

Transcript

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DIRECT DEMOCRACY: BALLOT PROPOSITIONS

by John Patrick Quigley with help from his favorite quotable notable, Winston Churchill - featuring Winnie-isms (in italics) from *Familiar Quotations*, REF PN6081.B27 (1968), and other sources. (This is an update of material from the 2004 *Transcript*.)

"It is a good thing for an uneducated man to read books of quotes."

CURRENT PROPOSITIONS

See the Secretary of State's website at http://www.ss.ca.gov/elections/elections_i.htm

for the current status of various initiatives and propositions. Those most in the news lately include propositions IA through IE, promising budget reform, and those passed and proposed concerning gay marriage. Some of these issues seem to never go away.

"A fanatic is one who can't change his mind and won't change the subject."

PAST PROPOSITIONS

Ballot pamphlets since March 1996 can be found at the above-cited website, with links to a Hastings' website that goes back to 1911, when the initiative process began. The library has paper copies of ballot pamphlets from 1912, and texts of the propositions, both passed and defeated, are published in each session's volume I of *Statutes and Amendments to the Codes*, GENA (to 1967) & GEN3 (from 1968) KFC30.A2. Those passed since 1982 are listed on page 47 of the "QUICK GUIDE" at the Reference Desk.

Studying propositions and their supporting arguments is useful in determining original intent, and can also be entertaining. For example, arguments for prohibition propositions, in 1914, 1916 and 1918, provide a slice of history circa World War I: "Immigrants from Europe are generally liquor drinkers. 'Dry' the state and turn them elsewhere."

"Winston, you're drunk."

"Bessie, you're ugly. But tomorrow I shall be sober."

FUTURE PROPOSITIONS

Advice is given in the Secretary of State's above-cited website. Also see *Initiatives Cookbook: Recipes & Stories from California's Ballot Wars*, GEN3 KFC708.S48 1996.

Do you have a pet project? I am inspired by the success of Robert Redford and friends in using the initiative to ban horsemeat as a delicacy for Canadians, despite Libertarian wisecracks. (See arguments over 1998's Proposition 6.) Smitten by the children's classic, *Charlotte's Web*, and the popular movie, *Babe*, I'd like to extend the ban to pigs.

"I am fond of pigs. Dogs look up to us. Cats look down on us. But pigs treat us as equals."

THE CASE FOR DEMOCRACY

The initiative process is often criticized, but such "direct democracy" can be a welcome alternative to a legislature beholden to lobbyists and other power brokers seeking special favors. Democracy doesn't mean liberty, equality or justice, which are more subjective concepts. (But those values seem to thrive best in democracies.) It simply means majority rule, which can lead to oppression of minorities, and restriction of such oppression

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is the essential role of constitutions. Voter majorities can make other bad choices, but are at least most likely to be content with a government that they have chosen. We can go further and hope that the diffusion of power among the electorate limits the propagation of error, stated by Lincoln as "...you can't fool all of the people all the time." Even if this were not true, the alternative is rule by some self-appointed minority, such as that advocated by communists. The results of this alternative were well illustrated by the genocides of dictators like Stalin, Mao and Pol Pot. For power not only corrupts; it attracts corrupted and corruptible people! For discussion of an early literary assault on communism, see *George Orwell & Nineteen Eighty-Four*, Floor A PR6029.R8N5 1985. Finally, whatever can be said against democracy, it has had remarkable success, politically, economically and militarily.

"Democracy is the worst form of Government except for all those other forms that have been tried from time to time."


THE SUCCESS OF DEMOCRACY

The Industrial Revolution began during the nineteenth century in Europe and took opposite paths among similar peoples whose cultural institutions had evolved in different geographical settings. During the Thirty Years War of the seventeenth century, the German states in central Europe had been invaded from every direction, by Austria and Spain in support of the Catholics, and by Sweden, Denmark and France, in support of the Protestants. The eventual truce left the states divided not only by religion, but also politically, as was intended by Catholic France, and they were conquered by Napoleon in the early nineteenth century. When they were united later in that century by Bismarck of Prussia, he championed a militaristic, autocratic culture intended to keep neighboring countries subdued, with successful wars against Denmark, Austria and France.

After England's conquest by the Normans during the middle ages, that island nation developed a formidable navy that secured it from continental armies and allowed

the development of democratic institutions that were conquered, in countries like Switzerland and Holland, by dictators like Napoleon and Hitler. That included free enterprise, which enabled a rising mercantile class to achieve industrial prominence in England and its faraway cultural progeny in America. Modern wars are won by such things as tanks and planes, and the industrial power to produce them. In the last century, two world wars saw the military triumph of Anglo-American democracy over German autocracy, and the Cold War saw its economic triumph over Communist totalitarianism as well.

A historical source in our library is *Modern Eloquence*, GENA PN6121.M63 (1932). See especially, in Volume X: Historical Masterpieces (European), "War and Armaments in Europe" by Bismarck and "Democracy vs. Socialism" by Clemenceau.

"The inherent vice of capitalism is the unequal sharing of blessings; the inherent virtue of socialism is the equal sharing of miseries." 

New Titles

by Mora Prestinary

Rutter Group titles:

The Evidence Wheel : A Systematic Approach to Evidence to Develop Automatic Trial Reflexes . (with CD-ROM) Floor 3 KFC1030 .A97 2008

California Motions In Limine. (with CD ROM) Floor 3 KFC1012 .F56b 2008

California Three Strikes Sentencing Floor 3 KFC1172 .C69 2008

California Statutes of Limitation Floor 3 KFC100 .L55C34

CEB titles:

Professional Licensing : Disciplinary Practice in California

Floor 3 KFC545 .R84 2008 . Available on the Library's Computer Network as CEB Onlaw.

Scientific Evidence in California Criminal Cases Floor 3 KFC1165.A6 S38 2008 



Looking at the Web

by Mora Prestinary, Reference Librarian

Ballot Measures: California Secretary of State Voter Information

http://www.sos.ca.gov/elections/elections_decline.htm

California Elections & Voter Information (How to Qualify an Initiative)

http://www.sos.ca.gov/elections/elections_h.htm

California Ballot Propositions (1911 to Present): Hastings Law Library

<http://holmes.uchastings.edu/cgi-bin/starfinder/0?path=calprop.txt&id=webber&pass=webber&OK=OKHASTINGS/BALLOT>

Current Ballot Propositions on the Voter Ballot: Legislative Analyst's Office

http://www.lao.ca.gov/LAOApp/ballot_source/Propositions.aspx

Statewide Election Results: California Secretary of State

http://www.sos.ca.gov/elections/elections_elections.htm 

Street Parking


by Mora Prestinary

We are often asked where meter parking is available around the vicinity of the Library:

South of the Library, across the street from the Federal Building, off Santa Ana Blvd., along Third Street

North of the Library, across the street from the OC Superior Court, off Civic Center Drive, on Parton, Van Ness and Ross streets

At the old courthouse on the corner of Broadway and Civic Center Drive (72 spaces)

Please exercise caution by storing valuable items in the trunk of your car. 

Ask a Librarian

by Lu Nguyen, Reference Librarian


Q: Is there any website that contains information on Conservatorship?

A: You will find information on Conservatorships on the California Courts Self-Help web page <http://www.courtinfo.ca.gov/selfhelp/seniors/duties.htm>.

The Conservators Handbook is available at this website: <http://www.courtinfo.ca.gov/reference/documents/handbook.pdf> 

On Display



Our summer display features materials received from the Federal Depository Library Program, a Federal program established by Congress in 1813 to make certain the American people have access to Government information. The Orange County Public Law Library was designated in 1975 to become a Federal selective depository library providing no-fee access to Government information. 

TECHNOLOGY AT THE ORANGE COUNTY PUBLIC LAW LIBRARY

INTERNET DATABASES AND LEGAL RESEARCH PROGRAMS

(FOR SPECIFIC CONTENT CONTACT PUBLIC SERVICES STAFF OR CATALOG)

BNA Online -

Labor & Employment Library
Americans with Disabilities Manual
Tax Management Portfolios
ABA/BNA Lawyers' Manual on
Professional Conduct
Criminal Law Reporter
Family Law Report
U.S. Law Week

California Law and Practice Library
(formally known as Authority)

CCH Tax Research Network

CEB OnLaw

CFLR DissoMaster Suite

HeinOnLine -

Federal Register
U.S. Reports
Law Reviews
Treaties

LegalTrac -

Legal Periodical Citations

LLMC Digital-

Federal Documents
State Materials

Westlaw® -

All States & Federal
Keycite
Rutter Group
Witkin titles

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July 3 & 4 - Independence Day
September 7 - Labor Day

Orange County Public Law Library

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www.ocpll.org

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Saturday 9 am-5pm

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