

# JERICHO *Newsletter*

September, 2003

## Recall Vote Nears

On October 7, 2003 Californians will decide the state's governorship for the second time in less than a year. If Governor Gray Davis is recalled, we will have one of 135 choices from which to choose his successor for the next three years.

The recall mechanism for statewide officers and legislators in California became a constitutional amendment in 1911 as one of several reform measures put in place by the Progressive administration of Governor Hiram Johnson. Proponents of the amendment viewed it as a way to fight graft and corruption in government. Opponents at the time criticized it as a way that extremists and/or malcontents could harass and remove honest officials. In 1974 some reforms of the recall procedure were passed by the voters as part of Proposition 9, the Comprehensive Fair Political Practices Act.

The language in California law regarding recalls is strictly procedural. The *reasons* for recall cannot be challenged. Other mechanisms for removing public officers include the criminal process, impeachment, term limits, and, of course, the next election. An official is recalled if a simple majority of those voting vote "yes". The successor is elected on the same ballot by a plurality of the votes cast.

Although all governors in the last 30 years have faced recall threats and attempts, none of the recall attempts aimed at statewide officials has ever reached the ballot. Four state legislators, however, were actu-

ally recalled between 1913 and 1995.

The 2003 recall movement against Governor Davis was spearheaded by the People's Advocate, the anti-tax group founded by Paul Gann, and now headed by his associate, Ted Costa, and by a group of Republican Party activists. In early May 2003 Congressman Darrell Issa (R-San Diego County) gave the recall effort a considerable boost when he launched his own recall effort, and backed it with substantial financial and organizational resources.

Taxpayers against the Governor's Recall, which formed in 2003, took the lead in opposing the recall. The group is a coalition of labor leaders and religious and environmental groups and is headed by Steve Smith, a California Democratic Party activist and Davis advisor.

The legal requirement for 897,156 signatures—which represent the number equal to 12% of the last vote for governor—was met. On July 24 Lieutenant Governor Cruz Bustamante set October 7 as the date for the special recall election. As we go to press none of the appeals for a postponement until March has been successful.

With 135 candidates in the race, it is possible that a new governor may be elected by a small plurality—an outcome that could be surprising and unwelcome to a large number of the electorate.

**VOTE ON OCTOBER 7!**

# Editorial

By Sister Simone Campbell

These are strange times in California. The October 7 recall election is just the latest in a series of challenging events. At JERICHO we decided that it was imperative to have this special issue of our Newsletter to address the issues raised on the ballot.

First, the proponents of the recall maintain that the recall is an example of democracy at work. However, I disagree. It is estimated that the proponents—principally Congressman Darrell Issa—spent approximately \$18 per signature to qualify the recall for the ballot. The proponents do not cite either a crime or serious misconduct by the Governor to justify their efforts. Rather the reason for the effort is the general dislike of Governor Davis and the current state of the economy.

It is also an opportunity, according to some Republicans, to do what could not be done last November. Finally, the inclusion of 135 candidates for governor, where a mere one vote plurality can elect a successor to Governor Davis, in my view, is not de-

**JERICHO Newsletter** is published quarterly for members of JERICHO's two organizations.

*JERICHO: Education for Justice* educates faith communities and others about California public policy as it affects poor people. This education serves as a springboard for advocacy on key issues of economic fairness at the state level.

*JERICHO: A Voice for Justice* maintains a registered lobbyist in Sacramento to actively engage in the development of legislation that promotes economic fairness.

JERICHO provides on-line bill tracking, a legislative alert system, newsletter, current issues material and ongoing education in public policy.

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mocracy. Rather it is the effort of the moneyed few to inflict their will upon our State—once again an example of unchecked capitalism at work, not democracy.

The second concern on this ballot is Proposition 54—Classification by Race, Ethnicity, Color, or National Origin Initiative. It is horrifying to see that just as we, as a society, make some progress toward racial and ethnic inclusion, a man (who himself may have benefited from that progress) would attempt to strip government of any ability to measure our movement. He maintains that the measure is the problem, not the attitudes of individuals.

Will the so-called Racial Privacy Initiative make race any more private? No! It will just mean that it will be more difficult to speak knowledgeably about trends, directions and changes in our society—it will not change our hearts and end racism in our State. Therefore, we urge a NO vote on Proposition 54.

The other issue on the ballot, Proposition 53, is a constitutional amendment approved by the legislature and set for vote in a general election. The proposition would mandate the dedication of General Fund revenue for infrastructure in our State. While JERICHO supports the investment in infrastructure, we oppose this proposition because it mandates the removal of funds from the beleaguered General Fund.

JERICHO believes that the issue of infrastructure investment is one of the issues that must be included in comprehensive budget and tax reform. These reform efforts have barely begun in the Legislature, but must be encouraged. Piecemeal solutions do NOT help. We urge a NO vote.

Finally, the key to this October 7 election, regardless of your opinion about these matters, is to vote. Only with high voter turn out will this be an action for democracy—even if it is fueled by traditional capitalist interests.

## ***Propositions 53 and 54 Added to October Ballot***

Two ballot measures were already qualified for the March 2004 primary election. As a result of provisions in the California Constitution, they will appear on the recall special election ballot instead.

Proposition 53 (*Infrastructure Finance*) would direct more money to roads and other parts of the state's infrastructure. Although it was passed by the legislature, it needs voter approval before it can be enacted into law since it would become a constitutional amendment.

JERICHO's position is NO on this initiative because it further "categorizes" money from the General Fund. It creates no new money but pits this legitimate need against health and human services needs and takes away the legislature's ability to prioritize needs on an annual basis.

Proposition 54 (*Classification by Race, Ethnicity, Color or National Origin*) would prohibit state and local governments from using race, ethnicity, color or national origin to classify current or prospective students, contractors, or employees in public education, contracting or employment operations. Its most prominent proponent is Ward Connerly. See article on this page for JERICHO's position. For text of the Propositions and Recall-related information, see the Secretary of State's website at [www.ss.ca.gov/elections](http://www.ss.ca.gov/elections).

## ***Prop 54 Claims Privacy Impedes Racial Equality***

***"The state shall not classify any individual by race, ethnicity, color or national origin in the operation of public education, public contracting or public employment." (Proposition 54)***

The California Constitution forbids state government from discriminating against or granting preferential treatment to any citizen based on race.

Therefore, say Ward Connerly and the other proponents of Proposition 54, since government has no reason to classify persons by race, why should it even ask us for the data? Like religion, marital status or sexual orientation, they reason, race should become a private matter that is no business of government's.

The problem is that race has historically never been a private issue. Nor is it today. Proposition 54 would remove the tools that have helped to mitigate racism and, rather than promoting a "color-blind" society, would undo efforts to promote racial equality and hide those areas in which it exists.

Information regarding race and ethnicity is used for public health programs. From lead poisoning to teen smoking, to suicide, the most effective and cost efficient prevention programs understand that public health risks affect communities differently. Racial and ethnic groups experience differences in treatment, have different rates of risk behavior, and respond to different prevention methods and messages.

Additionally, many health conditions—including breast cancer, heart disease, infant mortality, sickle cell anemia, prostate cancer—affect us differently depending on our race or ethnicity. The health exemption in Proposition 54 covers medical research but not basic public health data systems, such as vital statistics. This data is the source of much of our information about diseases and their effects on different racial and ethnic groups.

Proposition 54 would prevent the State Attorney General and public agencies from tracking race and ethnicity-based hate crimes and hamper community efforts to educate against hate.

If Proposition 54 passes, California will keep track of every form of discrimination EXCEPT for discrimination on the basis of race and ethnicity—which is the number one source of discrimination reports. State and locally-funded efforts to test for

*(Continued on page 4)*

*(Continued from page 3)*

or eliminate discrimination—for example, in rental housing—will have no data with which to work.

We at JERICHO oppose Proposition 54 because, far from ending the negatives of racial profiling, as proponents claim, Proposition 54 would guarantee that racial discrimination will continue—just unacknowledged.

## ***Health Care Bills Wait in Conference Committee***

As we go to press, three of the employer based health care bills are in conference committee of six members (Senators Burton, Speier, Aanestad and Assemblymembers Frommer, Cohn and Pacheco). There is a big push on the part of the proponents of SB 2 (Burton, Speier), AB 1527 (Frommer), and AB 1528 (Cohn) to get a comprehensive bill out of the legislature before the intersession recess on September 12 in order to get it to the Governor before the October 7 recall election.

If a bill as drafted in the conference committee is approved by two conference Assemblymembers and two conference Senators then it goes to the floor of each house for an “up or down” vote.

Because of the effort to get the bill to the Governor before the recall, it is unlikely that there will be any hearings on the conference committee bill. JERICHO is working with conference committee legislators and staff as well as our colleagues in the advocate community to ensure that the poor of California are realistically represented in this tightened time frame.

For more information on these and other health care bills, check the JERICHO website at [www.jerichoforjustice.org](http://www.jerichoforjustice.org) in the Legislative Resources section.

If you are in the district of one of the conference committee members, please indicate your support for these bills.

**VOTE ON OCTOBER 7!**

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