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CALIFORNIA SUPREME COURT • Oct. 12, 2009

Chief Justice Blasts Voter Initiatives

By Laura Ernde

Daily Journal Staff Writer

Chief Justice Ronald M. George this weekend blasted California's money-driven ballot measure system, blaming it for creating a "dysfunctional state government."

"Californians may need to consider some fundamental reform of the voter initiative process," George said Friday in a copy of a speech that was to be delivered Saturday upon his induction into the American Academy of Arts & Sciences. "Otherwise, I am concerned, we shall continue on a course of dysfunctional state government, characterized by a lack of accountability on the part of our officeholders as well as the voting public."

George lamented how easy it is to change the state constitution, which has been amended more than 500 times since 1879. A simple majority of voters can approve an amendment to the constitution once it's on the ballot - and getting such measures on the ballot requires the signatures of just 8 percent of the voters.

In November 2008, voters overrode a California Supreme Court ruling recognizing the right of same-sex couples to marry and also approved chicken coop regulations.

"Chickens gained valuable rights in California on the same day that gay men and lesbians lost them," he said.

Special interests manipulate the initiative process when proposals succeed not based on their merits but because of how well they are funded, he said.

George said California lawmakers "have been placed in a fiscal straightjacket" by a constitutional amendment requiring any tax increases to be approved by a two-thirds majority of the Legislature.

"These constraints upon elected officials - when combined with a lack of political will (on the part of some) to curb spending and (on the part of others) to raise taxes - often make a third alternative, borrowing, the most attractive option (at least until the bankers say 'no')," George said. "Frequent amendments - coupled with the implicit threat of more in the future - have rendered our state government dysfunctional, at least in times of severe economic decline."

George pointed out that programs to feed poor children and provide health care to the elderly and disabled have been cut this year. In addition, the courts have been forced to close for one day a month to save money.

George has also used the word dysfunctional to describe the state's death penalty system, in which inmates routinely spend decades on San Quentin's death row before their appeals are exhausted.

In 2007, he suggested a streamlined process allowing the Courts of Appeal to review some cases instead of the Supreme Court, but the proposal was put on hold due to the cost.

George was to be inducted into the Academy of Arts & Sciences along with 211 new fellows and 19 foreign honorary members who are considered leaders in research, scholarship, business, the arts and public affairs. He was one of five members scheduled to speak at an induction ceremony in Cambridge, Mass.

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The academy was founded in 1780 as an independent policy research center that conducts multidisciplinary studies of complex and emerging problems.

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