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Does the California initiative process advance citizen democracy at the expense of responsible, elected leadership?

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There are myriad problems rightly ascribed to the initiative system by its opponents: The legislation is often poorly drafted; it tends to be driven by passion rather than reason; it is dominated by well-financed but narrowly focused special interests; both supporters and opponents intentionally obfuscate the issues involved.

An often overlooked but more dangerous effect of the initiative process is how it corrupts the legislative process and makes legislators less responsive and accountable.

American republicanism was conceived with the specific goal of providing majority rule while protecting minority rights. Having experienced the tyranny and inefficiency of overly democratic state legislatures, the framers of the U.S. Constitution incorporated certain improvements into their institutional designs. Among these improvements were bicameral legislatures and enlarged orbits of government.

Bicameral legislatures improve the quality of debate and deliberation that go into policy formation. The lower house, frequently elected from smaller districts, is designed to ensure that the will of the people is regularly consulted and incorporated into ongoing policy debates.

The upper house, less frequently elected by a larger constituency, is intended to guarantee that there will be members less focused on the immediate will or narrow interests of the people versus the permanent and aggregate interests of the community.

Although each house views particular issues through a slightly different lens or with distinct priorities, by coming together to debate the merits or shortcomings of bills, each body is forced to make compromises, build coalitions and produce legislation better suited to meet the needs of the entire population.

Enlarging the orbit of government - that is, increasing the

number of people, groups and interests represented by the government - serves a similar end. When more distinct interests have to be represented and must agree about law or governance, it is much less likely that any single interest is going to dominate the whole process. Each group must make some concessions - all must compromise.

The reforms were designed, in James Madison's words, to "refine and enlarge the public views." For the most part, both innovations have been successful and represent significant improvements over previous models.

When faced with an unresponsive legislature, comfortably held in the deep pockets of a certain special interest group, the Southern Pacific Railroad, Californians put aside the wisdom of the framers by adopting the initiative system in 1911. While the motivation behind its adoption was clear and noble, and although much good has been achieved through its use, the initiative system is not the best thing for good government.

The success of Prop. 13 in 1978 spurred a dramatic increase in the volume, diversity and passage rate of initiatives. Since 1978, twice as many appear on the ballot and three times as many pass. The effect on the Legislature as an institution must not be underestimated.

Today, legislators feel even less pressure to address or compromise on truly controversial policy questions; eventually someone will take the issue to the ballot. Instead, legislators concentrate on passing bills to satisfy some small constituency rather than addressing the state's permanent or aggregate needs.

Similarly, special-interest groups are less inclined to work with legislators to form policy through the legislative process because it will require compromise on their part. By taking their issues directly to the ballot, they may get exactly what they want.

Appealing directly to the people, the initiative process eliminates that much-needed medium of refinement and deliberation that a legislature offers. Voters bear responsibility for this breakdown in the legislative process. By circumventing the Legislature rather than actually addressing its shortcomings, we enable elected leaders to misbehave.

If we do not have the courage or judgment to elect legislators who will represent us well, how could we have the courage or judgment to pass laws that will serve us well?

\* \* \*

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