

Opinion: Commonality between Brexit and Calif.'s coming election

By Joe Mathews

Do you think Brexit was a singularly British form of folly, having little to do with California? Think again. California is the global capital of Brexit-style votes, and this November's state ballot is littered with mini-Brexits.

Don't think of "a Brexit" as a vote to leave a larger political or economic union. (California isn't about to leave the U.S.—unless a Trump presidency stirs a Calexit movement). Brexit is better understood as a special kind of ballot measure—a plebiscite. Plebiscites are placed on the ballot not by citizens or interest groups, but by powerful politicians to serve their own political needs.



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And plebiscites—to put it bluntly—are cursed. The term comes from the Latin pleb- (the common people) and scitum (decree). But these days it may as well mean “backfire.”

The plebiscite curse describes a tendency of plebiscites to blow up in the faces of the powerful people who pursue them. There are hundreds of examples around the world. Among the most famous was Chilean strongman Augusto Pinochet's 1988

plebiscite to extend his constitutional power; dissidents beat the plebiscite and ended his hold on power (a campaign portrayed in the Oscar-nominated film "No").

In the British Brexit, the self-cursed politician was Prime Minister David Cameron, who wanted his country to remain in the European Union but put the Brexit question to the voters in order to quiet, once and for all, the anti-EU voices within his own party. He assumed he could win the vote, and put the Tories' Hamlet-like "to be or not to be European" debate to rest. Instead, the British voters decided to leave—and Cameron lost his job as prime minister.

This dynamic should not sound foreign to Californians. Our elected officials have long put measures on the ballot—and been hurt by their defeat or hamstrung by the unintended consequences of victory. The biggest and most recent example of the plebiscite curse here was Gov. Arnold Schwarzenegger's 2005 special election for four ballot initiatives of his own making. All four lost, and he only saved his governorship by repudiating his own effort and replacing his top advisors.

While politicians in other states have also damaged themselves with plebiscites, no place has been as profoundly cursed as California. One reason: our state is the only place where a law made by ballot initiative can't be changed except by another vote of the people—forcing even plebiscite-averse politicians to go to the ballot. Indeed, California's inflexible form of direct democracy—and a good part of the dysfunctional governing systems it has spawned—is itself a plebiscite curse. In 1911, Gov. Hiram Johnson held a massive plebiscite to introduce the initiative and referendum process.

This year, the November ballot is getting criticism for its excessive length—17 statewide ballot measures—but we should pay extra attention to the ones placed on the ballot by elected officials who call on the people to deliver their desired results, instead of relying on the power of their

offices.

Gov. Brown has his own plebiscitary initiative on the ballot. It would liberalize sentencing laws, but it's risky. With crime up in California and public safety a bigger concern nationally, Republicans might defeat it and try to cripple the governor's larger efforts to reduce the state's prison population and better re-integrate former prisoners into California communities.

Gavin Newsom, the lieutenant governor, is taking on the plebiscite curse with two initiatives—one to tighten gun controls and the other to legalize marijuana. He's using both measures to show leadership as part of his nascent campaign to succeed Brown as governor in 2018.

But his gun control measure has raised tensions with Democratic legislators pursuing similar measures in the Capitol. And if Newsom's two plebiscites lose, it could badly damage his candidacy—and his career.

The dangers of plebiscites go beyond the risks to politicians and their causes. When powerful elected officials use the ballot for their own devices, they can raise questions about the credibility of our democracy. Attorney General Kamala Harris has faced criticism for writing favorable ballot titles and expediting legal reviews of plebiscites put forth by other politicians. And this year, the California Supreme Court, whose chief justice has been pressing for more funding for the courts, recently allowed the governor's sentencing plebiscite to make this year's ballot despite extensive alterations to the measure that have delayed previous ballot initiatives. It would seem direct democracy can be more direct for insiders.

As the Brexit vote in Britain reminds us, when the leadership of a state or country loses credibility, great and risky political earthquakes can result. From Europe to California, the plebiscite is a curse that can feed on itself.

Joe Mathews writes the Connecting California column for Zocalo Public Square.