

FCL NEWSLETTER



VOL. 57, NO. 5

FRIENDS COMMITTEE ON LEGISLATION

Sept./Oct. 2008

FCL's Recommendations for the 2008 General Election

The November General Election includes a lengthy array of important ballot propositions. Voters will decide whether to amend the State Constitution to eliminate the right of same-sex couples to marry and may chart a new course for our state's beleaguered correctional system. There are several flawed "green initiatives" on the ballot, and voters have the opportunity to reform the way legislative districts are drawn. The electorate is also being asked to authorize an additional \$17 billion dollars in General Obligation bonds.

The FCL Board of Directors is becoming increasingly concerned about the rising level of bond debt and its impact on public education and services for our state's most vulnerable residents. Current General Fund bond payments were \$4.4 billion this year. As previously authorized bonds are sold, and if voters approve all bond measures on the November ballot, the bond payments will rise to over \$9.2 billion in the 2017-2018 fiscal year and put important programs at risk. Moreover, the Wall Street meltdown and California's poor credit rating make it unlikely these bonds could be sold at attractive rates.

Even before the meltdown, California's tax system, designed in the 1930s, was unable to generate sufficient revenues to fund the services that Californians demand. Getting our fiscal house in order is the biggest priority facing our state. Both Governor Schwarzenegger and Assembly Speaker Bass have indicated they plan to explore proposals in the upcoming legislative session to modernize our state's revenue collection system to reflect changes in the economy.

Responsive government requires effective citizen participation.
(Continued on next page)

FCL's Recommendations At-A-Glance

Proposition 1A: Neutral. *Bonds for High-Speed Rail.*

Proposition 2: Yes. *Standards for Confining Farm Animals.*

Proposition 3: No. *Bonds for Children's Hospitals.*

Proposition 4: No. *Parental Notification/Minor Pregnancy.*

Proposition 5: Yes. *Non-violent Drug Offense/Sentencing/Parole.*

Proposition 6: No. *Law Enforcement Funding/Criminal Penalties.*

Proposition 7: No. *Renewable Energy Generation.*

Proposition 8: No. *Elimination of Same-Sex Couples' Right to Marry.*

Proposition 9: No. *Victim's Rights/Parole.*

Proposition 10: No. *Alternative Fuel Vehicles/ Renewable Energy Bonds.*

Proposition 11: Yes. *Redistricting.*

Proposition 12: Neutral. *Veteran's Bond Act.*

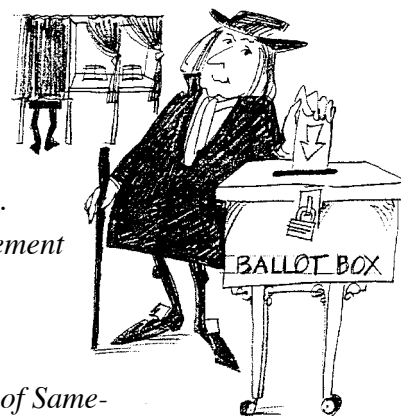


Illustration by Lee Storey

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"The Friends Committee on Legislation (FCL), guided by Quaker values, advocates for California state laws that are just, compassionate and respectful of the inherent worth of every person."

FCL's Recommendations for the General Election Ballot Propositions (Continued from page 1)

tion, which depends on readily available information that is widely accessible to voters. What follows are FCL's recommendations for November 2008 General Election. We welcome your feedback and comments. FCL staff is available to provide you with additional information. Contact the FCL Office.

Proposition 1A: Safe, Reliable High-Speed Passenger Train Bond Act. Proposition 1A authorizes \$9.95 billion in general obligation bonds to begin construction of a high-speed rail system that would eventually run from Sacramento to San Diego. (Phase I of the project would connect San Francisco to Los Angeles and Orange County.) Nearly \$1 billion would be provided to improve existing passenger service and local commuter rail systems. The total cost of the statewide system is projected at \$45 billion. By providing the initial investment, the state hopes to leverage federal, private, local and state funds to complete the project.

Consistent with FCL's concern for the environment, high-speed rail would reduce greenhouse gas emissions and its cost-competitiveness improves as the cost of gasoline increases. As the state's population increases, space for new airports and new runways is disappearing. In addition, air travel is a leading source of greenhouse gas emissions.

California faces a number of financial uncertainties, including persistent structural deficits that have resulted in reductions of essential services to the poor, elderly and disabled. According to the Legislative Analyst's Office, the costs of servicing previously authorized bond debt will approach six percent of General Fund revenues in fiscal year 2011-2012 (over \$6 billion). Without providing additional revenues to cover the increasing costs of debt service and with no solution to the state's ongoing budget difficulties in sight, there will be additional pressures to balance budgets on the backs of the poor. Not wanting to impede important advancements like high-speed rail, we also think that good stewardship demands, first and foremost, that we remedy our state's chronic budget shortfalls. FCL is NEUTRAL on PROPOSITION 1A.

Proposition 2: Standards for Confining Farm Animals. Initiative Statute. FCL supports humane conditions for animals. Moreover, evidence is growing that livestock and poultry raised using traditional methods – not in factory farms – are both healthier and more nutritious, offsetting predicted price increases with lower health care costs. FCL SUPPORTS PROPOSITION 2.

Proposition 3: Children's Hospital Bond Act. Grant Program. Initiative Statute. Children's hospitals provide a magnificent service to an important segment of our population, but they are not designed to provide basic, preventive care that is the

most pressing need and the most cost-effective treatment. This initiative is sponsored by the Children's Hospital Association of California, which represents eight private, nonprofit hospitals that would receive 80 percent of the funds raised from the bond proceeds.

We doubt it is good public health policy to sell bonds to benefit one class of hospitals. There are many other health care entities, such as county hospitals, which have equal or greater needs than these eight hospitals. Does it make sense to offer state funds for hospital construction when the state is cutting funding for health care, including health care for children? FCL OPPOSES PROPOSITION 3.

Proposition 4: Waiting Period and Parental Notification Before Termination of Minor's Pregnancy. Initiative Constitutional Amendment. Proponents of parental notification are back at the ballot for their third bite at the apple. Proposition 4 prohibits doctors from performing abortions on minors until 48 hours after the physician notifies a parent or legal guardian. The measure makes exceptions to the reporting requirement in cases

where the mother's life is in danger or where there is evidence of physical, sexual or severe emotional abuse. Pregnant minors could also ask a juvenile court for a waiver.

The issue of parental notification is much more complicated than alluded to by the drafters of Proposition 4. Many teens live in households where there is little or no communication between parents and children. A pregnant minor who has been subjected to abuse may be less likely to seek a physician's care if the consequences will lead to more abuse and/or the arrest of a parent and the subsequent loss of support. It is also unreasonable to expect an emotionally distraught teenager to take legal action and apply for a waiver.

Effective family planning begins with sex education and access to contraception. Minors fearful of parental notification are more likely to seek unsafe abortions, which will put the lives of young women at risk. FCL OPPOSES PROPOSITION 4.

Proposition 5: Nonviolent Drug Offenses, Sentencing, Parole and Rehabilitation. Initiative Statute. In 2000, California voters passed Proposition 36, the Substance Abuse and Crime Prevention Act (SACPA), commonly referred to as Proposition 36. SACPA was funded at \$120 million per year for five years. As its funding came up for re-authorization, SACPA came under assault by a powerful law enforcement lobby in the Capitol that has advocated stricter sanctions, including more use of incarceration for program participants who test positive for drug use. SACPA included an evaluation component prepared by UCLA, which found that SACPA substantially reduced incarceration costs and that the program could be improved.

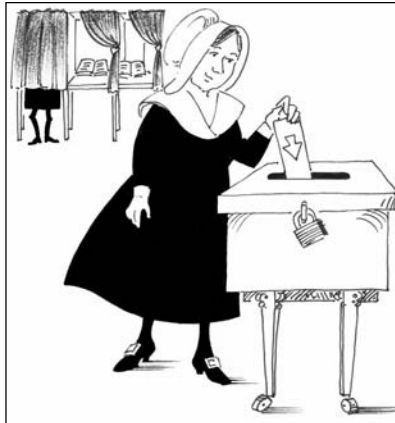


Illustration by Lee Storey

California's prisons are severely overcrowded as a result of the Legislature's inability to enact sentencing or parole reforms. The overcrowding has resulted in judicial intervention and a three-judge panel may start ordering early releases. In the last five years, the corrections budget has increased by 75 percent, and California now spends more for incarceration than the University of California and California State University systems combined.

Despite prison overcrowding, the Legislature, until recently, has acted as if prisons are an unlimited resource by passing numerous sentencing enhancements without considering prison capacity. Though the Legislature has become more selective about increasing sentences, it has not found the political will to reduce the prison population. Regretfully, even modest sentencing and parole reforms included in this year's budget bill and objected to by Republicans were deleted from the final budget agreement. Criminal justice policies continue to be driven more by politics and emotion than successful evidence-based approaches.

Proposition 5 reverses that trend and builds on the recommendations by UCLA and by The Little Hoover Commission, both of which found that due to funding restraints, persons severely addicted to harder drugs were being placed in outpatient treatment when residential treatment was called for. Funding for drug treatment would be increased and prisoners would be assessed and provided with appropriate programming 90 days before their release date. It also limits parole to one year for persons whose conviction was for a nonviolent offense and provides that persons on parole are not returned to prison for technical violations when community services are more appropriate. It also provides funding for drug treatment of at-risk youth for the first time ever. The Legislative Analyst's Office estimates that Proposition 5 will reduce the prison population by 18,000 prisoners and that the savings from reduced incarceration will offset the costs of its implementation.

The measure is not perfect, and FCL is concerned about its potential impact on persons serving life sentences. By providing more rehabilitative services for persons leaving prison and on parole, will it result in more warehousing for those serving life sentences, but who nevertheless pose little risk to public safety? Unfortunately, this is already happening in California's prisons as a result of heightened emphasis on re-entry. However, it is also unrealistic that prisoners serving life sentences will receive programming until the prison population is reduced. FCL SUPPORTS PROPOSITION 5.

Proposition 6: Police and Law Enforcement Funding, Criminal Penalties and Laws. Initiative Statute. Proposition 6 is a 30-page composite of costly, ineffective, punitive measures that failed passage in the Legislature and will result in increased use of incarceration. It is coauthored by George Runner (R-Lancaster) who also coauthored California's poorly drafted Jessica's Law and Mike Reynolds, a coauthor of California's "Three Strikes" law. Its principal financial backer is Broadcom co-founder and former CEO, Henry Nicholas III who, ironically, is facing federal indictments for backdating stock options, drug

possession, and making death threats to conceal his alleged activities.

The initiative earmarks \$965 million in spending for punitive programs, an increase of \$365 million over the current year. It also puts funding for these programs on a never-ending cost escalator tied to the Consumer Price Index without any accountability or evidence of program effectiveness. The measure redirects funding designated for rehabilitation services to juvenile hall expansion. The Legislative Analyst's Office estimates that the state will have to spend an additional \$500 million to construct new prison and jail beds.

Despite the state's chronic budget problems and prison overcrowding crisis, Proposition 6 would create over 30 new crimes and sentencing enhancements. Penalties for gang-related felonies would be doubled, methamphetamine possession, which can currently be charged as either a felony or misdemeanor, would become a felony, and youth as young as age 14 could be charged as adults for some crimes. Proposition 6 also stigmatizes the poor by requiring annual criminal background checks of recipients of Section 8 housing. Some may also become homeless as a result.

Rates of crime and violence have fallen to historic lows. If passed, Proposition 6 would divert funding from schools and health care and other programs which make for safe communities. It is highly punitive and yet another example of the mindless and unsustainable reliance on incarceration as a solution to social problems. FCL OPPOSES PROPOSITION 6.

Proposition 7: Renewable Energy Generation. Initiative Statute. Proposition 7 sets renewable energy targets that go well beyond those recently enacted in California's landmark AB 32 legislation. According to the Union of Concerned Scientists, the initiative arbitrarily caps the price paid for renewable energy sources (while traditional energy resources remain uncapped), which would hinder the development of large-scale renewable energy projects. Moreover, smaller renewable energy projects generating less than 30 megawatts of electricity would be excluded from counting towards the renewable energy targets, (Continued on next page)



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FCL's Recommendations for the General Election Ballot Propositions (Continued from page 3)

which would discourage their development. These smaller scale projects account for 60 percent of the utility contracts under AB 32's renewable energy standard.

FCL supports realistic efforts to heal the environment, but this poorly drafted initiative has unintended consequences that could set back the progress achieved under AB 32. Proposition 7 is opposed by a broad coalition of environmental groups, renewable energy resource providers, labor, business and consumer groups, the League of Women of Voters and California Church Impact. FCL OPPOSES PROPOSITION 7.

Proposition 8: Eliminates Right of Same-Sex Couples to Marry. Initiative Constitutional Amendment. This proposed amendment to the California Constitution would forbid the marriage of same-sex couples. Such unequal treatment is prohibited by the Fourteenth Amendment of the U.S. Constitution (though the prohibition of same-sex marriages by states has yet to be challenged at the federal level), the Equal Protection Clause of the California Constitution and contradicts the principle of religious pluralism.

All faith traditions agree that marriage is a sacred institution deserving of some form of religious sanction or blessing. Religious communities have the right to decide whether to bless marriages, and this right must be honored and protected. The function of the state, however, is to ensure equal protection for *individuals* under the law and to promote the public good.

FCL affirms the right of individuals to form contractual relationships such as marriage whether they are of the same or opposite gender, and we oppose any and all efforts to undermine marriage equality. FCL OPPOSES PROPOSITION 8.

Proposition 9: Criminal Justice System, Victims Rights, Parole. Initiative Constitutional Amendment and Statute. California's prisons are so severely overcrowded that a federal three-judge panel is considering early releases to reduce overcrowding in order to bring prison health care up to constitutional standards. Proposition 9 is underwritten by the same magnate (Henry Nicholas III) who is bankrolling Proposition 6. Many of Proposition 9's provisions grant victims of crimes rights and protections they already have under current law that would now

become part of the State Constitution. Its larger agenda is to preempt early releases of prisoners and promote the construction of more prisons and jails under the guise of helping victims of crime.

This measure amends the State Constitution and various state laws to 1) expand the legal rights of crime victims and the payment of restitution by persons convicted of crimes, 2) restrict the early release of prisoners to alleviate prison and jail overcrowding, and 3) change the procedures for granting and revoking parole. Persons facing parole revocation would lose the right to legal counsel unless they are indigent, or mentally or educationally incapable of defending themselves. Prisoners serving life sentences who are denied parole would be denied a new parole hearing for up to 15 years. This measure could foster the creation of a cottage industry of victims' advocates bearing no relationship to victims to testify at parole hearings.

Indeed, we need to do more to help victims; however, we question whether additional retribution heals the emotional and physical wounds they endure. Proposition 9 is latest in a series of well-financed initiatives that confuse vengeance with justice. FCL OPPOSES PROPOSITION 9.

Proposition 10: Alternative Fuel Vehicles and Renewable Energy Bonds. Initiative Statute. Oil tycoon T. Boone Pickens spent \$3 million to put Proposition 10 on the ballot. Pickens, who now supports alternative energy sources, stands to benefit handsomely if voters approve Proposition 10 as a result of his interests in natural gas.

The measure authorizes \$5 billion in general obligation bonds to provide rebates for the purchase of high fuel economy or alternative fuel vehicles. Of the \$3.4 billion in alternative fuel vehicle subsidies, individual car owners would receive the largest number, but big trucking companies that convert their fleet to natural gas would receive the bulk of the subsidies. About \$1.6 billion of the bond proceeds would fund research and development and production of electric generation technology.

According to the Consumer Federation of California, Proposition 10 defines clean alternative vehicles to include natural gas powered vehicles provided that they don't pollute more than gasoline or diesel powered vehicles. Hybrids would be excluded.

Continued →

Registered Voter Numbers Decline

Despite the nation's intensive interest in the upcoming election, the number of eligible Californians who have registered to vote has decreased to its lowest level since 1992.

According to Secretary of State, Debra Bowen, as of September 5, slightly less than 70 percent of eligible Californians have registered to vote ("60 Day Report of Registration, September 5, 2008 for the November 4, 2008 General Election").

California's most populous counties, Los Angeles, Riverside, San Diego and San Francisco, all hover in the 61 (Riverside) to 72 (San Francisco) percentile range.

Top registration honors go to Sierra County, with a remarkable 90.63 percent voter registration. Tulare County occupies the basement, at only 57 percent voter registration.

Perhaps the winner in the civic participation sweepstakes should be tiny Alpine County; of the 900 eligible voters in Alpine County, 782, or nearly 87 percent, have registered to cast their ballots.

Eligible residents may register until Oct. 20. Information on how and where to register is available on the Secretary of State's website, at www.sos.ca.gov or by calling 916-657-2166. ☺

– Vanessa Nelson <Vanessa@fclca.org>

We question whether general obligation bonds, which are usually used for projects that have broad societal impact, should be used to subsidize even the most fuel efficient vehicles when state funds are so scarce. Proposition 10 is a clear abuse of the initiative process. FCL OPPOSES PROPOSITION 10.

Proposition 11: Redistricting. Initiative Constitutional Amendment and Statute. Since the Legislature created safe districts in 2001, it has become more ideologically polarized as candidates for safe seats only have to appeal to their party base. The polarization results in straight party line votes and makes it more difficult to negotiate compromises (see “Redistricting: Red Alert or Red Herring?,” *FCL Newsletter*, July-August, 2007). Gerrymandered districts make it harder for voters to hold their elected representatives accountable.

This measure proposes the creation of a 14-member Citizens Redistricting Commission responsible for drawing new districts for the State Senate, Assembly, and Board of Equalization districts. Legislative leaders would select the commissioners from a pool of 60 applicant voters chosen by government auditors, five from each of the two major parties and four members unaffiliated with either political party. Commissioners would serve ten-year terms.

The new districts must comply with the Voting Rights Act (meaning they cannot be drawn to dilute the number of minority voters), be of equal population and respect the geographical integrity of communities. The Legislature would be permitted to draw new congressional districts.

Proposition 11 is not a cure-all, and its effects are probably overstated. Rather, it is one in a series of reforms that could restore accountability to the Legislature and promote good governance. Other necessary reforms include publically financed campaigns, to reduce the influence of campaign contributions, and extending term limits, which would allow elected representatives to develop more expertise without all of the advantages of incumbency.

Still, voters should choose their elected representatives – not the other way around. FCL SUPPORTS PROPOSITION 11.

Proposition 12: Veterans Bond Act of 2008. Proposition 12 asks voters to approve \$900 million in general obligation bonds which will fund the purchase of homes and farms for veterans under the Cal-Vet Home Loan Program at no expense to the state, as the bonds would be paid for by participating veterans. It also extends eligibility to all veterans so that those serving since the Vietnam War are eligible, as well as California National Guard soldiers who served in Iraq or Hurricane Katrina.

Many veterans are homeless and the Cal-Vet Home Loan Program has been admirable, but insofar as it offers an inducement for people to enlist in the armed services, it contributes to the exultation of militarization in our society. There are many other professions that contribute to the quality of life, such as nursing, child care, and teaching to name a few. We might have a better chance of maintaining peace in the world if the state were to offer low-interest loans to everyone, not only veterans. FCL is NEUTRAL on PROPOSITION 12. ☺

– Jim Lindburg <JimL@fclca.org>

Muriel Strand coordinated and summarized the Board’s recommendations. Dale Richter and Vanessa Nelson contributed to the article.

Statement of Ownership

Publication Title: FCL Newsletter. Publication No.: 0188-560. Filing Date: 9-30-2008. Issue Frequency: Bi-Monthly. Number of issues published annually: (6). Annual subscription price: \$35.00, Low Income/Student: \$20.00. Complete Address of Known Office of Publication: 717 K Street, Ste. 500 B, Sacramento, Sacramento County, Ca. 95814-3408. Telephone Number: (916) 443-3734. Complete mailing address of General Business Office: 717 K Street, Ste. 500 B, Sacramento, Ca. 95814-3408. Full Name and complete Mailing Address of Publisher, Editor, and Managing Editor: Friends Committee on Legislation of California, 717 K Street, Ste. 500 B, Sacramento, Ca. 95814-3408. Editor: Ashley Hart, 717 K Street, Ste. 500B, Sacramento, Ca. 95814-3408. Managing Editor: James Lindburg. Owner: Friends Committee on Legislation of California (a non-profit organization), 717 K Street, Ste. 500 B, Sacramento, Ca. 95814-3408. Known Bondholders, Mortgagees, and Other Security Holders: None. The purpose, function, and non-profit status of this organization and the exempt status for federal income tax purposes: Has not changed during the preceding 12 months. Publication Title: FCL Newsletter. Issue Date for Circulation data below: July/August 2008.

| Extent and Nature of Circulation | Average No. Copies Each Issue During Preceding 12 Months | Actual No. Copies of Single Issue Published Nearest to Filing Date |
|--|--|--|
| Total Number of Copies | 1792 | 2000 |
| Paid/Requested Outside-County Mail Subscriptions | 1070 | 1141 |
| Paid In-County Subscriptions | 0 | 0 |
| Sales Through Dealers and Other Non-USPS Paid Distribution | 0 | 0 |
| Counter Sales and Other Non-USPS Paid Distribution | 0 | 0 |
| Other Classes Mailed Through the USPS | 192 | 190 |
| Total Paid and/or Requested Circulation | 1262 | 1331 |
| Free Distribution by Mail Outside County | 0 | 0 |
| Free Distribution by Mail Inside County | 0 | 0 |
| Free Distribution by Mail through Other Classes of Mail | 280 | 312 |
| Free Distribution Outside the Mail | 132 | 140 |
| Total Free Distribution | 412 | 452 |
| Total Distribution | 1674 | 1783 |
| Copies Not Distributed (In Office) | 118 | 217 |
| Total | 1792 | 2000 |
| Percent Paid and/or Requested Circulation | 75% | 74% |


**FRIENDS COMMITTEE ON
LEGISLATION OF CALIFORNIA**
717 K Street, Suite 500B
Sacramento, CA 95814-3408
Website: <http://www.fclca.org>

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FCL STATEWIDE OFFICE (916) 443-3734

Jim Lindburg, Legislative Director
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 Printed on recycled paper

Vanessa Nelson Joins FCL Staff

Vanessa Nelson (pronounced with a long “e”) has joined the FCL staff as Office Manager, taking on many of the administrative duties and assisting with the *FCL Newsletter*.

Vanessa has degrees in Journalism and Political Science and a background in newspaper writing and editing. For the past several years, she worked in retail management, including owning a florist shop, and recently completed a paralegal studies course. Vanessa’s passionate interests are social justice, prison reform, following her daughter, Christine’s pursuit of a masters degree in Cultural Anthropology and, just for a change of pace, cats.

Said Vanessa, “I look forward to meeting more of the FCL family at the Bay Area dinner and other upcoming events, and to assisting our efforts in any way I can.” ☺

The Friends Committee on Legislation of California (FCL) includes Friends and like-minded persons, a majority of whom are appointed by Monthly Meetings of the Religious Society of Friends in California.

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Expressions of views in this newsletter are guided by Statements of Policy prepared and approved by the FCL Committees. Seeking to follow the leadings of the Spirit, the FCL speaks for itself and for like-minded Friends. No organization can speak officially for the Religious Society of Friends.

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While we strive above all for correctness and probity, we are quick to recognize that to err is human. We therefore solicit and welcome comments and corrections from our readers.