused by high pressure systems that descended on the Pacific Northwest and large swaths of California.

The reason for all of this, NASA climate scientist Peter Kalmus told *Slate*, is that climate change goes well beyond rising atmospheric temperatures, and is rife with "complicated, non-linear processes." Every outcome of climate change is connected to every other in a massive and largely unpredictable sequence of interlocked crises that becomes exceedingly difficult for even the most sophisticated models to predict.

One obvious connection between two climate-related crises in California is the link between drought and wildfires. Experts say that California's vegetation in 2021 reached new levels of dryness. The San Jose State University Fire Lab has been measuring moisture levels in chamise, a shrub found in chaparral regions, since 2009. The lab found that the plant was dryer in 2021 than in any previously recorded measurement.

Plants in 2021 dried out at a pace six weeks ahead of where they were the previous year, UCLA Climate Scientist Daniel Swain told the *Los Angeles Times*. This alarming phenomenon is caused by the one-two punch of ongoing California drought and "heat dome" heat waves.

"All else equal, drier vegetation means more intense fires," Swain told the paper, adding that dryness-driven fires "have a greater tendency to do things like hop over barriers, jump over control lines or roads or bodies of water, or to create their own weather conditions."

'The Fire-Breathing Dragons of Clouds'

The Sugar Fire, one of the two Beckwourth Complex fires, did just that in July 2021, creating what the *Los Angeles Times* described as a "massive pyrocumulonimbus cloud that created its own lightning and was flinging embers about a mile ahead of the main fire."

Pyrocumulonimbus clouds, often called "fire clouds," have been described by NASA scientists as "the fire-breathing dragon of clouds," because the lightning they spark can set off new fires. The clouds can also spawn high winds, even tornadoes, that act as a propellant for wildfires.

Dryness is considered the "X Factor" linking the dozens of increasingly intense California fires in recent years, according to experts cited in the *Times* story. From July of 2020 to the following June, the state's Northern Sierra region went through its third-driest year in recorded history, while down south,

the city of Los Angeles received only 41 percent of its usual rainfall.

But dryness, caused by drought, can itself make the climate hotter, as Jane Wilson Baldwin, a climate researcher also at Columbia, explained to the *Washington Post*.

"When the land surface is drier, it can't cool itself through evaporation, which makes the surface even hotter, which strengthens the [heat dome] further," she told the paper. "You would be hard-pressed to come up with a metric of heat waves that isn't getting worse under global warming."

And of course heat leads to more dryness, which leads to more heat. And so on—until the climate change cycle is broken, an event which appears to be nowhere on the horizon.

According to NASA climate scientists, "even if we stopped emitting greenhouse gases today, global warming would continue to happen for at least several more decades, if not centuries." That's because it takes years for those harmful gases, mainly carbon dioxide, to clear out of the atmosphere.

While countries around the world have enacted nearly 2,300 laws designed to slow climate change, the global temperature is still going up, according to the World Meteorological Organization (WMO). There is also a 40 percent chance, according to the WMO, that global temperature will hit 2.7 degrees Fahrenheit above pre-industrial levels in just a few years—a dangerous benchmark that the Paris Agreement on Climate Change determined must be avoided.

Simply by belonging to the Paris Agreement—as the United States now does once again after Trump pulled the U.S. out in 2019—countries agree to keep global temperatures below that 2.7 degree mark.

For those who have lost coverage, or who could never get it in the first place, the state has had a plan in effect since 1968, called FAIR, to provide insurance for homes in high-risk areas.

CHAPTER

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Burned!

California's Fire Insurance Crisis

More than 2.5 million acres of California land burned in 2021, according to the state fire agency Cal Fire. That included the 103-day, five-county Dixie Fire which alone burned 963,309 acres. More than 3,600 structures also burned in 2021—a staggering number but at the same time, a relatively modest one compared to the 11,116 structures burned in the calamity of 2020.

According to the Bay Area Council Economic Institute, wildfires caused between $5 billion and $9 billion worth of damage in 2020, while wildfires in 2017 and 2018 wreaked $10 billion worth of destruction. As we have seen, 2021 was another disastrous year, and while 2022 and '23 offered a bit of a reprieve, wildfire continues to be enormously costly.

Much of the damage was done to homes and businesses where people live and make their living. Someone has to pay for all of that fire damage, and that someone is the insurance industry.

Insurers No Longer Want to Pay

In California, insurance companies have been increasingly unwilling to provide coverage to homeowners whose properties sit in areas prone to fire. They have also dramatically jacked up rates in those areas, making fire insurance unaffordable for many homeowners—especially when they see the values of their homes plummet. A study published by the U.S Forest Service found that home values dropped by 10 percent after a wildfire in the area of the property, and by 23 percent after a second fire.

After insurance companies cut off coverage for more than 230,000 California homeowners in the aftermath of 2019's fire season—in which 259,823 acres and 732 structures burned, a "relatively mild" year according to Cal Fire—homeowners took new measures to fireproof their homes and property. But those efforts have not moved the big insurers to give them back their policies.

Even homeowners who were allowed to keep their policies often face newly exorbitant rates, pricing them out of the insurance market in the wake of the state's devastating series of wildfires. Insurers have footed bills totaling about $30 billion over the three most recent fire seasons. Since 2015 insurers have booted more than 950,000 California homeowners off their plans.

Rural counties, obviously the most susceptible to fire, have been hit hardest, with the 10 most fire-prone counties—northern counties such as Nevada, El Dorado, Trinity and Amador—absorbing a 203 percent rise in non-renewed policies after 2019, according to a *CalMatters* report.

The fire insurance crisis became so acute that at the end of 2019, California Insurance Commissioner Ricardo Lara—invoking a law that he himself had written as a state senator a year earlier—imposed a one-year moratorium on new dropped policies. But that moratorium expired in December 2020.

Fire Hardening Helps, But Not With Insurers

Insurance companies would not even reinstate policies for homeowners who shelled out thousands of dollars in their own cash to reduce the risk of fire damage, a costly and labor-intensive process known as "fire hardening."

Those measures range from clearing thousands of feet of potentially flammable brush, to installing rooftop sprinkler systems and metal screens over vents to block any flying embers.

The problem is that insurance companies have not figured out how to put a price tag on such hardening measures. While experts agree that hardening reduces the risk of fire damage—and therefore the risk carried by insurers—they can't agree on how much. There is simply no consensus on the extent to which any specific measure reduces risk, according to Max

Moritz, a wildfire expert at University of California Cooperative Extension at the Bren School in Santa Barbara.

"There's a lot that we know is a step in the right direction, but we have very little information to base an actual number on," Moritz said.

Some insurers are taking tentative steps to figure it out. Eight different companies accounting for 13 percent of the state's fire insurance market offered at least some discount for homeowners who take the fire mitigation measures, as of May 2021.

But most companies still refuse to reinstate coverage despite any hardening steps a homeowner takes, simply because the research into how much the mitigation efforts are worth simply isn't there.

Insurers Need to Do Their Research

Insurance companies never saw the need to research the cash value of mitigation until the 2017 and 2018 fire seasons, when they started to see massive payouts due to the increasingly out-of-control fires, a dangerous phenomenon that scientists say is the result of climate change. According to a *Scientific American* report, more than half of all acres burned by wildfire throughout the United States can be attributed to climate change, and in California the number of warm, dry autumn days—prime fire conditions—has doubled since the 1980s.

And perhaps not surprisingly, consumers may soon pay the price for the fallout of climate change. A recent draft report by the Climate Insurance Working Group—an advisory group for the state insurance commissioner—recommends allowing insurance companies to factor in projections of future climate change into the prices of their policies.

What is the state doing to protect homeowners whose homes lie directly in the path of a wildfire? The answer is—probably not enough.

'Safer From Fire' Program Gets Underway

Under the heading "Safer From Fire," Insurance Commissioner Ricardo Lara laid out a set of rules in February 2022 under which insurance companies would look at how well homeowners have protected their homes when

they make their decision whether to provide coverage or not, as well their decisions on rates.

Insurers make those decisions based, in part, on a somewhat mysterious score that purports to evaluate a particular homeowner's risk. Under the new rules, insurance companies must explain the factors that went into a homeowner's score, giving them the chance to make improvements and fix problems.

Which leads to the heart of Lara's "Safer From Fire" program—encouraging homeowners to harden their structures against fire. The idea is to entice the companies to grant coverage to homeowners based on how well they reduce their own fire risk—by taking such measures as fireproofing their roofs, installing double-pane windows, etc..

If homeowners make the investment in such hardening measures, insurers must offer discounted premium rates. Which is great for customers who actually have policies. But nothing in the state's new rules requires that insurance companies reinstate dropped policies, or offer coverage to anyone who doesn't already have it.

FAIR Plan for Homeowners Who Lose Coverage

Lara also placed a series of moratoriums on insurance companies dropping coverage for homeowners. But those bans on dropped coverage lasted only one year, and took effect only in specific areas.

For those who have lost coverage, or who could never get it in the first place, the state has had a plan in effect since 1968, called FAIR, to provide insurance for homes in high-risk areas. The program, however, is not public insurance. Instead, it is established by insurance companies who pool their resources to distribute their risk.

To qualify for FAIR insurance, a home must be a single-family dwelling, and must be occupied, and must not qualify for conventional marketplace insurance coverage. Rates under the plan tend to be higher than normal. But with the increasing number of fires, and the decreasing availability of insurance this "insurer of last resort," as FAIR is often called, has grown in market share over the past five years.

FAIR covered less than three percent of the state's homeowners in its first year—but that was still close to a quarter million policies, according to data from Lara's office. At the same time, the number of homeowners whose policies were dumped by their insurers dropped by 10 percent over the same time period, thanks largely to the cancellation moratoriums.

According to data cited by the industry publication MJBizDaily, illegal cannabis operations rake in $8 billion in annual revenue, almost twice as much as the $4.4 billion generated by legal businesses.

CHAPTER

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California's Legal Weed

A New Industry in Instant Crisis

On Election Day 2016, more than 57 percent of California voters gave the thumbs-up to Proposition 64, known formally as the Control, Regulate, and Tax Adult Use of Marijuana Act. Just over one year later, on Jan. 1, 2018, the first fully licensed cannabis "dispensaries" opened for business. The era of legal pot in the country's most populous state was underway.

From there, the cannabis industry's journey has not been a smooth one.

When Prop 64 was approved by the voters, the state expected that about 6,000 cannabis businesses would be licensed within the first years of the new industry. Two years later, only 1,086 had been approved, according to a *Los Angeles Times* report.

Three-and-a-half years after its first customer walked through the doors of Cathedral City Care Collective in Riverside County and made the first legal purchase of recreational cannabis, the newly formed industry was in trouble—so much trouble that in June of 2021, the state legislature approved a $100 million bailout for floundering dispensaries.

The funds would be dispersed as grants to cities to hire experts and other staff that can help dispensaries—82 percent of which still hold only "provisional" licenses, make the transition to fully licensed status. As set up by the state, that's a lengthy, time-consuming and expensive process that can leave a small business owner smothered in red tape. The process can take most cannabis companies anywhere from two to four years.

And yet, if they hadn't met the state's deadline of Jan. 1, 2022, they would have been forced to close their doors. Gov. Gavin Newsom proposed extending that deadline by six months. Later, Newsom signed an extensive package of bills to expand access to the legal industry.

At the same time, the provisionally licensed and fully licensed businesses face tough competition from a thriving *illegal* cannabis industry.

Why It's Easier to Stay Outside the Law

According to data cited by the industry publication *MJBizDaily*, illegal cannabis operations rake in $8 billion in annual revenue, almost twice as much as the $4.4 billion generated by legal businesses. Given the regulatory roadblocks that legal cannabis businesses face, that disparity should not be surprising. *MJBizDaily* reports that an illegal grower needs just a few weeks and between $1,500 and $2,000 in rent and maintenance costs to set up about 2,000 square feet of cannabis cultivation.

To create the same cultivation business legally would take at least two years and an investment of $1 million, according to the industry trade site.

On the retail side, illegal businesses can evade the state's 15 percent excise tax on cannabis sales. Legal cannabis is also hit with a "cultivation tax" that depends on the weight and type of product. The illegal segment of the cannabis industry is only helped by the fact that, according to a *New York Times* report in 2019, the state leaves a large amount of responsibility for regulation to local cities and counties. With that kind of latitude, about 80 percent of California's local governments decided simply not to allow legal cannabis businesses to operate at all.

Who Gets Hurt by the Illegal Cannabis Trade?

Sadly, but perhaps not surprisingly, the burden of dealing with the illegal cannabis trade in California is borne most heavily by minority communities, according to a study by researchers at the University of Southern California.

The study of 1,110 cannabis retailers—including 662 unlicensed shops—found that neighborhoods with only illegal operations had a higher proportion of Hispanic and African-American residents, and a lower percentage of white residents than those where only licensed cannabis businesses operated.

The fact that minority communities must rely on largely unlicensed sellers for their cannabis exposes them to higher health risks because they are

buying an unregulated product. Nor is there anything stopping illegal shops from selling to minors, according to the study's authors.

"Every day, unlicensed shops are providing Californians access to untested, untraceable and untaxed products on an alarming scale, threatening the health of consumers as well as the very existence of the legal cannabis industry," United Cannabis Business Association President Jerred Kiloh told the *Sacramento Bee*.

The illegal market that continues to thrive as legal businesses battle with the arduous licensing process comes with some very real human costs. In Los Angeles, one year after legalization, there were fewer than 200 licensed retailers out of more than 1,000 in the whole city, according to a report on California's cannabis industry by *Politico*. Employees working at the illegal shops may not even be aware that they are unlicensed, *Politico* reported, putting them at risk of arrest without even knowing it.

Police Crack Down on Illegal Operators

After an initial phase of two years when California focused on processing applications for cannabis business licenses, the state started stepping up enforcement against the non-licensed operators, both retailers and growers. In the two years after legal sales began, law enforcement agencies in California had seized 24 tons of black market pot, about $133 million worth, according to a *Sacramento Bee* report.

In the midst of all this, cops seized stashes of illegal cannabis valued in the "tens of millions of dollars," in the Antelope Valley high desert, about 70 miles north of Los Angeles, according to an Associated Press report. They also said they planned to obliterate 500 illegal growing operations in the area with bulldozers, after discovering about $380 million worth of product and the infrastructure to support it.

One growing operation uncovered in the June sweep had 70 greenhouses across 10 acres and produced about $50 million in black market cannabis.

Outlaw Growers Steal Water

Those illegal operations appear to be operated by "unspecified cartels,"

according to the AP report. Those same cartels, whose members are usually armed and presumably quite dangerous, are stealing water from nearby farmers in the middle of California's drought emergency, according to reporting by *CalMatters*.

And not only from farmers—throughout the state the cartel water thieves have created their own illicit water systems complete with dams, reservoirs and pipelines designed to siphon water away from homes, private wells, rivers and even fire hydrants, leaving firefighters with depleted supplies of water for battling flames.

In fact, the California Environmental Quality Act (CEQA) requires that any business—including cannabis—can have no significant impact on regional water sources. Obviously water conservation is not a concern for illegal cartels that simply steal it. But for legal operators, showing full compliance with the CEQA typically takes a year or more. Newsom's proposed extension of the deadline for coming into full compliance met with immediate objections from a coalition of environmentalists, led by the Sierra Club California, which in a letter to the governor slammed the proposed extension as "wholly inadequate to protect local communities and the environment."

The fact that cannabis is not legally classified as a farm crop but instead as an "agricultural product" makes the approval process even tougher by imposing higher CEQA standards on the cannabis industry than on growers of other crops.

The cannabis industry had been banking on passage of SB 59, a bill authored by District 12 Senator Anna Caballero, a Democrat from Salinas. The bill would extend the provisional license program for current holders not just for six more months, as Newsom proposed, but for six years. But in 2022 the bill died in the Senate.

CHAPTER

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Drought

The Crisis That Defines the State

A powerful series of atmospheric river storms pounded California in the first months of 2023, drenching large regions of the state with more rainfall than they normally receive in a full year. Downtown San Francisco, for example, was hit with 26.3 inches of rain by March 6, 2023. That was 115 percent of a normal full year of rain, according to Golden Gate Weather Service. At Oakland Airport, the 24.78 inches were 133 percent of normal for a year.

Southern California was soaked as thoroughly as the northern part of the state. Downtown Los Angeles received 142 percent of its normal year's worth of rain while Burbank-Bob Hope Airport was pelted with 152 percent of a normal year.

Before the 2023 rains came, California was deep in a drought that, depending on how it was measured, lasted as long as 23 years. According to a study by researchers at UCLA and Columbia University, it was the driest period to afflict the North American West in 1,200 years.

As the rains fell, was the great drought, and California's seemingly endless water crisis, finally over once and for all?

What Is a Drought, Anyway?

To figure out whether the 2023 storms ended the California drought, it helps to understand exactly what a drought is. And that definition is not as simple as it might appear.

The National Drought Mitigation Center at the University of Nebraska defines drought as "a deficiency of precipitation over an extended period of time (usually a season or more), resulting in a water shortage." Seems straightforward enough, though the

definition offered by California's Department of Water Resources is more nuanced.

"Defining drought is based on impacts to water users. California is a big state and impacts vary with location," the department reports. "Hydrologic conditions causing impacts for water users in one location may not represent drought for water users in a different part of California, or for users with a different water supply."

The state also emphasizes that drought is a "gradual phenomenon" that can be felt only over an extended time. Even when rainfall dries up over a given year, not all of California will experience drought conditions, because the state's "extensive system of water infrastructure and groundwater resources" keep water flowing.

Glen MacDonald, a UCLA Distinguished Professor of Geography who specializes in climate research, wrote that California's "historic" drought was not even necessarily due to a shortage of precipitation. Writing for the online journal *Yale Environment 360* in 2015—in the midst of California's devastating drought of 2012 through 2016—MacDonald said that there were three main factors creating what he called the "perfect drought."

Those factors were excessive heat, increasing depletion of groundwater, and water shortages in the Colorado River, which supplies about one-third of the water consumed by Southern California municipalities. Agriculture in Riverside and Imperial counties also depends on water from the Colorado River and its two main reservoirs, Lake Mead—located in Nevada and Arizona behind the Hoover Dam—and Lake Powell, in Utah and Nevada.

Mead and Powell are the country's largest and second-largest reservoirs, respectively. They have fallen to record-low levels over the course of the west's 23-year "megadrought," with Lake Mead sitting about 70 percent empty, and Powell even worse, almost 80 percent down from its capacity. The reservoirs were nearly full at the turn of the 21st century, and the 2023 rains did little to raise their levels. Climate scientists say that there's no way they will refill anytime in the foreseeable future, mainly due to sharply increased demand for their water.

Does Climate Change Cause Drought?

According to MacDonald, California's low rain and snowfall totals over

the course of the drought cannot be definitively ascribed to human-driven climate change. While the amount of rainfall and snow varied, it rarely left the "boundaries of natural variability," and based on historical records even the low precipitation levels were never "exceptional."

What can, in fact, be ascribed to human-caused climate change is rising temperature. California suffered through record-setting heat waves in 2014 and again in 2022.

A report issued in November 2022, by the state's Office of Environmental Health Hazard Assessment found that the state's average annual air temperature has risen by 2.5 degrees since 1895, with the fastest rate of increase starting in the 1980s. The decade from 2012 to 2022 saw eight of the 10 hottest years ever recorded since California started tracking temperatures.

It works like this: The hotter the air, the faster water evaporates—including water stored in reservoirs, which then become depleted as their water turns into gas and floats into the sky rather than remaining on the planet's surface where people can drink it, bathe in it and so on.

Hotter air temperatures also cause precipitation to fall as rain rather than snow. That phenomenon results in a thinner snowpack. What is snowpack? As the term implies, it's the vast amount of snow that accumulates high in the mountains. In California, most of the snowpack builds up in the Sierra Nevada mountain range. During spring and summer months, the snow replenishes rivers, reservoirs and groundwater tables.

The state typically draws 30 percent of its water supply from the Sierra snowpack. Because California doesn't see significant precipitation in the spring and summer, even in relatively wet years, the snowpack serves as an essential way to bank water for the dry months.

Due to the rising temperatures driven by human-caused climate change, the snowpack has been shrinking since the start of the 20th century and could be depleted by 75 percent of current levels by the end of the 21st, according to the Natural Resources Defense Council.

Underground Water Supplies, Drought, and Climate Change

As reliant as California is upon water from high in the mountains, the state

depends even more heavily on water naturally stored under the Earth's surface. According to the California Department of Water Resources, the water that lies beneath our feet provides 38 percent of all water consumed in California during an average year. That's pretty typical of regions around the world. Globally, about one-third of all water use is drawn from groundwater. In especially dry years, almost half of California's water (46 percent) comes from groundwater basins.

Underground basins have historically been California's greatest water storage mechanism, with the capacity to hold up to 12 times more water than the state's entire reservoir system.

California's groundwater is low. Very low. That's not necessarily the fault of climate change, but rather another human factor—pumping. In the San Joaquin Valley and many other agricultural regions, farmers have "overdrafted," that is, pumped too much water from, groundwater basins.

In rural areas, homes are not generally connected to municipal water systems, so individuals and families depend on groundwater extracted via modest wells. In areas where agricultural businesses have overpumped groundwater in order to keep their crops growing, residential wells dry up and people are left with no water at all. They become victims of a drought that is largely caused by human activity.

How to build the underground water supply back up again? The primary means of recharge—that is, refilling the groundwater basins—is exactly what one might expect: rain. The melting snowpack also helps to recharge groundwater basins. As rising temperatures affect the snowpack, they also make refilling the groundwater supply more difficult.

Rain must filter through the surface soil to reach the underground basins, or aquifers, but higher temperatures cause surface water to evaporate more quickly and as a result, less of it seeps through.

Because drought is defined as a shortage of water, not simply a shortage of rain, climate change and overpumping of groundwater are primary culprits in perpetuating drought. According to a 2022 study by World Weather Attribution, a global scientific group, climate change has increased the likelihood of drought in the western United States and, for that matter, around the world, by a factor of 20.

Drought conditions like those that gripped California as well as the

northeastern United States, and even China would occur only every 400 years under "normal" conditions. With human-caused climate change, droughts of that magnitude will occur every 20 years, according to the study.

Did the 2023 Rainstorms End the Drought?

There is no doubt that the voluminous rains of early 2023 improved California's drought conditions significantly. As of March 2, the U.S. Drought Monitor at the University of Nebraska showed about half of the state (49.13 percent) under "moderate drought" and just 25 percent in "severe drought." Compare that to three months earlier when 99.48 percent was experiencing moderate drought and 85 percent in severe drought. At that time, 41 percent was afflicted by "extreme drought" and 13 percent stricken by "exceptional drought."

After the rainstorms, no area of California was listed as extreme or exceptional.

January of 2023 was the 13th wettest January in 129 years, according to the project's *Drought.gov* website. In fact, even after just two months of rain, 2023 was the 13th wettest year of the past 129.

The wonderfully wet conditions, however, did not mean that California's drought was at an end, climate experts warned.

"These storms … did not, nor will they fully, end the drought, at least not yet," Yana Garcia, secretary of the California Environmental Protection Agency, told the *Los Angeles Times*. "We're in better shape than we were two months ago, but we're not out of the woods."

"We would need five or six years at 150 percent snowpack to refill these reservoirs," Colorado State University climate researcher Brad Udall told National Public Radio. "And that is extremely unlikely."

Groundwater supplies remain low as well, and will also take years to replenish—if it ever happens. In some areas, such as the San Joaquin Valley, groundwater aquifers are located so deep below the surface that water takes months to drain through the soil to reach them.

Nor is recharging groundwater basins simply a matter of sitting back and waiting for rainfall to percolate down to the aquifers. The process requires planning on the part of state and local governments, as well as sacri-

fice from agricultural businesses who must cut back on their groundwater pumping to allow the underground supply to refill.

Water must be captured, piped and pumped to specific locations, or else much of it simply runs off and ends up in the ocean. In California, according to an analysis by *The New York Times*, lurching bureaucratic machinery, insufficient infrastructure, and complex water-rights arrangements that go back decades prevented the state from taking advantage of the heavy rains, at least when it came to refilling groundwater basins.

The continuing drought even after the 2023 season of history-making storms represented yet another missed opportunity for California to end its water misery, experts told the *Times*.

"We can't miss it anymore. We just can't," Matt Hurley, a Groundwater Sustainability Agency official in the McMullin Area, outside of Fresno, told the paper. "Too many people's lives and treasure are at stake."

The California Legislature

Better Living Through Lawmaking

In California, democracy extends into countless aspects of everyday life—from speed limits to boundary lines around cities and counties to the prices of housing and health care.

CHAPTER

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People Power!

What Is Democracy, and How Does It Work in California?

The homelessness crisis. Climate change. Gun violence. Economic inequality. Are all of these things, and so many other problems we face today, the inevitable results of forces beyond our control? Or are they policy choices? To be more precise, are they the result of years, even decades of policy choices—priorities set by political leaders and voters?

To a large extent, they are. Public policies and government institutions affect all of our lives every single day, for better and worse, in ways that we often don't even realize. But these policies don't come out of nowhere. Nor do the government institutions that implement and enforce them.

They are all created by the process we call democracy, the concept that forms the basis for the American system of government.

Democracy is even more important in California than in many other states, because the state since 1911 has also allowed for a great deal of "direct democracy," which circumvents government institutions altogether and allows ordinary voters to create, or cancel, public policies. California is one of 26 states with some form of direct democracy—allowing citizens to place proposed new laws, or proposals to repeal existing laws, on the ballot.

Maintaining Faith in Democracy

Democracy is embedded in the American system. But there's a certain cynicism about democracy going around in the United States in the early 21st century, especially among Americans of the youngest voting age.

A 2023 poll by Penn State's McCourtney Institute for Democracy found that 74 percent of all Americans agree that democracy is "the best system of government." However, when it comes to voters 18 to 25 years old, only 59 percent agree. Shockingly, 28 percent in that demographic said that whether

they live in a democracy or a dictatorship "makes no difference."

If democracy is the foundation of the American system, of the American way of life, why are so many young Americans turning against it?

To understand the answer to that question, we have to try to answer another one. What is this system—or more accurately, this idea—that we call democracy?

What Is This Thing Called Democracy?

The system of government known as "democracy" started, to the best of historians' knowledge, in the Greek city-state of Athens, sometime between 500 and 600 BCE. But the Athenian system would have looked quite strange from our perspective more than 2,500 years later.

Athens had approximately 50,000 citizens, and all were required to serve in the government at some point. Every year 500 citizens were picked to serve on what was appropriately called the "Council of 500." That group debated proposed laws, which if approved were sent on to the Ecclesia (i.e. Assembly), which made the final decision on whether the proposal was approved or rejected. Every single "citizen" was eligible to attend the Ecclesia; typically, about 6,000 actually made it to meetings. Of course, the shameful fact is that only adult men were eligible to be citizens of Athens.

As unfamiliar and poorly applied as it sometimes seems today, the underlying principle of Athenian democracy was the same as in any democracy now—that people have the power to govern themselves. The Greek word "demos" means "people," and "kratos" means "power." So "democracy" is literally "people power."

Democracy has evolved into various species and strains. Two major versions are liberal democracy—which places priority on individual, personal freedoms and free market economics—and social democracy, where the emphasis is on economic equality. Social democracy places more regulations on markets and on personal conduct in an effort to make sure everyone gets a fair shake.

Defining democracy gets confusing when we look a little closer to see that most democracies are, actually, messy mash-ups of the liberal and social versions. That includes the United States, where the never-ending

attempt to balance personal freedoms with equal opportunity is often the source of political conflict.

One thing that can be said with some certainty is that no country has yet achieved a perfect democracy.

The Undemocratic Origins of American Democracy

For a country that prides itself on its history of democracy, one would think that the simple word "democracy" would at least earn a mention in America's founding documents. But it doesn't. Neither the U.S. Declaration of Independence nor the Constitution includes the word.

America's founders were Enlightenment thinkers—that is, their political beliefs were heavily guided by the European intellectual movement that started in the late 17th century and rose to prominence in the 18th. The idea that rationality should be the guiding force behind human affairs was pretty much the essence of the Enlightenment. Religious dogma and faith were dangerous superstitions, according to Enlightenment thinkers. More broadly, Enlightenment philosophers rejected any kind of tyranny or authoritarianism. In their time, authority derived from a monarchy, with the monarch generally believed to have been divinely ordained.

The Enlightenment, and America's founders, rejected all that. They believed that by relying on their reason and logic, all people were capable of governing themselves. The problem was that not all people relied on reason and logic, and the founders knew it.

Even as they carefully structured the government of their new country to prevent the tyranny of a king or emperor, they were just as worried about the tyranny of the mob—the mass of presumably unenlightened people who are guided by their passions, not their rationality.

So they created a limited type of democracy—so limited that they didn't use the word. But they did set up a system in which people elected their governmental representatives by voting.

Though the founders were cautious not to include the word "democracy" in the Constitution or Declaration of Independence, in their own writings and correspondence, they did. Thomas Jefferson, the third U.S. presi-

dent, discussed "representative democracy" in 1815, as did his predecessor John Adams in 1794. In the Federalist Papers, James Madison—U.S. president number four—discussed democracy at length, ultimately concluding that it was an inferior form of government when compared to a "republic."

How California Democracy Works

When it comes to expanding "people power," California is near the head of the pack among U.S. states. In 2021, following former President Donald Trump's false claims that widespread voter fraud caused his defeat in the 2020 election, 19 states passed laws making it harder to vote, in the name of combating the imaginary "fraud."

But California and 23 other states went in the pro-democracy direction, passing laws to expand voter access—including California's AB 37, which made mail-in voting universal, guaranteeing that any voter who could not make it to a polling place on election day was still able to cast a ballot. California's voting rights renaissance is the topic of this book's penultimate chapter.

In 2001, California passed its own Voting Rights Act, aimed at ending the diluted value of votes by Black and other minority voters caused by at-large voting systems. That topic is covered in detail in a subsequent chapter. Also covered in the pages ahead—gerrymandering. This practice, in which lawmakers themselves can draw legislative districts to favor one political party over the other, has been eliminated in California, though the state's history of gerrymandering is not a proud one.

As the remainder of this book attempts to demonstrate, California democracy extends into seemingly every aspect of how the state is governed—from setting speed limits on the roads to drawing boundary lines around cities and counties, to the prices of housing and health care. All of those issues have been affected, influenced or decided either by the people's elected representatives or, in some cases, the people themselves through the direct democracy system.

The results are not always perfect, sometimes far from it. An ongoing experiment in ever-growing democracy—that is how California works.

California's Direct Democracy—Or the Opposite of Democracy?

CHAPTER 36

The original intention of California's 110-year-old recall law, a core piece of "progressive era" legislation, was to oust corrupt officials. But the law itself requires no reason or rationale for recalling a governor or other official.

Unlike impeachment, which is reserved for public officials who engage in official misconduct, to get a recall underway requires only signatures. For statewide officials such as the governor, that means a petition with enough signers to equal 12 percent of the total turnout in the most recent state election. In recent years, the magic number has been around 1.5 million signatures.

Under California election statutes, the signatures on a recall petition need to be manually validated and verified by county election officials, a laborious process that must be repeated in all 58 California counties. The recall process became even more laborious in 2017, when the state's Democratic-controlled legislature revised the law, as they attempted to fend off a recall effort against state Senator Josh Newman of Los Angeles. That effort was a bust. The first-term Democratic senator lost the recall vote and was replaced by Republican Ling Ling Chang.

But the Democrats did succeed in making the recall process more cumbersome. The new legislation added up to two months for lawmakers and state finance officials to review the costs of conducting a recall election, as well as a six-week period during which voters who signed a recall petition would be allowed to change their minds and pull their names from the list.

On April 26, 2021, state election officials announced that a petition to recall Gov. Gavin Newsom had collected 1,626,042 valid signatures. That was more than enough to force a recall election for later that year. On July 2, Lieutenant Governor Eleni Kounalakis announced that enough signatures

had been validated to actually set the election date, which she determined would be Sept. 14, 2021.

Recall election ballots consist of two questions. On the first question, voters must check "yes" if they agree that the governor should be removed from office, or "no" if they want the state's chief executive to remain. Pretty straightforward. With a "no" vote above 50 percent, the governor keeps the job and life goes on. If "yes" tops 50 percent, the governor is sent packing.

Anyone Can Play This Game

The second question on the recall ballot is more daunting, consisting of a lengthy list of candidates seeking to replace the governor, in the event that he or she is, indeed, told to take a hike. Even voters who choose "no" on the first question may want to vote for their favorite replacement candidate, just in case. The question is, which one?

The list of hopeful replacements will be extremely long. Why? Because under California's recall procedures, it is ridiculously easy to get on the ballot. For a filing fee of $3,916.12 (as of 2021), anyone who's an American citizen, qualified to vote, and has never been convicted of bribery, embezzling public funds, perjury or a similar crime can get on the ballot. Even if a gubernatorial hopeful doesn't have a spare 4,000 bucks lying around, if he or she can collect 7,000 signatures on a nominating petition, that will do the trick as well.

The only other people who are prohibited from running are anyone who has served two terms as California governor already, and the sitting governor himself.

In the event that the governor is indeed removed from office, whoever gets the most votes out of the dozens of candidates on the ballot is the winner. A 50 percent vote total is not necessary. There is no runoff election in the recall process. The leading vote-getter becomes the new governor. End of story.

California is already one of only two states to ever recall a governor, and one of three to hold a recall election. (Wisconsin Republican Scott Walker survived a recall vote in 2012.) Since California, way back in 1911, revised its constitution to allow for the recall of elected officials, there have been no fewer than 55 attempts to recall governors.

Almost every governor has been the target of at least one recall petition starting in 1939 with Gov. Culbert Olson, who fended off three recall petitions that year, and another two in 1940. But none of those petitions reached the ballot.

Gov. Edmund G. "Pat" Brown, a Democrat, was peppered with three recall petitions, and his Republican successor, Gov. Ronald Reagan, was hit with three of his own. Brown's son Edmund G. "Jerry" Brown Jr. holds the record, with nine recall petitions. Of course those were spread over the two, separate two-term stints as governor that made him the longest-serving governor in the state's history.

The Circus Act of 2003

Californians never had a chance to actually vote on kicking a governor out of office until 2003, when a petition to recall Democrat Gray Davis, who had been elected to his second term the previous year, qualified for the ballot. It was the third recall effort against Davis, and the third time was a charm, at least for the recall forces. Not only did the petition qualify for a statewide vote, but 55.4 percent of the 9.4 million voters who turned out on Oct. 7, 2003, did, in fact, check "yes," meaning that Davis was indeed removed from office.

A bizarre field of 132 gubernatorial wannabes populated the ballot to replace Davis. The crowd included former child actor Gary Coleman, Los Angeles billboard icon Angelyne, prop-comic Gallagher, porn actress Mary Carey, and sumo wrestler Kurt "Tachikaze" Rightmyer, whose candidate info also listed him as a "Pushcart Prize nominated poet."

The state's lieutenant governor at the time, Cruz Bustamante, also chose to run against Davis, after initially pledging that he would stay out of the race. Though he was by far the most prominent Democrat in the race, Bustamante collected just 32.2 percent of the vote.

In other words, there was a decidedly unserious quality to the recall election, evidenced by the fact that, when all the votes were in, former bodybuilding champion Arnold Schwarzenegger, who in the previous decade had been one of Hollywood's top box office movie stars, became California's new governor.

The *Terminator* star, who quickly adopted the new sobriquet "Gover-

nator," topped the vast field easily, winning 49 percent of the vote, breezing past runner-up Bustamante.

As unserious as the 2003 recall election and its outcome seemed to be, the consequences of only the second successful gubernatorial recall campaign in United States history were quite serious indeed.

By the time Schwarzenegger—who was reelected to a full, second term in 2006—left office on Jan. 1, 2011, his approval rating was limping along at a minuscule 22 percent, tying the record low set by Davis. The state's debt had tripled during Schwarzenegger's seven years in Sacramento, despite his campaign pledge to cut up the state's credit card. And in his vain effort to rein in the spiraling debt he slashed social safety net programs to the bone.

In his seven years as governor, Schwarzenegger was, himself, targeted by seven recall petitions. None made it to the ballot.

An Early 20th Century 'Progressive' Reform Gone Awry

If 2003 proved anything it is that recall elections can be a dangerous game of wild-card poker.

California is one of 20 U.S. states that offer voters the opportunity to terminate a governor's term early. But prior to the Davis recall, there had been only one recall election for a sitting governor in the U.S. That took place in 1921, when North Dakota Governor Lynn Frazier was recalled largely because his policies were considered too far left.

Though a Republican, Frazier identified strongly as a Progressive. His administration saw North Dakota grant women the vote, impose a graduated income tax, institute a
worker's compensation program, and other policies which are generally taken for granted today, but 100 years ago were looked upon as dangerously socialist.

Frazier was a member of the same "Progressive" movement that created recall election laws in the first place. The recall law in California and other states was designed to place a check on the domination of government by corporations, the super-rich, and the runaway corruption of public officials that resulted from those powerful entities keeping governments in their

pockets. But as it turned out, neither of the only two governors ever to be recalled was accused of corruption.

Today, the political term "progressive" is most closely associated with supporters of broad social programs such as universal health care, free higher education, student debt forgiveness, and efforts to halt climate change. But in the late 19th and early 20th centuries, the Progressive movement's foundational program was government reform.

America's Gilded Age was an era of near-total political corruption and extreme economic inequality. Steel tycoon Andrew Carnegie, to cite one example, took in income of about $20 million per year—or approximately $535 million in 2022 cash—while a typical worker in one of his steel mills earned an annual wage of about $450 (slightly more than $12K today).

California was a prime example of a state government that had been taken over by private interests—specifically, the Southern Pacific Railroad. The rail company effectively controlled every aspect of the state's economy through monopolistic price fixing and payoffs to public officials. Southern Pacific earned the popular nickname "The Octopus," because its tentacles were said to reach everywhere, and to strangle anyone who threatened this corporate monstrosity. The colorful nickname for the rail monopoly appears to have originated in a political cartoon by G. Frederick Keller, published in *The Wasp*, a satirical magazine edited by iconoclastic writer Ambrose Bierce. It was later the title of an influential book by the writer Frank Norris.

California's Progressives were set on untangling the Octopus' chokehold on the state. In 1910 voters elected Hiram Johnson, an anti-corruption prosecutor in the San Francisco district attorney's office, who became the leader of the state's Progressives and arguably the most consequential governor in state history.

Shortly after taking office, Johnson successfully pushed voters to approve a package of reforms that went under the heading of "direct democracy." The three reforms written into California's Constitution—initiative, referendum, and recall—empowered California voters to pass their own laws, veto laws passed by the legislature, and, of course, recall elected officials if they turned out to be corrupt. Or, for that matter, for any reason at all. Direct democracy cut the state legislature and the governor out of the process.

The statewide recall initiative in 1911 was based on a measure that

voters approved in Los Angeles eight years earlier, and in 25 other California cities in the seven years after that. The recall law's strongest proponent, a conservative Los Angeles doctor and activist named John Randolph Haynes, admitted that it could easily be misused, and that it depended on "a very well-informed citizenry" to use it appropriately, historian Tom Sitton told the *Los Angeles Times*.

"If the Progressives were here," San Jose State politics professor Larry Gerston told the paper at the time of the Davis recall vote, "they would be rolling in their graves."

Making matters worse, the Los Angeles recall law allowed a sitting public official to run against other candidates in the recall election, similar to the way recalls are done in Wisconsin today. That way, an incumbent governor merely has to beat his challengers to keep his job.

But for reasons that remain unclear to historians, according to an analysis by *Vox.com*, "a provision prohibiting that was included, and it's not clear why the change was made."

The Progressives in 1911 also decided to allow the top vote-getting candidate to win the election with only a plurality, no matter how far short of 50 percent it fell. That decision was likely made to save the considerable sum of money it would take to stage a runoff election, according to the *Vox* analysis.

Like Davis before him, Newsom was not accused of corruption. The COVID-19 pandemic of 2020 and 2021 was the driving force behind the recall petition, the third against Newsom, who was also targeted by two unsuccessful recall petitions in 2019. Newsom's health and safety restrictions seem to have served as a pretext for Republicans, both in and out of state, to target the Democratic governor, with the Republican National Committee pouring a quarter-million dollars into the recall campaign and at least three major donors to Donald Trump's presidential campaign kicking in another $325,000.

Those funds are nothing compared to what the California public ended up paying for the attempt to oust Newsom just a year before his term would have ended anyway. According to a *Los Angeles Times* report, election officials put the cost of executing the recall election at an eye-opening $400 million. After the vote, which Newsom survived easily, the sum was revised down to $200 million.

CHAPTER

37

Abortion Rights

California Leads the Way

For nearly 50 years, the right of a woman to voluntarily terminate her pregnancy with a safe, legal abortion procedure was protected by the United States Constitution. The Supreme Court's momentous 1973 decision in Roe v. Wade established that. The court's 1992 case Planned Parenthood v. Casey confirmed the right to an abortion as stated in *Roe*.

But all of that changed on June 24, 2022, when the Supreme Court handed down its decision in *Dobbs v. Jackson Women's Health Organization*. In the court's opinion Justice Samuel Alito issued what *Politico* described as a "a full-throated, unflinching repudiation of the 1973 decision which guaranteed federal constitutional protections of abortion rights." In other words, the constitutional right to choose abortion which had existed for the last 20 percent of this country's history was eliminated.

The momentous ruling came about seven months after a Dec. 10, 2021, SCOTUS setback to supporters of *Roe v. Wade*. In a 5-4 decision, the court allowed a Texas anti-abortion statute to remain in effect. The Texas legislation allows any person to file a $10,000 lawsuit against any other person who performs an abortion or "aids or abets" in one. By going the private lawsuit route, rather than creating a state ban on abortion, the Texas law effectively negated *Roe v. Wade* before the court even ruled on its constitutionality. The Texas law was described by the *Washington Post* as the "nation's most restrictive" anti-abortion law.

California, on the other hand, continues to uphold the right to abortion established under *Roe*. The state is one of only five with no legal restrictions on abortion other than the viability of the fetus, that is, the ability of the fetus to survive outside of the womb. That point is generally considered to be the 24th or 23rd week of pregnancy, a period that roughly corresponds to the *Roe* decision's "second trimester" standard.

Under California law, abortions may still be performed after the point of viability, but only when, in a doctor's opinion offered in good faith, carrying the pregnancy further would pose a danger to the mother's life or health.

California Was a Leader in Abortion Rights Before Roe

Of 250 abortion-related laws in 45 states from 2017 through 2020, just short of 89 percent restricted abortion access, while the remainder were designed to expand the right to abortion. California was one of only five states that had not passed any new laws affecting abortion rights.

Gov. Gavin Newsom said that California would not only continue to protect the right to choose, but would serve as a "sanctuary" for women seeking abortion services after *Roe v. Wade* was overturned, welcoming women from other states where abortion becomes unavailable. But California has long been ahead of much of the country when it comes to legalizing abortion. The state's Therapeutic Abortion Act was signed into law by conservative Republican Gov. Ronald Reagan on June 15, 1967, five-and-a-half years before the U.S. Supreme Court handed down its historic *Roe* ruling.

At the time, the law was perhaps the most liberal abortion law in the country, allowing abortion in cases of rape, incest or most significantly when a woman's physical or *mental* health, though not necessarily her life, was at risk. (Colorado and North Carolina passed similar laws in 1967.) Previously, California state law had made providing or even "procuring" abortion for a woman a crime punishable by two to five years in prison, with the only exception coming when an abortion was "necessary for preserving her life," a law similar to the type of anti-abortion legislation that had existed in most states at least since the 1890s. The California abortion ban dated back to 1850.

Reagan had his doubts about the bill, though he said at the time that abortion—which he came to vociferously oppose after he became president 14 years later—was "a subject I'd never given much thought to." He later said that he did "more studying and soul searching" on the issue before signing the bill than on anything else he dealt with in his eight years as California's governor.

Reagan said he had a change of heart when he saw the number of legal "therapeutic" abortions in California jump. In 1967, there were 518 legal

abortions performed. There were 5,030 the following year—and 15,339 in 1969. By 1972, the year before the *Roe* decision, legal abortions in the state topped 106,000.

State High Court Overturns Abortion Ban in 1969

Regardless of Reagan's remorse, California continued to expand access to abortion, next through the state's court system. In 1969, four years before *Roe*, the California Supreme Court handed down a ruling in the case *People v. Belous* that declared the state's entire abortion ban "invalid."

Leon Belous was a physician and member of the National Organization for Women who was convicted in 1967 of abortion and conspiracy to commit abortion. He had referred a woman, named in the case as "Cheryl," to a doctor named Karl Lairtus—who was practicing without a license in the U.S. though he was licensed in Mexico when she came to him for an abortion.

Belous was an outspoken supporter of more liberal abortion laws, calling abortion bans an example of "man's inhumanity to women." Cheryl and her husband, "Clifton," saw him speak on television and sought him out.

Belous told them he couldn't perform the abortion himself. But the young couple convinced him that they would do anything, including inflicting potential harm on Cheryl, to terminate her pregnancy—which they felt strongly they were unprepared to handle. Belous then referred them to Lairtus, who safely performed the abortion.

While Cheryl was resting after the procedure, police raided Lairtus' office (which was actually his apartment). They arrested the doctor—and Belous also, after finding his name in a notebook as a referring physician.

Belous appealed his conviction up to California's Supreme Court, where Judge Raymond Peters, writing for the majority in a narrow 4-3 decision, ruled that the state's abortion ban was unconstitutional due to its "vague" language about abortion being permissible only when "necessary" to "preserve" the life of the mother. Because those terms lacked clear definitions, the majority ruled, Belous was denied his due process rights.

But Peters' ruling went further. The then-69-year-old judge, who had held his seat on the court since being appointed by Gov. Edmund "Pat" Brown in

1959, also ruled that California's law infringed on a pregnant woman's constitutional "rights to life and to choose whether to bear children."

The woman's "right to life" derived from the fact that any time she gives birth she risks dying, Peters wrote. But where does the U.S. Constitution give a woman the right to choose whether to bear children? That right comes from an earlier U.S. Supreme Court case, Peters wrote: *Griswold v. Connecticut*.

A Constitutional Right to Privacy

Most Americans probably take for granted that a married couple would have a right to privacy within their own marriage, and the intimate acts marriage entails. But this right is not guaranteed, or even mentioned, anywhere in the Constitution. *Griswold v. Connecticut*, a Supreme Court case decided in 1965, marked the first time that the right to privacy was found to be protected.

Griswold established a couple's right to use birth control, which had been outlawed in Connecticut since 1879. The right to contraception, the court ruled, is based on the constitutional right to privacy, preventing the state from poking its fingers into the marital bedroom.

Seven justices found that the Constitution does, indeed, contain a right to privacy even though neither the word nor the concept is mentioned. The 14th Amendment in particular, stating that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law," contains the privacy right, the justices found in the *Griswold* decision.

That right to privacy, according to the court, meant the state could not stop married couples from engaging in sexual relations for purposes other than having kids, as the ban on contraception was intended to do.

The privacy right established in *Griswold* led directly to the landmark *Roe v. Wade* decision eight years later. In *Roe*, another 7-2 decision, the Supreme Court ruled that the right to privacy was "broad" and extended far beyond married couples and their personal sex lives. Any woman who becomes pregnant has the right to be free of government interference in her decision whether to carry that pregnancy to term or not, at least until the

fetus becomes "viable," Justice Harry Blackmun wrote for the majority. The court also found that the word "person" in the 14th Amendment does not include unborn fetuses.

Newsom Makes Good on Abortion Promise

In March of 2022, Newsom began making good on his word when he signed a new law to eliminate fees on abortions for women who have private insurance plans (which are required to cover abortion services under state law). The legislature at that time had 14 bills under consideration that would protect or expand access to abortion, including one, Senate Bill 1375, that would allow nurse practitioners to perform abortions without the supervision of a doctor.

That bill was designed to make abortion services more accessible to the 600,000 women living in the 40 percent of California counties that have no abortion facilities at all. SB 1375 passed the legislature, was signed by Newsom and took effect in January 2023.

Months before SCOTUS handed down the *Dobbs* decision, Newsom announced that along with state Senate President Pro Tempore Toni Atkins and Assembly Speaker Anthony Rendon, both Democrats, he would propose an amendment to the California Constitution to "enshrine the right to choose" in state law. The amendment would come up for voter approval on the November 2022 state ballot, where it passed with an overwhelming 67 percent of the vote.

Abortion Rights in California Today

Though California laws do more to protect abortion rights than at least 45 other states, there remain significant logistical obstacles to obtaining a safe, legal abortion throughout the state. As of 2017, the year with the latest figures available via Guttmacher (a leading sexual and reproductive health research organization), California had 419 facilities providing legal abortion. That was more than one of every four abortion facilities in the United States.

At the same time, 40 percent of California's counties had no abortion facilities at all, meaning that 3 percent of women living in the state—almost

600,000 women—had zero access to abortion in the counties where they live. The situation is nonetheless better in California than throughout the U.S., where 89 percent of counties have no abortion facilities.

To make matters worse, low-income women who rely on the state's Medi-Cal insurance program are often forced to travel more than 100 miles to find an abortion provider who will accept the public insurance program, due to its lower reimbursement rates. According to a *Los Angeles Times* report, women in Mono County—on the eastern-central edge of the state—must travel a median distance of 311 miles to reach an abortion provider.

California law requires insurance companies to cover abortion services, but required out-of-pocket deductibles and copayments can also present financial barriers to obtaining abortions.

Nonetheless, Newsom pledged that even with the Supreme Court overturning *Roe v. Wade*, California will continue to protect the right to legal abortion.

"In California, we will ensure that women continue to have access to critical health care services, including abortion, and California will continue to lead the nation in expanding access to reproductive and sexual health care," Newsom said in a September 2021 statement. "And I will continue to appoint judges and justices who will faithfully follow the Constitution and precedent to uphold people's rights."

More Than Abortion Rights Now in Danger

Abolishing the privacy right articulated in the *Griswold* decision would appear to jeopardize California's own landmark case, *People v. Belous*. If that decision were negated—what then for California? Not only abortion but other long-established rights could also be in danger.

In his published opinion for the Supreme Court's 6-3 majority, overturning *Roe* and clearing the way for individual states to outlaw abortion procedures, Alito promised that the court's reasoning in *Dobbs* did not apply to rulings in cases protecting similar rights.

But in a concurring opinion, the most senior SCOTUS justice, Clarence Thomas—nominated to the court by President George H.W. Bush in 1991—went much further, urging his fellow justices to "reconsider" previous decisions

that upheld rights which, according to earlier court precedents, are largely (though not exclusively) rooted in the 14th Amendment to the Constitution.

Thomas' concurrence specifically mentioned *Griswold*; *Obergefell v. Hodges*, the 2015 case legalizing same-sex marriage; and *Lawrence v. Texas*, a 2003 decision striking down a law that prohibited homosexual sex acts between consenting adults. Thomas called the legal reasoning behind those decisions "demonstrably erroneous."

Thomas did not mention the 1967 case *Loving v. Virginia* which held that the 14th Amendment guaranteed the right to marry a person of a different race. Thomas has been the only African-American SCOTUS justice since he took his place on the court in 1991. He is married to conservative activist Virginia "Ginni" Thomas, who is white.

The majority opinion in *Dobbs* and other concurrences and dissents filed by various justices all discuss the *Loving* case, making Thomas' omission rather conspicuous.

"Though Thomas argues that all those other precedents should be reconsidered, he implies by his silence that the one that affects him personally is sacrosanct," wrote author and former Associated Press Supreme Court reporter Jesse J. Holland, in an MSNBC op-ed.

But in his opinion Thomas goes even further than urging the court to "correct the error" it made in those previous cases. He argues that the "Due Process Clause" of the 14th Amendment does not guarantee "any substantive rights" at all.

The "error" that Thomas believes the court made in *Roe v. Wade*, *Obergefell* and the other decisions is the court's reliance on a doctrine called "substantive due process." Thomas says the court should completely scrap this doctrine and overturn every case in which it has been a factor.

What is "substantive due process," and why does Thomas hate it so much? And more importantly, what happens if the court follows his lead and does away with it?

9th Amendment Protects Rights Missing From Constitution

The 14th Amendment was not part of the original text of the Constitu-

tion, which contained only 10 amendments—collectively called the Bill of Rights. But the Bill of Rights didn't guarantee very many rights.

As the framers of the Constitution argued over what should and shouldn't be included, the faction known as the Federalists—who were led by Alexander Hamilton—vehemently opposed the Bill of Rights. Hamilton and his Federalists feared that if the Constitution listed specific, protected rights, a power-hungry government would claim that no other rights existed.

As a compromise, James Madison—who had co-authored *The Federalist Papers* with Hamilton and John Jay, and who later became the United States' fourth president—introduced what became the Ninth Amendment. The amendment clearly stated that just because the Constitution "enumerated" only certain rights (such as freedom of speech and the press) in no way should it be "construed to deny or disparage others retained by the people."

In simple terms, the Ninth Amendment says that the people have more rights than those few mentioned in the Constitution. The government cannot simply take those rights away, just because the Constitution does not spell them out in detail.

But what *were* those rights? The Ninth Amendment doesn't say. Nor does it give any hint about how to figure out what those mystery rights might be. Alito's majority opinion in the *Dobbs* case dealt with the Ninth Amendment question by simply not mentioning it at all.

The 14th Amendment: Where SCOTUS Finds Rights

In 1868, in the aftermath of the Civil War, as Congress struggled with how to guarantee the rights of African-American people who had been freed from slavery by the 13th Amendment three years earlier, the states ratified the 14th Amendment. A complicated amendment, it contained several clauses. The one that seems to get under Thomas' skin the most is the third one—the "due process" clause.

The due process clause is the one the Supreme Court cited to support

the right to abortion in *Roe v. Wade*, as well as same-sex marriage, the right to contraception, and other rights. Thomas says that's a huge mistake, and the court must correct it.

The Due Process clause seems pretty straightforward. It declares simply that a state may not "deprive any person of life, liberty, or property, without due process of law."

Over the years, in a series of cases, the Supreme Court has determined that the clause has two meanings. First, it guarantees "procedural due process," which means that before depriving a person of "life, liberty, or property," the government must follow proper procedures.

At the simplest level, "due process" means that a person is entitled to a trial by jury before being incarcerated, having property seized, or in extreme cases, being executed. As time has gone on, states and the courts have expanded the definition of procedural due process. But the essential requirements for a fair and impartial hearing have remained.

What Is 'Substantive Due Process?'

"Substantive due process" is an expansive concept. Conservative legal scholars have long had a problem with the idea. The doctrine requires that before depriving a person of rights, it's not enough merely to follow the proper procedures. The government must be able to clearly articulate a solid justification for taking away those rights. And perhaps most importantly, those rights do not need to be specifically mentioned in the text of the Constitution in order to be protected.

In the first four decades of the 20th century, the substantive due process doctrine was used mainly to protect the economic rights of businesses. The most significant case of that era was *Lochner v. New York* in 1905. The case challenged a New York state labor law that barred bakery owners from requiring their bakers to work more than 60 hours in any given week.

The Supreme Court struck down the state law, finding that placing a limit on employee working hours violated due process by failing to protect the rights of an employer and employee to enter into a contract.

After a 1937 case, the court dramatically scaled back its use of "sub-

stantive due process" reasoning in economic cases. But the justices continued to apply the doctrine to issues of personal and civil liberty. The court's landmark case, cited in later civil liberties-related substantive due process cases, was *Meyer v. Nebraska* in 1925.

Roe v. Wade: The Legacy of Meyer v. Nebraska

In *Meyer*, Nebraska had passed a law banning schools and parents from teaching foreign languages to school-age kids. That law seems patently insane today. But back then it was thought to be a solid protection against kids' failing to become proficient in English, as well as a bulwark against the supposedly insidious influence of foreign countries, such as Germany—which the U.S. and its European allies just finished defeating in World War I, seven years previous.

In any event, SCOTUS ruled that the law violated a basic right—the right of parents to raise their children as they see fit—without showing a sufficient state interest in curtailing that right. The law, the court said, violated the substantive due process to which parents are entitled.

Unlike the now-reviled *Lochner* decision, the use of substantive due process in *Meyer* continued to serve as a precedent for protecting civil liberties. In the *Roe v. Wade* decision, the seven-justice majority cited *Meyer* as a precedent that established a right to privacy.

In *Meyer*'s case, "privacy" encompassed the ability of parents to raise their own children. The right to privacy is never enumerated in the Constitution, but the court in 1973 found that on the basis of *Meyer* and a long list of subsequent cases that also hinged on substantive due process, the right does, in fact, exist, and is protected.

The justices determined that the due process clause, as well as the Ninth Amendment—along with the First and Fourth Amendments—contained the right to privacy. When the state (in *Roe*'s case, Texas) banned women from obtaining abortions, it did not give sufficient justification for violating the protected right to privacy. That was the essence of the opinion authored by Justice Harry Blackmun—a Republican who was nominated to the court by Republican President Richard Nixon.

Why Doesn't Thomas Want to Overturn the Meyer Decision?

In his majority *Dobbs* opinion, Alito shrugged off the *Meyer* privacy precedent as "very, very far afield" from the privacy issues in abortion cases. Thomas in his concurrence simply never mentions *Meyer*, though it—like *Loving*—is also based on the "substantive due process" doctrine. Why doesn't Thomas want the court to reconsider *Meyer* as well as the contraception, same-sex marriage and "homosexual act" law rulings? He doesn't say.

With the Black Panthers carrying their guns around Oakland, often following police cruisers, Republican Assemblymember Don Mulford quickly drafted the nation's first major piece of legislation restricting the right to carry a gun.

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Gun Rights in California

Black Panthers, Ronald Reagan and Mass Shootings

It shouldn't be too surprising that California is the most prolific state when it comes to gun regulation. The modern gun control movement started in California. What's a surprise is the way it started.

California: Birthplace of Gun Regulation

The first major piece of legislation restricting the right to carry a gun was drafted by a conservative Republican, and signed into law in 1967 by Gov. Ronald Reagan. And it was specifically designed to prevent Black people from carrying guns.

The law, AB 1591—better known as the Mulford Act and named for its author, Alameda County Republican Assemblymember Don Mulford—banned the carrying of firearms in public, making it a felony to do so without a government-issued license.

Prior to Reagan's giving the law the go-ahead, nothing in California law prevented anyone from carrying a loaded firearm in any public location, as long as the gun was not concealed, and the person carrying it did not point the weapon at another person.

When the NRA Backed Gun Restrictions

Today, the National Rifle Association, the country's leading gun-rights lobbying group, holds something close to an absolutist view on the right of the individual to own a gun. The group's former president, iconic movie star Charlton Heston, famously declared in the year 2000 that gun control advocates like then-Democratic presidential nominee Al Gore would never take away his gun unless they were to pry it from his "cold, dead hands." (Heston died at age 84 in 2008.)

The NRA also strongly supports "right to carry" laws, and partly as a result, 21 states now permit people to carry concealed weapons without a permit. Another 30 allow guns to be carried openly without a permit.

In 1967, however, the NRA supported the Mulford Act and even contributed notes to guide Mulford in his drafting of the bill. It was a different era for the NRA, which to that point had supported most of the relatively mild gun control measures proposed at the federal and state level, starting with the 1934 National Firearms Act—a law that was designed to curb the rampant gangsterism of the era by heavily regulating machine guns, silencers, sawed-off shotguns, and other weapons favored by the mobsters who ran wild during Prohibition (which had ended the previous year).

Why Did Conservatives Support Gun Control?

But what turned committed conservatives like Mulford and Reagan into pioneers of gun control legislation? The answer: the Black Power movement.

Mulford claimed that his gun control bill had "nothing to do with any racial incident." But that was simply not true. In 1967, a new organization had suddenly appeared in California. Based in the East Bay, where Mulford's district was located, it was known as the Black Panther Party for Self Defense, or Black Panthers for short. The group made gun ownership and—more alarmingly for white conservatives and the police—the public display of guns a central tenet of its platform.

Mulford freaked out. With the Black Panthers carrying their guns around Oakland, often following police cruisers, he quickly drafted his gun control bill. When Black Panthers co-founder Huey Newton heard about it, he immediately saw the proposed legislation as a move to disarm the Panthers, and the Black community in general. Newton decided to press the issue. On May 2, he led a group of about 25 Panther members to the state Capitol in Sacramento—fully armed.

"The Black Panthers' invasion of the California statehouse launched the modern gun-rights movement," UCLA law professor and gun rights historian Adam Winkler wrote.

Reagan: 'Honest' Citizens Not Affected

Not content merely to demonstrate on the Capitol steps, the Panthers "invaded" (as contemporary news accounts put it) the Assembly chamber while the legislature was in session. Once the chamber was cleared of the armed Panthers, it took just four hours for the Assembly Criminal Procedure Committee to take up Mulford's bill.

But Mulford, who declared himself "shocked beyond belief" at the "historical invasion," asked for a slight delay while he amended the bill to make it even tougher, including a provision that made it a felony to carry a loaded firearm into the Capitol—which amazingly, it was not before.

In announcing his support for the bill, Reagan said that the new gun restrictions "would work no hardship on the honest citizen."

What did Reagan mean by that? According to Northern Arizona University politics professor Stephen Nuño-Pérez, writing for *NBC.com* in 2016, the future U.S. president was "implying that the defense of black communities against racist police officers had no legitimacy in the 'honest' world of white society."

The Black Panthers, it is worth noting, did far more than push for gun rights. The group provided a range of services for the Black community in Oakland and other cities—perhaps most notably its "Breakfast for Schoolchildren" program, providing free, nutritious food for kids who may not otherwise have been fed breakfast at all. The Panthers also created free community medical clinics and even, in some areas, free ambulance services, among other public health programs for Black people in American cities.

Discussing his support of the Mulford Act in 1979, as he prepared to run for president the following year, Reagan appeared not to understand what the groundbreaking gun control law actually did.

"It is true that I did sign such a bill," Reagan wrote in a letter to his longtime fans and frequent pen pals Lorraine and Elwood Wagner of Philadelphia, "but I hardly think it was gun control."

California Bans Assault Weapons

Two decades later, another Republican governor, and career-long gun regu-

lation foe, enacted a second groundbreaking piece of gun control legislation. California banned assault weapons in 1989, when Gov. George Deukmejian signed the Roberti–Roos Assault Weapons Control Act.
That was five years before the federal government enacted a nationwide assault weapons ban. The federal law caused a drop in crimes committed with assault weapons of at least 17 percent, according to a National Institute of Justice report. But the federal law expired in 2004, 10 years after it took effect, and Congress did nothing to renew it.

Data compiled by Quinnipiac University economist Mark Gius for a 2014 research study showed that even state-level assault weapon bans caused a "statistically significant" drop in fatalities from mass shootings. But while California's assault weapons ban remained in effect through 2023, it is one of only seven state bans, plus one in the District of Columbia.

In October of 2023, a federal district court judge ruled the state's assault weapons ban unconstitutional, but the law remained in effect as the state appealed.

Assault Weapons Still Kill, Despite Ban

California has more gun laws on the books than any other U.S. state, and has led the country in gun safety laws at least since 1991, when researchers first took a count. In the latest count by the State Firearms Laws database at the Boston University School of Public Health, California has 107 gun laws controlling or restricting firearms ownership or use. The same database shows that the state, in 2018, suffered 3.22 gun-related homicides, and 3.9 gun-related suicides, for every 100,000 people.

The state with the second-most gun restrictions—Massachusetts, with 103 gun laws in effect—experienced fewer than half as many homicides and suicides per 100,000 residents: 1.51 and 1.86 respectively.

Less is not more when it comes to gun laws. Florida, with just 30 gun control laws, experienced 4.95 gun homicides and 7.58 suicides per 100,000, and Texas, with just 18 laws, had similar numbers: 4.01 homicides and 7.82 suicides.

California's assault weapons ban did not stop assault weapons from being used in several horrific mass shootings. On July 28, 2019, a 19-year-old

shooter killed four and wounded 12 at the annual Gilroy Garlic Festival. He used a Romanian-built semiautomatic WASR-10 rifle, a weapon similar to the Russian Kalashnikov—or AK-47—assault rifle. Both are prohibited under the California law. The Gilroy shooter reportedly bought the gun legally in Nevada.

On Dec. 2, 2015, a Riverside couple, Syed Rizwan Farook and Tashfeen Malik, opened fire at a holiday party hosted by Farook's employer in San Bernardino, killing 14 people in what authorities called a terrorist attack. The couple used three assault rifles, all variations on the AR-15—a "civilian" version of the military M-16 rifle—and all obtained legally by a friend of the couple through loopholes in the state's assault weapons ban.

Driven by what prosecutors called a "hatred of Jewish people," John T. Earnest, another 19-year-old, attacked a synagogue in Escondido during a Passover service. Firing a Smith and Wesson M&P15 assault rifle—the same type of weapon used in the San Bernardino attack—the shooter killed one person and wounded three others, including the congregation's rabbi.

How do gun atrocities like those keep happening in California, not to mention the hundreds of gun deaths that are not part of mass shootings? In 2019, according to the Coalition to Stop Gun Violence, 2,945 Californians died as a result of a gunshot. More than half of those, 1,586, shot themselves in deliberate suicides. The other 1,246 were killed by others wielding guns, with 171 teenagers and children among the dead.

In fact, it has often been in response to high-profile incidents of gun violence that California has added new gun control laws.

Stockton Shootings Spark Assault Weapons Law

The Roberti–Roos Act had its origins in yet another sickening mass shooting incident without which it seems unlikely that California would have passed the ban.

On Jan. 17, 1989, a 24-year-old mentally disabled drifter named Patrick Purdy—who had a long history of small-time crime, alcoholism, homelessness and, perhaps most disturbingly, white supremacist beliefs—entered the playground at Cleveland Elementary School in Stockton armed with a Chinese-made semi-automatic rifle known as a Norinco Type 56 AKM, another variant on the AK-47.

Purdy reportedly fired 100 rounds in about one minute, shooting 34 children and one teacher. Five of the children, aged six through nine, all of them Cambodian or Vietnamese immigrants, died. Purdy concluded the massacre by killing himself.

Despite his criminal record, Purdy had purchased the assault rifle legally in Oregon the previous August. At the time, Oregon required no waiting period and only a minimal background check. Because none of Purdy's convictions were felonies, he was in the clear to buy the weapon.

By the end of May, the California Legislature approved the assault weapons ban, sponsored by two Los Angeles-area legislators. David Roberti was president pro tempore of the Senate, and Mike Roos, an Assembly member. Both had proposed gun control legislation previously. In Roos' case, he authored a bill requiring a waiting period before purchase of a rifle.

"I got my ass handed to me," Roos told the *Los Angeles Times* in 2021 regarding his bill. "I couldn't even get it off the Assembly floor."

Schoolyard Massacre Changed Outlook for Gun Control

Everything changed when the Stockton schoolyard shootings happened. Years later, in an interview with KCET radio, Roberti recounted sitting with Deukmejian in the Republican governor's office when news of the Stockton schoolyard massacre came through.

"And you could tell it visually shook [the governor] up. It probably didn't hurt that I was in his office at the time," Roberti told the radio station. "So we pushed the bill and we won by one vote. Without that terrible incident, we wouldn't have won."

Deukmejian's narrow victory over Democratic Los Angeles Mayor Tom Bradley in the 1982 gubernatorial election had come "in large part" from the votes of gun owners in the Central Valley and Inland Empire, according to a *Los Angeles Times* account. But the schoolyard child-killings turned the Republican governor into a born-again gun control advocate. In addition to enthusiastically signing the assault weapons ban, Deukmejian supported other gun control measures, including an expansion of the state's 15-day waiting period for handgun purchases to include all firearms.

The National Rifle Association, which fervently opposed the assault weapons ban, didn't take the defeat lying down. In 1994, the NRA targeted Roberti for a recall even though the state senator was up against his term limit and on his way out anyway.

Roberti was also running for state treasurer at the time and was forced to spend so much money to defeat the recall effort, which Roberti defeated with 59 percent of the vote, that he was left with far too little in his war chest to succeed in the treasurer's campaign. He lost in the primary, effectively ending his political career.

More New Laws Follow Another Mass Shooting

As horrific as the Stockton schoolyard massacre was, it took yet another deadly mass shooting to get federal legislators behind an assault weapons ban.

"It was the 1993 mass shooting at 101 California Street in San Francisco that was the tipping point for me," California Democratic Senator Dianne Feinstein said in 2018. "That's what really motivated me to push for a ban on assault weapons."

Feinstein (who died in 2023 after 30 years in the Senate) was referring to an attack by Gian Luigi Ferri, a 55-year-old struggling businessman who on July 1, 1993, entered a high-rise office building armed with three semi-automatic pistols, took the elevator to the 34th floor offices of the Pettit & Martin law firm, and opened fire. By the time he turned one of the guns on himself, Ferri had killed eight people and wounded six more on three different floors. His motives for the killings, and reasons for targeting Pettit & Martin, remain a mystery.

After the 1993 mass shooting, California enacted more than 60 new gun control laws over the subsequent 15 years, including the 2002 repeal of a 1983 law that immunized gun makers against lawsuits. Families of the 101 California Street victims had attempted to sue Navegar, Inc. Under the brand name Intratec, the Miami, Florida-based company made the Tec-9 semi-automatic handgun, described by the gunmaker as "a radically new type of semi-automatic pistol … designed to deliver a high volume of firepower."

Ferri used two Tec-9 pistols in the shooting spree. He had purchased both weapons legally in Las Vegas—one from a gun store, the other at a gun show.

In 2001, the California Supreme Court threw out the families' lawsuit, ruling that under the 1983 law, the California Legislature had declared it "a matter of public policy that a gun manufacturer may not be held liable" for harm inflicted by people using its products. California legislators quickly passed a law repealing that "matter of public policy."

The repeal lasted less than three years. In 2005, the United States Congress passed the Protection of Lawful Commerce in Arms Act. President George W. Bush signed the law, which NRA CEO Wayne LaPierre called "the most significant piece of pro-gun legislation in twenty years." The immunity law, which remains in effect, canceled California's repeal of its own immunity law.

Assault Weapons Ban in Legal Limbo

While the assault weapons ban certainly has not eliminated mass shootings (defined as any gun incidents where at least four people are wounded or killed) in California, a 2022 study by the Public Policy Institute of California found that Californians are about 25 percent less likely to die in a mass shooting than citizens of other states. Data compiled by Quinnipiac University economist Mark Gius also showed that state-level assault weapons bans resulted in "statistically significant and negative effects on mass shooting fatalities."

But in 2022, as the United States reeled from the trauma of three massacres killing a total of 38 people carried out using assault rifles in just over seven weeks—in Highland Park, Illinois; Uvalde, Texas; and Buffalo, New York—California stood on the verge of seeing the deadly weapons legalized again after 33 years.

Why? A decision handed down on June 23 by the U.S Supreme Court. A petition filed in the Ninth Circuit Court of Appeals on June 30 asked the court to uphold a federal judge's earlier ruling striking down California's assault weapons ban as unconstitutional, citing the Supreme Court decision a week earlier.

How did we get here?

What Did the Supreme Court Say This Time?

In its first major gun safety decision since 2008, the court struck down a New

York state law that required gun owners to provide a "proper cause" for why they should be granted a permit to carry a concealed firearm outside of their own home. A "proper cause" could be a job that required carrying a lot of cash around, or if a person were subject to threats of harm or death, for example.

In the case *New York State Rifle and Pistol Association v. Bruen* (Kevin Bruen was New York's state superintendent of police), the six conservative judges on the Supreme Court voted to strike down the 109-year-old New York law. The three judges in the court's liberal bloc dissented. Writing for the majority, Justice Clarence Thomas said that no other right protected by the Constitution required "demonstrating to government officers some special need." Thomas wrote that the right to bear arms, under the Second Amendment, was not a "second-class right."

By 1987, most states had some version of the "proper cause" requirement, with 16 states banning carry of a concealed firearm completely, and only one allowing concealed carry with no permit. Three decades later, not a single state banned concealed carry, and 16 allowed citizens to carry concealed guns without a permit.

In 2022, there were only six states other than New York that employed some version of the "proper cause" requirement for obtaining a concealed carry gun permit. California is one of them. (Hawaii, Maryland, Massachusetts, New Jersey and Rhode Island are the others.) The court's ruling appears not to automatically strike down those laws—but lawsuits challenging them appear likely, and if so, the new precedent set by *Bruen* would almost certainly apply.

Why Is California's Assault Weapons Ban in Danger?

In June of 2021, a judge in the U.S. Southern District of California court in the case *Miller v. Bonta* decided that the then-32-year assault weapons ban violated the Second Amendment. Judge Roger T. Benitez—who was nominated to the court in 2003 by Republican President George W. Bush despite being rated as "not qualified" by the American Bar Association—had previously blocked two other California gun control laws.

Benitez telegraphed how he would rule in the opening paragraph of his

94-page opinion when he waxed rhapsodic about the AR-15 rifle, calling it "a perfect combination of home defense weapon and homeland defense equipment. Good for both home and battle."

California Attorney General Rob Bonta quickly appealed the Benitez ruling to the Ninth Circuit, which just three weeks after the district judge's decision placed a stay on the order, allowing the assault weapons ban to remain in place.

Just a week after the SCOTUS ruling in *Bruen*, however, Miller—a board member of the gun rights group San Diego County Gun Owners—filed a petition with the Ninth Circuit, saying that "in light of" the *Bruen* decision, California (represented by Bonta) now had "no meaningful prospect of success" in defending the assault weapons ban.

Would California's assault weapons ban pass the new "historical tradition" test as outlined, albeit vaguely, by Thomas and the court majority? On Aug. 1, 2022, the Ninth Circuit handed down its decision and the answer was "no." The court remanded the case back to the trial court.

The result? When Benitez got the case back, he issued a new ruling on Oct. 19, 2023—again deciding to overturn the 1989 assault weapons ban. The case was expected to eventually be decided by the U.S. Supreme Court, which as of 2023 was dominated by a 6-3 majority of conservative justices.

SCOTUS Ended 'Two-Step Approach' to Deciding Gun Laws

Why would the Supreme Court's *Bruen* decision negate California's "prospect of success" in keeping its assault weapons ban on the books? The answer is in the new test for evaluating gun laws imposed by SCOTUS in the Thomas-penned decision.

Until the *Bruen* decision, courts used a "two-step" formula for deciding whether a gun safety law should be upheld or thrown out. The first step was for the court to decide if a law placed a "burden" on the right to bear arms, as stated in the Second Amendment. Since the very nature of gun control laws is to place some sort of restriction on gun ownership and use, the answer to the first step's question was usually "yes."

Then came the second step, which was based on factual evidence. The question was whether a gun safety law could be justified by a state or local

government based on how it served the public interest. Because even conservative courts generally agree that reducing gun deaths and violence serves the public interest, the second test came down to facts. How well did a law actually work to achieve its purpose of increasing public safety?

In his *Bruen* opinion, Thomas dealt with the second test by simply doing away with it.

"The Court rejects that two-part approach as having one step too many," Thomas wrote. Instead, the state imposing the gun control law must show that the legislation is "consistent with the Nation's historical tradition of firearm regulation." But Thomas gave no substantive guidance as to how courts should decide what counts as "consistent" with U.S. history.

Under a single-payer plan, the multitude of payers including Medicare and Medicaid (called Medi-Cal in California) would all be out of the picture.

Single-Payer Health Insurance

Attempts to Revolutionize Healthcare

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When he was running for California governor in 2018, Gavin Newsom declared his support for creating a statewide, government-run health insurance program of the kind generally known as "single payer."

"Single-payer is the way to go," he said during a 2018 candidate debate, "to reduce costs and provide comprehensive access."

The idea had been around for decades. In 1969, Massachusetts Senator Edward "Ted" Kennedy introduced the Health Security Act to Congress, which would have provided health coverage for all Americans, funded by the federal government. More recently, Vermont Senator Bernie Sanders made single-payer health insurance—which he referred to as "Medicare for All"—the main pillar of his campaigns for the 2016 and 2020 Democratic presidential nominations. Obviously, neither Kennedy nor Sanders—nor any other lawmaker who has proposed a single-payer plan—succeeded.

Newsom nonetheless embraced the idea. "There's no reason to wait around on universal health care and single-payer in California," he said, as quoted by *The New York Times,* which described single-payer as a "centerpiece" of Newsom's run for governor. If the United States federal government wouldn't institute single payer, Newsom declared, California would go it alone.

"I don't know how to do it, because it's never been done. But I believe it can be done. And if any state can prove it, we can," Newsom said in 2018. "I'm willing to tackle this."

California Has Aimed for Single-Payer Before

It would take some tackling. Just the previous year, California's state senate

passed the Healthy California Act (on a 23-14 Senate vote), which would have created a "comprehensive universal single-payer health care coverage program and a health care cost control system for the benefit of all residents of the state," according to the bill's text.

The landmark legislation then moved to the state Assembly—where it was smothered by Speaker Anthony Rendon (a Democrat from Los Angeles County) without a committee hearing. Rendon dismissed the bill as "woefully incomplete," and full of "potentially fatal flaws."

Despite Newsom's professed willingness to tackle single-payer health insurance, after Rendon spiked the Senate bill, the first real step he took to propose or advance further legislation on the issue came almost a full year after he took office, in December 2019, when he created the Healthy California for All Commission. The 13-member board was assigned the task of creating "a health care delivery system for California that provides coverage and access through a unified financing system, including, but not limited to a single-payer financing system."

The state Assembly, however, did not wait for the commission to act. On Jan. 6, 2022, Assemblymember Ash Kalra, a Democrat from San Jose, announced details of a new single-payer health insurance bill, AB 1400, which he had introduced the previous year. The bill would create "CalCare," a state-funded system to provide wide-ranging medical, dental and vision coverage for every resident of California.

Unlike in 2017, the bill was quickly given a hearing in the Assembly Health Committee, where committee Chair Jim Wood announced in advance that he would vote to move the bill forward. AB 1400 passed the committee 11-3. Next step was a vote in the Appropriations Committee, where on Jan. 20 it passed by another 11-3 vote, albeit with the condition that the law could not take effect without "a statute to create revenue mechanisms to fund CalCare." Because it was introduced in 2021, the bill faced a deadline of Jan. 31 to pass the full Assembly and move on to the Senate.

Final passage of the AB 1400 was still a long way away, and uncertain. But for at least a moment the future of California single-payer looked hopeful.

What Is 'Single-Payer Healthcare'?

Americans are probably more familiar with the catchier term "Medicare for All" than the dryer, more confusing "single-payer." When Kaiser Health News published an article on the meaning of those phrases, they included a disclaimer stating that most of the voters they tried to include in the story "declined to be interviewed, saying they didn't understand the issue."

So what does "single-payer" mean?

Healthcare services are provided by medical professionals, hospitals and clinics that collectively come under the heading of, appropriately enough, "providers." Providers need to be paid. That's where healthcare "payers" come in. In the current state and national healthcare systems, a multitude of different entities pay for health and medical services. Private insurance companies—there are about 900 in the U.S.—pay for about 28 percent of total national health expenditures, according to statistics from the government Centers for Medicare and Medicaid Services.

Federal and state governments are also "payers." Medicare is a federal program. Medicaid, the public health insurance program for low-income people, is jointly financed by the feds and state governments. The two public insurance programs pay for another 36 percent of total national spending. "Out-of-pocket" costs, payments made by individuals out of their own funds, account for another 9 percent.

Various other federal and state programs, such as the Veterans Health Administration, the Children's Health Insurance Program (CHIP), the Indian Health Service, and subsidies for individuals who get their insurance through the Affordable Care Act exchanges, also account for a significant share of healthcare spending. (ACA subsidies were increased for 2021 and 2022 under the COVID relief legislation known as the American Rescue Plan.)

Administrative costs consume an outsize chunk of healthcare cash. Depending on how those costs are defined, estimates of how much total healthcare spending goes into administration range from 19 percent to 25 percent or even higher. One study published in the journal *Annals of Internal Medicine* put administrative costs at 34.2 percent of all U.S. healthcare expenditures.

As of 2020, even with all of that spending on healthcare, 7.3 percent of California residents still had no health insurance at all, a problem that

a single-payer plan would eliminate by providing "universal coverage." In other words, single-payer is designed to make health coverage available to everyone in the state.

Single-Payer Healthcare Is Not 'Free'

Under a single-payer healthcare system, all payments for covered medical, dental and vision services are paid by one centralized, single entity. In most cases, that entity is the government. Under a single-payer plan, the multitude of payers including Medicare and Medicaid (called Medi-Cal in California) would all be out of the picture.

As a result, for the ordinary patient seeing a doctor, health care services are free. No deductibles, copayments or "out of pocket" charges.

The government has to get the money somewhere. Typically, that somewhere is taxes. For politicians trying to pass single-payer bills, that's always been the hangup. Polling by the Kaiser Family Foundation shows that as of 2019, 53 percent of the U.S. public favored a "Medicare-for-All" health care system—but when told that the system would require most Americans to pay more taxes, support dropped to 37 percent.

In California, tax increases must be approved by a two-thirds vote in both the Assembly and Senate. And then, due to limits imposed on tax hikes by the state constitution, voters would have to approve a constitutional amendment to allow the increase.

Most Single-Payer Funding Won't Come From Taxes

Most of the funding for the proposed CalCare program would not, in fact, come from new taxes. A 2016 study by the UCLA Center for Health Policy Research found that in California, 71 percent of all healthcare spending was already paid for by public funds, i.e. the taxpayers. That percentage included sources such as ACA subsidies, county-level health spending, and health coverage for public employees.

If the CalCare plan took effect, all of those funds would have been redirected into the state's single-payer program. That was a big problem for

the 2017 version of California's single-payer legislation. To redirect Medicare and Medicaid funds to other healthcare programs requires a waiver from the federal government. In 2017, under the Donald Trump administration, that process appeared unlikely to go anywhere. The Democratic administration of President Joe Biden was expected to be more open to granting the waivers, if California reached the point if asking for them.

As of 2020 Biden's secretary of Health and Human Services, who would make decisions on waiver requests, was former California Attorney General Xavier Becerra, a longtime supporter of single-payer healthcare.

If the waivers were granted, tax increases would be required to bring the level of public financing from 71 percent to 100 percent. When the state Senate Appropriations Committee looked at the cost of single-payer in California in 2017, it estimated that "all covered health care services and administrative costs, at full enrollment" would run up a tab of $400 billion per year.

That's a significant sum considering that in January 2022 Newsom rolled out a proposal for the entire state budget that set a new record high, 9 percent larger than the previous year's record-setting budget. The total budget was $286.4 billion, still almost $114 billion less than the cost of single-payer health coverage alone.

There are new taxes involved. The proposal for CalCare calls for a new excise tax on businesses of 2.3 percent after the first $2 million of gross receipts. Employers with at least 50 workers would pay a new 1.25 percent payroll tax, while workers earning more than $49,900 per year would pay an additional 1 percent payroll tax.

Finally, higher-income Californians would bear a new tax burden to cover the cost of CalCare. Starting with those who make at least $149,500 per year, who would pay an additional .5 percent per year in new income tax, the additional taxes would cap out at 2.5 percent for Californians earning $2.5 million per year and above.

According to data compiled by the site *24/7Wallstreet.com*, it takes a household income of $162,657 to rank in the top 20 percent of California earners, so if that data is correct, slightly more than one of every five households would pay the new income tax.

Because the proposed tax was "progressive," the highest rates would be paid

by the highest earners, but that means the top healthcare tax rates affect relatively few people. In 2019 there were approximately 72,500 tax filers in California reporting incomes over $1 million, the financial site *SmartAsset* reported. There were more than 17 million total personal returns filed, per state data.

Will Those New Taxes be Worth It?

Despite what looks like a noteworthy new tax burden on workers and businesses, advocates of single-payer health care insist, with what one expert called "a belief that borders on the theological," that single-payer healthcare actually saves money.

Theological or not, there is data suggesting that they are right.

As far back as 1991, a Government Accountability Office report found that if the U.S. adopted a Canada-style single-payer system, the cash saved simply by streamlining bloated administrative costs would "finance insurance coverage for the millions of Americans who are currently uninsured." More recently, a 2020 paper published by *PLOS Medicine* reviewed more than 20 studies of single-payer healthcare costs conducted over the previous three decades, finding that in every case the single-payer plans would have saved money in the long run, and in most cases, the short run as well.

Largely by slimming down the administration required to make healthcare work, and by negotiating lower drug prices, 19 of the 22 plans covered by the survey would have reduced costs in the first year of their implementation, by an average of 3.5 percent. Plans that eliminated copayments completely, or offered a full or nearly full range of benefits—both provisions of the proposed CalCare—would take longer to show cost reductions.

The survey also found that the 30 years of studies showed cost savings whether the research was funded by liberal groups or conservative ones, though studies paid for by more left-leaning funders tended to show higher levels of savings.

What Happens to the Insurance Industry?

What would happen to California's existing health insurance industry if all payments for health services came through state government? Newsom's

Healthy California for All Commission addressed that issue in a July 2021 report, in which it estimated the costs of a "just transition" for administrative workers in the private insurance industry. According to the report, an estimated 219,000 workers, or about 1 percent of the state's workforce, would face "displacement" if single-payer—or "Unified Financing"—were put in place.

That doesn't mean healthcare jobs would disappear, or that the labor market would contract. Research indicates that the opposite would happen. A 2020 report by the nonpartisan Economic Policy Institute, which studied the possible effects of a nationwide single-player plan, said that the program "is almost guaranteed to substantially expand employment in the health care sector overall." The reason? With universally accessible healthcare, the number of people using the system would spike.

Nonetheless, administrative healthcare workers "will need to be transferred into other appropriate areas of employment within the public sector," a 2017 report by the University of Massachusetts Political Economy Research Institute (PERI) noted, in discussing a national single-payer plan.

Using the PERI data, the Healthy California commission estimated that it would cost about $1.73 billion per year over the first 10 years of the program to provide that "just transition" for workers. Using a "framework" formulated by the PERI, the transition funds would cover "pension fund guarantees for all affected workers, a voluntary path to retirement for workers age 60 and older that provides 100% wage replacement until their pension begins, and support for displaced workers via one year of wage replacement and job retraining and relocation support as needed," according to the Healthy California report.

The state could lower those transition costs by adopting a version of single-payer that used existing health insurance companies such as managed care plans, which is how Medi-Cal operates, as "intermediaries" to distribute the public funds. By using intermediaries, fewer jobs would be displaced and the annual costs would likely be about $900 million per year for the first 10 years, according to the governor's commission.

A provision of AB 1400 gives the committee in charge of implementing a single-payer system the authority to "determine an appropriate level of, and provide support during the transition for, training and job placement

for persons who are displaced from employment as a result of the initiation of CalCare."

So, Can This Really Happen?

Can single-payer health coverage actually become reality? That's the question that lawmakers and healthcare experts have debated for decades. Currently 17 countries, including the USA's neighbor to the north, Canada, have some form of single-payer system in place.

In this country, the idea has been around for decades. In 2003, longtime Michigan Democratic Rep. John Conyers introduced a single-payer bill, "The Expanded And Improved Medicare For All Act," and kept reintroducing it to Congress in each subsequent session until he resigned in 2017. In 2019, three years after his first campaign for president on a platform with Conyers' idea at its heart, Sanders introduced his own Medicare for All Act in the Senate. Neither Conyers' bill nor Sanders' version ever came to a vote.

On a state level, California voters had a chance to embrace single-payer healthcare way back in 1994. But the ballot initiative, Proposition 186, was overwhelmingly rejected by a 73-27 margin. A single-payer bill failed by two votes in the state Senate in 2012, and two earlier bills that actually passed the full legislature, in 2006 and 2008, were vetoed by Republican Gov. Arnold Schwarzenegger.

Single-Payer v. 'Universal Coverage'

Though Newsom has largely dragged his feet on fulfilling his 2018 campaign pledge to address single-payer health care in California, on Jan. 11, 2022, he announced a new measure that would make California—Newsom said—the "first state in the country to achieve universal access to health coverage."

The word "access" was doing a lot of work in Newsom's statement. His plan to extend Medi-Cal benefits to undocumented immigrant adults at a reported annual cost of $2.7 billion meant that all residents of the state, regardless of their citizenship or immigration status, would now have the ability to obtain some form of health coverage.

"I campaigned on universal healthcare," Newsom said in his announcement of the Medi-Cal expansion plan. "We're delivering on that."

Newsom's Medi-Cal expansion would cut pretty deeply into that 7.3 percent figure of Californians with no health coverage—undocumented immigrants make up about 6 percent of the state's population. Patients with Medicaid coverage have much greater access to health services than those with no insurance at all.

But "access" is not the same as "coverage." Medicaid patients have less access to healthcare services than those with private insurance or Medicare, according to multiple studies. A single-payer system, its proponents counter, would cover everyone in California equally.

The Trouble With Medi-Cal

In 2014, according to the California Healthcare Foundation, 62 percent of California doctors accepted new Medi-Cal patients, compared to 79 percent who were accepting new patients with private insurance, and 75 percent who took new patients on Medicare. Uninsured patients had the lowest access of all, with only 44 percent of doctors saying they would accept new patients with no insurance at all.

A more recent study of doctors nationwide, by the Children's Health Insurance Program Payment and Access Commission, found that as of 2019, 71 percent of doctors nationally accepted Medicaid patients, compared to 85 percent who took Medicare and 90 percent who accepted private health insurance.

Why the difference? Money.

Medicaid reimbursements rates—the actual cash doctors are paid for treating patients—are significantly lower than private insurance rates, or even Medicare rates. A 2020 Kaiser Family Foundation (KFF) study reported that compared to Medicare, private insurers paid 199 percent higher rates, and 143 percent higher for the services of individual physicians, on average.

Medicaid rates are even lower, and California's Medi-Cal program has some of the lowest reimbursement rates in the United States. According to the KFF, whose latest figures are from 2016, California Medi-Cal rates are only about half of Medicare reimbursement rates, and are just 0.76 of the

national average. Only New Jersey and Rhode Island pay a lower Medicaid reimbursement rate.

From 2013 to 2015, under the Affordable Care Act, the federal government mandated that Medicaid rates for certain medical procedures must match Medicare rates. The mandate caused Medicaid rates to jump by 60 percent overall (though the actual increase varied widely from state to state). The National Bureau of Economic Research (NBER) used that period to study whether raised rates resulted in increased access to healthcare for low-income people.

Sure enough, the NBER found, it did. For every increase of $10 in Medicaid reimbursements per visit, there was a 0.5 percent greater chance that parents would report no trouble finding a provider for their kids. Adults also were less likely to be told that a provider was not accepting new patients, as reimbursement rates went up.

Newsom Calls Single Payer 'Ideal,' But …

In January 2022 Newsom continued to describe the single-payer system as "ideal" when it comes to achieving universal health coverage, but appeared to say that he had come to realize that implementing a single-payer program was not practical.

"The difference here is when you are in a position of responsibility, you've gotta apply, you've gotta manifest, the ideal. This is hard work," Newsom said. "It's one thing to say, it's another to do. And with respect, there are many different pathways to achieve the goal."

The comments came in stark contrast to what he said during his campaign, when he chided other politicians for "saying they support single payer but that it's too soon, too expensive or someone else's problem."

His apparent backtrack on support for single-payer health coverage led one of the leading groups who backed his 2018 campaign, nurses organizations, to blast him for it.

"We want to be absolutely clear: This is a flip-flop," Alyssa Kang of National Nurses United—a group that backed Sanders for president—said during a conference call in January 2022, as quoted by the *San Francisco Chronicle*. "This is absolutely unacceptable, and he cannot be allowed to have it both ways."

Stephanie Roberson, government relations director for the California Nurses Association—which endorsed and campaigned for Newsom in 2018—told the *Chronicle* that Newsom is now "at war with single payer."

Roberson's "war" characterization was probably unfair. Newsom's Healthy California for All Commission continued to work, meeting 13 times since its formation, and producing three detailed reports, including the "Estimated Effects of Unified Financing in California" which addressed how a single-payer plan would affect the existing private insurance industry.

So despite his public walkback on single payer, Newsom had not given up on the idea. But would he support the CalCare bill? The governor in early 2022 was noncommittal.

"I have not had the opportunity to review that plan," he said at an early January press conference. "And no one has presented it to me."

On Jan. 31, 2022, AB 1400, was withdrawn from the Assembly agenda before receiving a vote. The bill's chief sponsor, San Jose Democrat Ash Kalra, called the defeat "only a pause for the single-payer movement." But the future of AB 1400 and prospects for further single-payer legislation remained unclear.

Approximately one of every five people killed by distracted drivers, according to recent stats, were pedestrians or bicyclists.

CHAPTER 40

Death on the Roads

Vision Zero and the Traffic Fatality Crisis

The pandemic year of 2020 saw a bloodbath on California's roads, a grisly trend that emerged throughout the country. In the early spring of 2020, as the COVID-19 pandemic took hold throughout the United States, and California led the way in keeping people at home to slow spread of the disease, the state's longtime traffic problems eased immediately. In Southern California alone, traffic volume plunged 80 percent from January to April. As late as December, traffic on California's roads was down 14.4 percent from the same month a year earlier.

The same could not be said for deaths on the roads. The state recorded 3,723 traffic deaths in 2020, a 5 percent increase from 2019, even though far fewer people were driving. Nationwide, 42,060 people died in traffic crashes. That was an 8 percent increase from 2019, and a 24 percent jump in the rate of death by automobile, the largest single-year hike in 96 years. According to National Highway Traffic Safety Administration estimates, 9,560 human beings met their deaths on America's streets and highways in the first three months of the following year. Nearly one out of 10 were killed in California.

The state had convened a "Zero Fatalities" task force in 2018, which in 2020 issued a 69-page research report detailing steps California could take to bring down and, ultimately, eliminate traffic deaths. The effort has been adopted at the local level, too, with 11 major cities adopting a "Vision Zero" policy with the objective of eliminating traffic deaths. Even so, the carnage continues to mount.

Traffic Deaths: An Ongoing Public Health Crisis

The loss of life is of course the greatest cost, but not the only cost.

Combined with crashes that cause non-fatal injuries, traffic violence costs the state $53.5 billion annually on average, according to the Federal Highway Administration.

For more than a century, since automobiles began to take over the roads, American society has essentially written off this mass death, not to mention the economic loss, as the cost of doing business. From 1913, when automotive crashes caused 4,200 deaths, to the 1972 high of 52,278, to the 21st century with traffic deaths continuing to regularly hit the high 30,000s, there have been significant advances in automotive safety technology, but no systematic United States policy or effort to end the public health crisis that is death on the road.

The Advent of Vision Zero

So perhaps it is unsurprising that the Vision Zero initiative started not in the United States but in Sweden, in 1997, when the country's parliament approved a policy goal of eliminating auto deaths and serious injuries—completely.

"Vision Zero is an ethical stance stating that it is not acceptable for human mistakes to have fatal consequences," according to the Government Offices of Sweden website. "It can be viewed as a paradigm shift, where the ultimate responsibility for road safety is shifted from the individual road-user to those who design the transport system."

One of Vision Zero's core principles is that human beings inevitably make mistakes, and though drivers must follow the rules of the road, failing to do so perfectly should not result in death or crippling injury.

"The focus is on the roads, the vehicles and the stakeholders who use the road transport system, rather than on the behavior of the individual road-user," the Swedish government site explains.

The policy has proven effective in the country of its origin. In 1997, Sweden had seven traffic fatalities per 100,000 residents, already a low number. But since then, according to the Swedish government, that rate has been more than cut in half despite the number of cars on the road rising steadily.

Vision Zero Comes to California

The United States Vision Zero Network, a national nonprofit that offers support for cities putting Vision Zero programs into place, disputes the view of traffic deaths as "separate 'accidents' that happen independently and disconnected from each other."

Instead, the network says on its website, the "vast majority" of road fatalities share common traits which make them both predictable and preventable.

"Traffic deaths and injuries are, largely, the results of the systems we've put in place," the group says. "Recognizing and addressing those systems are essential to advancing safe mobility for all."

It took almost two decades, but in 2015 San Jose became the first California city, and the fourth U.S. city overall, to put a Vision Zero plan into place, a plan which starts with data. The Santa Clara County metropolis gathers extensive traffic crash statistics, which it makes available to the public, revealing where accidents occur most and least frequently in the city. "This will give us better information about where and why traffic crashes are happening," the city's Vision Zero site says.

In Santa Cruz County, the Watsonville City Council voted to implement Vision Zero in January of 2018, and three months later released its Vision Zero Action Plan, stating its "strategy to eliminate all traffic fatalities and severe injuries to ensure safe, healthy, equitable mobility for all."

Watsonville ranks first in a survey of 105 California cities for injuries and deaths of pedestrians under age 15, and fourth-worst for all pedestrians, according to data published by the city's Vision Zero program.

Two years after Watsonville put the program in place, the Monterey County city of Salinas formally adopted Vision Zero as city policy. The city of Monterey also now has a Vision Zero policy in place. In total, 14 California cities, including the state capital of Sacramento as well as the state's largest city, Los Angeles, now have a Vision Zero policy of eliminating traffic deaths and serious injuries.

AB 43 and the 85th Percentile Rule

In September of 2021, the California Legislature passed a bill that takes a

step toward lowering those alarming numbers, and on Oct. 8, Gov. Gavin Newsom signed AB 43 into law, giving local governments new authority to reduce speed limits on many roads.

The new bill, authored by Glendale Assemblymember Laura Friedman along with 12 other Democratic legislators, addresses just one aspect of the Vision Zero approach—reducing speeds on the road. The new law allows local governments the leeway to lower speed limits on roads, including state highways, in business and residential areas and other stretches identified as "safety corridors." The municipalities can now do so without following the "85th percentile rule" mandated by state law—a rule that has often forced governments to raise speed limits on roads throughout the state.

Under the "85th percentile" standard set by Caltrans (the state Department of Transportation), before any speed limit is set or altered, traffic engineers must survey a road to determine the speed at which 85 percent of cars travel. That speed, rounded to the nearest five mph, is set as the speed limit.

The rule dates back to a 1959 law which was supposed to prevent local governments from setting sneaky "speed traps," where speed limits are arbitrarily lowered for short distances as a way to trick drivers into slipping up and falling into the the clutches of a waiting police officer all too eager to slap them with a ticket. This was once a lucrative source of revenue for cities.

As a *Los Angeles Times* editorial pointed out in 2020, the 85th percentile rule has largely resulted in speed limits going up.

"The mandate means that if cities want to enforce the speed limit on a street where drivers routinely put the pedal to the metal, they often have to raise it to a level where most of that behavior would be legal," the *Times* editorial board wrote, noting that, for example, while Zelzah Avenue in the San Fernando Valley is rated as one of the city's most dangerous streets for pedestrians and bicyclists, the speed limit there increased not just once but twice, jumping from 35 to 45 mph, between 2009 and 2018.

The AB 43 law allows city governments to drop speed limits by five miles per hour, and to set limits of 20 to 25 mph in business districts, a measure designed specifically to reduce traffic fatalities among pedestrians. While it may seem counterintuitive that slowing down already slow speed limits on local roads could save lives, data indicates that it works.

According to figures compiled by the Southern California Association

of Governments (SCAG), with data taken from the year 2019 in Los Angeles, Ventura, San Bernardino, Riverside, Orange and Imperial counties, 77 percent of all collisions occurred in urban areas, not on state or interstate highways. Fatalities were concentrated on local roads where the speed limit generally ranges from 20 to 45 miles per hour, with 65 percent occurring there, and only 15 percent on freeways. Another 20 percent occurred on arterial roads, that is, highways and other high-speed roads that connect to urban areas, according to the SCAG data.

Why Is AB 43 Necessary? Because Speed Kills

Data compiled by the National Highway Traffic Safety Administration (NHTSA) and National Transportation Safety Board (NTSB) has shown that while traffic deaths are caused by a variety of factors, speed is perhaps the most important.

According to a report by the California State Transportation Authority's Zero Traffic Fatalities Task Force—which was created in 2018 by an earlier Friedman bill—26 percent of the 37,133 traffic deaths nationwide in 2017 involved at least one vehicle exceeding the speed limit, or traveling at speeds deemed unsafe for the driving conditions at the time. And the NHTSA estimates that overall, excessive speed is a contributing factor in about one of every three road fatalities.

When a car traveling at 20 mph or slower hits a pedestrian, the chance that person will die as a result is 5 percent, according to an NHTSA study. When the car is moving at 30 mph, the chance that the pedestrian will die jumps by a factor of eight, to 40 percent. Add another 10 mph, to 40, and the stricken pedestrian has an 80 percent chance of dying. And when a car is doing 50 mph, the chances that a pedestrian who gets hit will die becomes, effectively, a 100 percent certainty.

Pedestrian deaths have been on a disturbing upswing over the past decade, due largely to policies, such as the 85th percentile rule, which give traffic flow higher priority than preventing fatal crashes. Between 2010 and 2019, according to the Insurance Information Institute, traffic fatalities of all types rose 9 percent, but pedestrian deaths shot up 44 percent.

Most of those pedestrian deaths occurred in urban areas, which throws

a spotlight on the fact that solving the ongoing crisis of traffic deaths is an issue of racial and ethnic justice, as well as simply one of preserving the basic human right to live.

Native Americans and Black people have the highest rates of traffic death, according to the Governor's Highways Safety Association data from 2015-2019: 145.6 per 100,000 in the Native American population, and 68.5 per 100,000 for the Black population. The rate for all groups in the United States is 58.1 traffic deaths per 100,000 people.

Alcohol and Drugs Also Kill

Alcohol-involved incidents remain predictably among the most reliable killers on both California's and America's roads. Across the country, based on recent NHTSA numbers, alcohol-impaired drivers kill about 32 people every day—one death every 45 minutes. As the NHTSA points out, every one of these deaths is preventable.

Alcohol is not the only substance that causes traffic deaths. Prescription drugs, cannabis, and other substances were responsible for 16.2 percent of all traffic deaths nationwide. In California that year, almost 10 percent of all road deaths occurred in traffic incidents involving drugs.

Keep Your Eyes on the Road!

It's probably the number one instruction that every driver's ed teacher repeats to students: Watch the road! Simply paying attention while driving could save thousands of lives per year.

"Distracted" driving is defined by the CDC as taking your eyes off the road, your hands off the wheel, or just letting your mind wander away from the task at hand, which is operating your vehicle safely. Distracted driving increases the chance of a collision by a factor of three.

"Sending a text message, talking on a cell phone, using a navigation system, and eating while driving are a few examples of distracted driving," according to the CDC. "Any of these distractions can endanger you, your passengers, and others on the road."

Approximately one of every five people killed by distracted drivers,

according to recent stats, were pedestrians or bicyclists.

"Texting is the most alarming distraction," according to the NHTSA. "Sending or reading a text takes your eyes off the road for 5 seconds. At 55 mph, that's like driving the length of an entire football field with your eyes closed."

Did the Pandemic Make Drivers Crazy?

Something about the COVID-19 pandemic seemingly turned Californians into crazy drivers, or perhaps more accurately, even more crazy than usual. The California Highway Patrol reported that, between March 19 and April 19 of 2020, its officers ticketed 2,493 drivers for speeding at over 100 miles per hour. That was an extraordinary 87 percent increase over the same period the year before, even though there were far fewer people on the roads.

A popular theory held that the psychological ramifications of living through a global health emergency, replete with school closings, business shutdowns, mask mandates and other public health measures, caused people to lose their marbles, and their instinct for self-preservation.

One of the most prominent proponents of this theory was *New York Times* columnist David Leonhardt, who wrote that "the mental health problems caused by COVID's isolation and disruption" were the most likely suspects behind the increase in traffic deaths. "Many Americans have felt frustrated or unhappy, and it seems to have affected their driving," Leonhardt wrote.

Years later, the effect seems to have persisted.

Do California Cities Take Traffic Deaths Seriously?

Vision Zero came to San Francisco in 2014, after a year when 34 people died from what its advocates call "traffic violence." The goal of the city's Vision Zero program was to bring annual traffic deaths down to zero by 2024. In 2021, 27 people were killed by traffic violence on San Francisco streets. The following year, 38 people were killed. making 2022 the city's deadliest year on the roads since 2007.

What did San Francisco do about it? At least from the standpoint of

traffic enforcement—one of the key elements of the Vision Zero plan—not much. According to then-*San Francisco Chronicle* reporter Heather Knight, the city's traffic cops seemed to have almost given up on enforcing the rules of the road.

Knight cited a data study showing that San Francisco police were handing out a mere 10 citations per day, in a city whose residents operate 472,409 vehicles, per Department of Motor Vehicles stats. In 2019, SFPD officers wrote an average of 74 citations per day.

"To assume that all but nine of these 472K+ vehicles are being driven safely and in accordance with the law is ridiculous," Transpo Maps wrote in its study. To illustrate the point, the study noted that in San Francisco on average, a car strikes something hard enough to need a police report once every four hours, every day of the year.

In 2017, San Francisco identified the 13 percent of all city streets that account for 75 percent of all fatal and severe injuries. Under Vision Zero, those streets are deemed the High Injury Network (HIN). The city's Municipal Transit Agency earlier identified the five violations that cause most injuries: speeding, running red lights, running stop signs, failing to yield while turning, and entering a crosswalk while a pedestrian is crossing.

The city's police department pledged that at least 50 percent of all tickets would be given for those five violations, a program known as "Focus on the Five" (FOTF). But per the Transpo Maps data, only 35 percent of tickets were for FOTF violations between January 2018 and May 2022, and only a "tiny fraction" were issued for FOTF violations on the High Injury Network streets.

Los Angeles Vision Zero on Life Support

The state's largest city, Los Angeles, with an incredible 7.9 million vehicles (per DMV data) committed to Vision Zero in 2015 thanks to a directive by Mayor Eric Garcetti. The goal—eliminate traffic deaths by 2025. But that goal still looks a long way off.

The year 2022 saw Los Angeles traffic violence claim 312 lives, the deadliest year and the first with more than 300 traffic deaths since 2003. That total included 159 pedestrians and 20 cyclists, accounting for 57 percent of

the fatalities. In fact, since Garcetti issued his Vision Zero directive, traffic deaths in his city have increased by more than 58 percent.

So is Vision Zero failing—or is it being failed?

That's what the Los Angeles City Council would like to know. In April 2022, the council ordered the controller's office to conduct an audit of the Vision Zero program, the first such audit in the seven years since the program became the city's official policy. The audit is designed to "identify barriers to implementation of Vision Zero projects and programs—such as funding and staff resources, interdepartmental coordination, and political support," and come up with recommendations to overcome those "barriers."

The city's Vision Zero program set a goal of cutting traffic deaths by 20 percent in its first two years, but did not meet that goal. The city's "underserved communities" are hardest hit by the plague of traffic violence, according to a *Los Angeles Times* report, which cites data naming intersections located in several minority and low income communities as the most dangerous in the city.

The city has made some of the infrastructure improvements called for under the Vision Zero policy, such as improving crosswalks and street signs in "thousands" of locations, according to the *Times* report.

But some traffic safety advocates have questioned the city's commitment to the program. In 2017, city transportation chief Seleta Reynolds said it would take an $80 million commitment just to bring deaths of pedestrians and bicyclists down by 20 percent. In 2022, Los Angeles allocated $61 million to the entire Vision Zero program.

Sacramento Struggles With Reducing Traffic Violence

The state's capital city instituted the Vision Zero program in January of 2017, with 2027 set as the target year for eliminating traffic deaths. If any city needed the program, it was Sacramento, whose traffic death rates are among the highest in the state on a per capita basis. From 2010 to 2014 Sacramento, with a population of just over 536,000, suffered about 26 deaths per year.

After the Vision Zero program was put in place, the numbers got even

worse, with 46 deaths in 2017—the first year of the program—followed by 37 and 31 in the following two years. The city identified its five most dangerous traffic corridors, its High Injury Network, in 2017, but it wasn't until 2021 that the city delivered a plan for bringing down the casualty count in the HIN zones. Sacramento has taken other steps to increase road safety, including the installation of 368 new signs in school zones reducing speed limits there.

But the city's Vision Zero Task Force has been idle for the past five years, leaving oversight of the program's initiatives to city departments and officials.

CHAPTER 41

The Art of Noise

Creating a Quieter California

Environmentalism has been around for as long as civilization itself, but in the United States, the 1960s and early 1970s could be called the Golden Age of the environmental movement. Highlights include the 1962 publication of naturalist Rachel Carson's book Silent Spring, the work of pioneering ecologist Barry Commoner, and the 1970 creation of the U.S. Environmental Protection Agency (EPA), established in an executive order by President Richard Nixon.

Most environmental activism in that era, however, focused on the insidious effects of man-made pollutants, poisonous chemicals and emissions on the air, water and land. At that time, the damaging effects of human-created noise were (as described in a 1991 report to the Administrative Conference of the United States) "a distant cousin in the family of environmental issues and … outside the mainstream of the environmental movement ever since."

California passed its Noise Control Act in 1973, the year after the United States Congress passed its federal version. The state law sets standards for managing noise in new buildings and developments, and requires that a "Noise Element" be included in city and county general plans. But most enforcement of noise ordinances and responses to noise complaints happens at the local level. The state gives cities and counties broad authority to set their own noise limits.

Why 'Noise' Can Be 'Pollution'

Unlike toxins in the air and water, which can be clearly identified and defined, noise is a somewhat nebulous concept. Most definitions of noise describe it as unwanted sound that is too loud, and causes disturbance and annoyance in those exposed to it.

Noise can have a wide range of harmful health effects, the most obvious being damage to hearing. In fact, noise that is loud enough—about 160 decibels—can instantly puncture a human eardrum. But 160 decibels is really loud—louder than a military jet takeoff (140 decibels) and much louder than the sound in the front rows of a rock concert, which comes in typically at 110 decibels.

Studies have also linked regular noise exposure to other ailments, including high blood pressure. One study in the *American Journal of Industrial Medicine* found that 14 percent of all hypertension cases appear to be linked with regular noise exposure.

Back in 2018, the World Health Organization released a set of guidelines that for the first time added "leisure noise" as significant source of harmful noise pollution that need to be regulated. "Leisure noise" is noise from bars, nightclubs, rock concerts and other sources of entertainment.

According to the Washington, D.C., nonprofit Children's Environmental Health Network, children exposed to noise pollution are more likely to experience delays in learning to read. And as they struggle to tune out noise, children also will shut out the voices of teachers, again setting back their learning process.

Like many environmental and public health issues, noise pollution is subject to racial and economic inequities. A study by researchers at the University of California found that noise levels were about four decibels higher on average in predominantly African-American neighborhoods than in those with a low number of Black residents. The levels were about three decibels louder in neighborhoods where 50 percent of people lived below the poverty line.

The Rise and Quick Fall of Federal Noise Regulation

None of this data was available to noise-control advocates in the 1960s and '70s. They had trouble establishing a direct link between noise and harmful health effects. On the other hand, the damage caused by pesticides, lead, and other pollutants was well documented even in that era. The battle against noise pollution also lacked a clear villain. Environmental activists had an

easy time pinning blame for the abysmal state of water and air on rapacious corporations, but who was the bad guy behind noise pollution?

Nonetheless, in the early 1970s, the problem of harmful noise received some federal attention. In 1972, President Nixon proposed, and a Democratically controlled Congress passed, the Noise Control Act. The law authorized the newly created EPA to regulate noise generated by anything broadly defined as part of interstate commerce—planes, trucks, trains, buses and so on—as well as to set noise standards for consumer products ranging from cars to jackhammers.

The law created the Office of Noise Abatement and Control (ONAC) to enforce anti-noise regulations and to provide support, including funds, for state and local governments in their efforts to control environmental noise. Then, in 1980, America changed course, electing former California governor Ronald Reagan as president. In 1982, 10 years after Nixon created it, the Reagan administration cut off all funding for the ONAC.

What that meant is, though the ONAC was not abolished and at least on paper continues to exist today, state and local governments were on their own when it came to controlling noise. And have been for the past four decades.

California Stands as a Leader in Noise Pollution Control

With the defunding of the ONAC, California's Noise Control Act of 1973, and the Office of Noise Control it created, had to go it alone. According to the Administrative Conference of the United States report, California has some of the country's strongest noise-abatement measures in place.

As part of every city or county general plan, schools and hospitals must be located in areas where they will not be exposed to excessive noise. Building codes must include noise abatement standards, and even roads have been designed to divert traffic away from areas that would be affected by noise.

Most California cities have their own noise ordinances, often including criminal penalties. In Los Angeles, deliberately creating "loud and unreasonable noise" is punishable by a $400 fine or a stretch in county jail up to 90 days. The San Jose city code prohibits "all noises which are disturbing or unreasonably loud."

That ordinance singles out such noises as "revving of the engine of any motor vehicle while such vehicle is not in motion," "unreasonably loud shouting, screaming, wailing or other vocalization," and "crying of peddlers, hawkers, vendors or newspaper carriers," among other offending noises.

In San Francisco, SFO airport has its own Noise Office. In 1983, "SFO was the first airport in the country to prepare a Federal Aviation Regulation Noise Compatibility Study, allowing SFO to receive noise compatibility funding." As a result, noise levels at the airport have actually decreased since 1983 even as the number of flights in and out of SFO went up significantly.

A void still remains at the federal level when it comes to noise pollution control. In 2017 a New York City congressional rep—Democrat Grace Meng of Queens where both JFK and LaGuardia airports are located—introduced the Quiet Communities Act, which would reopen the ONAC. The bill would take noise abatement authority away from the Federal Aviation Administration and give it back to the EPA. But the bill died in committee.

CHAPTER

42

SB 35

Does The State's Affordable Housing Law Work?

California's housing crisis is frequently ranked by voters statewide as its most urgent issue. In Santa Cruz, once a beach-and-university town, and now a bedroom community for Silicon Valley, the lack of housing made it one of least affordable places in the country.
For years, the pressure to build housing crashed into an active citizenry dead set on preserving Surf City's laid-back charm. Then Senate Bill 35 happened.

In December of 2021, the Santa Cruz City Council voted rather reluctantly to allow a controversial housing project to move ahead. The 4-3 vote seemed reluctant because just a month earlier, the council voted against the project, 831 Water Street, by a 6-1 count. Why the about-face?

The project's developers filed their application under SB 35, a 2018 law that takes the approval process for housing developments, at least under certain circumstances, out of the hands of local governments.

The 831 Water Street development, the first SB 35 project in Santa Cruz, was drawn up as two buildings of four and five stories, with 140 housing units. Of those, between 55 and 82 would be designated as "affordable," and rented to people who earn less than 80 percent of the region's median income. In Santa Cruz County, the median annual income for a single person in 2021 was $73,850, and $111,900 for a family of four. The remainder of the units would go for market rates.

831 Water Street was one of a few dozen housing construction projects statewide to incorporate SB 35's restrictions on local controls over development.

A 'Mess' of a Housing Approval System

The affordable apartments are what allowed the developers to file their

application under the provisions of SB 35. The law, authored by state Sen. Scott Wiener of San Francisco, is designed to encourage the creation of new affordable housing units by removing the pressure of local politics from the approval process.

"When local communities refuse to create enough housing—instead punting housing creation to other communities—then the State needs to ensure that all communities are equitably contributing to regional housing needs," Wiener wrote, in a summary of his bill. "Local control must be about how a community meets its housing goals, not whether it meets those goals."

In a September 2021 interview with *The New York Times*, Wiener called the existing system of approval for housing development "a mess," recounting one project in the Bay Area which "had to go through 50 community meetings, even though it was entirely within zoning."

Why?

"We've created a structure where the priority isn't to get housing built as quickly as possible. The priority, instead, is trying to make everyone happy," Wiener told the *Times*. "It's veered into this extreme situation where every project is discretionary, even if it complies with all of the local zoning rules."

In other words, whether or not affordable housing units get built depends not so much on the need for housing, which remains at crisis levels in California, but on a cumbersome local process designed to give a wide range of people representing a wide range of interests their say. The result: Housing projects that could make a dent in the state's desperate affordable housing shortage get blocked.

SB 35 Takes Local Elected Officials Out of the Process

SB 35 was one of 15 housing bills signed by Gov. Jerry Brown in September of 2017. Others included a real-estate transaction fee of $75 per sale that would go toward homes for low-income residents, and a $4 billion bond issue to raise funds for the same purpose. But SB 35 was the marquee item in the package of housing legislation, revolutionizing the process to force local governments to approve affordable housing developments under what's called a "ministerial" process.

A ministerial process is one in which a development is automatically approved if it conforms to local zoning regulations and state laws. Those determinations are to be made by professional staff members, taking the personal views and political considerations of elected officials out of the picture.

The law also fast-tracks affordable housing projects. After a developer submits an application invoking SB 35's provisions, local agencies can take no more than 60 to 90 days (depending on the size of the project) to decide whether the proposal meets the objective standards. If the city misses that deadline, the project is automatically deemed to meet the standards.

Under SB 35, as long as a project meets the legal requirements, it does not even require a review under the California Environmental Quality Act, the state law that requires local agencies to evaluate housing developments, as well as any project that might have environmental impact.

The law does not apply everywhere, however. Only when a county or city has failed to meet its Regional Housing Needs Assessment—a determination by the California Department of Housing and Community Development—can developers use the SB 35 provisions.

That's not every jurisdiction in the state, but in recent years it accounted for 95 percent of them.

In the summer of 2023, the Terner Center for Housing at the University of California, Berkeley issued a report on the law's efficacy.

"Five years in, we find that SB 35 has become the streamlining method of choice among affordable housing developers, who report that the law has made the approval process for new multifamily infill development faster and more certain."

The sheer cost of running a city-wide campaign, the access to political fundraising to cover that cost, and the time required to campaign often work against candidates from minority-dominated neighborhoods.

CHAPTER

43

Strengthening Democracy

District v. At-Large Elections

Californians who live in the state's five largest cities, as 20 percent of state residents do, might never have given a thought to the geographic structure of their city's local elections. Each city is divided into districts, and each district elects one member of the city council. Those cities have been electing their local government by district for decades. In Los Angeles, the state's most populous city, the system dates back to 1925.

Prior to 1925, Los Angeles elected its city council using "at-large" elections—meaning a slate of candidates ran citywide, and the whole city voted on all of them. While Los Angeles ditched the at-large system almost a century ago, hundreds of California cities never did. They still elect their local governments the old-fashioned way.

What's the problem with at-large elections? According to many critics, they are a form of voter discrimination.

"If you want to rig a local election, there's an easier way than stuffing a ballot box, gerrymandering a district, or amassing a campaign war chest to scare off challengers," the voting rights group Nonprofit VOTE wrote in a 2017 report. "Have your city or county adopt winner-take-all 'at-large' voting."

In her dissent to a 2013 United States Supreme Court decision that largely nullified the historic 1965 federal Voting Rights Act, Justice Ruth Bader Ginsburg specifically singled out at-large elections as a "second-generation barrier" to minority ballot access that should be barred by the law.

"First-generation" barriers included voter ID laws, literacy tests, restrictions on polling places and so on. On the federal level, Congress has barred at-large elections for the House of Representatives since 1842.

'Monopoly Math'

At-large local elections often have the effect of discriminating against minority voters, leaving them without any meaningful representation on a city council, even if a "minority" voter bloc comprises a majority of the electorate, thanks to what Nonprofit VOTE calls the "monopoly math" of at-large elections.

If a single neighborhood votes largely together on a single group of at-large candidates, those candidates are likely to sweep all seats on a council, the group says. "All that's needed is for one large neighborhood or voting block to vote cohesively enough to build up an insurmountable lead over the rest of the field. Their favored candidates will pick up plenty of other votes as a secondary choice of voters who'd really prefer other candidates."

And there are other reasons that at-large elections can shut out ethnic minority candidates, particularly in larger jurisdictions. The sheer cost of running a city-wide campaign, the access to political fundraising to cover that cost, and the time required to campaign often work against candidates from minority-dominated neighborhoods.

A Slow then Sudden Rise in District Voting

The L.A. city charter adopted in 1925 did away with the nine-member "at-large" city council, and replaced it with a 15-member board, with one member elected to represent each newly created district. Los Angeles, despite some overhauls to the city charter, retains the 15-member district-based council system today.

San Diego went to district elections in 1932, while San Francisco took until 1977 to elect its Board of Supervisors by district. San Jose switched from at-large council elections to the district system in 1978, while the state's fifth-most populous city, Fresno, made the conversion in 1981.

But while almost 20 percent of California state residents live in those five burgs, that leaves another 477 cities, most of which continue to hold at-large rather than district elections. By May 2020—according to the National Demographics Corporation—155 California cities elected their councils by district. The remaining 327 had retained the older system.

In total, more than 400 jurisdictions in California—including school

districts and other special districts—have instituted district election systems. Every one of the state's 58 counties use district voting to elect their supervisors, with the final holdout, San Mateo County, abandoning at-large Board of Supervisors elections in 2012.

Twenty years ago, only 29 cities had district-based voting; since then, the number has increased fivefold. What happened to cause such an explosion of change in municipal election systems? The answer is, the California Voting Rights Act, introduced in 2001 and signed into law by Governor Gray Davis in 2002—37 years after President Lyndon Johnson signed the federal Voting Rights Act into law.

California's version, the CVRA, took an even tougher stance against voter suppression, making it easier for members of minority groups to sue if they contend that voting systems discriminate against them.

Most significantly, the 2002 state law forced cities that lost CVRA lawsuits to abandon at-large elections and convert to a district system.

How At-Large Voting Discriminates

In 1985, Latinx residents in the Santa Cruz County city of Watsonville sued the local government because, under its at-large election system, not one Latino candidate had ever been elected to the city council, even though the Watsonville population was nearly 50 percent Latin American.

The United States Ninth Circuit Court of Appeals agreed that the at-large system was a form of voter discrimination. The Supreme Court declined to hear the city's appeal, letting the Ninth Circuit ruling stand.

In 1977, San Francisco's first-ever district race saw the election of the first African-American woman to the Board of Supervisors, as well as the first Asian-American and first openly gay candidate, Harvey Milk. In Costa Mesa, where about one-third of residents are Latinx, no Latinx candidate had ever been elected until the city switched to district elections in 2018. Three such candidates won seats in Costa Mesa's first election under the new system.

The bill also created a strong disincentive for cities that are slapped with voting rights lawsuits to fight back. If a city loses a CVRA case, the bill requires it to pay the plaintiffs' attorney fees, which can be quite substantial.

Some cities, such as Ontario, have opted to avoid the potentially costly process by switching to district elections, simply authorizing the change with a vote of the city council. The Ontario council took that vote in 2021, and implemented the change in 2022.

The Price of Resisting Change

Other municipalities have chosen to contest CVRA lawsuits—and paid the price. The Southern California city of Palmdale in 2015 lost a lawsuit brought by three plaintiffs under the CVRA. The city, with a 67 percent Latinx population and only one Latinx ever elected to the council, chose to contest the suit.

The city was compelled by the lawsuit to scrap its at-large elections, dividing into four districts—two with Latino majority populations. Palmdale ended up on the hook for more than $4.5 million in fees for the plaintiffs' lawyers, a team led by Malibu-based Kevin Shenkman, who has deployed the CVRA perhaps more than any other lawyer.

The San Diego County city of Escondido chose to settle a CVRA lawsuit in 2013, paying $385,000 in plaintiffs' legal fees and switching to a four-district system. The population of Escondido was 49 percent Latino, and yet under at-large voting, only one Latino candidate had won a city council seat in 125 years.

The following year, Visalia—a city 40 miles southeast of Fresno—quickly settled a CVRA lawsuit in just two months. The suit came after an election in which the lone Latino candidate placed fourth behind three white candidates despite almost half of the city's 127,000 residents being Latino.

In the Bay Area, Santa Clara battled and lost a CVRA lawsuit, but continued to fight—despite having already shelled out $3.8 million to cover the plaintiffs' legal fees already. Those fees were over and above the millions spent by the city to defend the lawsuits in hopes of preserving their at-large voting systems.

Santa Clara lost its appeal in a decision handed down by California's Sixth Appellate District Court. The suit was brought by five Asian-American residents who charged that Santa Clara's at-large elections "diluted" the value of their votes, preventing the Asian-American community there from elect-

ing candidates who would represent them on the seven-member city council.

In April of 2021, after losing that appeal four months earlier, the city agreed to comply with a judge's order to split into six electoral districts. After nearly 70 years of an at-large system that never saw a single Asian-American win a city council election, the 2018 and 2020 district-based elections saw three win seats on the council.

In Southern California, the case *Pico Neighborhood Association, et al v. City of Santa Monica* was awaiting a decision from the California Supreme Court, as of May 2021. That decision came down in August of 2023. Sort of.

Santa Monica lost the initial trial, and is believed to have incurred $22 million in legal costs that it may eventually have to hand over to the plaintiffs. In July of 2020, a state appellate court overturned the earlier verdict, ruling that the city's at-large system did not, in fact, discriminate against the Latin American residents who make up 16 percent of the Santa Monica population.

The state Supreme Court simply returned the case to the Appeals Court and ordered a retrial.

A Pattern of 'Racially Polarized' Voting

The CVRA requires that plaintiffs prove that a city not only has a persistent pattern of "racially polarized voting," but also that the votes of minority voters are diluted by at-large, citywide elections. The law defines "racially polarized" voting as voting patterns that show a clear difference in the candidates preferred by a "protected class"—that is, a racial or ethnic minority—and those supported by the remainder of the local electorate.

The plaintiffs in Pico contended that the racially polarized voting in Santa Monica, itself, caused dilution of their votes. The appeals court disagreed. The court ruled that they must prove "racial polarization" and "dilution" separately. But the California Supreme Court wasn't so sure.

While Santa Monica continued to resist change in its local election system, the SoCal cities of Fullerton, Costa Mesa, West Covina, Rancho Cucamonga, Fontana, and Corona were all in the process of implementing district election systems. In Anaheim voters chose to make the move, approving a 2014 ballot measure by nearly a two-thirds majority. Anaheim's first district election saw an immediate boost in voter turnout. According to

the Orange County city's website, overall turnout in Anaheim's 2014 municipal elections registered an unimpressive 39 percent.

In 2016, each of the city's five newly created council districts saw turnout ranging from 71 percent to 77 percent.

CALIFORNIA DIRECT DEMOCRACY

A Century-Plus of Direct Democracy in California

Since 1911, California voters have been able to pass their own laws, repeal laws passed by the legislature, and kick elected officials out of office. Here are some highlights, and lowlights.

1895

Dr. John Randolph Haynes, a Los Angeles physician and prominent socialist, helps found the California Direct Legislation League.

Physician John Randolph Haynes was instrumental in the creation of the California Direct Legislation League.

1911

Gov. Hiram Johnson takes up the cause. Under his leadership, voters ratify Direct Democracy reforms in a special election on Oct. 10.

1914

In the most significant early use of the ballot initiative, voters approve Proposition 10, abolishing the poll tax in place since the state's founding.

1914 was also the single year with the most ballot propositions, 48.

1922

After a campaign financed by private power utilities, voters reject Prop 18, which would have allowed cities to team up to form public power companies. The proposition was one of several in the 1920s to create public ownership of power plants, all defeated.

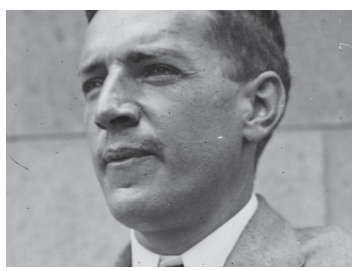
Hiram Johnson, an attorney and politician, served as California's 23rd governor from 1911 to 1917.

1923

Californians begin to realize that Direct Democracy, like the legislature, could be manipulated by moneyed interests. A state senate committee concludes that "victory is on the side of the biggest purse."

1933

Husband and wife Clem Whitaker and Leone Baxter form Campaigns Inc., the first political consulting firm. They frequently represent corporations and other wealthy interests in ballot initiative campaigns, influencing California's political landscape for decades.



Upton Sinclair's 1934 campaign for governor was stymied by Campaigns, Inc., the first conservative political consulting firm in the United States.

(PHOTO: BAIN NEWS SERVICE/ LIBRARY OF CONGRESS)

1956

Big money didn't always win. Oil companies poured cash into Prop 4, to relax regulation on their industry. The proposition was rejected by a 77-23 percent tally.

1964

In one of the most shocking elections in California history, voters by a 65-35 margin approved Prop 14 which allowed racial discrimination in housing, overruling the state's Fair Housing Act of 1963. Two years later, the state Supreme Court threw out the voter-approved law and the US Supreme Court upheld that decision.

1964

Also that year, in a vote that seems absurd today, Prop 15 passed 66-34, outlawing cable television, or any form of pay TV. A multimillion-dollar ad campaign by the movie theater industry was credited for the victory. The state Supreme Court overturned the law in 1966, on First Amendment grounds.

CALIFORNIA DIRECT DEMOCRACY *Continued*

1972

After a decade of public battles over development along California's coastline, voters pass Prop 20, creating what became the powerful California Coastal Commission which regulates development to this day.

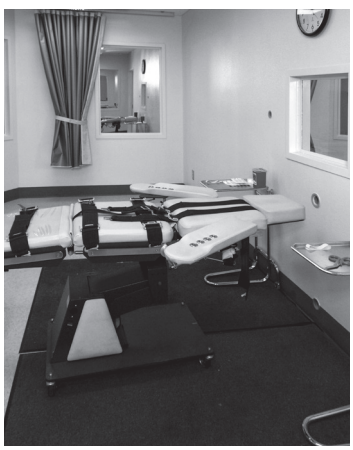
1978

The most famous ballot initiative, Proposition 13, passes with 65 percent of the vote, placing strict limits on property tax rates. The measure and its success were largely the result of a one-man campaign by then-74-year-old businessman Howard Jarvis, who relied largely on conservative talk radio to spread his message.

1978

Voters expand the category of crimes punishable by the death penalty, approving Prop 7 with 71 percent of the vote. It was the second pro-death penalty initiative of the decade. In 1972 the "Death Penalty is Constitutional Initiative," aka Prop 17, passed with 68 percent.

1970s were the decade with the most ballot measures in California history, with 142, compared to just 96 in the '60s.

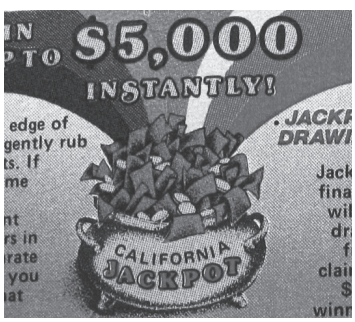


Howard Jarvis giving a victory speech after Prop 13 was approved in 1978.

(PHOTO CREDIT: REGENTS OF THE UNIVERSITY OF CALIFORNIA/CREATIVE COMMONS ATTRIBUTION 4.0 INTERNATIONAL LICENSE)

1984

California voters express their desire to become millionaires overnight, voting to approve Prop 37, authorizing a state lottery system—with a large portion of the proceeds from ticket sales going to support education.



1986

Prop 6, a measure that would have allowed schools to fire gay and lesbian teachers, goes down to defeat, 58-42.

1996

Three decades after they approved racial discrimination in housing, California voters passed Prop 209, banning affirmative action in public education and employment.

2008

By a narrow 52-48 margin, voters approved Prop 8—known to its opponents as "Prop Hate"—banning same-sex marriage in California. Challenged in court almost immediately, state courts including the Supreme Court upheld the anti-LGBTQ law, but in 2010 a federal judge overturned it. Three years later the U.S. Supreme Court ruled that same-sex marriages were constitutionally protected, making them legal in all 50 states.

2016

Prop 64, the Adult Use of Marijuana Act, passes 57-43, legalizing recreational, as opposed to medical, use of cannabis. The law heavily regulated and taxed commercial weed, creating a big new industry.

San Francisco Democrat Phil Burton exerted control over the political maps with an approach so heavy-handed he once drew a district specifically to help his own brother, John Burton, win a seat in Congress.

CHAPTER

44

Gerrymandering in California

Every 10 years the state of California and, for that matter, the other 49 United States undergo a massive political upheaval. The process is called "redistricting," and it involves reshaping congressional and legislative districts, a process that can determine who gets elected to state and federal office for the next decade. In many ways, the redistricting process is just as important as elections themselves.

The difference is, elections are decided by voters. They're democracy in action. The redistricting process, on the other hand, is historically not democratic. The process has been mostly controlled by state legislatures, and the result is that districts are often drawn to protect incumbent officeholders. For example, in California's 2002 elections, every single congressional incumbent cruised to victory, thanks to the district map that had been newly created the previous year.

In most states, the party controlling the legislature also controls redistricting, and the process can be used to keep that party in power, even when most voters would prefer the other guys. When the redistricting map is obviously drawn to favor a party or individual lawmaker, the process is called "gerrymandering."

This was the situation in California until 2008, when Gov. Arnold Schwarzenegger spearheaded a citizens' initiative that ended the practice of lawmakers drawing their own districts—in effect selecting their voters. In November 2021, the California Citizens Redistricting Commission completed the process of redrawing the state's election map for the second time.

Redistricting happens in the year after each U.S. census, which takes place in the zero-numbered year every decade. The idea is to adjust districts to better reflect shifts in the population while maintaining the principle of "one person, one vote" by making sure districts remain of equal size, and that

they make sense geographically. There was a census in 2020. That meant for California, as for all states, 2021 was a redistricting year. But redistricting has a long and contentious history that goes back to when the Constitution itself was written.

Gerrymandering: as Old as the U.S. Itself

There are two types of gerrymandering—"packing" and "cracking." In a "packed" district, boundaries are drawn to include as many voters as possible from the party in power, and exclude everyone else.

A "cracked" electoral map is gerrymandered to split voters who support one party across two or more districts, watering down their ability to vote as a bloc in favor of their party. As a result, gerrymandering often results in strangely shaped district boundaries that seem to follow no geographical logic.

The practice dates back to the founding fathers. The term itself comes from Elbridge Thomas Gerry, a signer of the Declaration of Independence who was governor of Massachusetts in 1812 when he signed off on a bizarrely shaped congressional district designed to favor his party, the Democrat-Republicans. Gerry, whose surname was actually pronounced "Gary," lost his own reelection in 1812, but was quickly picked to serve as vice president by the fourth U.S. president, James Madison.

Madison himself was nearly the victim of gerrymandering, and if it had worked against him, the Constitution may never have included the Bill of Rights. In 1789, Patrick Henry was the most powerful legislator in Virginia. He was a fervent anti-Federalist, meaning that he opposed the U.S. Constitution as it was then written (Virginia had ratified it in 1788), believing it would give way too much power to the centralized, federal government. Madison was a strong Federalist, who not only supported the Constitution, but also wanted to add a Bill of Rights.

Henry was determined to keep Madison out of Congress so he engineered a complicated congressional district loaded with anti-Federalist voters that also included Madison's home county—thereby packing Madison's district.

In that case, Henry's efforts failed. Madison won anyway, defeating James Monroe (who would later succeed Madison as the fifth U.S. president) by 336 votes, or about 15 percent.

California's Long Record of Gerrymandering

California has its own notorious lineage of gerrymandering that endured for 60 years, until voters—in a measure that has been taken by only seven other states—abolished the practice. The pro-democracy move initiated by Schwarzenegger followed a long battle. According to T. Anthony Quinn of Claremont College's Rose Institute of State and Local Government, "in no state has the battle over drawing districts lasted as long or been as bitter as in California."

Quinn dates the start of the battle to 1951, which "marks the dividing line between the years of nonpartisan government in California and the highly partisan political climate of today."

That year, Republicans used a politically partisan redrawing of district lines to hold off the state's burgeoning Democratic majority. In the 1952 state assembly elections, the GOP went in holding 47 of the 80 seats in the Assembly and came out with 54—even though only 1.9 million, or 37 percent, of the state's 5.2 million registered voters were Republicans.

Republican gerrymandering could not hold off the overwhelming Democratic majority for long. From 1958 to 1994, Democrats won a majority in the state assembly in every election but one—1968, the year that California native Richard Nixon defeated Democrat Hubert Humphrey for the presidency. (Nixon also topped Humphrey in California by three percentage points.)

Once in power, Democrats employed gerrymandering in ruthless fashion to keep their majority and expand on it. They were led by San Francisco Democrat Phil Burton, who was perhaps the most powerful legislator in the state from the mid-1950s until he died in 1983 while serving his 11th term in the U.S. House of Representatives. Burton exerted control over the political maps with an approach so heavy-handed he once drew a district specifically to help his own brother, John Burton, win a seat in Congress.

After that anomalous 1968 election, Republicans got overconfident. Newly elected Assemblymember Jerry Lewis (who later became the longest-serving Republican congressman in California history) circulated an internal party memo instructing his fellow Republicans that their "number one" priority should be "a program to establish districts in California that will elect the highest possible number of Republicans." He wrote that,

although a Republican redistricting plan should appear to be "balanced and representative," it would actually be "totally designed for partisan purposes."

Republicans never got the chance. Democrats retook the Assembly in 1970. Armed with the Lewis memo as evidence of Republican intentions, Democrats—who were never as secretive about using redistricting for partisan goals—set about the task of gerrymandering the 1971 map in their own favor yet again.

After a drawn-out fight that failed to come up with any sort of compromise redistricting deal, Democrats submitted their own gerrymandered maps, which Gov. Ronald Reagan promptly vetoed.

Under Article XXI of California's constitution, the state Supreme Court has "exclusive jurisdiction" whenever "a certified final map is challenged." So the court took over. The process dragged on until 1973, when a commission of court-appointed "special masters" finally came up with a final plan.

A decade later, Burton was at it again, coming up with a map that included one district so strangely shaped that he deemed it "my contribution to modern art." In 1991 another Republican governor, Pete Wilson, vetoed a redistricting plan because, he said, it had been "drawn with the objective of unduly protecting incumbents, thereby largely preserving the results of the prior decade's outrageous gerrymander and depriving the public of competitive districts."

Once again, the high court was forced to step in. This time, the court was able to get the job done in time for the June 1992 elections.

The End of Gerrymandering in California

By 2008, Schwarzenegger was not willing to wait around for Democrats to draw up yet another gerrymandered map. His effort, backed by $12 million in contributions, aimed to take the redistricting process away from the legislature entirely.

Schwarzenegger got his way, though just barely. By a 51-49 margin, voters approved a ballot proposition, Prop. 11, which created the independent commission consisting of 14 members—five Democrats, five Republicans, and four members with no party affiliation. The members are picked through a painstaking process with an Applicant Review Panel sifting through hundreds of

applications to come up with 120 candidates, then narrowing the field to 60.

The legislature then narrows the field again, to 36. From those, the state auditor picks eight at random. Those eight then select the next six themselves.

The commission then gets to work. But the most important part of the process is that their work must be public. In 2021, the commission held dozens of public hearings attended by thousands of people, and received more than 36,000 written comments from the public.

What Happened in 2021?

On Nov. 10, 2021, the Citizens Commission approved and released an official draft of what California's electoral maps could look like for the decade to come. The maps may not have been aggressively gerrymandered, but they were still, perhaps unsurprisingly, controversial anyway. Among the objections that arose within the first few weeks of the release:

Leaders of several Black advocacy groups said that the maps "have ignored the interests of many Black communities and millions of residents in the state's most populated areas," according to a report by the *Sacramento Observer*. The draft maps combined the congressional districts represented by Democrats Maxine Waters and Karen Bass—the only two African-American congressional reps from Los Angeles County, where 40 percent of the state's Black population resides—into a single district, effectively eliminating one African-American representative from Congress. (Prior to the map's release, Bass announced that she would retire from Congress and run for mayor of Los Angeles. She won the mayoral election in 2022.)

In addition, a district in Carson whose population is 25 percent African American was attached to the predominantly white communities of Redondo Beach and Rancho Palos Verdes, rather than to the heavily Black cities of Compton and Long Beach, diluting the African-American vote.

Latinx voting rights groups also said that the maps under-represented the Latinx population, according to a *Sacramento Bee* report. The Mexican American Legal Defense and Educational Fund drew up its own proposed maps that contained 16 congressional districts with a majority Latinx population. The commission's maps include only 13 of the state's 52 districts, mostly in the Central Valley, Imperial County and Los Angeles regions.

But Latinx residents make up 39 percent of the state's population, and that segment has grown by 11 percent in the past decade.

Political leaders in Monterey County point out that the maps split the Salinas Valley in half. Agricultural areas such as Greenfield, King City and San Benito County have been placed in the same district as Silicon Valley municipalities such as Cupertino and San Jose. "That makes little or no sense when you have a community that's really oriented around agriculture as its main economic driver," Norm Groot, executive director of the Monterey County Farm Bureau, told KION-TV in Monterey.

Though the commission says it pays no attention to partisan considerations or the needs of incumbents to hold on to their jobs, congressional Republicans were upset with several new districts that they said appeared skewed to get them out of office. Devin Nunes, a Republican from the 22nd Congressional District in the Central Valley—who gained national prominence as one of Donald Trump's most vigorous defenders in the 2019 impeachment proceedings—found himself in a district that calculations show would have been won by Joe Biden by nine points.

Nunes decided not to seek reelection for an 11th term in Congress. In January of 2022, Nunes resigned his seat and took a job as CEO of Trump's social media company, Trump Media & Technology Group.

Mike Garcia, the only Republican to represent a Los Angeles County district in Congress, won his 2020 race against Democrat Christy Smith thanks largely to voters in predominantly Republican Simi Valley. On the new map, Simi Valley voters were sliced off of Garcia's district and replaced with voters from Lancaster and Palmdale, areas that a *Los Angeles Times* report described as "purple," saying that those communities look "like an Impressionist painting with alternating splotches of red and blue."

Garcia defeated Smith again in 2022, despite the redrawn district, by a healthy six-point margin. San Diego County Republican Darrell Issa also faced a new district more evenly balanced between the two parties, but he also won the new district garnering about 60 percent of the vote.

Has California 'Tied Its Hands Behind Its Back'?

Getting rid of gerrymandering would seem to be an unqualified good. But

in the current national political climate, not everyone is so sure. Democrats in the U.S. House of Representatives heading into the 2022 elections held a narrow, eight-seat majority, meaning that a mere five flipped seats would hand House control to Republicans. In the end, they flipped nine, winning 222 seats. In midterms since World War II, the party that holds the White House has lost an average of 27 house seats.

According to *Los Angeles Times* columnist Nicholas Goldberg, while Republican-controlled state legislatures are busy gerrymandering their electoral maps to give their party extra seats in the House, California has now "tied its own hands, giving up a powerful tool of politics that is available to most other states."

According to an analysis of the draft map by the data journalism site *FiveThirtyEight.com*, the commission came up with 39 "Democratic-leaning" congressional districts, a loss of five for Democrats compared to the map in effect since 2011. That alone would be enough to give the House to the GOP. While Republicans did not gain any new "leaning" districts—they had seven—the new map adds four "highly competitive districts," that is, districts that could go to either party, for a total of six such swing districts.

Due to slowing in California's population growth, according to the 2020 census, California lost one seat in Congress. On the new map, the state will send 52 representatives to the House, rather than the previous 53.

Sacramento Bee columnist Josh Golke was even more blunt, noting that the commission's draft map was "less favorable to Democrats than the current arrangement and triples the number of highly competitive congressional districts to six." In other words, he said, California, despite being heavily dominated by Democrats actually gave itself less of a chance to help retain Democratic control in Washington, D.C.

"The result," wrote Golke, "is unilateral partisan disarmament."

AB 796, authored by Silicon Valley Democrat Marc Berman, requires the DMV to appoint a National Voter Registration Act coordinator, who will oversee the process of registering voters.

Voting Rights in California

No Backsliding, But Not Perfect Either

CHAPTER 45

When it comes to voting rights, California can proudly call itself a leader—at least compared to most of the rest of the United States. As of October 2021, according to a survey by the Brennan Center for Justice, legislators in 49 states had pushed 425 bills that contained provisions to restrict voting.

By the end of September, when all but seven states had wrapped up their 2021 legislative sessions, 19 of those states had passed 33 different laws making it harder for American voters to cast their ballots, according to the Brennan Center survey. The slew of new, voting-restrictive laws led the International Institute for Democracy and Electoral Assistance, a Stockholm-based think tank, to classify the United States as a "backsliding democracy"—the first time the U.S. had been ranked as anything but a full, functioning democracy.

California, on the other hand, keeps on taking legislative steps that place the state among the most voter-friendly in the country. The state had 18 bills pertaining to voter rights and ballot access in the 2021 legislative pipeline, according to the Voting Rights Lab, a national organization that tracks voting legislation and advocates "to secure, protect, and defend the voting rights of all Americans."

Of those 18 bills, the Voting Rights Lab rates 10 as "pro-voter," three as "neutral," four as "mixed or unclear" and only one as definitively "anti-voter."

That one "anti-voter" bill was introduced by the former leader of the state senate's Republicans. That would be SB 597, authored by Republican Sen. Shannon Grove of Bakersfield, which would have required mail-in voters to write the last four digits of their California driver's license number, state ID, or social security number on the ballot envelope (though the digits would be covered up before mailing).

Local election officials would be required to verify that the numbers matched the name of the voter before the vote could be counted. The bill was scheduled for a committee debate in April, but Grove requested that the debate be canceled, and the bill headed nowhere.

One of the "pro-voter" bills, SB 29, was passed by the legislature and approved by Gov. Gavin Newsom on Feb. 19, 2021. The bill was authored by first-term Orange County Democratic Senator Tom Umberg, and extended a law signed by Newson the previous June requiring that mail-in ballots be mailed to every registered voter. The mail-in ballots under the new law were sent out for all 2021 elections as well—including the September vote on whether or not to recall Newsom.

The other "pro-voter" bills included the following:

- AB 37, increasing to seven the number of days after an election that a mail-in ballot can be received in order to be counted. The bill also allows counties that possess the proper technology to start the count of mail-in ballots 29 days before the official election date. Previously, counties had to wait until 15 days beforehand. The bill also makes the mail-in ballot requirements under SB 29 permanent. Previously, they would have expired in 2022. AB 37 passed the legislature in September and was signed into law by Newsom Sept. 27.

- AB 1307, creating an independent commission in Riverside County to redraw that county's voting districts in a fair manner and not "to favor or disadvantage an incumbent, political candidate, or political party." The bill stalled in 2021, but passed and was signed by Newsom in September of 2022.

- SB 503, authored by San Mateo Democrat Josh Becker, makes it easier to validate mail-in ballots by broadening the standards for matching voter signatures. Under the new law, among other provisions, mail-in ballot signatures do not have to be an exact match with voter signatures on file. "Similar characteristics" are enough to allow a ballot to be validated. Also, election officials may no longer consider a voter's race or ethnicity—or political party—in the process of comparing signatures. Incredibly, under previous California law, such political and racial factors

were perfectly legal. SB 503 was passed by the legislature in early September, and signed into law by Newsom on Sept. 27.

- SB 504, requiring that convicted felons who have served their sentences be formally notified that their voting rights are restored—and shifting the requirement that court clerks send biographical info on people newly convicted of felonies to the Department of Corrections. Under this bill, the Department of Corrections would inform the secretary of state, who would then convey that information to county election officials, who would then be responsible for suspending the registrations of imprisoned felons. The bill finally passed the legislature in March 2022.
- AB 796 streamlines the process of automatic voter registration, allowing voters to register at the same time they get or renew a driver's license. The law, authored by Silicon Valley Democrat Marc Berman, sets a 10-day deadline for the DMV to send new voter information to the secretary of state, and requires the department to appoint a National Voter Registration Act coordinator, who will oversee the process of registering voters through the DMV. Newsom also signed this bill into law on Sept. 27.

California Wasn't Always Voter-Friendly

California was not always a cutting-edge leader in promoting voter access, sadly. In fact, for more than 100 years of the state's existence, California was a grim place for democracy.

According to a report published in by the UCLA Luskin Center for History and Policy, for the first century of its existence as a state, "California limited access to the franchise, excluding non-whites and using the tools of voter suppression to prevent 'voter fraud' by minorities and the poor."

California until the late 1950s "employed some of the same tools used under the Jim Crow regime in the south in the 19th and early 20th centuries," according to the UCLA report. But though the tactics were directed at all minorities, they were aimed not mainly at African-American voters, but at Chinese immigrants.

Since that time, the state has made "significant changes" to expand

access to voting, the report says. But even today "the effective exercise of the franchise is not yet equally available to all."

CHAPTER

46

Power to the People

Californians Get Involved

The history of California government is, in important ways, a history of citizens getting directly involved in their own governance. The state's trend toward what is generally called civic engagement dates back at least to the early 20th century. With every arm of state and local government for decades in the grip of a domineering corporation that came to be known as "The Octopus"—the Southern Pacific Railroad company—voters in 1910 elected anti-corruption crusader Hiram Johnson as their new governor.

As we detailed in Chapter 36, Johnson quickly pushed through a set of reforms described as direct democracy, allowing voters themselves to bypass the hopelessly corrupt state legislature and pass their own laws by ballot initiative, or to revoke laws passed by the legislature by voting on referendums. And of course, the third direct democracy reform under Johnson was the ability of voters to overturn election results by kicking elected officials out of office with recall votes.

The ability of California voters to exercise power over their elected officials through direct democracy is only one form, albeit an important and consequential one, of civic engagement. As a 2015 paper authored by the California Consortium on Public Engagement noted, the blanket term "civic engagement" can cover a wide variety of public-spirited activities, from speaking at city council meetings to joining a neighborhood watch group to coaching a Little League team. Any participation in a community activity can be called civic engagement.

But broadly speaking, civic engagement—as the Consortium defines it—can be broken into three main categories: voting, both for elected officeholders and on direct democracy measures; interaction with government, ranging from attending local council and commission meetings to writing letters to elected representatives; and non-governmental engagement, that

is, engagement with community issues and events through charities, churches, clubs, neighborhood groups and so on.

Why Do People Need to 'Engage' With Government?

Why is civic engagement important? The obvious answer is that the more citizens participate in their own governance, the less chance that government officials and legislative bodies can run amok, disregarding the public interest.

But on a more practical level, with more than 200 state agencies and the numerous boards, commissions and departments within each one—as well as literally thousands of local government bodies under the individual jurisdictions of the state's 58 counties, 482 cities and towns, and almost 3,000 special districts—government in California is complex. To say the least. The workings of the government can be almost totally opaque.

A higher level of civic engagement would, at least in theory, help citizens navigate the labyrinthine maze of state and local government operations, and have a chance of making the government work in their favor.

However, despite the state's early journey into direct democracy, and the state's highly voter-friendly election laws, California still has a long way to go when it comes to making civic engagement easier and more inviting for its residents. California in 1953 became one of the first states to pass an open-meeting law, in California's case the Ralph M. Brown Act, mandating that meetings of local government committees, commissions and councils—any governmental policy-making body, for that matter—be open to the public, and open to spoken input from citizens who attend the meetings. The law also requires that governmental meetings be publicly announced at least 72 hours in advance, preventing local bodies from employing secrecy by surprise.

California's Open Meeting Laws Need Reform

The law was the brainchild of Jack Craemer, who was the editor of the *Modesto Independent Journal* in 1952 and took the idea to Brown, a Modesto state assembly member. The real catalyst was a groundbreaking 10-part

series titled "Your Secret Government" in the *San Francisco Chronicle* by reporter Michael A. Harris, who later became a Sausalito City Council member himself.

It took another 14 years for the state to pass the Bagley-Keene Act, finally requiring state government bodies to play by the same type of open-meeting rules as their municipal and county counterparts. And another nine years after that for all 50 states to put open meeting laws of their own in place.

Together, the two California open meeting laws create what should be a welcoming environment for civic engagement in California, allowing citizens to monitor their public officials in action, and even speak to them face-to-face, giving direct, unfiltered access to the policy-making process. But perhaps unsurprisingly, things haven't always worked out that way.

According to a report by Zócalo Public Square, a Los Angeles-based nonprofit dedicated to fostering public engagement and exchange of ideas, the Brown Act has devolved over the years into a "gag rule," the exact opposite of its original intention. In fact, the Zócalo report said that the law had now become "a civic Frankenstein, threatening the very public participation it was intended to protect."

Public officials, according to the report, feel constrained from discussing important issues among themselves, to avoid even inadvertently violating the law's strict prohibition against unannounced meetings. At the same time, time limits on public comments at open meetings—often just a few short minutes each—have the effect of suppressing substantive exchanges on issues between citizens and public officials, instead encouraging sound bites or emotional outbursts.

Developers Gain an Outsize Voice

"By effectively prohibiting deeper exchanges among officials and citizens, the Brown Act has empowered professionals outside the civic space—lawyers, labor unions, and especially developers—to fill the conversation void," wrote Zócalo columnist Joe Mathews.

Real estate developers in particular, Mathews wrote, have benefited from the law's restrictions, gaining outsized input into public policy by becoming

the conduits of choice for communication among officials attempting to skirt the law against closed-door discussions.

That eventuality was certainly not what Harris had in mind when he wrote the Brown Act's preamble.

"The people of this State do not yield their sovereignty to the agencies which serve them," the law says, in a passage penned by the *Chronicle* reporter. "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know."

The Bagley-Keene Act has also come under fire for constricting the very public discussion and debate it was designed to promote. In 2014, according to a *Capitol Weekly* report, members of the state's powerful Public Utilities Commission (PUC) testified to the Little Hoover Commission—an official state government watchdog body—that they were unable to conduct their oversight functions adequately due to restrictions on their internal discussions imposed by the Bagley-Keene law.

On the other hand, open government advocates were skeptical of the PUC's complaint. First Amendment Coalition Executive Director Peter Scheer told *Capitol Weekly* at the time that he believed the PUC complaints to be "uniquely a problem with them," and not an issue for other government commissions.

State Needs Better Civic Engagement Infrastructure

With a few exceptions, California's local governments do not do much to actively facilitate civic engagement.

"The people who run for office, vote, and participate in other ways (from attending public meetings to protesting) are whiter, richer and better educated than the state population as a whole," Mathews wrote in a separate report for Zócalo. "And for all their talk of representing a democratic resistance, California's leaders have been unwilling to take the essential first step to reversing those disparities: providing an infrastructure of support that will work directly with people to boost their civic knowledge and show them how to participate."

The state's largest city, Los Angeles, only created an actual Office of Civic Engagement in 2019, and even then the new office came under the auspices of the city's Department of Neighborhood Empowerment. In other words, the department created to aid citizens in their effort to navigate the layers of bureaucracy in city government itself became another layer in that bureaucracy.

San Francisco, the state's fourth-largest city, maintains a more robust Office of Civic Engagement, which doubles as the city's Immigrant Affairs office, as well. Santa Rosa also maintains an Office of Community Engagement, whose mission is to "improve relationships between residents of Santa Rosa and the City of Santa Rosa."

Even with the lack of municipal efforts to create an infrastructure for civic engagement, the 2015 report by the California Consortium on Public Engagement ended on an optimistic note.

"With the capacity to involve even hard-to-reach audiences; promote respectful yet difficult and sensitive conversations; and broaden definitions of what's important, what must be done, and how it can be done," the report stated, "civic engagement efforts will continue to grow and diversify in California."

AFTERWORD

Speak Up!

How to Contact Your Elected Reps and Get Results

BY CHRIS NEKLASON
Co-Founder, Director of Product Development, California Local

One way to think about your elected representatives is that they are customer service managers for the government.

And like any customer service transaction, when you contact your elected representative, it will generally be to either ask for assistance or to register feedback.

Asking for Assistance

As is the case when working with other service providers, sometimes citizens encounter obstacles or opportunities when working with their government.

In both cases, you want to work first with the folks at the front counter to take care of your specific needs. If things seem to get stuck, that's when you escalate to your elected representative.

When contacting your representative to ask for help, as in any other customer service transaction, you'll want to follow these steps:

- Introduce yourself
- Explain what you need help with
- If appropriate, explain what process you've followed before escalating your request

In some cases, you'll be talking with a staff person working for the representative, and that's OK because part of their job is helping constitu-

ents work with the bureaucracy and mechanisms of government, which can often be obtuse or mysterious to us civilians.

Be polite and professional, and remember to thank the staff person or rep for their time and efforts on your behalf.

Registering Feedback

Your elected leaders are representing your interests, literally. Let them know where you stand on issues and how well (or not) you think they're doing their job.

When contacting representatives with feedback, you'll want to follow steps similar to those recommended for filing a request:

- Introduce yourself
- Identify the issue or item about which you want to provide feedback
- State your feedback
- Thank them for their time in considering your feedback

It's good to narrow your feedback to a single, specific issue.

An example might be:

> *Dear [Representative],*
>
> *My name is [Your Name] and I'm reaching out to register my concerns about [Project] under consideration at [Location].*
>
> *While I am generally in favor of [Project] and have reviewed the information about the project, I am still concerned about [Concern] and want [Representative] to do [A Specific Something]*
>
> *Thank you for taking the time to consider my input,*
>
> *[Your Name]*

Or, you might contact them about an item on the agenda of an upcoming meeting:

> *Dear [Representative],*
>
> *My name is [Your Name] and I'm reaching out to register share my thought about [agenda item]*
>
> *…[short summary of what your position is and why]...*
>
> *Thank you for taking the time to consider my input,*
>
> *[Your Name]*

You can (and should) also contact them following a vote or other action on their part, to let them know what you think:

> *Hello,*
>
> *My name is [Your Name] and I'm reaching out to thank you for your vote about [Item].*
>
> *I am in favor of [Item] and really appreciate your continued support for [Issue].*
>
> *Sincerely,*
>
> *[Your Name]*

Attend Public Meetings

An important way to provide feedback to your elected and appointed representatives is to attend public meetings. California "sunshine laws" require that discussion, debate and votes be conducted in open public meetings.

An important reason to attend public meetings is the power of "showing up" as a demonstration of the level of public interest in a topic to reps, their staff, and to other members of the community.

Public meetings, especially meetings of appointed boards or commissions, are also good places to ask questions. As an example, building development projects often go through planning or transportation commission

meetings, and the appointed officials and staff are available to answer questions or note concerns.

The Public Record

When you contact your elected representative or speak up in public meetings, your communication becomes part of the public record.

Public meetings are usually recorded as a matter of course.

Your calls to your representative may be recorded to voicemail and later summarized and logged by a staff person, or if answered by a person, it will most likely be logged and summarized by a staff member. Longer conversations might be logged in an office diary.

All written communications are saved and preserved, and are probably the best way of getting your input delivered, unfiltered and in your voice.

Meeting Your Elected Representative

Most elected representatives make themselves and their staff available for meeting in person. They keep open office hours in their districts, and state and federal representatives are also available for meetings in their Sacramento and Washington offices, on occasion.

Meeting a representative or their staff in person offers an opportunity to have a broader or deeper discussion than a "keep it to one item" phone call or written communication, and can be worth the time, if only because you can get to know the other person better on a more human level.

Like any other professional meeting, be sure to make an appointment.

Make Reaching Out a Habit

A common observation from elected officials is that they usually hear from a small number of the same people—the "usual suspects."

Part of holding our representatives to account after the election is staying informed about the health and functioning of the community and working with elected representatives on an ongoing basis to make things better.

In a healthy democracy, the "usual suspects" should include everybody.

ABOUT THE AUTHOR

PHOTO BY DANIEL REICHERT

Jonathan Vankin is a senior writer for California Local and an award-winning journalist whose writing has appeared in such publications as *The New York Times Magazine*, *Wired*, *Salon*, *L.A. Weekly* and many others. He is the author of four previous nonfiction books, including *Conspiracies, Cover-Ups and Crimes*—the first comprehensive, journalistic investigation of America's conspiracy-theory underground, foreshadowing the current state of sociopolitical affairs by two decades—and more recently *Close to Zero*, a full account of Donald Trump's handling of the COVID-19 pandemic. Vankin has also written comic books, TV, screenplays, and even the "book" for a hit Off-Broadway musical, *Forever Dusty*, about the great British pop star, Dusty Springfield. He has made numerous media appearances on such networks as CNN, MSNBC, CNBC, FOX, the BBC, and the CBC as well as numerous podcasts and hundreds of radio stations.