

Welcome to Civil Discourse. This podcast will use government documents to illuminate the workings of the American Government and offer contexts around the effects of government agencies in your everyday life. Now your hosts, Nia Rodgers, Public Affairs Librarian and Dr. John Aughenbaugh, Political Science Professor.

Nia Rodgers: Hey, Aughie!

John Aughenbaugh: Good morning, Nia. How are you?

Nia Rodgers: I'm good, how are you?

John Aughenbaugh : I'm fine.

Nia Rodgers: I've been thinking about ballots.

John Aughenbaugh: Yeah. Hey, I just filled mine out and mailed mine in this week.

Nia Rodgers: I have... well yay. I'm not. I'm doing mine in person.

John Aughenbaugh: More

Nia Rodgers: Well, yeah, I'm going to go vote in person.

Nia Rodgers: I'm... I want to see how it is day of. I'm one of those people. I want to see how long the lines are. I suspect I will sail in and sail o, because I don't think anybody's going to be there except me. And I don't even know if the two old ladies, it may just be to new people.

John Aughenbaugh: I've been seeing advertisements on TV, where they are trying to recruit young people. Who are less susceptible to COVID to actually volunteer at the polls, much like the elderly women. Women you've referenced in a number of podcast episodes. They want to make sure that they are properly staffed. Yeah, yeah.

Nia Rodgers: Well, and for listeners who have to do service learning as part of, their, either their work or their school, you might consider doing that. I know that for VCU, we are not open that day, to encourage that very thing, people to either serve at the polls or and to make sure that people vote. Or have the opportunity to vote. The first time that VCU has done that and I hope to see that in the future. I would like to see every employer do that. I think that it would be. I know there are all kinds of financial and fiscal reasons why some companies would really struggle to let everybody have the day off to vote, but... But it would be, it would be wonderful if we had one of those. Oh, it's a holiday and we all get to have a good time. And there's hot dogs and fireworks and here's, here's some voting. Right. Wouldn't it be nice. As Mackenzie points out, if there were more donuts and coffee...

John Aughenbaugh: Oh, hey.

Nia Rodgers: Then voting would be fabulous. You could just go vote all day.

John Aughenbaugh: Yeah. In as we discussed in a previous podcast episode. In other democracies, Election Day is a holiday. And some scholars have pointed out, that's one of the reasons why they typically have a higher turnout than we do here in the United States, because again, many people because of the nature of their jobs or the fact that they have multiple jobs plus families, etc. If they are prioritizing what they're going to do on the, you know, second Tuesday after the blah blah blah voting usually comes at the end of their priority list. Right. It's something that they have to try to fit in. But if it's a holiday. Well, you don't have as much of an excuse

Nia Rodgers: Especially if it's a paid holiday.

John Aughenbaugh: Oh well, hey, that would that would be even better.

Nia Rodgers: Yeah, we'd be even better and we're very fortunate that VCU employees are having a paid holiday. Yes, but I don't know that that's true in every state and every institution, but I want to talk to you about the densely written paragraphs at the bottom of my ballot. Because they... first of all, the language is ridiculous. Like, I'm just saying to you now one voter to another... read it ahead of time because when you're standing there, trying to figure out what the heck it says... Like, you don't want to be standing around. First of all, in a public area where you may or may not be able to socially distance as much as you would like to i'd like like let's just keep covered in mind, but also, you have to parse the language sometimes because sometimes they are written in a way that I that I end up thinking, do I agree with that or do I not agree with that, like, I don't know, there's so many double negatives in here, it may be telling me that if I check yes box. I'm going to instantly evaporate and I'm scared to do that. Right, so like... But I want to know how they get on to the about like how the densely written paragraphs get there in the first place.

John Aughenbaugh: Yeah. In listeners what Nia is talking about is... On balance, in addition to voting for candidates for specific government offices, there might be questions where voters are asked to weigh in. Okay, it's kind of sort of a form of direct democracy. And what we're going to be talking about for the next few minutes are things like ballot referendums, initiatives, recall elections, and also questions about bonds, bond referendums, okay. And as Nia points out there typically at the bottom of your ballot at the end of the ballot. Okay.

Nia Rodgers: Yeah, they lull you into a false sense of security with the easy ones first. President, okay that's people you've heard of. Vice president, that's people you've heard of. And then you get to, if you're in a state where they do governor that year you like. Now, I

probably heard of most of those people. Right. And then you as you work further down the ballot. You're like, who the heck is this person? If you haven't studied about it ahead of time that sometimes can get a little tricky there in the middle and then you get to the huge paragraphs.

John Aughenbaugh: Yeah, okay. So whatever momentum, you may have built up...

Nia Rodgers: Your will to live is slowly dribbling away as you work your way through the ballot until you get to the end and I know people who just randomly mark Yes on one and No on another word like they don't...

Yes, please don't do that. You don't. It's your ballot is not... Oh, you don't have to complete the entire ballot for the ballot to be valid. Isn't that correct?

John Aughenbaugh: In most states that is correct, yes.

Nia Rodgers: Yeah, so you can if you want to just blow them off, you could. you could be like, Nope, I don't care anything about any of this.

John Aughenbaugh: But it does kind of sort of begs the question, if you do blow them off. Okay, why were they put on there in the first place?

Nia Rodgers: Well, yeah. And that's your one chance it straight up direct democracy.

John Aughenbaugh: Democracy right. So what we're talking about here is items on the ballot. Okay. That allow you to actually participate directly in governance. So ballot referendums initiatives recalls of government officials and we will get to recalls in just a few moments.

Nia Rodgers: I have questions about that.

John Aughenbaugh: Yeah, I bet some of you are like he will woah woah woah woah you mean we could go ahead and recall somebody who we, you know, didn't like who got, you know, elected. Whoa, hey, this sounds pretty cool. Well, you know, hold your horses metaphorically.

Nia Rodgers: Yeah, there are limits to that.

John Aughenbaugh: Yes, right.

Nia Rodgers: Just as a foreshadowing. You can't recall the president. Moving on...

John Aughenbaugh: Right. Okay. Yeah. You can't do that. Okay. But nevertheless, these arose basically at the turn of the 20th century, and these were hallmarks of The Progressive Era. Which basically one of the attributes of the progressives, were they wanted to break up concentrations of power. Okay. And in particular, they believed that corporations and monopolies frequently had undue influence in government

Nia Rodgers : Were they right?

John Aughenbaugh: There's quite a bit of evidence to suggest that these corporations, because of the amount of money they donated to campaigns and how important their economic activity was to States in particular. Okay, that perhaps bypassing elected representatives was the best way to get less corrupt. Okay. Um, and a government that was just a more representative of the majority's will. Okay.

Nia Rodgers: So sorry, just to ask a quick question. So by corporations, you're talking like the railroads and corporations like that right like is IBM didn't exist an Apple didn't exist that right not not what we think of as the modern big corporations, but sort of the

John Aughenbaugh: Yeah, the robber barons.

Nia Rodgers: Right. The early industrial years and the early financial groups.

John Aughenbaugh: Yeah, the, the, you know, when the nation's economy switch from agriculture to industrialization, industrialization required huge amounts of money okay for it to be effective. And not only did it require people of wealth to invest in them. But once they were developed. They made a whole bunch of money and they didn't necessarily want to be regulated okay by state elected officials.

Nia Rodgers: Okay, so they were basically keeping their... they were keeping their means of making money.

John Aughenbaugh: Oh yeah, I mean it was narrow self interest. Okay. I mean, it's the hallmark if you will of capitalism. According to economists. Right. Okay. People are going to engage in behaviors that further their narrow self interest. Well, how do you make sure that that narrow self interest is not corrupting the political process? How do you make sure that state legislators. Okay. And again, this is primarily at the state level, okay, because that's where progressives thought the most significant corruption of government was taking place. And also, this was before the New Deal. OK. So the idea that the federal government could regulate the economy was kind of sort of unheard of. In the late eighteen hundreds, early nineteen hundreds, the US Supreme Court made it very clear that if there was going to be regulation of industry. It was going to be done at what level government?

Nia Rodgers: State and local. So well, which makes sense, I suppose, because the state and local economies were highly dependent on industry. Yeah, but also things like industry could ruin the the air quality in your city, but it didn't ruin the air quality nationally. Actually being able to clean up the smog of Los Angeles would be something that the city of Los Angeles would want the power over to regulate those industries. Okay, I can see that.

John Aughenbaugh: Okay, but there was quite a bit of incentive for state elected officials not to regulate those industries, because those industries were providing what for the citizenry?

Nia Rodgers: Oh jobs and money and they were also providing money to run campaigns for said incumbents.

John Aughenbaugh: So the thought of the progressive was can we create tools to bypass state legislatures that were beholden to big money corporations and monopolies. Yeah, this is where you get okay a push for states to allow referendums initiatives and recall of state government officials. And there are differences. There's a difference, particularly between referendums and initiatives and by the way referendums is portal. It's also sometimes pronounced referenda, okay.

Nia Rodgers: The Latin for plural referendum. Okay.

John Aughenbaugh: The main difference between a referendum in initiative is this: Okay, a referendum allows voters to either repeal a specific act of the state legislature or to actually add, if you will, a specific, if you will, section to a state constitution. So it's the voters basically saying, Okay, this is how we want policy to be or this is how we want our state constitution to actually, you know, read. Okay.

Nia Rodgers: Okay.

John Aughenbaugh: An initiative okay um is basically: Again, you have to get a certain number of signatures. There's like with a referendum. Okay, in basically initiatives. Okay, allowed, if you will... It's the legislature's willingness to go ahead and say to the public. What you want to do, right. So let's just say for instance, the State of California wants to go ahead and increase fuel efficiency of vehicles. But they're not entirely sure that this will upset the public or be favored by the public or whether or not there are vested interests who might get upset by increasing fuel efficiency of motor vehicles, the State of California legislature might go ahead and say okay: We're placing an initiative on the ballot and we want the voters to decide.

Nia Rodgers: So it's a combination of covering your posterior and polling.

John Aughenbaugh: Yes. Okay.

Nia Rodgers: Right, because you get to get the temperature of whether that thing is popular or not. Yeah. For you put your posterior out in the wind to be to be judged.

John Aughenbaugh: That's right. Okay, so where's the referendum is basically the voters saying to their elected officials. We don't like what you did, an initiative is more of a hey, what would you want quote unquote voters for us to do.

Nia Rodgers: Okay.

John Aughenbaugh: And again, as you pointed out, the benefit of an initiative for state legislatures is they get to go ahead and say, hey, "We're only doing what a majority of the public wants us to do", right, whereas a referendum is, if you will, a direct you know smack in the mouth, metaphorically of what state legislature. It's done. Okay. Okay, so that's the primary difference between a referendum in an initiative. Okay, um a recall election...

Nia Rodgers: Wait, do we have these in Virginia?

John Aughenbaugh: Referendums and initiatives? Unfortunately, no.

Nia Rodgers: Okay, so they're not every state, not every state has...

John Aughenbaugh: No. A you see these tools if you will have direct democracy, primarily in Western and mid West states. So, for instance, California, Washington, Oregon, Arizona, Colorado. Some of the upper Midwest states, Wisconsin, for instance, has these initiative or has have these tools. Okay, most of the states on the east coast and then the in in the Deep South, do not.

Nia Rodgers: They spit in the face of direct democracy.

John Aughenbaugh: Oh my goodness, do they ever.

Nia Rodgers: Right, okay. Is take your direct democracy and go home. Yes, you, you, California hippie. Tree hugging progressive.

John Aughenbaugh: By the way, Nia. This actually taps into a large body political science research. That divides the quote unquote air quotes. Okay, American political culture into subcultures. Okay, the work of political scientists Daniel Elazar are in the nineteen fifties and sixties. He went ahead and identified that in the States. They actually have subcultures that are very distinctive to that state. And he came up with three broad types or categories

moralistic, individualistic, and traditionalistic. Now don't be confused listeners when he says moralistic he's not talking about religion. The moralistic political subculture, like that of California actually thinks that government by and large is good. And that people should have an active role in governing. So moralistic Political subcultures generally tend towards these kinds of direct democracy tools. So for instance, it's not a surprise to go ahead and see referendums initiatives recall elections in states like California Washington, Oregon, because they generally according to many political scientists have a moralistic political subculture.

Nia Rodgers: The only place. Where I was thinking about recalls. And the first thing the first one that came to mind, I think, which I know you're going to talk about was Governor Davis. But there was also an attempt in Wisconsin right Walker. So, so it's not just the western states. So you're saying the West and the Midwest. Or the upper Midwest. Yeah, okay.

John Aughenbaugh: Yep.

Nia Rodgers: Now, so what, who, who's, who's

John Aughenbaugh: Individualistic? originally talking about The North many northeast states. Okay. And in an individualistic political subculture government is typically viewed as being corrupt.

Nia Rodgers: Okay.

John Aughenbaugh: People only get involved in government to further their narrow road self interest. Okay. Okay states like my home state of Pennsylvania.

Nia Rodgers: New York, New Jersey

John Aughenbaugh: New Jersey. Okay, Ohio, basically. Many states that had dominant political machines.

Nia Rodgers: So, Illinois, Chicago

John Aughenbaugh: Okay, yeah, there you go. Okay.

Nia Rodgers: There is some evidence that there is corruption in that...

John Aughenbaugh: Oh, sure. Yeah, massive amounts of corruption.

Nia Rodgers: Right, so it's not... I mean, it's not the people they're just making that up.

John Aughenbaugh: Yeah. And then the third type is a traditional, traditionalistic.

Nia Rodgers: Oh, that's got to be the South.

John Aughenbaugh: Yeah. Yeah, right. Uh, the purpose of government is to maintain existing, if you will, social, economic and political relationships.

Nia Rodgers: at us. That's how. Yep. I'm not saying I agree, but that is how most people in the South are.

John Aughenbaugh: Oh hey historically

Nia Rodgers: That's my great grandma's biscuit recipe. Are you saying there's something wrong with it?

John Aughenbaugh: Yes, right.

Nia Rodgers: Which is an underlying threat of... There's about to be a fight.

John Aughenbaugh: Yes. And by the way, the people, by and large, are not expected to participate in government in a traditionalist subculture.

Nia Rodgers: Oh no government is slightly dirty.

John Aughenbaugh: Yo, hey, no in government is controlled by elites who know better. They will rule on their, on your behalf. It's extremely paternalistic right.

Nia Rodgers: Yeah, it's Royalistic, hierarchical sort of...

John Aughenbaugh: It's what VO Key, junior, a well known political scientist discussed in his book Southern Politics in State and Nation. And in his chapter about Virginia, he went and said that Virginia was a political museum piece. Okay. That much of its political, if you will, culture, was established during the colonial era, and hardly changed well into the nineteen fifties and sixties. Right. So if you think about it, Nia. Okay. It's only in those states that have elements of a moralistic political subculture that you see direct democracy tools like referendums and initiatives. And recalls.

Nia Rodgers: And not to get all... Yeah, because I'm not a historian, and I don't but but i think of those as sort of the Wild West. You have to be independent, you have to be sort of Maverick key back in the day, in order to go there in order to make it across the country

and make it in California, you had to be the sort of person who you wouldn't naturally think that your vote would be important. Well, I should have a say in this because I walked all the way across this country to get here like there's something it makes sense to me. It makes sense to me that that that that would be a carry on effect of the settling of the West would be that people would want to have a say in how their town is run and how their, their democracy happens in a different way than maybe some of the other states.

John Aughenbaugh: And as you, me, our colleague in the History Department Carolyn Eastman, you know, as we discussed. I'm interested in recent series of lectures for Constitution Day. Some of the innovations in regards to getting the right to suffrage for previously discriminated groups actually happened in those states right

Nia Rodgers: Right,

John Aughenbaugh: I mean if you think about the first date that actually granted women the right to vote. It was Wyoming. Right, it wasn't an east coast state. Right. It certainly wasn't a deep south state.

Nia Rodgers: Oh yeah now.

John Aughenbaugh: Okay.

Nia Rodgers: It was a frontier state.

John Aughenbaugh: It was a frontier state, right, of course. Okay. I mean, hey you know you're out there. Okay. You're, you know, you are living by your skill. Your wiles, etc. Of course, I'm going to participate. Okay. Because back east. Okay. Um, you know, I was told. Okay, that unless you're part of this political party. Okay, you're never going to have a role in government. I. E. The Northeast and political machines. Okay. And in the South. Okay.

Nia Rodgers: Men take care of voting.

John Aughenbaugh: That's right. Okay, white wealthy men take care of voting in government women No people of color. No. Okay. Poor people know okay you know you guys have enough on your plate. Why don't we go ahead and take care of the running of governments.

Nia Rodgers: Well, and we definitely better than y'all.

John Aughenbaugh: Yeah yeah know better than you. All right. We're elites for a reason. Right, okay. And you're poor, okay for a reason.

Nia Rodgers: Blaming people for their class and race and gender

John Aughenbaugh: Yes. Right.

Nia Rodgers: A long held tradition in the South.

John Aughenbaugh: That's right.

Nia Rodgers: Not a good one, but a long held tradition. Okay. Okay, so, so...What's, what's wrong with ...

John Aughenbaugh: Because right now, all this sounds great. Right.

Nia Rodgers: Well, it sounds great, that the people can stand up and say government sucks. And I don't like it. And I want you to fix this thing and I don't like your stupid initiative and I want you to go away. Oh, you haven't done recall. Sorry, I jumped past recall

John Aughenbaugh: Okay, in in the states that allow for recall elections, basically a again with all three of these referendums, initiatives, and recall legends. Okay. The voters have to get a certain percentage of signatures saying we want to do X okay

Nia Rodgers: So enough people have to care.

John Aughenbaugh: Yes.

Nia Rodgers: It can't just be five people very grumpy. Yeah five very grumpy loud, people will not make an initiative.

John Aughenbaugh: Yeah, in each state that have these direct democracy tools. Okay, there's usually like a percentage requirement of registered voters.

Nia Rodgers: Which makes sense. You want a threshold, you won't. You don't just want five anger 12 angry men. To quote a film title. You don't want... You don't want that small of a group being able to upset the apple cart. You want it to be a substantial number of people.

John Aughenbaugh: Yeah, so you get enough signatures saying let's just say for instance, I want to recall the governor. I think the governor has been doing a terrible job. He's pushing the envelope on the state constitution. Okay, etc, etc. Right, so you get enough signatures and in the next election. Okay. The voters get to decide whether or not they want to recall and basically recall means is force the current occupant to step down.

Nia Rodgers: Is that between elections?

John Aughenbaugh: Yes, yes.

Nia Rodgers: Okay, so, yeah. Governor for four years. That's true of everybody right. All government terms are forgiving editorial terms or four years. So over a year in and people say Yeah, we're done with Augie. We can't... We can't do this anymore. He's, he's turning us, if you were in Virginia, he's turning us into California. We can't have that. So we're going to recall him.

John Aughenbaugh: Yes.

Nia Rodgers: So enough people, whatever that threshold is X percentage of the population or 2 million or whatever. Let's just pick a number sign and the signatures are found to be valid. It's not Mickey Mouse signing. It's actually a person. And then what?

John Aughenbaugh: Then they actually have an election.

Nia Rodgers: So the recall is to have a reelection. It's not to immediately make you go away.

John Aughenbaugh: Okay, the recall okay is basically a disc selection. It's a vote on whether or not you're out of office.

Nia Rodgers: It's a vote of confidence.

John Aughenbaugh: Yes. Oh, that's a really, that's a really good comparison for our listeners who are aware of what goes on in parliamentary forms of democracies okay in in parliamentary forms of democracy. If the Members of Parliament, all of a sudden lose confidence in the Prime Minister, they will actually take a vote of confidence you know it's, it's a confidence vote right like

Nia Rodgers: You're poopy and we think you're not doing a good job.

John Aughenbaugh: Job. So, okay, you're no longer our Prime Minister.

Nia Rodgers: But you can, but the people who call that can lose, can lose that, and the general populace can say, or in this case, that would be Parliament, but in, in our case with recall the general populace can say, not unlike Augie. I think he's doing an upstanding fine job.

John Aughenbaugh: Yes.

Nia Rodgers: And if enough of them do that. Then you're not recalled right?

John Aughenbaugh: You're not recalled and, moreover, okay, you might actually feel stronger, more emboldened okay because...

Nia Rodgers: Which is what happens in Parliament when you have a vote of confidence and the person passes. And they're like, oh yeah, by the way. Brexit! and you're like wait, what? And it all goes south that, like they they say something completely out of the pocket because now they think, Oh, I've got, I've got support. I didn't even know I had

John Aughenbaugh: Think about, for instance...

Nia Rodgers: It's a dangerous thing to recall somebody then.

John Aughenbaugh: I mean, think about the confidence vote of Boris Johnson in the British Parliament. When he became Prime Minister right okay Parliament took a note confidence vote in regards to Boris Johnson.

And he passed it. And at that point, okay, Boris Johnson was this, like, ha, ha. Now I get to dictate how we do Brexit. Not only is Brexit going forward. Okay, but for all of the all of you who thought I was a madman, while the madman now gets to go ahead and negotiate Brexit. How do you like me now. Okay.

Nia Rodgers: Yeah.

John Aughenbaugh: And that's the danger of going forward with a recall

Nia Rodgers: Well, Scott Walker.

John Aughenbaugh: Yes. In the state of Wisconsin. Okay, this millennium. Folks, this millennium. Okay. Scott Walker takes office. He was a Republican. Governor of Wisconsin. He takes office, the state legislature was also narrowly controlled by Republicans in some pretty... Well gerrymandered

Nia Rodgers: I was gonna say shenanigan-y, if that's a word. Okay shenanigans were had

John Aughenbaugh: But yeah, okay. Yeah, he comes into office and immediately he wants to go ahead and cut the standard Wisconsin's budget. Right. Um, but the legislature couldn't take votes because Democratic members of the legislature actually left the state.

Nia Rodgers: Yes, that's right. I forgot. They all went to like Illinois or something and hung out in the casinos. They... Or Indiana. I can't remember where they went. But they went someplace else. And he was like, And the legislature said yep, we can't do anything because there are no Democrats to be had.

John Aughenbaugh: Yeah, and they

Nia Rodgers: couldn't come back like they couldn't even come back for clothes or toothbrushes or anything, because if they had come back, they would have been compelled to take their seats.

John Aughenbaugh: They would have actually been arrested by the state police and drug back to the state legislature. Right.

Nia Rodgers: Yeah, when I say compelled. I mean, they actually would have been compelled

John Aughenbaugh: Yes, right.

Nia Rodgers: So they did they go... And they all went to the Bahamas, or whatever.

John Aughenbaugh: So naturally, a whole bunch of Wisconsinites were like, hey, this is not how state government supposed to operate. Right. Okay. We can't be having the governor in the state legislature, you know, at odds with one another. Right. So they get enough signatures they attempt to recall election and guess what. Okay.

Nia Rodgers: He totally wins it

John Aughenbaugh: He totally wins it so

Nia Rodgers: And not by a small margin.

John Aughenbaugh: Now, like

Nia Rodgers: Rather handily. Yeah.

John Aughenbaugh: Very comfortable margin. So guess what okay after he wins the recall election he basically comes in and says, okay, I think the voters have spoken and we're going to cut the budget right we're going to do a whole bunch of things that you guys don't like okay. On the other hand, there actually was okay a successful recall election in another state this millennium and NEA you actually briefly mentioned this a few moments ago this was in 2003 in the fine state of California. The then Governor Democratic governor Gray Davis Okay.

Nia Rodgers: I was gonna say Blue Davis, isn't that terrible

John Aughenbaugh: Well, he felt blue after the recall

Nia Rodgers: And talk about Civil War blue and gray anyway. Yeah. Um, but yeah.

John Aughenbaugh: Okay so Gray Davis comes in office. Okay, Democratic governor and unusual, and this is pretty frequent... California was, had some budgetary issues. Okay. California, kind of, sort of like an oscillating pendulum as it relates to its budget either it's doing really, really well. Or it's doing really, really bad.

Nia Rodgers: It says it's interesting to me they they save it. It's like, what the seventh largest economy in the world. If it was its own nation. Fifth, yes. Yes, largest not but it's an economy that sort of like Greece. You know what mean it's like hey, we're in the money we're doing really well. Oh, we don't have any money at all. Oh my goodness. What are we doing we let's quick let's sell avocados and pay off our debts like

John Aughenbaugh: So he comes into the office. And not only did the state have a huge budget crisis. Right. But the state legislature years earlier had passed a law that would phase in deregulation of electricity.

Nia Rodgers: Because what you want is P and G to be even more unregulated then it's already been, she said sarcastically.

John Aughenbaugh: Sarcasically. right so in his first year office. Okay. The state legislature was easily a month and a half to two months late in passing the state budget. And when deregulation of the of electricity actually began they were having brownouts on a pretty regular basis. Right. Okay. Um, it was just a fiasco. So, A bunch of citizens got enough signatures it forced a recall election in and Gray Davis lost. So they had to hold a new election okay for the governor of California. And this is where okay an actor...

Nia Rodgers: Is. Oh my gosh. Was that his election?

John Aughenbaugh: Yes.

Nia Rodgers: Oh no, wow.

John Aughenbaugh: Arnold Schwarzenegger won okay the election to fill Gray Davis's unfilled term as governor and then he won reelection.

Nia Rodgers: The governor.

John Aughenbaugh: Yes, that's how we got the governor okay um

Nia Rodgers: Oh my goodness. I didn't realize that that was, that those two things were...

John Aughenbaugh: They were connected. Yes.

Nia Rodgers: Although, in fairness to Gray Davis. The brownouts were not his fault.

John Aughenbaugh: No, I mean, the problem was Gray, Gray Davis by almost all accounts, had been a long serving state government official in California. He was a good bureaucrat. A good manager, but in terms of inspiring, comforting. Okay. Trust us okay we, you know, yes. This really is terrible. But hold on the, the you know the the state's going to get better Gray Davis was not inspiring. Okay, and we're going to have a future podcast episode where we look at presidential personality and leadership types. Okay, so for listeners. If you want us to delve more deeply into, if you will, chief executive officers of government. Okay. And have the skills that they need to lead Gray Davis probably lacked one of the most important ones. And that was, he was not inspiring. He was a good bureaucrat okay you know you would want him to be in charge of the budget office right; you would want him to be in charge of the Department of Transportation per state.

Nia Rodgers: You would want him to be your personal accountant.

John Aughenbaugh: Yes, right. And for, you know, our listeners, you know, look him up on the Google machine. And if you see a photo of him, you'll be like, oh yeah, I can see what what Aughie and Nia, we're talking about right. But in terms of being an inspiring governor now and he certainly wasn't the the the fault, okay, of what went on in regards to The electric industry in California. I mean,

Nia Rodgers: That was years in the making.

John Aughenbaugh: Coming. Yeah.

Nia Rodgers: That failure was a series of failures that started way back like

John Aughenbaugh: Right, okay. And by the way, what California was attempting, okay, is what a number of states have flirted with which is Okay, getting rid of the government monopoly that is energy within a state. I mean, we're, we're in the Commonwealth of Virginia, by all accounts. Okay, there is basically one company that provides most of the energy for the state.

Nia Rodgers: Dominion power.

John Aughenbaugh: Dominion power okay Dominion power right now there are good reasons to have, if you will, a monopoly in regards to energy and there are bad reasons. Okay, we could hold a separate podcast episode that look looks at that

Nia Rodgers: We may actually do one on monopolies, because that's on our list.

John Aughenbaugh: Yeah, that is on our list. Okay. But government monopolies exist for essential industries like energy okay um throughout our country's history never monopolies in regards to transportation when the main form of transportation was waterways, then it was railroads, right, then it was power slash, if you will, you know, electricity or gas. Okay. Do you want the government to provide the service. Okay, which would require a significantly larger government, if you will, apparatus, probably greater taxes; or do you want the government to pick a service provider and regulate the heck out of it. If, on the other hand, you love capitalism and you like, if you will, competition and choice. Well you deregulate it. Oh, but this is energy right you know hospitals rely on okay a secure reliable source of energy right, school do okay, businesses do

Nia Rodgers: The streetlights

John Aughenbaugh: Homes do. I mean,

Nia Rodgers: Yeah. Imagine a city like Los Angeles, where the streetlights, just go off, they brown out in some area. Yeah, um, who has the right of way here... like that would be terrible.

John Aughenbaugh: So, you know, Gray Davis gets blamed for this. Okay, According to many commentators probably was unfair. On the other hand, the way he reacted to it was not inspiring or comforting right okay and California's state budget problems. Okay. Are well known. Historically, okay.

Nia Rodgers: As are their energy problems.

John Aughenbaugh: Yes, right.

Nia Rodgers: California. I mean, I'm not trying to be ugly about California because I've been there and it's lovely. But it's also just a great big mess in some ways. It's, it seems like it's you know how toddlers run leaning forward because if they don't do that they fall over. Yes, that's how it seems when you're in California. It feels like you're running forward so that you don't just fall flat on your face.

John Aughenbaugh: I mean, it's a state, in many ways, um, that in terms of natural resources is ill equipped to support all the people that live there.

Nia Rodgers: Yeah. It's got a great big desert on one half of it that people don't seem to mention. Whenever they talk about California they show you the beach and the palm trees and the beach. I was like, you know, the hottest place on earth is in California, in Death Valley, like it's not it's not all sunshine and roses.

John Aughenbaugh: I mean even its role as a state that produces so much of our food. It doesn't have, if you will, terrain that okay um that has easy access to water. Okay.

Nia Rodgers: Right. Water rights are a huge problem in California.

John Aughenbaugh: Yes. Okay. And

Nia Rodgers: Now fire and flood and hail and you know like...

John Aughenbaugh: It's located on the San Andreas fault.

Nia Rodgers: Right, it's gonna eventually crack often fall into the ocean like it's got... there's a lot going on in California.

John Aughenbaugh: Right. And again, you know, listeners me and I are not You know, you know, being I think we're not, you know, trying to be overly critical California, but it's a really large state. Okay, um, in fact, As scholars who updated Daniel Elizar's work pointed out, California, in many ways, has multiple subcultures within a state. It's in many ways, surprising that it actually gets any government work done, because if you look at the subcultures in California. Okay. You know the far northern part of California. Okay. Those folks have wanted to secede from California and create the 51st state of Jefferson right. Then you have the politics of San Francisco. Then you have the politics as I'm moving downwards, you know, southwards okay then you have Sacramento, which is the state capital. Which you know for many Californians, other than the fact that it is the state capital, there ain't very much going on in Sacramento. Right. Okay. If you go east okay as Nia pointed out yeah desert yeah mountains. Okay, you go further south, you got LA, I mean in Heck, you know, the political culture and La frequently depends on you know what neighborhood, you're in. Okay. Okay. Um, and then far south you have San Diego. And then further south, you have the border to Mexico. Okay.

Nia Rodgers: Right. Basically the border town of Tijuana, right, like a whole different

John Aughenbaugh: Yes, right. So in some ways it's rather remarkable that you can get a majority of California Institute agree to anything.

Nia Rodgers: Well, it really is. I mean, cuz California that's I can't remember. Somebody was telling me that the size of it is something like Most of Europe would Most of Western Europe would fit in it.

John Aughenbaugh: Yeah.

Nia Rodgers: So imagine trying to get Spain, Portugal. France, Germany, right, all of those to agree to do something because that's, yeah.

John Aughenbaugh: It's that large of a state.

Nia Rodgers: And that diversity... it's a huge

John Aughenbaugh: Diversity. Yes.

Nia Rodgers: Right population. So there's lots to recommend it but it is a complicated place and it's not surprising to me that they would come up with things like referendums and initiatives and recalls. And so, but okay. So a good thing, direct democracy. I'm going to vote that that's a good thing.

John Aughenbaugh: But there are criticisms.

Nia Rodgers: But I can also see where that could be tyranny.

John Aughenbaugh: Sure. Right. If you liked

Nia Rodgers: Let's for instance us governor. Great. If you liked governor Gray and you thought he was doing fine. And you voted for him. And you thought the election was done because he won the election and then suddenly he's not the governor anymore. That's kind of, I mean like that's like saying, Oh, well, so my vote didn't count.

John Aughenbaugh: Well, I mean it well. So one of the criticisms, is it really undercuts representative democracy if one of the purposes of elections is to give legitimacy. To whichever candidate won an election direct democracy can undercut that right. I mean think about all the voters who voted for Gray Davis. Okay, and then all of a sudden within a couple years okay the states like okay sorry dude, you know, you're not doing a good job. Well, you might be thinking, and you and I've talked about this. Judging an elected official on six, six months of activity or a year or two is probably not the best way to evaluate elected officials. I mean, if you think about this listeners. How many of us would actually like to have our lives judged by our worst six months. Okay. I mean, there's a reason why we generally give okay terms in office. Okay, so that you have time to actually go ahead and

figure out how best to do the job. How to deal with crises, how to go ahead and have you know a vision and implement that vision. Okay.

Nia Rodgers: Well, do you judge Lincoln by the Civil War or by the Emancipation Proclamation. I mean, you could come up with two very different verdicts.

John Aughenbaugh: I mean, particularly the first two, two and a half years of the Civil War. Okay. Many of those who voted for Lincoln were beginning to wonder if the little known politician from Illinois actually had, you know, the skill to lead the country through the Civil War. Right. Okay. Um, so that's one criticism, another is. I mean, think about it. It has the potential to produce excessive majority-tyranny of the majority, right, because if you get the get something on the ballot, a majority of the citizens of the state can basically um you know harm minority groups. To give you an example. And again, I apologize if it, if it think it appears as though we're beating up on California but California passed Proposition 8 and it was a referendum that would have changed California's Constitution to define marriage is between a man and a woman. Okay. Majority of Californians voted in favor of that. Now I understand what many of us on the East Coast frequently. Think of California. Okay, as well. How did you were refer to as a hippie.

Nia Rodgers: hippy dippy tree hugging. I can't remember what I said yes.

John Aughenbaugh: Right, okay. You know what is I remind my students for most of California history. It was known as a pretty conservative state.

Nia Rodgers: It was republican wasn't it for... For a good chunks of it's history

John Aughenbaugh: Yes, right.

Nia Rodgers: Yeah, which I think people now are like, no, like, yeah. No, really.

John Aughenbaugh: Right.

Nia Rodgers: I mean, Ronald Reagan was Governor there.

John Aughenbaugh: Ronald Reagan was governor. I mean, there you know Schwarzenegger was a Republican governor a moderate Republican. Okay. They've elected Republican governors, as recently as the late nineteen eighties, early nineteen nineties.

Nia Rodgers: Well in for a long time, their legislature was Republican.

John Aughenbaugh: Was republican... Okay. I mean, this is the state that passed probably the most draconian three strikes law in the country. Okay, when you commit crimes and then you basically spend the rest of your life okay in jail. That's California

Nia Rodgers: Well and California had... Didn't they have laws about employing Chinese?

John Aughenbaugh: Yes, excluding Chinese right

Nia Rodgers: And the camps, the Japanese internment camps happened on the on the west coast.

John Aughenbaugh: Yes. Okay, at the request of Republican governor by the name of Earl Warren, who then becomes Chief Justice of the Supreme Court. Okay, and kind of sort of has a metaphorical, you know, religious experience and all of a sudden is all in favor of civil rights and civil liberties, but that wasn't him when he was governor. Right, okay.

Nia Rodgers: So we have to remember that in its recent relatively recent past California was not hippy dippy tree hugging it was...

John Aughenbaugh: Yes, right. And by the way, Proposition eight to define marriage is between a man and a woman was actually passed this millennium.

Nia Rodgers: I, I have to tell you, I'm glad you brought that up and I struggle with that particular example because there was a lot of outside from California meddling is not the right word but opinion... casting

John Aughenbaugh: No, that's what, that's another one of the criticisms Nia, of the initiative and referendum process.

Nia Rodgers: It's vulnerable to that. Yeah.

John Aughenbaugh: To get the signatures requires increasingly a significant amount of money and it requires you know very well developed organizational skills.

Nia Rodgers: Yeah a political machine.

John Aughenbaugh: Yes. And so what you are seeing with some of these initiatives, initiatives and referendums, is that outside groups. Groups outside the state are using the ballot in or the referendum in initiative process to further their political, if you will, interest.

Nia Rodgers: That particular proposition several churches did a lot of signature gathering and spent a lot of money and made a lot of signs and did a lot of stuff. To try to put the thumb on that particular judicial. I mean, excuse me electoral balance and, and it worked.

John Aughenbaugh: Sure.

Nia Rodgers: Okay. And it worked. Of course it didn't eventually when it got to the s but... But I mean it. And that's a whole separate issue that

John Aughenbaugh: Well, but what's interesting about that particular case. Okay. And I believe it's the Hollingsworth vs Perry. What is interesting is that elected officials refused to implement Proposition eight. So for those who think that direct democracy is the better route to go, think about how Proposition eight Which is an example of direct democracy. Okay, was thwarted by People's elected representatives. Representative democracy actually protected minority rights.

Nia Rodgers: That... One. That's cool. And two that brings up the other criticism that That you mentioned to me before we started recording and that someone else that I mentioned that we were going to be talking about this too, which is the the competing

John Aughenbaugh: Well, they can they can conflict.

Nia Rodgers: Sorry, the conflicting conflicting things where if you get a referendum that says we are not going to spend any money building schools in the next six months and then you get a referendum, it says we give the school board the authority to build a school, right, like we give you the authority, but we don't give you any money.

John Aughenbaugh: Yes.

Nia Rodgers: And those two things can happen on the same ballot.

John Aughenbaugh: It can happen on the same ballot. Okay. And again, it reflects, if you will. One of the downsides to direct democracy because you know you can see this right Americans at times will want the government to do certain things that will benefit them, but then they don't want to pay for them. So you can have initiatives that actually conflict. In regards to the government having the authority to do something, but then the voters, saying, but we're not going to give you the money to do it. We don't want you to Texas more. Okay. So, there are any number of criticisms of these direct democracy tools. Okay. Yeah.

Nia Rodgers: Or we want you to open until road, but we don't want to, we want. We don't want to pay to build it. Yeah. Well, how am I supposed to get a toll road you don't pay to build it.

John Aughenbaugh: Great, okay, what

Nia Rodgers: You need to figure that out. No, I don't. I'm just going to ignore all of y'all and do what I was going to do anyway.

John Aughenbaugh: Well, and then you point out this The language of these referendums okay that you reference at the start of the podcast episode. Right. They are so detailed. Okay. And their detailed because over time what those who want the initiative or referendum is figured out is if they were worded vaguely or ambiguously; those then who are tasked with actually implementing them I he alerted officials will go ahead and find loopholes. So one of the reasons why they're so specific is to tie their hands okay of elected officials who would be tasked with implementing them.

Nia Rodgers: Okay, that makes sense.

John Aughenbaugh: Yes.

Nia Rodgers: I'm not giving you a chance to not do this thing that I am trying to make you do

John Aughenbaugh: Right, okay.

Nia Rodgers: Okay, That doesn't make it any better to read them. It makes me. It makes me understand why. Oh, reading them occasionally makes me weep like I i think to myself, I have two degrees. And I don't think I understand what I'm being asked to do like I don't do, how am I left feeling this dumb with my ballot.

John Aughenbaugh: Okay. To give you an example. What Nia is referencing on the current ballot for voters in the Commonwealth of Virginia. There is language in regards to a proposed amendment to the Virginia constitution in regards to how redistricting should be done. Okay, so in Virginia. If we want to amend the state constitution. Okay. Um, it's a really pretty active process right the state legislature in two consecutive legislative session has to approve a proposed amendment to the Constitution, and only then does it go to the voters right so it's not an easy process to amend the Virginia constitution.

Nia Rodgers: It probably shouldn't be, in fairness. Okay, then it would be, it would just be amended all the time, all over the place.

John Aughenbaugh: Okay, so, but again proponents of direct, direct democracy are like, well, the Nia you're not a supporter of direct democracy. Now, are you

Nia Rodgers: Yeah I know I'm full of contradictions. Guess I am Sort of. But, but I do take the point that that is a criticism. A legitimate criticism.

John Aughenbaugh: But for our listeners who are voters in Virginia, when you get your ballot and you read the language in regards to creating a Redistricting Commission. You might get to the end. Okay. And I don't know about your ballot, that you will see when you go to vote do but on the ballot that I got at it and then I mailed back this week it was easily five or six lines long. And I think it was only two sentences. Right.

Nia Rodgers: Yeah, supporting clauses. I mean, it's like reading an opinion out of the Supreme Court. You have to slow down. You have to think about each clause.

John Aughenbaugh: I joke with my students in class that if any of them submitted a paper. With that kind of writing. Okay, I would have highlighted circle it and say, please use short compact sentences. But again, it's written in such a way to make sure that if it does get past That government officials who would be implementing it. Okay, would have no flexibility, no discretion in implementing it.

Nia Rodgers: Okay, that makes me feel better about, about why they're written that way. I still think that people should read them ahead.

John Aughenbaugh: Oh, sure.

Nia Rodgers: I still think that it's not a thing you want to try to parse while you're standing there at the voting booth, just trying to get your business done. I think if you go and you read it and you have an opinion. You know, then I don't know, I just, I think it serves you to read them ahead of time.

John Aughenbaugh: I just think in general, if you have the opportunity, you should take a look at the ballot. Okay. I had done.

Nia Rodgers: Which you can do, usually in most states have no no we're talking a lot about Virginia, you can definitely do it in Virginia. You can see your ballot ahead of time by going to the Virginia Board of Elections and then see my but I think it's even called see my ballot or something like that. You put in your address, and it will show you All the people who are on your ballot, so you can you can research them at will and then it'll show you any initiatives or referendums or anything or bonds anything there on your there on your ballot. And I suspect that most states do that because they would rather you be an informed voter than a non informed better despite what people seem to think The actual voting folks

the boards of election want you to vote and they want you to vote. Well, like they want you to understand what you're voting for.

John Aughenbaugh: Yeah, I mean, these are generally people whether they are paid positions or volunteer positions. These are generally people who think the boat is important. Right. Okay. You know, we've we have moved. Okay. in decades. Okay. Substantially away from states who would employ people in election boards are voting register registrar's office. Whose goal in life was to suppress or or to see declining voter turnout. Okay, we've moved a long way from there. Okay. And, you know, and again, it's kinda sorta like you know people who go to work for an Environmental Protection Agency. These are generally people who care about the environment, right. People who work in state boards of elections or voting registrar's office. Okay, they generally want people to vote in do it well. Right. You know, they want you to register and they want you to do it so that there aren't any problems with your registration. Right, okay. So if your state allows you to do this. Utilize that opportunity. Okay. Because in some democracies, even today, you know, find out who You're voting on. And then you show up to vote.

Nia Rodgers: Yep. Okay.

John Aughenbaugh: You know for some of our listeners, you might prefer that. Oh, hey.

Nia Rodgers: Okay. Hey, I didn't know Mickey Mouse was on the ballot. This is awesome!

John Aughenbaugh: Okay. On the other hand, if you actually want to go ahead and do a good job. Okay, and not have that awkward moment where you're thinking, Man, there's people waiting to go ahead and vote. And I'm struggling to read this. Okay, or I didn't know that I got to vote on dog catcher. Okay. I mean,

Nia Rodgers: Yeah. I don't know which one to pick

John Aughenbaugh: Yeah, right. Okay. Um, you know, it was like the first time I moved down to Virginia and I was voting for a commissioner of revenue. Okay, well, they don't have commissioner of revenue as an elected position in the Commonwealth of Pennsylvania. So I was just like, Who?

Nia Rodgers: The heck is that?

John Aughenbaugh: yeah you're right, it was just like it. I don't know either of these people right, never heard of them. And I was just like, Okay, never again Augie. Are you go to show up to vote in the least not know what the position is or you know what the, the, the ballot question actually is, do a little bit of research. Okay, do a little bit of research.

Nia Rodgers: And that's a PoliSci Professor saying that.

John Aughenbaugh: Sure.

Nia Rodgers: I'm just saying if... If he didn't recognize immediately what that person's job is, I have no hope. Which is why I've researched my ballot ahead of time.

John Aughenbaugh: Yep.

Nia Rodgers: Thanks so much for talking to me.

John Aughenbaugh: Yeah, hey, I'm glad we talked about this because I get asked a lot, I know you sometimes do you know friends of ours, people who we work with, you know, they'll go ahead and say, Hey, what was that question about on the ballot.

Nia Rodgers: Oh, you know what it's like after you take a test that's when your friends all say what the heck was... and then you talk about the answer to number four that nobody got because nobody understood the question. Yeah. It's exactly like that. It's like I'm back in high school.

John Aughenbaugh: So I'm glad you went ahead and asked me about that today, Nia. Yep.

Nia Rodgers: Thanks Augie.

John Aughenbaugh: See ya.

Nia Rodgers: Bye.

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