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Order from Chaos: Ethnogenesis, Direct Democracy and Statecraft in California, 1948-1958

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Kevin Starr, the acclaimed California historian, refers to the 1950s in California as an “age of abundance,” a decade that “survives in popular American imagination as a stable landscape resting atop tectonic plates that would soon result in the earthquakes and fissures of the mid- and late 1960s.”¹ Partly because of Starr’s contributions to the historical corpus and partly because of rampant anticommunist, pro-American federal and state propaganda in the years after the Second World War, few decades are more misunderstood than the 1950s. Between 1948 and 1958, California could hardly have looked more different from the picture Starr creates. California was not stable, but a tectonically-fractured landscape, shifting with the forces of socio-economic and political change to give rise to a new society of and for the white, middle-class, Christian natives of the state.

Within a few months of the end of the Second World War, demilitarization had eliminated hundreds of thousands or millions of defense industry jobs across the US. The recession which ensued accompanied California’s severe housing crisis, which had been precipitated by the return of veterans from overseas and the permanent settlement of many wartime migrants in state. In the face of these transformations, an aggressive business lobby and a fiercely anti-communist wing of the conservative coalition challenged Keynesian government policies inspired by the New Deal with market-based solutions to economic problems. Fear of communism combined with the urgent need to stimulate the economy, bred a postwar politics which would cohere into the New Right, or “Modern Right,” movement of the later twentieth century.

But the upheavals of the 1940s and ‘50s formed a link in a longer chain of events that elevated California from its mythical frontier past to its ultramodern present. One of Californians’ most potent political tools to shape the development of their state at that time was the di-

¹ Kevin Starr, *Golden Dreams: California in an Age of Abundance 1950-1963*, Preface.

direct initiative, created in 1911 by the Progressive Republican majorities in the state Legislature and the executive branch. Up until that year, the Southern Pacific Railroad virtually dictated state policies. As Starr has noted, the Southern Pacific “offered the most obvious instance of what was grossly wrong with California: a very few of the super-rich virtually owned the state — its land, its economy, its government — and were running it as a private preserve.”² In 1910, voters rebelled against the railroad by electing Progressive Hiram Johnson to the governorship and Progressive Republican majorities to both houses of the Legislature. The Progressive Party, closely associated with reformers in the Republican Party, did not survive through 1920, but the legacy of its short hold on the state government continues to this day. Under the Progressives, the processes of initiative, referendum and recall were added to the state constitution in order to allow the people to circumvent the Legislature and pass legislation or amend the constitution on their own.

According to the California Constitution, “the initiative is the power of the people of California to propose statutes and to propose amendments to the California Constitution,” by way of submitting to the Attorney General a petition containing the signatures of a fraction of all those who voted in the most recent gubernatorial election.³ That is to say, the initiative gives to “the people” the authority to write and approve laws with little more than administrative assistance from the Legislature or executive branch. The referendum, similarly, allows citizens carrying valid petitions to force a statewide vote on any statute recently enacted by the Legislature. Finally, recall is the people’s power to remove an incumbent elected official from office by a majority vote before the expiration of the official’s term.⁴ When an initiative or referen-

² Kevin Starr, *Inventing the Dream: California Through the Progressive Era*, (Oxford University Press, 1986), 199.

³ California Constitution, Article II, Section 8(a).

⁴ *Ibid.*, Sections 9, 13-19.

The States & Initiatives

The initiative process spread across the Western United States during the first few decades of the twentieth century, but unevenly. Only in relatively young states did the experiment in direct democracy take hold. The image to the right shows how its use today is concentrated primarily in the Western states; in the Northeast and Deep South, few states permit citizens to initiate legislation directly.⁵

Within a couple years of the creation of the initiative process, Californian Progressives also reformed the system of statewide primary elections.

Under the old system, a candidate could participate in a party's primary election only if they had voted for that party's candidate in the previous election and swore to continue membership in the same party through the following election. Because the old system made it virtually impossible for a new party like the Progressive Party to compete, cross-filing was developed as an alternative to the closed party primary. According to Dean McHenry, cross-filing is "the practice of permitting a candidate in a partisan primary election to seek the nominations of parties other than his own."⁶ Under cross-filing, registered Progressives could participate in Republican



⁵ Copied from “Initiatives and Referendums in the United States,” Wikipedia, <http://en.wikipedia.org/wiki/Initiatives_and_referendums_in_the_United_States>

Data for Figure 1 corroborated by: "State I&R," Initiative and Referendum Institute: University of Southern California. <http://www.iandrinstitute.org/statewide_i%26r.htm>

⁶ Dean McHenry, "Cross-Filing of Political Candidates in California," *Annals of the American Academy of Political and Social Science*, Vol. 248, (November 1946), 226.

Party primaries and earn places in the November general election. After the collapse of the Progressive Party, the Republican Party co-opted cross-filing to compete in Democratic Party primaries and maintain a lock over state government until the late 1950s.

In the context of rapid demographic upheaval and expansion, economic recession and the collapse of prewar political consensus, Californians employed the initiative process to create and protect a modern, but racially and socially segregated, society on the West Coast. Between the late 1940s and the mid-1950s, a series of pension-raising initiatives were defeated in quick succession, finally ending a decades-old popular pension-promoting political movement and heralding the end of the prewar New Deal consensus. At the same time, rapid demographic change generated a bifurcation in society between the new Southerners and Midwesterners who had arrived in California with the war, and the established Californian natives, who became increasingly isolated in whites-only, middle-class suburbs as they passed laws reducing construction of low-income housing (Prop 10, 1950) and lifting rent controls, both of which disproportionately affected people of color. Whites' removal from the "blighted" parts of California's cities incubated the development of a national identity for the state's established natives; they reinforced their new identity by upholding a Christian religious-observance law in their rejection of Prop 15 in 1958.

Simultaneously, the political right wing of this microcosmic sub-American nation replaced its reactionary red-baiting of the late forties and early fifties with an ideologically coherent Modern Right movement forged in William Knowland's 1958 gubernatorial campaign, developed in Barry Goldwater's 1964 presidential campaign and matured in Ronald Reagan's election as governor in 1966. By attaching himself at the hip to business interests by emphatically supporting Prop 18, Knowland single-handedly created the alliances between business and

the Republican Party and between labor and the Democratic Party which are still intact today.

California's story of direct democracy in the 1950s is of a young society, evolving from its role as America's remote, far-western frontier to become what historian Don Parson has called "this modern marvel," a major global economic center and one of the first and very few states with a nonwhite-majority population.⁷ The nineteen-fifties were a decade of fundamental change, a moment in history when millions of free people had the opportunity to use the world's most robust institutions of direct democracy to create a mature, modern state and society in their own image.

However, political scientists and historians have, for the most part, ignored the comparatively small number of initiatives to appear on statewide ballots in the fifties, probably because so few initiatives actually qualified. Of the twenty four initiatives to qualify for the ballot between 1948 and 1958, eleven in particular represented and catalyzed the social trends and modern statecraft which transformed California and its self-identity. Out of the chaos of continual immigration, a bloated constitution and an incoherent political system, white Californians used direct democracy to create a new political order based on their emerging identity as a self-conscious nation of middle-class, Christian Americans on the West Coast.

Transformations in California in the middle of the century did not, however, occur in isolation. The Californian experience of the 1950s was contextualized by the uncertain beginnings of the Cold War, the United States' new status as a global "superpower," and the Congress's division by region and culture instead of political party or ideology. As Herbert Hoover's Republican administration became increasingly impotent in the months and years

⁷ Don Parson, "This Modern Marvel: Bunker Hill, Chavez Ravine, and the Politics of Modernism in Los Angeles," *Southern California Quarterly* Vol. 75, No. 3/4 (Fall/Winter 1993): 333-350, and see Appendix;

"Minority Population Surging in Texas," [NBCNews.com](http://www.nbcnews.com/id/8902484/#.U11_oF6EJ6M) via Associated Press <http://www.nbcnews.com/id/8902484/#.U11_oF6EJ6M>;

after the 1929 stock market crash, a coalition of blue collar workers, white Southerners, labor unionists, minorities of all kinds, intellectuals, farmers and the state Democratic Party machines began to lay the popular foundation for Franklin Roosevelt's coming administration.⁸ Once elected in 1932, Roosevelt set the federal government on a fundamentally different course from that taken by the mostly Republican, post-Reconstruction presidents of the first half of the century. Within five years, the Democratic-dominated federal government had passed the Glass-Steagall Act to regulate Wall Street and create the FDIC; founded the Social Security Administration; established the basis for a federal public housing administration; created jobs through the Works Progress Administration; capped the length of the working week for most workers; strengthened labor unions' bargaining power; and established a federal minimum wage.⁹ However, by 1938, largely in response to his effort to pack the Supreme Court with supportive jurists, Roosevelt lost his supportive Congressional majorities to a new "Conservative Coalition" of business-oriented Republicans and Democrats.

The Conservative Coalition maintained a majority in Congress from 1938 to 1964, the year that Democrats won supermajorities in both houses of Congress and retained the presidency under Lyndon Johnson. This opposition coalition united the conservative majority of the Republican Party with the conservative minority of the Democratic Party; together, these factions formed a majority in Congress. Both coalitions – the "liberal" New Deal Coalition and its conservative opposition – demonstrate political alliances' fluidity in the New Deal and World War II eras. At that time, American political allegiances derived more from historical and regional relationships between constituencies and party leaders, rather than from intellectually-

⁸ James Ciment, ed., *Encyclopedia of the Great Depression and the New Deal*, (Sharpe Reference, 2001), 6.

⁹ Greg D Feldmeth, "U.S. History Resources," <<http://faculty.polytechnic.org/gfeldmeth/chart.newdeal.html>> Created March 31 1998.

coherent ideologies. Thus, despite Democrats' strong majority in both houses of Congress, the party still failed to pass Roosevelt's Judiciary Procedures Reform Bill of 1937 and President Truman's entire Fair Deal package of progressive legislation between 1945 and 1952. The Democratic-dominated Senate voted 70-20 to refer the Judiciary bill back to committee in mid-1937, dooming the President's attempt to pack the Supreme Court.¹⁰ Only a few years later, a confidential British Foreign Office study of Congress's Foreign Relations Committees found that, despite the Democrats' holding fifteen seats to the Republicans' seven on the Senate Committee, Roosevelt's reliable New Deal allies numbered only twelve, a slim majority of one.¹¹ Truman's attempt to veto the Taft-Hartley Act, which weakened the Wagner Act's protections for labor unions, was overridden by majorities from both parties in 1947.¹² Eisenhower's challenge from Senator Robert Taft (Ohio) for the Republican presidential nomination in 1952 pitted the New Deal wing of the party against the Conservatives, a split which continued to characterize the relationship between the Congressional majority and minority in spite of party affiliation throughout President Eisenhower's term.

Under Eisenhower's predecessor, New Deal Democrat Harry Truman, the Cold War began in earnest with the Berlin Crisis of 1947-48 and the start of the Korean War in 1950. As the uneasy wartime alliance between the Anglo-American world and the Soviet Union collapsed into an international contest of imperial egos, red-baiters in the Conservative Coalition increas-

¹⁰ Marian C McKenna, *Franklin Roosevelt and the Great Constitutional War: The Court-Packing Crisis of 1937*, (New York, NY: Fordham University Press, 2002), 519-21.

¹¹ Hachey, Thomas E, "American Profiles on Capitol Hill: A Confidential Study for the British Foreign Office in 1943," *The Wisconsin Magazine of History*, Vol. 57, No. 2 (Winter 1973-4), 144-149.

¹² Twenty-four Democratic Senators joined 48 Republican Senators to override Truman's veto. Twenty-two Democrats joined 3 Republicans in voting against the override.

Alexander Cockburn, "How Many Democrats Voted For Taft-Hartley?" *CounterPunch*, Sept 6 2004. <<http://www.counterpunch.org/2004/09/06/how-many-democrats-voted-for-taft-hartley/>>

ingly relied on a yardstick of support for economic liberalism, Christian religiosity and American militarism to separate political allies from enemies. Conservatives in California combined the basic principles of American Cold War conservatism with antipathy for the new, postwar patterns of race relations in the state, racializing their sense of national identity more than a decade before the Civil Rights Movement appeared nationally in the early 1960s.¹³

The lack of stable majorities in Congress, because of the stark difference between party affiliation (Republican or Democratic) and allegiance to coalition (New Deal or Conservative), prevented the dominant Conservatives from exercising control over policy-making. For example, under Eisenhower, the first Republican President in twenty years, the New Deal was actually expanded: Eisenhower's administration completed Roosevelt's early plans for the interstate highway system, expanded Social Security, preserved New Deal-era federal agencies, created NASA, sent federal troops to Little Rock to desegregate its public schools and desegregated the military. Eisenhower's support for the New Deal Coalition is neatly expressed in a comment to his brother Milton about his aversion to the famed communist witch-hunter Republican Senator Joseph McCarthy: "I just won't get into a pissing contest with that skunk."¹⁴ On the international front, Eisenhower would end the Korean War, resolve the Suez Crisis, authorize a CIA-backed coup in Guatemala and launch the Space Race before the end of his second term.

The disorganized nature of federal politics from the 1930s to the 1960s mirrors the fissures and incoherence in California during the same time period. A large contributor to California's political disorganization was the state constitution, ratified in 1879 and amended over

¹³ Tim Wise, "Socialism as the New Black Bogeyman: Red-Baiting and Racism," *CounterPunch*, Aug 11 2009. <<http://www.counterpunch.org/2009/08/11/red-baiting-and-racism/>>

¹⁴ Piers Brendon, *Ike: His Life and Times*, (Harper and Row, 1986), 245.

five hundred times since 1911, when the initiative was introduced.¹⁵ In the 1950s, Californians began to modernize and professionalize their state government by continually amended statutory and constitutional law by initiative. The abolition of cross-filing in 1959 represents one of the most consequential political reforms of that decade.

In California, cross-filing, the practice of permitting a partisan candidate to compete in the primary election of another party, originated among the Progressive reforms of the early 1910s under Governor Hiram Johnson, but was never intended to be a permanent fixture of Californian elections.¹⁶ When cross-filing was developed, its purpose was to increase the Progressive Party's competitiveness in a two-party electoral system dominated by Democrats and Republicans. Progressive Republicans could file with the Progressive Party to establish their antiestablishmentarian, progressive credentials, but then compete in both the Progressive and Republican Party primaries to win a spot on the November general election ballot. However, the decline



Governor Hiram Johnson in the Old Governor's Office in Sacramento, circa 1912.

of the Progressive Party in the 1920s returned California to a two-party system, in which the Republican Party effectively employed cross-filing to marginalize Democrats and maintain a lock on state government for forty years.¹⁷

Despite holding a long-standing voter registration advantage in California, the Democ-

¹⁵ "California Research In-Depth," Georgetown Law Library <<https://www.law.georgetown.edu/library/research/guides/california-in-depth.cfm>> Accessed April 9 2014.

¹⁶ Findley, "Cross-Filing and the Progressive Movement in California Politics," 699.

¹⁷ McHenry, "Cross-Filing of Political Candidates in California," 229.

ratic Party was perennially incapable of winning elections.¹⁸ Between 1899 and 1958, general elections regularly returned Republican majorities to the Legislature and Republican politicians to the seven constitutional offices. Between the Democratic governorships of James Budd (1895-99) and Edmund G “Pat” Brown (1959-67), only a single Democrat was elected governor – Culbert Olson in 1938. However, because Olson’s victory had been propelled more by voters’ mistrust of his predecessor, Republican Frank Merriam, than their emphatic support for the Democrat, Olson lost his reelection to Earl Warren in 1942. After the end of Johnson’s term in 1917, the status quo in California was government by a relatively non-ideological and nonpartisan cadre of moderate Republican politicians, who appealed to conservative Democrats disenchanted by their party’s policies or leaders.¹⁹ Earl Warren’s 1946 reelection represented the peak of cross-filing’s influence over Californian government. That year, Warren won both the Democratic and Republican primary elections, which left him unopposed in November. From that point forward, cross-filing became increasingly anachronistic in California politics.

The second-most-important effect of cross-filing, after keeping Democrats from electoral victory for almost sixty years, was to weaken the political parties across the board, giving rise to a political culture of personalities and programs rather than parties and ideologies.²⁰ One piece of evidence for party decline is Californians’ propensity for split-ticket voting. Despite electing almost exclusively Republican governors and Legislatures between 1898 and 1958, the state voted for Bull Moose (Progressive) presidential candidate Theodore Roosevelt in 1912, and

¹⁸ California Secretary of State, “Historical Voter Registration and Participation in Statewide General Elections 1910-2012,” <<http://www.sos.ca.gov/elections/sov/2012-general/04-historical-voter-reg-participation.pdf>>.

¹⁹ The best examples of governors elected in this tradition are William Stephens (1917-23), CC Young (1927-31), Frank Merriam (1934-39), Earl Warren (1943-53) and Goodwin Knight (1953-59).

²⁰ McHenry, “Cross Filing of Political Candidates in California,” 230.

the Democratic Party's candidates in 1916 and in every election between 1930 and 1948.²¹ One of the first serious attempts to abolish or reform cross-filing arose in the 1950 election cycle when John B Elliott, an advocate for political reform, qualified Prop 13 for the 1952 ballot.

Proposition 13, a citizen-initiated state statute, would have abolish cross-filing in primary elections and established the familiar, closed party primaries used by most states today. Under Prop 13, candidates would only have been allowed to run in the primary of the party with which they were registered to vote, and voters would only have been allowed to vote in the primary of the party for which they were registered. The Republican-dominated Legislature, dependent as it was upon cross-filing to maintain its hold over the government of a majority-Democratic state, challenged Prop 13 with its own, less-dramatic reform: Proposition 7 merely required primary ballots to list the party with which each candidate was registered, but did nothing to substantively reform cross-filing.²²

In a narrow victory for the incumbent Republican establishment, Proposition 7 passed in a landslide 73%-27% vote, while Proposition 13 failed, but barely, with just 50.04% opposed.²³ Prop 7 was a landmark reform because voters could now finally avoid inadvertently voting for other parties' candidates in the primary. However, Prop 13 would have given Democrats the opportunity to compete in every single legislative or statewide race they contested, a virtual impossibility under cross-filing. Clearly, cross-filing was on its way out, but would continue to prop up the Republican governing majority for the next six years.

Only after 1958, when Democrats overcame institutional hurdles like cross-filing and formed a governing majority in Sacramento, could they exercise enough political power to

²¹ <<http://www.270towin.com/states/California>>

²² California Secretary of State, "Proposed Amendments to Constitution," (1952).

²³ Ibid., "Statement of the Vote" (1952).

abolish cross-filing unilaterally. Shortly after convening their new majorities in 1959, the California Legislature passed and Governor Brown signed Assembly Bill 118, which abolished cross-filing, thus eliminating one of the Republicans' most effective tools for keeping political power during the prior half-century. Partly because of the Democrats' landslide victory and their rapid move to end cross-filing, 1958 was the year in which California's modern political system was born.

Even with California's progress toward greater governmental professionalization, the initiative system remained highly responsive to large sums of money. Bruce Thompson's 1953 essay is one of the few available documents listing average or typical campaign expenditures for ballot proposition committees for the years before 1977.²⁴ He writes that the average cost to qualify an initiative for the ballot between 1921 and 1949 was \$21,000, while the cost to qualify a referendum was \$13,000, and that 63% of campaign committees spent at least \$25,000 for or against an initiative during those years. In 2014 dollars, those figures are \$359,000, \$222,000 and \$427,000, respectively.²⁵ By comparison, 1950 per capita income in California was \$1871 in contemporary dollars, demonstrating that only a small, wealthy subset of the population could afford to participate actively in the expensive initiative process.²⁶

As Thompson goes on to explain, campaign finance laws and 1950s technology were unable to keep track of most of the money spent for and against candidates and ballot measures with any degree of accuracy; combined with the permissiveness of the campaign laws them-

²⁴ Bruce Thompson, "Campaign Contributions and Expenditures in California," 41 *California Law Review* 300 (1953): 316-17.

²⁵ Original figures were treated as 1935 dollars, the middle year in the range 1921-1949, for the sake of conversion to 2014 dollars. Historical Currency Conversions: <<http://futureboy.us/fsp/dollar.fsp>>

²⁶ \$1871 in 1950 is equal to \$13,244 in 2009.

California Department of Finance, "Real Per Capita Income Personal Income" (BBREALPCPI.xls), <http://www.dof.ca.gov/html/fs_data/latestecondata/FS_Income.htm>.

selves, wealthy individuals, businesses and interest groups had the power to control the political agenda by qualifying and campaigning for their pet initiatives. However, direct democracy remained democratic in California: the initiative and referendum processes are still the only institutions of government singularly predicated on the philosophy of one-person-one-vote, regardless of wealthy interests' greater influence over the political agenda. A maturing political culture kept the tendency toward oligopoly from being fully realized, while the institutions of direct democracy themselves permitted Californians to check abuses of power by both elected representatives and the leaders of the state's many interest groups. As the political culture matured, the *ad hoc* nature of the state's political institutions began haltingly to yield to a more systematic political structure, exemplified by the near-abolition of cross-filing in 1952, its final demise in 1959 and the creation of a full-time Legislature in 1966 under the terms of Prop 1A.²⁷ However, despite the tendency towards greater professionalization, Californian political reform would still largely depend on piecemeal, *ad hoc* amendments reflective of the prevailing electoral climate, represented especially clearly by the collapse of the pension-promoting movement around 1954.

The last in a long line of pension-promoters, George McLain of the California Institute of Social Welfare experience firsthand both the enormous heights to which the initiative system could propel a successful proponent, and the difficulty of navigating a disorganized political environment dependent on personalities rather than stable ideological coalitions. In 1948, McLain was feared as one of the most powerful political actors in the state because of his expert organizational skills and support from California's large elderly population. Less than a year later, he stood accused of threatening to kill a former employee, and by 1954, had all but

²⁷ California Secretary of State, "Proposed Amendments to Constitution," (1966).

Prior to 1967, the California Legislature was a part-time body, meeting in regular session biennially.

vanished from the halls of power.²⁸

McLain's story begins in the early 1930s with the onset of the Great Depression, when the stock market crash of 1929 and its ensuing global recession exposed the inadequacy of California's existing welfare programs. In the preceding decade, California's population had leapt from around 3.5 million to about 5.7 million – at 2.25 million new residents, the largest single increase of any state in that time period.²⁹ In addition to the state's having to increase expenditures to serve a growing population, the Great Depression threw hundreds of thousands of Californians out of work, increasing the number of welfare beneficiaries and removing many from the tax rolls. Indeed, between 1930 and 1940, the state, grappling with a bad economy, a larger population of elderly retired folk and the liberalization of welfare rules, increased its overall welfare spending by a whopping 506%! Spending on Old Age Assistance (OAA) alone increased 2213% in the same period.³⁰ In those years, the population of residents sixty-five years and older increased two and a half times faster than the rest of the population, causing many to fear that the state's generous pensions would turn California into a sanctuary colony for the decrepit.³¹

As unemployment across the country approached 25% in the few years immediately succeeding the stock market crash, organizers in most metropolitan areas formed leagues of unemployed workers to advocate for their needs. One such league was George McLain's Los Angeles Unemployed Voters Association, Inc., founded in 1930. By 1932, McLain claimed mem-

²⁸ "Mrs Williams Backs Down; Will Testify," *Los Angeles Times*, Nov 3 1949, 1.

²⁹ United States Bureau of the Census, "Resident Population and Apportionment of the US House of Representatives," compiled from fifty individual presentation slides posted at <census.gov>; United States Census Bureau, *US Census of the Population: 1950*, Vol. II: "Characteristics of the Population," Part 5: California, (Washington, DC: US Government Printing Office), 1953.

³⁰ Bill Edward Fitzgerald, *Pension Politics in California*, (UC Berkeley: MA diss., 1951), 8-9.

³¹ United States Census Bureau, *US Census of Population: 1930* and *US Census of the Population: 1940*; California Secretary of State, "Proposed Amendments to Constitution" (1948), 5; and (1952), 13.

bership in his organization at around fifty thousand, with circulation for his newspaper, the *Los Angeles Voter*, at two-hundred thousand.³² The Association had failed by 1933, which led McLain to a long series of political jobs that kept him busy for the remainder of the decade. In 1934, he joined Socialist-turned-Democrat Upton Sinclair's 'EPIC' campaign for governor of California, where he got his first on-the-job experience in pension politics.

EPIC – “End Poverty in California” – called for a large state-funded public works program, the nationalization of idle factories and farms and guaranteed pensions for the elderly, disabled and widowed.³³ Sinclair's campaign might have succeeded had the rival Townsend Plan not won over the center and right wings of the political spectrum, isolating Sinclair on the left.³⁴ Sinclair lost that election to a traditional, generally moderate Republican, Frank Merriam.

Though he ran for the Los Angeles School Board, City Council and Mayorship, for the state Assembly, and as a write-in candidate for US Senate, McLain was a perennial electoral failure who had largely turned his energies away from candidate campaigns by the early 1940s. A major catalyst to his career as a welfare activist came during his time as an organizer for the “Ham’n’Eggs” Plan in 1939. The Ham’n’Eggs Plan, brainchild of Robert Noble, was co-opted by brothers Willis and Lawrence Allen and their friend Roy Owens sometime after the 1938 election. Most of the provisions of the Ham’n’Eggs Plan, the central plank of which was “\$30 Every Thursday,” were derived from the early examples of EPIC and Townsend, demonstrating those plans’ continuing appeal into the wartime society of the forties.³⁵ While an organizer for Ham’n’Eggs, McLain introduced and developed innovative new campaigning strategies, includ-

³² Fitzgerald, *Pension Politics*, 63.

³³ Upton Sinclair, “Immediate Epic: The Final Statement of the Plan,” Los Angeles (1934).
<<http://www.ssa.gov/history/epic.html>>

³⁴ Fitzgerald, *Pension Politics*, 21.

³⁵ Ibid., 30 & 34.

ing a precinct-based system for tracking sympathetic voters, which he brought with him to his future campaigns.³⁶ However, a falling-out with Allen brothers led to his departure late in 1939.

McLain's empire began to come together in 1941, the year he took over the American Citizens' Pension Association and transformed it into the Old Age Payments Campaign Committee (which became the Citizens Committee for Old Age Pensions in 1943, and then the California Institute of Social Welfare in 1950).³⁷ Soon after reorganizing with a Californian focus, the Committee began an extensive, decade-long outreach project to build support for old age pensions. In general, McLain called for raising old age pensions by relatively small increments, such as from \$60 to \$75 per month (a provision in Proposition 4), and for eliminating families' responsibility to contribute to impoverished relatives' welfare benefits. The first component was opposed by fiscal conservatives, but generally enjoyed broad support in the electorate, while the second was opposed by religious institutions like the Catholic Church, which claimed that ending family welfare responsibility would undermine the family unit itself.³⁸

The three primary methods by which McLain spread his message were his Committee's radio program, the "Old Folks' Program"; the Committee's newspaper, the *National Welfare Advocate*; and mass membership meetings on Saturday afternoons in cities across the state. McLain regularly spoke before the largest of these meetings at the Times Theatre in Los Angeles, where he solicited donations three or four times during each meeting. The large number of collections held, compared, for example, to the single collection taken at a Catholic Mass,

³⁶ Fitzgerald, *Pension Politics*, 64.

³⁷ Throughout this paper, I will refer to McLain's organization as "the Committee" when discussing the period 1941-1949, and as "the Institute" for 1950-1954.

Daniel Mitchell, "Lessons of Ham'n'Eggs: California's 1938 and 1939 Pension Ballot Propositions," *Southern California Quarterly* (Summer 2000), 211.

³⁸ "Defeat of McLain Proposition Urged by Religious Leaders," *Los Angeles Times*, Nov 2 1952 (Page B1).

brought charges that McLain was financially exploiting his vulnerable elderly supporters. The “Old Folks’ Program” also stirred controversy. McLain’s detractors, including Bill Fitzgerald, claimed that the radio program, which was marketed as an educational show for old folks, was primarily a fundraising platform. Indeed, it was by far the Committee’s most expensive activity, costing \$9000 per week to syndicate to twenty-eight different stations in autumn 1949.³⁹

In late spring 1952, Frank Pinner of the Institute of Industrial Relations at UC Berkeley drafted a report titled “Pilot Study of the Membership of the CISW.” In the report, which was based on a long survey of nearly five hundred members of McLain’s organization, Pinner issues a damning critique of the reasons that compelled the elderly to join McLain, and the ways in which McLain structured and managed his Institute. Pinner writes that “the need for a status-conferring group membership seems to arise out of feelings of humiliation” at being out of work or in need of a public pension. The major benefit that members received from participation in the organization was “redemption” from their humiliation; McLain was the messiah who brought that redemption, as is evident from life-members’ propensity to consider McLain a “good shepherd” rather than a “friend” or “brother” in the survey.⁴⁰ Indeed, the structure of his Saturday mass membership meetings and his role as the spiritual leader of the elderly evoke images of the church and Jesus Christ.

Pinner’s last two critiques concern what he refers to as “the authoritarian structure of the organization.” He writes that “for most people, joining the McLain organization is a maladjustive response, because the constant high demands (in money and effort) of the organization upon the members make it impossible to close the gap between level of achievement and level

³⁹ Fitzgerald, *Pension Politics*, 68-9.

⁴⁰ Pinner, “Pilot Study of the Membership of the CISW (McLain): Summary and Discussion,” 4-6.

of aspiration. Only a few attain, through heavy sacrifice, the state of redemption.”⁴¹ One logical prediction to draw from this analysis is that, once McLain should begin to appear less the messiah by failing to produce concrete progress, his followers’ interest in contributing to the effort would start to dissipate. The Institute’s diminished capacity to wage a competitive ballot campaign in 1954 and its all-but-disappearance thereafter supports this interpretation.

Despite the periodic allegations of money-mongering, the occasional charge of corruption and the “authoritarian” structure of his institution, McLain’s organizing paid off in 1948. Through sophisticated campaigning and vote-tracking techniques, McLain grew his movement and successfully passed Proposition 4 in 1948.

Proposition 4, the “Aged and Blind Act”, passed narrowly in a vote that split 50.5% in favor to 49.5% against. Prop 4 radically overhauled California’s system for granting and disbursing social welfare payments by centralizing authority from county governments to Sacramento, by broadening eligibility requirements to include additional millions of Californians, and by making the Director of Social Welfare an elective rather than appointive office.⁴² Most damning for McLain’s personal reputation, the initiative named Myrtle Williams, a friend and Committee associate of McLain’s, to the position of Director of Social Welfare until the first election could be held for the office in 1950. Allegations of corruption plagued McLain and Williams up through the November 1949 special election partly because of this unorthodox appointment.

In the months leading up to November 2nd 1948, McLain’s Committee received record donations at an average of \$4000 per day, with the year’s overall collection reported at

⁴¹ Pinner, “Pilot Study of the Membership of the CISW,” 8.

⁴² California Secretary of State, “Statement of the Vote,” (1948);
Ibid., “Proposed Amendments to Constitution,” (1948), 4-5.

\$375,752.09.⁴³ Driving the collection was McLain’s force of personality and the pervasiveness of his Committee throughout the social circles of elderly Californians. To reinforce how serious he was about the election, in an August 10th publication of the Northern California Committee for Sound Pension Aid, he wrote: “I don’t care if you don’t eat. I don’t care if you don’t have the bus fare home. We need the money.”⁴⁴ Statements like this led his detractors increasingly to believe that he was in the fight solely for personal gain.

The backlash against Prop 4 arose instantaneously once opponents realized a few weeks after the election that they had badly miscalculated McLain’s organizational prowess. The opposition, which included the formidable California Chamber of Commerce, Farm Bureau Federation, Taxpayers Association and League of Women Voters, were distracted by a plethora of higher-profile contests: President Truman’s reelection, the general elections of the Legislature and Congress, a “local option” statewide initiative to permit counties to ban alcohol sales, a public housing initiative, and a peculiar “anti-featherbedding” initiative by animal-rights activists. Their lack of attention to the Prop 4 campaign is clear from a comparison of expenditures for and against the initiative. Proponents spent around \$190,000 in support of Prop 4, while opponents cobbled together a mere \$4500 in response.⁴⁵

Fiscal conservatives’ horror at Proposition 4’s reforms grew as 1949 progressed. The reformed state Department of Social Welfare, “ruled by McLain through... Mrs Williams,” saved counties \$9 million in 1949 by assuming responsibility for pension payments and by shifting pensions’ revenue stream from local property taxes to a statewide tax on “industrial interests.”

⁴³ Fitzgerald, *Pension Politics*, 75.

⁴⁴ Ibid., quoting from: Northern California Committee for Sound Pension Aid, “The Case for Sound Pension Aid,” Aug 10 1948.

⁴⁵ Ibid., 74-5.

The liberalization of pension eligibility cost the state more than \$67 million in that year alone – an 84% increase over 1948’s welfare expenditures. Fitzgerald concludes that the initiative contained several beneficial components, but says that “these were by far outweighed by sections... detrimental to both the state and senior citizen.”⁴⁶ An anticipated, if unrealized, side-effect of welfare liberalization was the migration of thousands or millions of senior citizens to California from around the country and world, which put pressure on the state’s natives to self-identify as culturally and politically distinct from other states and countries in order to preserve the integrity of their fiscal house. In that sense, McLain’s efforts to provide justice for the poor elderly stimulated middle-class Californians’ growing sense of independent nationhood. In the face of these changes, Prop 4’s original opponents mobilized a new campaign to repeal the initiative, which became 1949’s Proposition 2.⁴⁷

Under Californian election law, once a sponsor has qualified an initiative for the ballot by gathering the required number of valid signatures, that initiative will appear on the next statewide ballot, regardless of whether the ballot is for a special or general election. Proposition 2’s proponents, led by the Chamber of Commerce, qualified their initiative in mid-1949 for the 1950 general election ballot. To bring their initiative before voters a year earlier, the Chamber and its allies convinced Legislators to place an education bond on a special election ballot.⁴⁸

Although the California Chamber of Commerce committed the most organizational and financial support to Prop 2 of any of its backers, the California Council for the Blind (CCB) assumed the role of its public face. Fitzgerald comments that, because the only available avenue for repeal was the initiative process, “a serious bid for public sympathy and support would

⁴⁶ Fitzgerald, *Pension Politics*, 79-81.

⁴⁷ California Secretary of State, “Proposed Amendments to Constitution,” (1949), 4-5.

⁴⁸ Fitzgerald, *Pension Politics*, 87.

have to be made”; there was no better way to enlist public sympathy than to recruit an organization which generally supported the principles on which McLain campaigned. The CCB did, however, have specific and poignant complaints about Prop 4 and McLain which brought them over to the Chamber’s side, despite the CCB’s overarching commitment to liberal, state-funded pensions. The first was that Prop 4, as so many later initiatives would do with their own spending prescriptions, locked pensions benefits into the state constitution at a certain level without permitting the Legislature to raise those benefits. The second was that Prop 4 “treated the blind as incompetents,” a recurring and unfortunate theme in the politics of disability in America.⁴⁹

McLain protested that the Chamber was only interested in saving its members from \$21 million in new tax obligations, a result of the state’s financing Prop 4 through business and income, rather than property, taxes.⁵⁰ In the end, though, McLain’s “empire,” organizational prowess and belief in his mission were not enough to defeat the well-funded Chamber and its front in the CCB. Whereas the opponents of Prop 4 were laughably underfunded in 1948, in 1949 the Chamber and its allies were able to raise almost \$1 million to pass Prop 2, compared to the \$230,000 raised by McLain and his allies in opposition. Furthermore, the Chamber wisely retained Prop 4’s most popular provision, an increase in OAA from \$60 to \$75 per month, which helped to insulate them from criticism that they stood opposed to a decent standard of living for the elderly.⁵¹

In the months leading up to November, individuals close to McLain and his Committee and to Williams and her Department began to come forward with allegations of corruption in the McLain pension nexus. In August, G Harvey Mydland, the executive secretary of the state

⁴⁹ Fitzgerald, *Pension Politics*, 82-83.

⁵⁰ Ibid., 82.

⁵¹ Ibid., 88.

Social Welfare Board, resigned from what he had come to see as a “puppet’s position for a board with no power and... an instrument in prostituting the fine ideals usually embodied in public welfare programs to the ambitions of [George McLain].” The *San Mateo Times*, quoting an unspecified magazine which described liquor lobbyist Artie Samish as “the secret boss of California” and a “sinister” figure, listed Samish’s alleged close relationship with McLain and Williams as another reason for Mydland’s exit.⁵²



Myrtle Williams and her assistant John McLaughlin arrive at the Senate committee hearing into the affairs of her department.

Los Angeles Times, 11/04/49
AP Photo

The *Times* reveled in the California Senate Interim Committee on Social Welfare’s oversight hearings into the affairs of the reformed Department of Social Welfare. A series of accusations of public corruption and insider dealing in the Department under Myrtle Williams came to a head in early November, just before the election, when Edwin Thayer, a former managerial employee of the Committee, accused McLain and Williams under oath of creating new salaried jobs in the Department for their friends. Another witness, Albert Murray, who had been contracted to manage the campaign against Prop 2 but later resigned, testified that McLain had never provided an account of where campaigns donations went.⁵³ Furthermore, a disgruntled former staffer later complained that McLain and Williams had made over \$100,000 in secret profits from Williams’s advertising agency by exploiting the Committees’ volunteers.⁵⁴

Of the state’s major newspapers, the *Los Angeles Times* was particularly emphatic in its

⁵² “Pension Official Quits, Says M’Lain Czar,” *San Mateo Times*, Aug 24 1949, 13.

⁵³ Fitzgerald, *Pension Politics*, 69;
“Williams Backs Down; Will Testify,” *Los Angeles Times*, Nov 3 1949, 1.

⁵⁴ Fitzgerald, *Pension Politics*, 69-70.

support for Prop 2, which could have considerably influenced voters' decisions given the dominance of the Los Angeles media and electoral markets within the state. The subtitle of one headline from two days before the election reads "'Yes' Vote Quashes McLain Control of All Welfare in State."⁵⁵ From the religiously-inspired argument that children have a duty to financially support their elderly parents, to the CCB's long-standing record of support for pensions but opposition to McLain, and finally to Governor Earl Warren's support for Prop 2, the editorial details every popular fear about McLain's radical overhaul of the state pension system. The editorial board, referring to the Department of Social Welfare as "the McLain-Williams dynasty," writes that repeal "will break McLain's hold on the administration of pensions."

When Californians went to the polls on November 8th, they sided overwhelmingly with the Chamber. With 97% of precincts reporting, 57.4% of voters had voted for Prop 2, including a 100,000-vote majority in Los Angeles – exactly the same majority which had originally voted for Prop 4. Indeed, the overall margin of victory for Prop 2 equalled the number of voters who had abstained from voting for or against Prop 4 in 1948, indicating that the higher-profile campaign, the *Times*'s favorable coverage and the Chamber's intense outreach succeeded in persuading those who had no opinion in 1948 to vote against McLain in 1949.⁵⁶

Almost as rapidly as the Chamber of Commerce had mobilized after Prop 4 passed in 1948, McLain mobilized his supporters for a new initiative in 1950. Once he had gathered enough signatures and qualified a new initiative for the ballot, which was a pared-back version of Prop 4 without any structural changes to Californian welfare administration, he submitted the measure as an indirect initiative to the California Legislature. An indirect initiative, also

⁵⁵ "Proposition 2 Advocated for Public: 'Yes' Vote Quashes McLain Control of all Welfare in State," *Los Angeles Times*, Nov 6 1949, B1.

⁵⁶ Fitzgerald, *Pension Politics*, 89.

known as an agenda-setting initiative, differs from a direct initiative in that it first goes before the Legislature for consideration. If the Legislature adopts the indirect initiative as legislation and the governor signs it, it never appears on the statewide ballot. The Legislature never held a vote on the proposal, choosing to put it before voters in 1952 as Proposition 11 rather than take a potentially damaging vote on it themselves.

In 1951, the Legislature's auditor of pending legislation, the Legislative Analyst, predicted that Prop 11 would cost California \$110 million annually to implement, a discouraging figure to anyone concerned about the growth in state expenditures.⁵⁷ In addition to reporting large, scary numbers like these to generate opposition, the *Los Angeles Times* ran articles with headlines like "Elderly Unite to Defeat McLain's Proposition" and "Defeat of McLain Proposition Urged by Religious Leaders" to undermine the apparent monopoly McLain once held over the elderly demographic's public support.⁵⁸

In November, Californians once again rejected McLain's proposal, 56.4% against to 43.6% in favor, an insignificantly smaller spread than the outcome of Prop 2.⁵⁹ Though the reasonable observer might assume that McLain would cut his losses and quit after his second electoral defeat in three years, he had too much at stake to give up the fight. With a large, still-functional pension-promoting organization under his thumb and money to be made from campaign donations, he ran a final ballot campaign in 1954, pushing the pension-raising Proposition 4.

Proposition 4 (1954) was, like Prop 11, a watered-down version of McLain's earlier efforts; it would have only raised OAA by \$20, from \$80 to \$100 per month (the Legislature had

⁵⁷ Fitzgerald, *Pension Politics*, 91.

⁵⁸ "Elderly Unite to Defeat McLain's Proposition," *Los Angeles Times*, Oct 12 1952, 28; "Defeat of McLain Proposition Urged by Religious Leaders," ———, Nov 2 1952, B1.

⁵⁹ California Secretary of State, "Statement of the Vote," (1952).

independently raised the \$75 pension by \$5 in the years since 1949).⁶⁰ In a sign of voters' general fatigue for McLain and the California Institute of Social Welfare, the *Los Angeles Times* wrote merely that the increase in pension payments would create an unnecessarily large cost for taxpayers and should be voted down.⁶¹ Californians agreed, and rejected the measure by a margin of 54.6% against to 45.4% in favor.⁶² The margin of defeat, barely moved from the 56.4% who rejected Prop 11 or the 57.4% who approved Prop 2, shows both that a clear majority of Californians turned on McLain permanently after the successful 1949 repeal campaign, but also that a large minority continued to support McLain's efforts down to his last electoral breath.

Despite their overwhelming failure to win policy victories at the ballot box, the initiative process itself ironically made it possible for McLain and his predecessors to keep pensions at the top of the public discourse for as long as they did. Twenty years of pension promotion, from EPIC in 1934 to McLain in 1954, created a political and rhetorical framework within which elderly Californians and their supporters could maintain consistent pressure on elected representatives to increase state pension spending. This long-standing public pressure might even have resulted in the Legislature's successful attempt to increase blind pensions at the ballot in 1952, the same year McLain's Prop 11 failed. But pension-promoters' ability to marshal public support lasted only as long as Californians embraced the basic principles of the New Deal – that is, with increasingly waning interest after World War II. McLain's steady rise and protracted fall tells the story of the climax and slow death of the New Deal consensus in California, culminating in 1954.

The politics that would follow, until Reagan's gubernatorial victory in 1966, were char-

⁶⁰ California Secretary of State, "Proposed Amendments to Constitution," (1954), 4-5.

⁶¹ "November Ballot Propositions", *Los Angeles Times*, Oct 3 1954, B4.

⁶² California Secretary of State, "Statement of the Vote," (1954).

acterized by the weakness of universal ideologies, and by Californians' support for a practical, pragmatic politics in an increasingly structured political environment. However, social welfare in the traditional sense was not the only lens through which the end of New Deal politics can be viewed and understood. In 1950, Californians' approval of Proposition 10, which, on its face, might be characterized as a logical extension of California's direct democracy, had the practical effect of freezing low-income housing construction across the state, which was particularly damaging for the poor and people of color. That initiative, requiring a local referendum before any public agency could commence building a low-income public housing project, emerged in response to bureaucratic incompetence and inefficiency, and to demographic changes which threatened the psychological security of an increasingly self-conscious Californian national community of white Americans.

The impetus to restrict public housing projects came from transformative social and economic developments of the first half of the twentieth century. The most important social force to act on the state was rapid demographic change, peaking during the Depression and again during the Second World War as hundreds of thousands of mostly poor and middle class Southerners and Midwesterners migrated to California in search of job opportunities. The first wave, during the Great Depression, brought mostly white immigrants to the San Joaquin Valley for agricultural work. The second, during the war, relocated half a million more, including a large number of black individuals and families, to California's industrial centers in the East Bay and in the Southland.⁶³ The combined effect of these two waves of migration, but especially of the second, precipitated California's worst housing crisis in its history and touched off racial and class conflict across the state.

⁶³ Marilyn Johnson, *The Second Gold Rush* (Berkeley: UC Press, 1993), 41-2; Map 2, 42.

Of the more than five hundred thousand internal migrants who came to the state between 1940 and 1944, between 75 and 80 percent intended to remain after the war, against the hopes of local leaders and old-time California natives.⁶⁴ Furthermore, the large number of black immigrants created new white-black racial tensions in previously racially homogeneous urban communities. Just before the war, the largest nonwhite racial group in the state comprised East Asians of Chinese and Japanese descent;⁶⁵ the relocation of Japanese Americans to concentration camps during the war and the mass migration of Southern blacks to defense industries on the West Coast transformed the racial balance of society. Furthermore, conscription drained much of the country of its adult men, leaving behind an economy and society dominated by women, especially young single women, and wives who took up work in defense industries on the coast while their husbands served at war. Compared to prewar demographics, the state was younger, blacker and more female than it had been before.⁶⁶

Black population growth spurred the white middle class and their real estate agents to develop race-restrictive housing covenants in desirable residential communities, an expression of *de facto* Jim Crow which tightened the housing market considerably more for blacks than for

⁶⁴ California Chamber of Commerce, Research Department, "Survey of the Housing Problem in California," (February 1946), 4.

⁶⁵ The Mexican and Mexican-American presence in California prior to the 20th century was never great, despite Spanish and Mexican ownership of the land for hundreds of years, because of the great distance from Mexico City. At the time of the American occupation in 1846, records show that the Spanish/Mexican population of the state numbered only a few thousand. Censuses taken before 1970 do not distinguish between white Hispanics/Latinos and white non-Hispanics/Latinos, where they include an option for Hispanic or Latino heritage at all, making it difficult to assess the population's true size before 1970.

"A History of American Indians in California: 1849-1879," United States National Park Service, <http://www.cr.nps.gov/history/online_books/5views/5views1c.htm>, last modified Nov 17 2004;

Campbell Gibson and Kay Jung, "Historical Census Statistics on Population Totals By Race, 1790 to 1990, and By Hispanic Origin, 1970 to 1990, For The United States, Regions, Divisions, and States," (Washington, DC: Population Division, US Census Bureau, 2002), Table 19. <<http://www.census.gov/population/www/documentation/twps0056/tab19.pdf>>

⁶⁶ Johnson, *Second Gold Rush*, 58-9.

whites or Asians. For example, of the seventy-five thousand private housing permits issued by Bay Area cities between 1949 and 1951, only six hundred were made available to black families. Whereas middle-class white families could generally afford to participate in the growing private, suburban housing markets, covenants excluded blacks from those opportunities at the same time that civic leaders cut back on social services and funding for public housing projects – in many cases, black families’ only recourse to affordable shelter.⁶⁷

Even though the housing crisis fell hardest on the nonwhite population, the depth and breadth of the shortage forced the state’s politicians to take notice. A 1947 report by the Legislature’s Joint Committee on the Housing Problem soberly details the extent of the crisis.⁶⁸ After establishing that the average affordable rent for California families in need of shelter stood around \$47 per month, or \$53 per month in mortgage payments for veterans looking to buy a home, the Committee found that the private sector was incapable of producing enough housing to mitigate the crisis *and* keep rent and purchase prices within the range of affordability. In an indictment of the efficacy of the private housing market, the report found that although the overwhelming majority of veterans preferred rental options, private builders devoted most of their construction projects to single-family, owner-occupied housing, which was far too expensive for repatriated veterans and working-class families to afford.⁶⁹

According to the report, federal and state bureaucratic incompetence only exacerbated a manageable problem. Under the National Housing (Wagner) Act of 1937, federally-subsidized public housing was allowed to cost no more than \$5000 per unit.⁷⁰ In the high-density and high-

⁶⁷ Johnson, *Second Gold Rush*, 214-15.

⁶⁸ Report of the Joint Assembly-Senate Committee on the Housing Problem, 1947.

⁶⁹ Ibid., 12-13.

⁷⁰ United States Housing Act of 1937, Pub.L. 75-412, 50 Stat. 888. <http://en.wikisource.org/wiki/United_States_-_National_Housing_Act_of_1937>

cost San Francisco housing market, however, it was unfeasible to construct public housing so cheaply. As a result, the federal Public Housing Agency ordered San Francisco not to build any public housing in the late 1940s, despite the city's having \$12-14 million in cash on hand to start construction. Furthermore, 1679 units out of 14,229 eventually built in the Bay Area were left only partially completed when the supervising federal Public Housing Agency prematurely ran out of funds.⁷¹

Additionally, inner-city overcrowding encouraged the spread of contagious and venereal diseases. The Oakland City Health Department found in 1946 that rates of tuberculosis and other diseases were “skyrocketing upwards.”⁷² Contagious diseases struck minority communities especially hard, because those communities were the most overcrowded. To illustrate, in 1946 over half of the East Bay black population still lived in “temporary” wartime housing located around the rapidly-closing defense industry factories and shipyards, and far from the new postwar centers of the regional economy.⁷³ Finally, with a statewide vacancy rate at 1.3% – down from a “normal” rate of about 5% – many families with the means to acquire new housing simply could not find an available home to move into.⁷⁴

The data suggest a few general trends in the population dynamics of late-1940s California to frame the debate over 1950's Proposition 10. First, the housing crisis's disparate impact on the white and nonwhite populations insulated much of the white population from its worst effects. Black Californians faced discrimination in employment, qualifying for only the most menial jobs as employers prioritized white, male veterans, which kept blacks' wages too low to

⁷¹ Report of the Joint Committee, 29.

⁷² Ibid., 39.

⁷³ Johnson, *Second Gold Rush*, 215.

⁷⁴ Report of the Joint Committee, 12.

enter the private housing market. Housing discrimination through restrictive covenants concentrated black residency in temporary wartime housing and in inner-city slums.

Second, because so many wartime immigrants were black and because a majority of all the immigrants came from essentially foreign backgrounds (the rigid caste society of the South and poverty-line agrarianism of the Lower Midwest were as foreign to many Californians as the British monarchy), established or native Californians easily “otherized” the newcomers. The prospect of paying higher taxes to subsidize the poverty of outsiders was so toxic to some Californians that they formed nativist organizations to promote anti-migration policies in Sacramento and cut welfare support to newcomers. George McLain’s short-lived Natives of California, Inc., whose avowed purpose was to “restore the government of California to the natives of the state and keep it there,” typifies the nativist movement that arose in the state between the onset of the Depression and the mid-1950s.⁷⁵ Although it is easy to dismiss the nativists as reactionaries vainly fighting against inevitable forces of social change, the psychology of Californian nativism would continue to permeate the political discourse and contextualize the emergence of a Californian “nationality” between the 1950s and 1960s.

In 1950, private housing interests, afraid of being crowded out of the market by state-subsidized public housing, and nativists, afraid of losing their community identities and lifestyles to disruptive, poor and often nonwhite newcomers, joined forces to promote and pass Proposition 10, the Public Housing Projects Law. Proposition 10, as is noted above, requires any publicly-financed, low-income housing project to survive a referendum in whichever city or county the project is intended to be built before the project can commence. Rather than try to legalize formal segregation or place a moratorium on low-income public housing construction,

⁷⁵ Daniel Mitchell, “Lessons of Ham and Eggs,” *Southern California Quarterly*, Vol. 82, No. 2 (Summer 2000), 211.

the real estate and nativist interests sought to use the institutions of government, in this case the referendum, to slow down public housing projects systematically and create an additional veto point in the regulatory process. Prop 10's proponents hoped that by increasing the institutional costs to transact public housing, they could limit or end it completely.

The proponents' ballot arguments reflect a tradition of implicit racism in political rhetoric, relying heavily on the principle of devolution, or governmental decentralization, to advance their case. California Senator Earl Desmond and Frederick Dockweiler, a Los Angeles-based attorney, write in their argument for Prop 10 that "a YES vote... will strengthen local self-government and restore to the community the right to determine its own future course."⁷⁶ As has been noted by political observers for decades, the phrase "states' rights," a standard argument for federal devolution which is analogous to Desmond's and Dockweiler's plea for local self-government, does not exclusively refer to the balance of power between the federal and state governments. Rather, the phrase is an evocation of state sovereignty employed by white Southerners to justify slavery before 1865 and Jim Crow thereafter.⁷⁷ In the context of Prop 10, that Californians do not want "public housing projects forced upon them" is a coded way of telling the government not to make them accept black, Mexican or "hick" Southern white families into their neighborhoods without their explicit consent.⁷⁸

Desmond, Dockweiler and the *Los Angeles Times* pursued another, parallel strategy in the months leading up to election day, derived heavily from Progressive-era rhetoric pitting rugged individuals against corrupt political bosses. In its announcement of pre-election endorsements, the *Times's* editors write that Prop 10 is a measure "wherein the voter can get at

⁷⁶ California Secretary of State, "Proposed Amendments to Constitution" (1950), 13.

⁷⁷ Lee Atwater, Interview with Alexander Lamis (1981), Published in *The Nation*, Nov 13 2012.

⁷⁸ California Secretary of State, "Proposed Amendments to Constitution" (1950), 13.

the officious bureaucrat and his setup. It proposes that before any of these multimillion-dollar public housing projects can be launched the voters... shall have a say as to whether they wish to have such a project saddled on them.”⁷⁹ Without mentioning the added costs to local governments to run mandatory special elections for housing projects or the additional months or years added on to the time needed to design and develop a project, the *Times* frames the initiative as a battle between the honest, taxpaying voter and an unaccountable, corruptible central bureaucracy of spiteful public employees.

There is little evidence to suggest that the proponents’ specific arguments swayed many voters. However, it is clear that the weakness of the coalition opposing Prop 10, which included Los Angeles Mayor Fletcher Bowron and the California Federation of Labor (an AFL umbrella-union), undermined their efforts to defeat it and probably allowed the initiative to pass – though just barely. Whereas proponents could portray their effort as a crusade to protect homeowners and communities from unwanted intrusions, opponents could or would not readily identify any specific groups of Californians who would be hurt by the initiative. Their arguments against Prop 10, though convincing, are unemotional and staid. “This proposition should be defeated,” they write, “because: (1) it is wholly unnecessary; (2) it is contrary to firmly established principles of American representative government; (3) if adopted, it would be impossible to act expeditiously in times of emergency; (4) it would substantially increase the tax load of cities and counties.”⁸⁰

Regardless of the ineffectiveness of opponents’ ballot arguments, their most damning failure was in not building a coalition of the poor and working-class Californians of all races

⁷⁹ “Recommendations on Propositions,” *Los Angeles Times*, Nov 5 1950, B7.

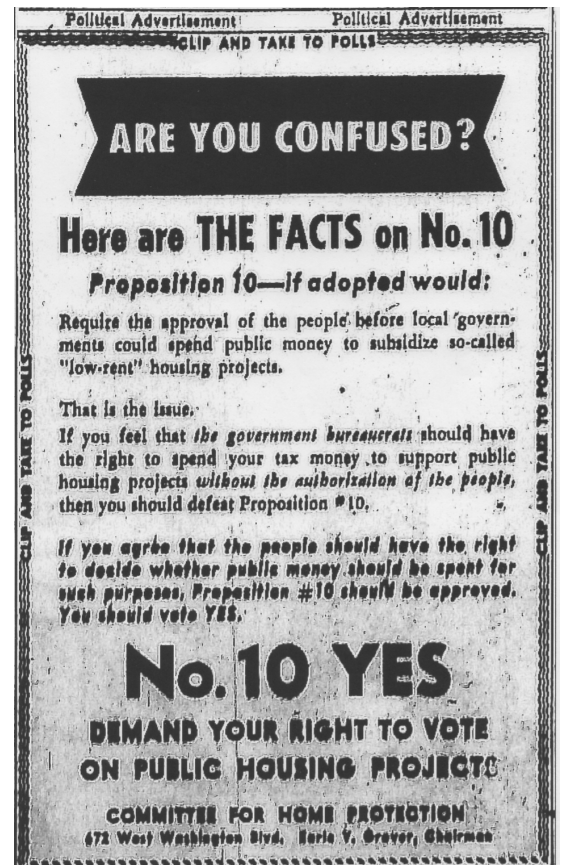
⁸⁰ California Secretary of State, “Proposed Amendments to Constitution” (1950), 13.

who stood to lose the most from Prop 10. The *Los Angeles Sentinel*, the oldest and most widely read black newspaper in the American West, even encouraged its readers to vote for Prop 10, but gave no rationale for the endorsement.⁸¹ The *Los Angeles Examiner*, the *Times*'s chief rival and Los Angeles Democrats' preferred daily, neither endorsed nor opposed Prop 10, focusing its reporting on the more controversial gambling initiative, Prop 6, which appeared on the same ballot.⁸² However, the *Examiner* did run multiple advertisements supporting Prop 10, including this cut-out ad by the "Committee for Home Protection."⁸³

Two related political contingencies might have influenced the outcome of the Prop 10 vote, swinging the margin just far enough to the "yes" side to secure passage. Less than a week before the election, the Los Angeles City Council approved an ordinance repealing wartime rent controls, but before the ordinance could be implemented, the Truman Administration ordered the city to keep rent controls in place. A legal battle erupted between aggrieved, mostly Republican City Councillors and the Democrat-

ic Truman Administration, which resulted in the following *Examiner* headline on November 7th, election day: "Woods Orders L.A. Rent Control Office to Continue Work Despite Court Order."⁸⁴

Tighe Woods, the federal Housing Expediter under Truman, had defied both the elected City



⁸¹ *Los Angeles Sentinel*, November 1950.

⁸² "Gambling, Personal Tax Top Propositions," *Los Angeles Examiner*, Nov 4 1950, B3.

⁸³ "Are You Confused?" Political Advertisement, *Los Angeles Examiner*, Nov 4 1950, B2.

⁸⁴ "Woods Orders LA Rent Control Office to Continue Work Despite Court Order," *Los Angeles Examiner*, Nov 7 1950, A3.

Council and a federal court in pushing to maintain rent controls in the midst of the housing crisis, which could have earned him popular support if the majority of Angeleno voters had been more personally exposed to the crisis. Instead, Woods's battle with the courts and Council reeked of bureaucratic overreach, an attempt to impose policies concocted in Washington on West Coast communities thousands of miles away, which played straight into proponents' strategy. The tussle between the City of Los Angeles and the Truman Administration might even have tipped the electoral scale in favor of Prop 10.

The second contingency was a political donation scandal that broke in early October 1950. The *Times* ran an article exposing that the executive director of the Kern County Housing Authority had sent a letter to all of his employees asking for donations to oppose Prop 10. The director was never indicted for breaking campaign finance laws, but the *Times* used his folly to "substantiate the position of those supporting Prop 10 that" unaccountable bureaucrats were subverting the people's will.⁸⁵

Some weeks after election day, the state certified that Proposition 10 had passed with a scant 50.8% of the statewide vote, with the highest levels of support coming from the Southland counties of Los Angeles, Orange and San Diego.⁸⁶ Despite the close result, efforts to challenge Article XXXIV, which was created by Prop 10, for the most part went nowhere. Although Article XXXIV remains in the constitution today, it was nearly overturned in 1971.

In June 1970, a three-judge panel of the United States District Court for the Northern District of California found Proposition 10 unconstitutional "on the ground of its repugnance to the Equal Protection Clause."⁸⁷ The case, which was finally decided by the Supreme Court as

⁸⁵ "Proposition 10 Sponsors Claim Agency Employees Solicited for Funds," *Los Angeles Times*, Oct 5 1950, 10.

⁸⁶ California Secretary of State, "Statement of the Vote," (1950).

⁸⁷ *Valtierra v. Housing Authority of City of San Jose*. 313 F. Supp. 1, 2 (N.D. Cal. 1970), ¶3.

James v. Valtierra, questioned whether the mandatory referendum established by Prop 10 was an unconstitutional violation of economic and racial minorities' right to equal protection from the government, among other things. The Supreme Court found that, because Prop 10 did not explicitly target racial minorities for discrimination, any racially-disparate outcomes resulting from the initiative could only be "accidental," not intentional, which meant that the Equal Protection Clause could not be applied to overturn it.⁸⁸

The predominantly black citizens who brought the suit against the City of San Jose and the County of San Mateo were found to be eligible for public housing assistance, but could not be placed in public housing in their localities because those jurisdictions' Prop 10 referenda had been defeated in 1966 and 1968.⁸⁹ The plaintiffs argued that the Proposition created an unfair burden to racial minorities and the economically disadvantaged by requiring a local referendum before public housing could be built. Indeed, low-income public housing is the only form of public housing required to face a referendum under the terms of Prop 10; public housing for any other group may not legally be subject to a referendum under the California Supreme Court's ruling in *Housing Authority v. Superior Court*.⁹⁰

When the US Supreme Court overturned the district court's ruling and declared Prop 10 constitutional, legal observers pulled no punches in their criticism of the Court's legal reasoning. Law school journals from Berkeley and Los Angeles to Chicago and Boston tore apart the court's majority opinion, minutely analyzing precedent-setting cases and the logic of the majority opinion. Thomas J Mizo, writing for the Boston College Law Review, notes that "the

⁸⁸ Ronald James et al., Appellants, v. Anita Valtierra et al., Appellees, 402 U.S. 137 (91 S.Ct. 1331, 28 L.Ed.2d 678). <<http://supreme.justia.com/cases/federal/us/402/137/case.html>>

⁸⁹ Valtierra v. Housing Authority of City of San Jose, 313 F. Supp. 1, 2 (N.D. Cal. 1970), 2.

⁹⁰ *Housing Authority v. Superior Court*, 35 Cal. 2d 550, 557-58 (1950).

Valtierra court not only refused to recognize the ‘use of economic measures as subterfuge for racial discrimination,’ but tacitly approved economic discrimination as a basis upon which housing opportunities for the poor may be legally denied.”⁹¹

Proposition 10 crippled public housing projects in California from the day it went into effect. The Northern California District Court panel found that only fifty-two percent of public housing referenda submitted to voters between 1950 and 1970 had been approved.⁹² Compared with some other states, construction of new public housing units in California stagnated.⁹³ Because they could no longer rely on direct intervention in the housing market to guarantee low-rent housing for the state’s poor, local governments began to partner with Sacramento to expand their “redevelopment agencies,” public-private partnerships in which local governments used tax revenues earmarked in Sacramento to subsidize private development projects in communities’ most blighted areas. The purpose was to renew urban environments through private enterprise, without the level of government intervention and regulation associated with traditional social welfare programs.⁹⁴ California relied chiefly on redevelopment agencies for urban renewal and affordable housing until 2011, when the Democratic Legislature abolished them to save money in the state budget and to clamp down on local government corruption.⁹⁵

More subtly, Proposition 10 left a mark of distinct racialization on California’s direct

⁹¹ Thomas J Mizo, “Constitutional Law -- Equal Protection -- Mandatory Referendum on Low-Income Housing -- *James v. Valtierra*,” 13 *Boston College Law Review* 603 (1972), 605.

⁹² *Valtierra v. Housing Authority of City of San Jose*, 313 F. Supp. 1, 2 (N.D. Cal. 1970), 2.

⁹³ John McDonald, “Public Housing Construction and the Cities: 1937-1967,” Hindawi Publishing Corporation, Urban Studies Research (2011), 5.

In 1960, New York City had 1 unit of low-income public housing for every 120 residents; Chicago had 1 unit for every 100 residents. Los Angeles, by comparison, had only 1 unit for every 270 residents.

⁹⁴ Parson, “This Modern Marvel,” 334.

⁹⁵ John Chiang, California State Controller, “Selected Redevelopment Agencies: Review Report: Analysis of Administrative, Financial and Reporting Practices,” (March 2011) <http://www.sco.ca.gov/Press-Releases/2011/03-2011_RDA_Review.pdf>

democracy, both when the measure passed in 1950 and when the US Supreme Court found no merit in Valtierra's argument in 1971. Los Angeles voters, mistrustful of local public housing agencies and of federal bureaucrats who had mandated the racial integration of many federally-managed projects during the war, narrowly carried the margin of victory when they accepted proponents' argument that bureaucrats would "force" expensive communities of poor and nonwhite people into their midst. The Supreme Court, in a reading of the Equal Protection Clause uncharacteristically narrow for the post-*Brown v. Board of Education* legal world, upheld Californians' furtively segregationist policy by rhetorically separating intent from effect.⁹⁶

The closeness of the vote on November 7th 1950 shows only that Californians were not of one mind with regard to low-income public housing. However, because the initiative successfully went into effect, those Californians who had hoped to isolate black and poor people from their gentrified communities awoke on November 8th with all the force of the law behind them. The government turned to redevelopment, and thus to private companies, to address squalor and blight; white Californians continued to use race-restrictive covenants and their new right to a referendum to keep black and other undesirable Californians out of their communities. The patterns of suburbanization and urban redevelopment point to a new psychological force in the state: a "nation" of white, Christian, Americans in California. In the 1958 general elections, Democrats' landslide victory and Republicans' ideological union with business interests created a political party system which would not only protect the interests of the new white nation in the West, but frame the political discourse of the entire federation from the 1960s through to the present.

After election day on November 4th 1958, California Democrats celebrated victory in six

⁹⁶ Mizo, "Constitutional Law -- Equal Protection -- Mandatory Referendum on Low-Income Housing -- *James v. Valtierra*," 607-8.

out of seven races for constitutional offices, including the governorship, new majorities in both houses of the Legislature and the state's congressional delegation, and the Republicans' loss of one of the state's two United States Senate seats. To sweeten the victory, voters rejected Proposition 18, a "right-to-work," or "open shop," law abhorred by labor activists and most Democrats, which would have forbidden labor union membership as a condition of employment in California. Two other "key" initiatives – Propositions 16 and 17 – and a fourth little-discussed measure to repeal California's last "blue law" – Proposition 15 – rounded out the four citizen-initiated measures on that year's long ballot.⁹⁷ All four failed at the polls, for a myriad of reasons. The legacy of 1958 was a fundamental recalibration of Californian electoral and party politics, and the moment when labor and business finally and permanently aligned behind the Democratic and Republican Parties, respectively. The election also flipped the parties' traditional roles in state politics, as the Republican standard-bearer and candidate for Governor, US Senator William Knowland, campaigned as a conservative partisan in contrast to his predecessors' centrist, nonpartisan campaigning and governing styles; meanwhile, the Democrats under Pat Brown chose a more distinctly nonpartisan, low-emotion strategy which finally allowed the party to capitalize on its long-standing advantage in voter registration in the state.⁹⁸

The most visible initiative on the 1958 ballot was Proposition 18, the "right-to-work" law. Pressure for such an initiative or bill had been growing since the 1947 passage of the Labor-Management Relations Act (more commonly known as the Taft-Hartley Act), which permitted states to enact "right-to-work" laws. In the New Deal Era, the federal government had aggressively expanded the collective bargaining and organizational rights of labor unions when

⁹⁷ "Short Patience with Long Ballots," *Los Angeles Times*, Nov 7 1958, B4.

⁹⁸ Totton Anderson, "The 1958 Election in California," *The Western Political Quarterly*, 285.

it passed the National Labor Relations (Wagner) Act of 1935; by the late 1940s, with an economy recovering from a postwar downturn and the Conservative Coalition on the rise in federal politics, an emerging consensus demanded basic alterations to federal labor law with a larger role for states to design their own regulations. Indeed, so broad was support for the reform that the Taft-Hartley Act passed both houses of Congress twice, the second time to overturn President Truman's veto, with substantial majorities of legislators from both parties supporting the bill. California jumped on the open-shop bandwagon rather late in the game, eleven years after the Taft-Hartley Act made "right-to-work" legal, because of the dominant California Republicans' long history of courting the labor vote to attract conservative Democrats away from their nominal party.⁹⁹

However, one game of musical chairs in the highest offices of California government changed the Republican strategic calculus forever. United States Senator William Knowland, a conservative Republican from Alameda, decided in 1957 not to run for reelection to the Senate so that he could focus on a run for governor. However, California already had an incumbent Republican governor in Goodwin Knight. Knight was cut from the same mold as Warren; moderately center-right, popular, pro-labor and generally nonpartisan, he bitterly resisted Knowland's attempts to convince him to abandon his reelection and seek Knowland's Senate seat instead. After several months of pressure and an audience with Vice President Nixon and President Eisenhower, Knight



Senator William Knowland on the cover of TIME Magazine, January 14th 1957

⁹⁹ Anderson, "The 1958 Elections in California," 290.

agreed to run for Senate.¹⁰⁰

Swapping a popular, electable, “traditional” Republican for an “archconservative” firebrand did little to help the Republicans in the short term. With control of the California Republican Party torn between conservative Vice President Nixon, archconservative Senator Knowland and moderate Governor Knight, the Democratic Party and its operatives easily caricatured the Knowland-Knight swap as a “cynical deal” orchestrated by Nixon in far-off Washington for his own gain.¹⁰¹ In contrast to the Republican Party, the Democrats appeared well-organized, driven by a consistently middle-of-the-road governing philosophy and advocating practical solutions to several of the major long-term problems facing the state, including a water shortage, a stagnating public education system and a transportation-infrastructure crisis.¹⁰²

In that political context emerged Prop 18 and its chief ballot rival, Prop 17. Proposition 18 was qualified for the ballot by many of the same organizations that, in the early 1950s, had lined up against George McLain’s efforts or in favor of Prop 10, including the California Chamber of Commerce, Farm Bureau Federation and Taxpayers Association.¹⁰³ In response, as a tactic to divert Prop 18 supporters’ resources, labor organizers qualified Prop 17, which would have cut the regressive sales tax from 3 to 2% and raised the progressive income tax rates on top brackets “substantially” to compensate.¹⁰⁴ The presumption was that those who supported Prop 18 would have the most at stake in a progressive rewrite of the tax code, which turned out to be grounded in reality when business interests poured millions into a ‘No on 17’ campaign, against

¹⁰⁰ Anderson, “The 1958 Elections in California,” 283.

¹⁰¹ Ibid.

¹⁰² Ibid., 284.

¹⁰³ Ibid., 290.

¹⁰⁴ California Secretary of State, “Proposed Amendments to Constitution” (1958), 23-4; Anderson, “The 1958 Elections in California,” 290.

which competing labor interests spent relatively little.¹⁰⁵

When the “right-to-work” issue reappeared in force in 1958 after first captivating the conservative news media between 1946 and 1950, the papers recommitted to a campaign in support. In September, the *Los Angeles Times* ran a story advertising Democrat William Jennings Bryan Jr’s decision to become the co-chairman of the Southern California branch of the campaign outfit Californians for Yes on Proposition 18.¹⁰⁶ In late October, the *Times* ran an exhaustive feature by Joseph C Wells, a DC-based labor-law attorney, called “Right to Work and Union Strength: How Proposition 18 Would Affect Employees, Employers and Labor Leaders if Adopted by the Voters.”¹⁰⁷ Much less sharply partisan than the *Examiner*’s pro-open-shop articles earlier in the decade,



An editorial cartoon accompanying Mr Wells’s feature in the *Los Angeles Times*, October 19 1958, page B5.

this piece devotes more than two thousand words and a full spread to a line-by-line examination of the theory behind “right-to-work” laws, and makes the subtle, provocative implication throughout that Prop 18 would have the sole effect of stymieing corrupt union bosses’ attempts to profit off of their members.

One rationale for the *Times*’s publishing Wells’s deceptively analytical and unemotional piece, instead of a fierier attack on labor or Prop 18’s opponents, stems from two features of the

¹⁰⁵ Anderson, “The 1958 Elections in California,” 290.

¹⁰⁶ “Bryan Son Takes Post in Right-to-Work Group: Democratic Central Committee Stand Against Proposition 18 Held Mistake,” *Los Angeles Times*, Sept 10 1958, 5.

William Jennings Bryan was the US Secretary of State under President Wilson, a Representative from Nebraska, and a three-time failed Democratic candidate for President.

¹⁰⁷ Joseph C Wells, “Right-to-Work Law and Union Strength,” *Los Angeles Times*, Oct 19 1958, B5.

campaign: Prop 18's sagging public support as election day neared, and the historically high rates of union membership in California and Los Angeles in the late 1950s. Anderson notes that the campaign against Prop 18 was extremely effective. A poll in November 1957 by an organization advocating for "right-to-work" laws anticipated that voters would be strongly supportive of Prop 18: 57% reported support, 30% opposition and 13% no opinion.¹⁰⁸ Prop 18's proponents certainly had a cushion of support in the November polling, but by April, polls showed support for the initiative at 51% in favor, 44% opposed and 5% undecided – a marked drop. "The trend [in support of Prop 18] was reversed by August and in the final poll taken on October 23, the number in favor dwindled to 32 per cent, those against grew to 56 per cent, and 12 per cent remained undecided."¹⁰⁹ Prop 18 ended up failing by the huge twenty-point margin of 40.4% in favor to 59.6% against.¹¹⁰

The strongest opposition to Prop 18, writes Anderson, came from four now-strongly-Democratic constituencies: "labor-unionists, Jews, Negroes and Mexican-Americans."¹¹¹ By the late 1950s, union density (union membership as a percentage of all non-agricultural workers) in California stood at a strong 38%, a major part of the labor force. California union density peaked at 40-41% from 1951 to 1955, while membership rates in Los Angeles peaked at 37% of workers between 1954 and 1955.¹¹² Prop 18 came, then, at a very inopportune time for business interests – the precise decade during which California was more highly saturated with unionized workers than at any other time in its history. Even though not every unionized worker op-

¹⁰⁸ Anderson, "The 1958 Elections in California," 282, and note 12 on same page.

¹⁰⁹ Ibid., 291.

¹¹⁰ California Secretary of State, "Statement of the Vote" (1958).

¹¹¹ Anderson, "The 1958 Elections in California," 291.

¹¹² "milkman_tables figures.pdf," Russell Sage Foundation, Table A1, 13.
<https://www.russellsage.org/sites/all/files/milkman_tables%20figures.pdf>

posed Prop 18, 85% voted against the measure, compared to a 51.4% support rate among voters who had no family connections to labor unions.¹¹³

Labor's impact on the election went beyond mere numbers of supporters, however. In 1958, labor pursued one of its most aggressive electoral campaigns in the state's history to defeat Prop 18, spending more than three times the amount of money on the campaign that the business interests backing the initiative did. A *Washington Post* report from the week before the election showed that labor forces had already spent over \$1.3 million, compared to business groups' cumulative expenditures of around \$400,000. In the same article, the *Post* reports that General Electric was the largest corporate donor to the Yes on Prop 18 campaign, while the biggest donations to the 'No' side came from the National Council for Industrial Peace.¹¹⁴

The other groups most opposed to Prop 18 – Jews, blacks and Mexican-Americans – constituted a much smaller proportion of the population than did labor unionists. Although the 1960 US Census disaggregated some racial categories previously lumped under the “non-white” heading, including black Americans, it did not count Mexican-Americans or Jews as separate from other “white” folk, making it difficult to assess their population and voting strength in the 1958 elections.¹¹⁵ (For population figures, please see the Appendix). Tentative evidence that Jews voted eight to one and blacks six to one against Prop 18 comes from a sixty-precinct study conducted by the Jewish Labor Committee during the election.¹¹⁶

The other side of Democrats' consolidation of labor and the nonwhite vote is Republican standard-bearer William Knowland's emphatic embrace of business and support for Prop 18.

¹¹³ Anderson, “The 1958 Elections in California,” 291.

¹¹⁴ “‘Right-to-Work’ Forces Outspent 3-1 by Labor,” *Washington Post*, Oct 28 1958, A15.

¹¹⁵ United States Census Bureau, *US Census of the Population: 1960*, Vol. I: “Characteristics of the Population,” Part 6: California (Washington, DC: US Government Printing Office, 1963).

¹¹⁶ Anderson, “The 1958 Elections in California,” 292, and note 30 on the same page.

From the start of his campaign, even before Governor Knight had been persuaded to pursue Knowland's Senate seat, Knowland used Prop 18 to rally conservatives to his cause and to contrast himself with moderate Republicans like Earl Warren. His tactical shift threw the Republican Party into disarray. Knight refused to endorse Knowland, saying that Knowland's embrace of Prop 18 had introduced an "un-Republican" issue into the campaign.¹¹⁷ Even more foreboding for the Republican Party, "the overwhelming majority of Republican candidates tried, almost desperately, to dissociate themselves from Knowland's position," but to no avail.¹¹⁸ Despite these warning signs, Knowland pursued his campaign against labor with all the same intensity as he had before his weak showing in the primaries.

The centrality of Proposition 18 to Knowland's campaign fundamentally and permanently redefined labor's and business's relationships with the two political parties. After the 1958 election, labor organizations and unions lined up dutifully behind the Democratic Party which had championed their cause, leaving business interests to the internecine fighting of the temporarily damaged Republican brand. Only today, almost sixty years later, are the Democratic-Labor and Republican-Business relationships formed in 1958 beginning to change in California with the rise of a one-party Democratic state.¹¹⁹

Neither Brown's victory over Knowland nor labor's victory over business in 1958 represented a sea change in Californian political culture, however. The aggressive conservatism of an opportunistic Republican candidate for governor ended years of Republican dominance over the state government. A six-year plan to rebuild the state Democratic Party led to a landslide in

¹¹⁷ Anderson, "The 1958 Elections in California," 286.

¹¹⁸ *Ibid.*, 292.

¹¹⁹ "Top Two May Moderate Dems But Not Reeps," *Calbuzz*, April 28 2014. <<http://www.calbuzz.com/2014/04/top-two-may-moderate-dems-but-not-reeps/>>

the 1958 election under the careful stewardship of a candidate – Brown – who likened himself to Republican Earl Warren and Progressive Hiram Johnson, rather than to members of his own, oft-maligned, historically-incompetent party.¹²⁰

The results of the 1958 election show, then, not the leftward movement of a Californian electorate, but a belated realignment of prevailing political ideologies with their appropriate political parties. Though Democrats held a numerical advantage in registration throughout the state during the first half of the twentieth century,



Former Governor Edmund “Pat” Brown (left) and his son, the current governor then and now, Edmund “Jerry” Brown, in 1981.

they could not convert those numbers into election victories because of the Republican Party’s monopoly over the ‘radical center’ of the political spectrum.¹²¹ Brown translated his party’s numerical majority in voter registration into a governing majority in Sacramento by reclaiming the center. As Fitzgerald noted, “[t]he first paradox [of the campaign] was the abandonment by the Republican Party of a time-tested formula: a candidate who blurred party lines, pre-empted the middle of the road, and forced the Democratic aspirant into a posture allegedly left of center. The bemused electorate was offered, instead, a choice between a wealthy, arch-conservative, militantly partisan, austere, Protestant Republican and a self-made, middle-of-the-road, relatively unpartisan, friendly, Catholic Democrat,” and chose the Democrat.¹²²

Propositions 17 and 18 were joined on the 1958 ballot by another initiative, Prop 16, and

¹²⁰ Anderson, “The 1958 Elections in California,” 284.

¹²¹ California Secretary of State, “Historical Voter Registration and Voter Participation 1910-2012,” <<http://www.sos.ca.gov/elections/sov/2012-general/04-historical-voter-reg-participation.pdf>>

¹²² Anderson, “The 1958 Elections in California,” 284-5.

an initiative-repeal measure, Prop 15. Prop 15 would have repealed California's "blue law" (created by initiative in 1914) which banned boxing matches on Sundays and Memorial Day out of respect for the Christian Sabbath and America's war dead; Prop 16 would have eliminated parochial schools' exemption from paying property taxes, an exemption first created by the Legislature in 1952. Of the four measures, Prop 15 came the closest to passing, with 44.1% in favor and 55.9% opposed.¹²³

If the labor-business battle over Prop 18 catalyzed a new paradigm for Californian party politics, Prop 15, and to a lesser degree Prop 16, demonstrated that some aspects of mid-century American government were not ready for change. In an uncharacteristic display of liberalism, the *Los Angeles Times* even opined in favor of Prop 15, writing that "it would remove from our legal system a 'blue law' that is out of harmony with the times and in conflict with the free exercise of individual conscience. ... The Times recommends its approval."¹²⁴ In another editorial outlining its full list of recommendations for that year's ballot propositions, the *Times* devotes only a tiny paragraph at the very end to recommending a 'yes' vote on Prop 15.¹²⁵ Other than that, neither the *Times* nor any other major newspaper covered the proposition in great detail.

The ballot arguments for and against Prop 15 clearly present the campaign as one between the philosophy of constitutionally separated church and state, and America's history of legislating religious morality. Prop 15's proponents write that "whenever the law undertakes to compel observances required only by a particular creed it becomes tyrannical and destructive of this fundamental principle of American liberty. ... The state has no more right to compel

¹²³ California Secretary of State, "Proposed Amendments to Constitution" and "Statement of the Vote" (1958); "Times Tells Stand on 18 Propositions," *Los Angeles Times*, Nov 2 1958, B1.

¹²⁴ "YES Recommended on Prop 15," *Los Angeles Times*, Oct 24 1958, B4.

¹²⁵ "Times Tells Stand on 18 Propositions," *Los Angeles Times*, Nov 2 1958, B1.

leisure than to compel labor. Compulsory labor would be slavery. To attempt to legislate a day of leisure is no less a violation of human rights. And compulsory religious rest is religious tyranny.” The opponents retort that “constitutional recognition of the Sabbath as a day of worship and rest is a well established American tradition and attitude. ... [T]o adopt this measure, on the sole basis that other athletic events are legal on Sunday, will go far toward eliminating any constitutional recognition of the Sabbath.”¹²⁶

Although the proponents’ argument follows a familiar line of secularist reasoning, the most striking aspect of the opponents’ argument is their unabashed defense of the state’s protection of a particular religious observance. On election day, the opponents’ argument won and voters rejected Prop 15. This speaks to Californians’ continuing embrace of the philosophical concept of the ‘moral state,’ or the principle that the government has a responsibility to legislate and enforce moral order on its people. The proponents, who came respectably close to winning, lost the argument that Californians should accept the concept of an ‘impartial state’¹²⁷ in which the government takes a neutral position on substantive issues of truth and morality. Californians, for reasons that are not entirely clear due to the paucity of publicly available records about Prop 15, decided that Christian religious observance was in the legitimate interest of the state to protect, and voted against the measure.

Without assigning causality where evidence of a cause is still to be found, the results of Prop 15 may highlight Californians’ racialized and gendered understanding of their state and society. Proper Christian religiosity was the realm of white, Anglo-Saxon or Germanic Protestants, especially those who had been living in the United States for some time. By enforcing a

¹²⁶ California Secretary of State, “Proposed Amendments to Constitution” (1958), 20-1.

¹²⁷ *neutrale(r) Staat* in Carl Schmitt’s German

blue law protecting universal observance of the Sunday Sabbath, Californians voted to keep in place a legal enshrinement of their own self-image, as a good, white, God-fearing people. Over the course of the 1950s, Californians gradually abandoned many of the old pillars of their political culture, including a strong pension-promoting movement from the New Deal Era and impotently weak political parties from the Progressive Era, in order to create a more efficient and better-structured political system. Part of the reemergence of political parties was the ideological division of interest groups between the Democrats and Republicans. But, as Prop 15 demonstrates, the undertow of racialism and identity politics as expressed through religious affiliation remained above the political *system* of institutions such as parties and political offices, but instead formed part of an underlying political culture that was sensitive to and protective of entrenched legal inequalities.

Prop 16, though similar to Prop 15 in some ways, was also very different. Voters rejected the measure handily, not least because it would have repealed a popular statute passed by the Legislature only six years earlier.¹²⁸ A general rule of American politics is that voters will take a tax cut wherever they can find it, and, though Prop 16 muddled fiscal and religious policy, it was no different. Prop 16 would have allowed the state to levy property taxes on parochial school property, which the Catholic Church interpreted as a direct attack on its interests. Americans have a long history of mistrusting Catholics and their pope in Rome, including challenging John F Kennedy's credentials for president on the basis of his Catholic faith, but with this initiative, not only was religious freedom from control by the state under attack, but so apparently was parents' right to choose the highest-value education for their children.¹²⁹ Proposi-

¹²⁸ California Secretary of State, "Statement of the Vote" (1958).

¹²⁹ Michael O'Brien, *John F. Kennedy: A Biography*, (Thomas Dunne Books, 2005), 414;

tion 16, a failure in 1958, would probably be rejected again if it were introduced in 2014.

The nuanced interrelationships between economics, politics, religion and race, exemplified by Props 15 and 16, underscore the difficulty of using a non-deliberative, majoritarian initiative process to construct a modern state. Despite those challenges, Californians used direct democracy in the late 1940s and early '50s to overthrow the political consensus and the legal and social traditions which had governed prewar California. Demographic upheaval coupled with a war-transformed economy divided Californians into many disparate communities based largely on race and wealth.

The McLain initiatives (Prop 4, 1948; Prop 2, 1949; Prop 11, 1952; and Prop 4, 1954) signalled the defeat of New Deal-inspired statism and the philosophy of social democracy that Europe was then embracing. After 1954, the “pension promoters” all but disappeared once McLain’s organization and the Townsend and Ham’n’Eggs movements had collapsed. As a result, the elderly ceased to constitute an organized bloc of the electorate, and the state’s role in social welfare diminished as private and public-private alternatives became more palatable.

One of those alternatives was to use public-private redevelopment agencies operating on market logic to supply the state with affordable housing and slum clearance. When Prop 10 passed in 1950, suburbanization, white flight, and racial segregation in residential communities accelerated. Localities’ regular defeat of housing project referenda increased the spatial distance between white suburbanites and communities of color, who became isolated from the good job and retail markets in the suburbs. Because the job market was tighter for people of color and the state’s metropolitan areas lacked robust mass transit systems, public housing gave people of color the best opportunity they had to live in proximity to jobs and retail; with Prop 10, they lost that opportunity. White families retreated from cities to privately-owned, well-

serviced suburbs, where a new national identity as white, Christian, middle-class Californians developed in isolation from the urban poor and nonwhite.¹³⁰

The political system changed as well, marked notably by the electorate's decreasing faith in primary election cross-filing. Prop 7, a strong reform in and of itself, is a good example of the potential for deliberation in the generally non-deliberative initiative process. Voters were given a choice between Prop 13, which supporters of cross-filing considered too extensive a reform, and Prop 7, a milder alternative. In 1952, voters narrowly sided with cross-filing supporters, preserving the institution until it was finally abolished in 1959.

By the second half of the decade, California had entered a new stage in the process of maturing as a society. In 1958, a singularly fascinating year in California's history, the Democratic Party was elevated to majority status in both legislative houses and swept almost all of the constitutional offices that year, including the governorship. A half-century of "nonpartisan" Republican dominance had ended in a display of partisan coalition-building: setting a precedent that would last until the present day, labor interests uniformly supported Democrats against William Knowland's conservative interpretation of Republican political dogma and his zealous courting of the state's business interests. It is common knowledge now that labor supports Democrats and business supports Republicans, but not so in the 1950s. The Republican Party, from Hiram Johnson through Goodwin Knight, had a long history of walking a moderate line between labor and business and controlling the political center. After Knowland's disastrous cam-

¹³⁰ Josh Sides, "Straight Into Compton: American Dreams, Urban Nightmares, and the Metamorphosis of a Black Suburb," *American Quarterly*, Vol. 56, No. 3 (Sept 2004), 591-3.

Sides describes the process of white flight to the suburbs and its impact on middle-class black communities through Compton's experience between the 1950s and 1980s. He writes that the departure of white retail stores, along with their tax base and employment opportunities, forced the city to raise property taxes higher than almost anywhere else in the state. Higher taxes drove more businesses from the city, and ate into the disposable incomes of its residents. After white flight, street gangs controlled an urban environment devoid of businesses and employment opportunities, leaving its black residents with no chance for social advancement.

paigned bearing the standard for Prop 18, and his ensuing landslide loss to Pat Brown, business interests became inseparable from the Republican Party, while organized labor became one of the Democratic Party's most loyal and generous constituencies.

The defeat of Props 15 and 16 that same year demonstrate Californians' continued willingness to impose community standards on the broader society. As a white, middle-class Christian nation developed in California, it continued its support for the 'blue laws' and universal enforcement of Christian observances. The national community only grew after the late 1950s, but its self-consciousness took longer to develop outside California. In 1964, as Lisa McGirr has compellingly argued, modern conservative grassroots activists in Orange County gave life to Barry Goldwater's unconventionally right-wing presidential campaign. His overwhelming loss to President Johnson showed that the federation more broadly was unprepared for the politics of the "Modern Right," but Ronald Reagan's elevation from Hollywood B-studios to the governor's mansion only two years later, robbing Pat Brown of a third term, clearly demonstrates the growing power of the movement in California. By 1980, when Reagan won the presidency, a self-conscious American Nation of white, middle-class Christians had grown beyond California's borders, spreading to every state and incorporating the Modern Right as its most vocal and electorally successful segment. The Modern Right of the Reagan era finally brought an end to the Conservative Coalition, which had outlasted the New Deal Coalition by a decade.

The transformation of the political party system at the federal level came, then, around two decades after the changes first began to manifest in Californian politics, but became expressed in nearly every facet of federal government. Ideological party sorting, which accompanied both an increase in polarization and partisanship, compelled partisans in Congress to defer more authority to their leaders and weaken the power of committee chairpersons, who were

often Southern Democrats unrepresentative of the party as a whole, beginning in the mid-1970s. Simultaneously, Congressional campaigns became nationalized as voters began to judge candidates primarily by ideology and party affiliation rather than other factors, and as the “national” political parties began to recruit candidates more centrally.¹³¹

To study direct democracy in California in the middle of the twentieth century is to observe the ethnogenesis of both a white Californian nation on the West Coast and the emergence of a continent-wide, conservative political and social movement. Ideological sorting and party strengthening manifested both in the Knowland-Goldwater-Reagan Modern Right movement and in the secularizing leftist movements of the same time period: the Free Speech, Civil Rights, environmental, feminist and gay-rights movements, to name a few. Changes in the Californian political system and culture in the fifties, initiated by the people at the ballot box, created a template for the other states, and made California a truly modern marvel.

¹³¹ The phenomenon whereby more ideologically-unified political parties are more likely to defer authority and decision-making power to their party leaders is known as Conditional Party Government.

John H Aldrich, David W Rohde, “Congressional Committees in a Continuing Partisan Era,” in *Principles and Practice of American Politics*, ed. Samuel Kernell, Steven Smith (Los Angeles: CQ Press, 2013), 231-253.

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- Page 3 The States & Initiatives. Map copied from “Initiatives and Referendums in the United States,” Wikipedia, <http://en.wikipedia.org/wiki/Initiatives_and_referendums_in_the_United_States>. Data corroborated by: “State I&R,” Initiative and Referendum Institute: University of Southern California. <http://www.iandr.institute.org/statewide_i%26r.htm>
- Page 9 Governor Hiram Johnson in the Old Governor’s Office in Sacramento, circa 1912. California Secretary of State Photograph Collections: Governor Hiram Johnson Collection. Item number F3757:43(6). <<http://www.sos.ca.gov/archives/collections/photographs/johnson.htm>>
- Page 22 Myrtle Williams and her assistant John McLaughlin arrive at the Senate committee hearing into the affairs of her department. “Mrs Williams Denies Dependency on McLain.” *Los Angeles Times*, November 4th 1949. AP Photo. p.1.
- Page 33 “Are You Confused?” Political Advertisement. *Los Angeles Examiner*, November 4th 1950. B2.
- Page 39 Senator William Knowland on the cover of TIME Magazine, January 14th 1957. <<http://content.time.com/time/covers/0,16641,19570114,00.html>>
- Page 41 An editorial cartoon accompanying Mr Wells’s feature: “Right to Work and Union Strength: How Proposition 18 Would Affect Employees, Employers and Labor Leaders if Adopted by the Voters.” *Los Angeles Times*, October 19th 1958, page B5.
- Page 45 Former Governor Edmund “Pat” Brown and his son, the current governor then and now, Edmund “Jerry” Brown in 1981. KQED Pressroom: “California State of Mind: The Legacy of Pat Brown.” March 5th 2012. Photo credit: Michael Williamson, Sacramento Bee. © Sacramento Bee/ZUMApres.com

Appendix

1. California Population Figures

Figure 1.1: Populations of California Counties — 1950
(as percentages of statewide total)

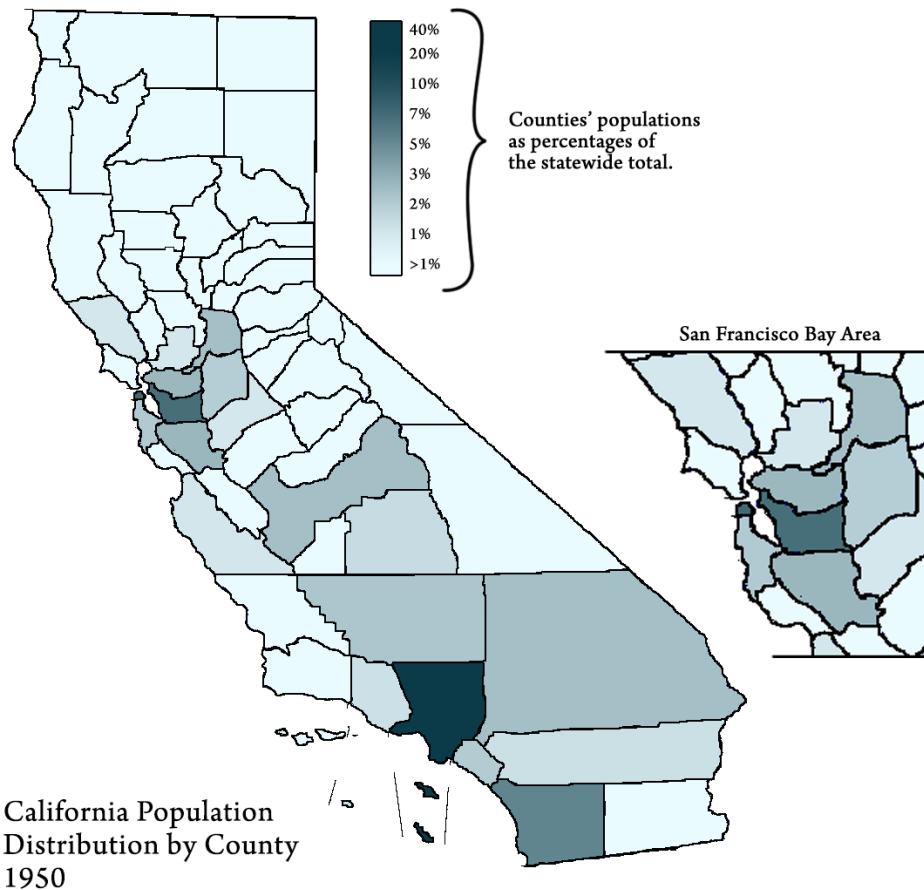
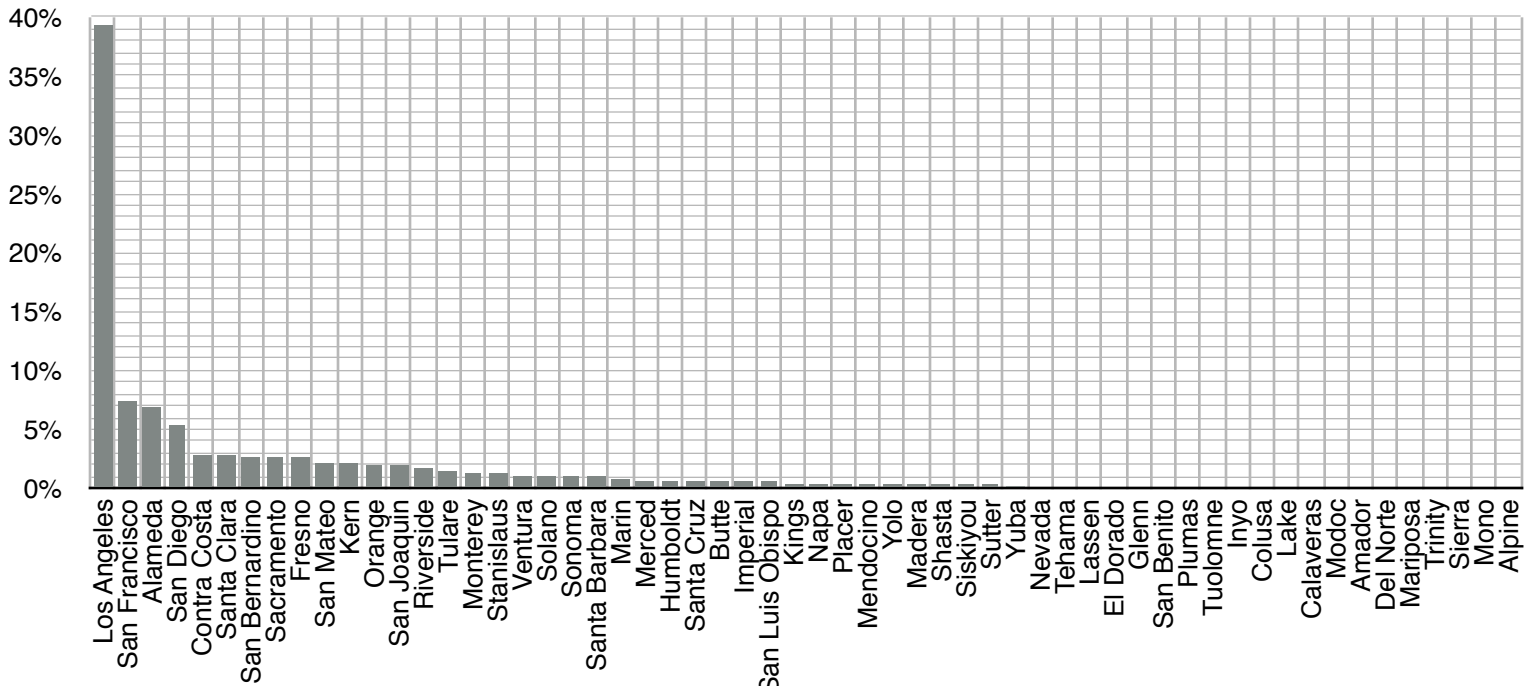


Figure 1.2: California Population Distribution by County — 1950

Figure 1.3: Populations of Californian Counties — 1960
(as percentages of statewide total)

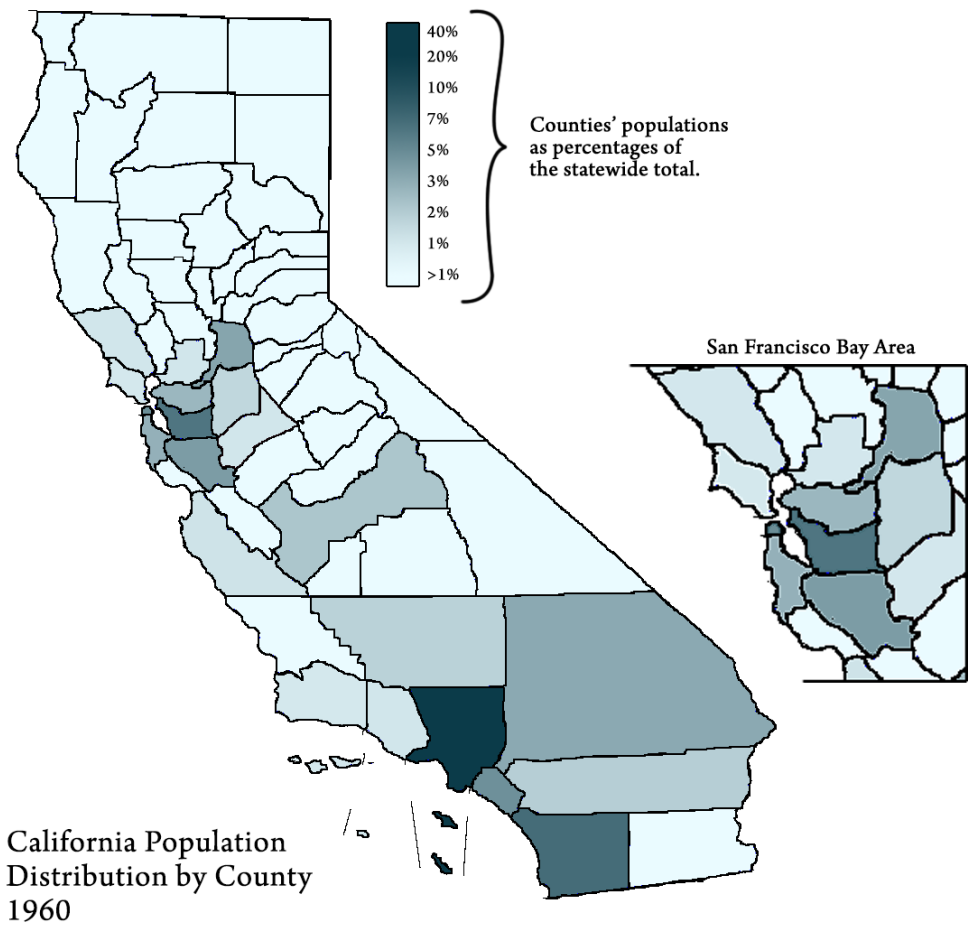
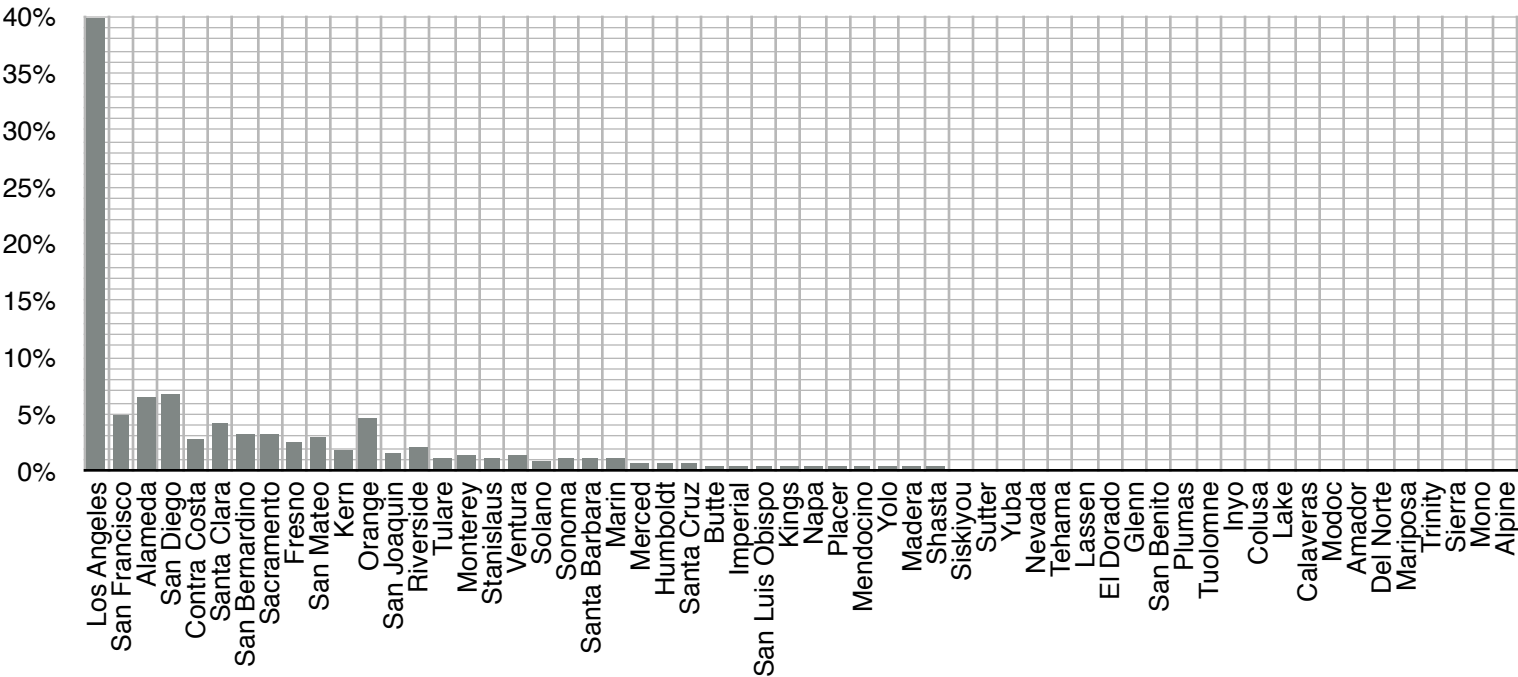


Figure 1.4: California Population Distribution by County — 1960

Figure 1.5: Nonwhite Population of California by County — 1950
(as percentages of county populations)

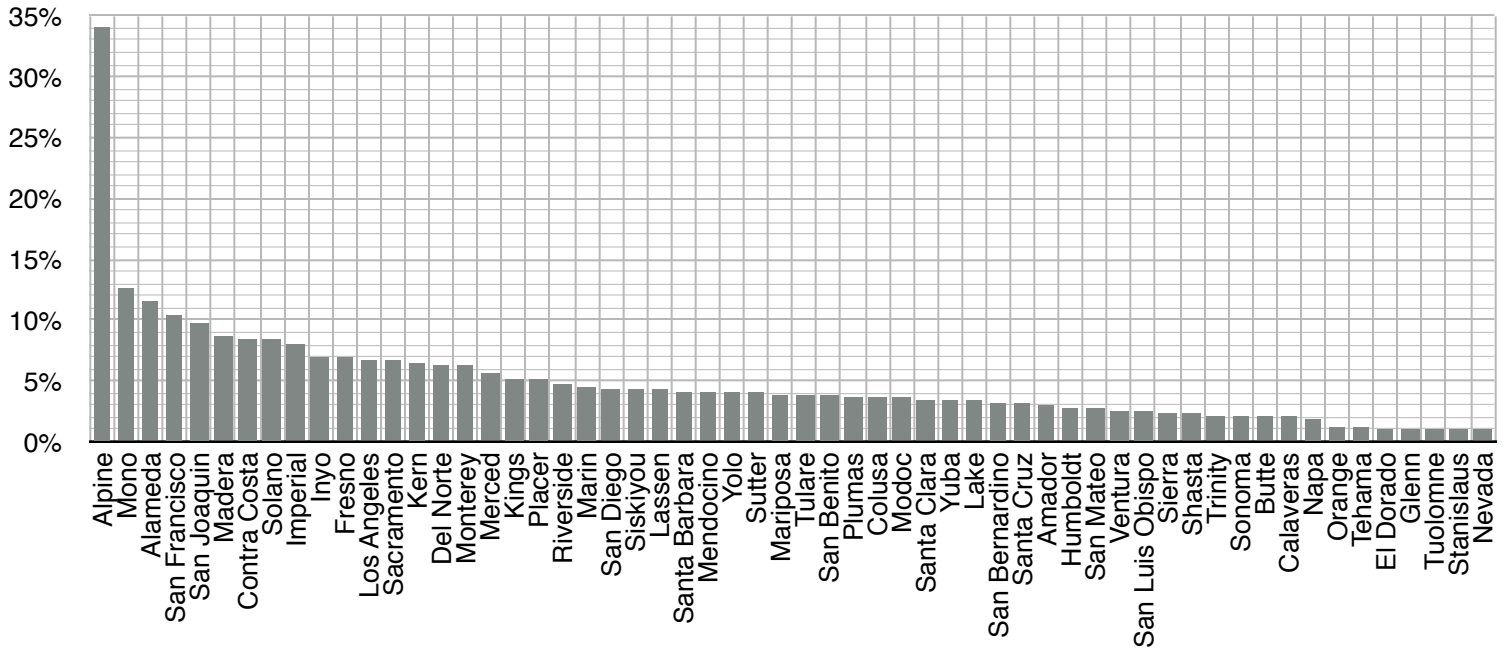


Figure 1.6: Nonwhite Population of California by County — 1960
(as percentages of county populations)

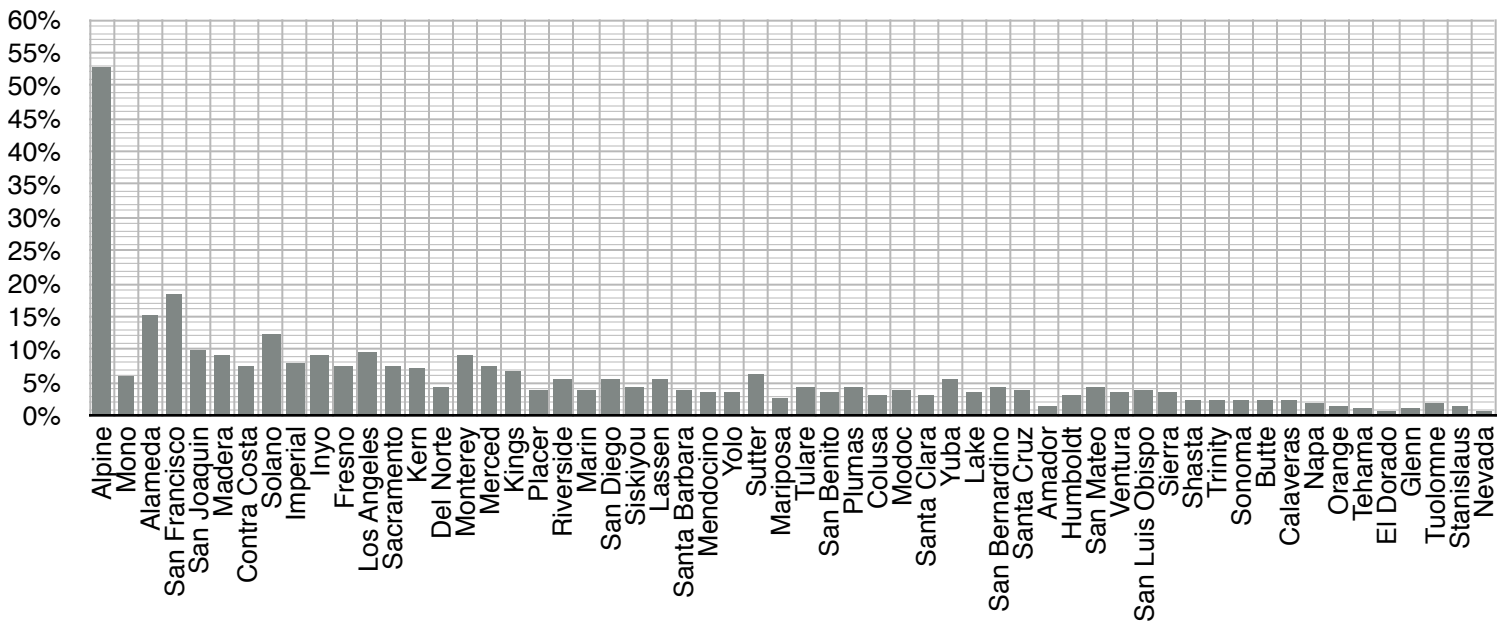


Figure 1.7: Resident Population and Apportionment of the US House of Representatives

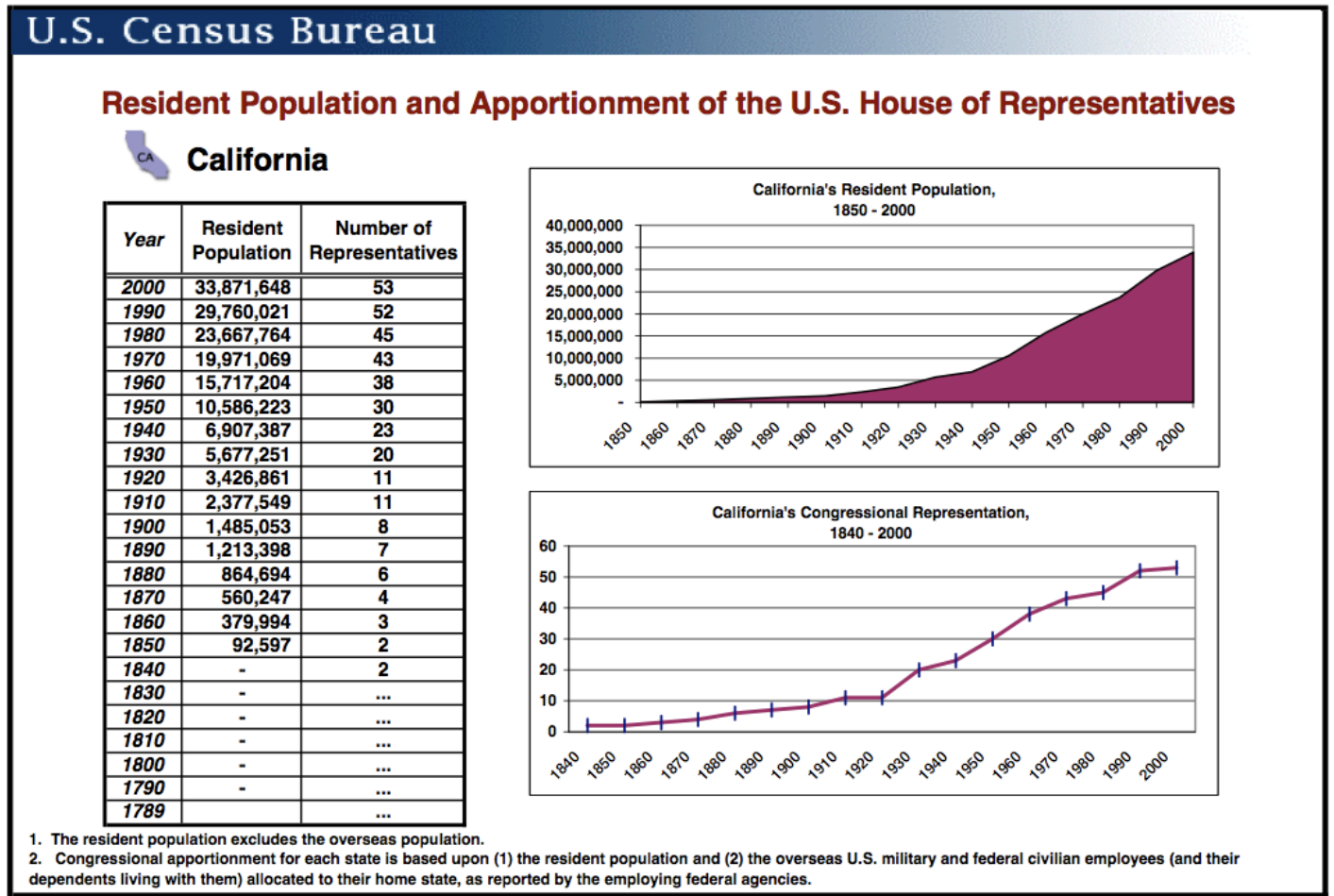
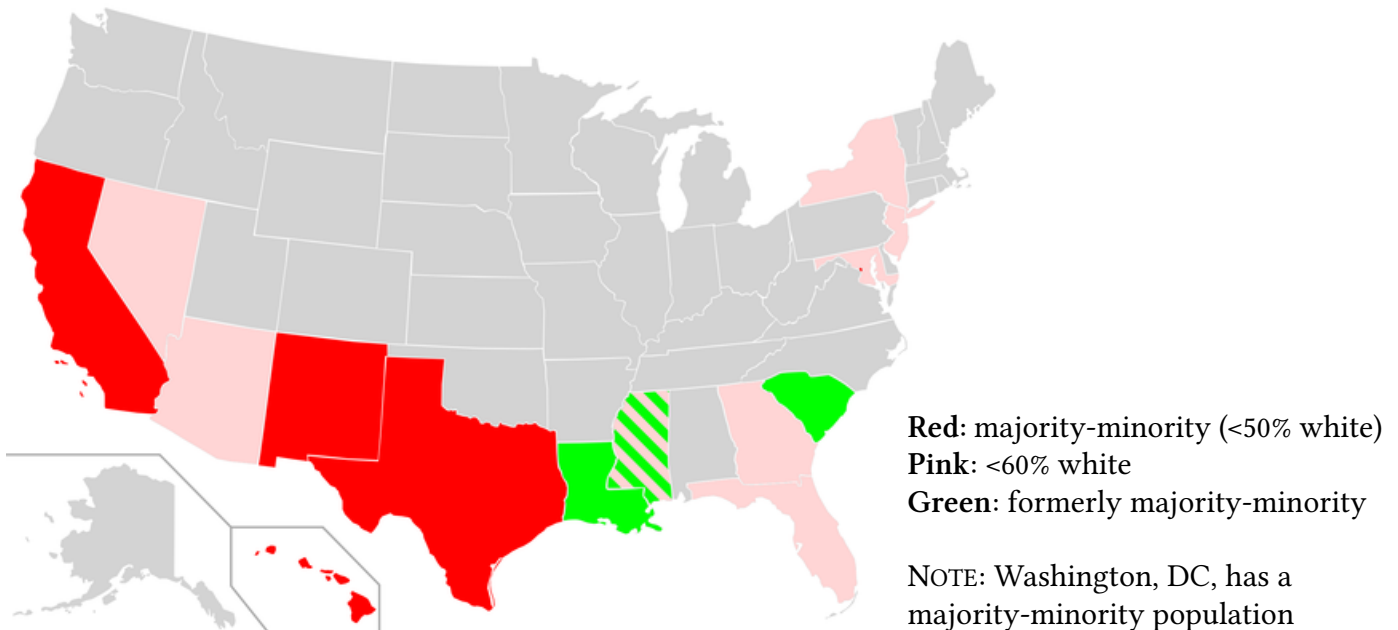


Figure 1.8: Majority-Minority States in 2014



2. Propositions

Proposition 4 – 1948 – Aged and Blind Act

TYPE: Initiative Constitutional Amendment

SUBJECT: Old-age pension increases; Change in structure of state welfare bureaucracy

RESULT: Passed (50.5% - 49.5%)

LEGACY: Repealed (Proposition 2 – 1949)

PROPONENT: George McLain, Citizens' Committee for Old Age Pensions

OPPONENT: Chamber of Commerce, California Council for the Blind

Proposition 2 – 1949 – Aged and Blind Act

TYPE: Initiative Constitutional Amendment/Initiative Repeal Measure

SUBJECT: Repeal Proposition 4 – 1948

RESULT: Passed (57.4% - 42.6%)

LEGACY: In Effect

PROPONENT: California Council for the Blind, Chamber of Commerce

OPPONENT: George McLain, Citizens' Committee for Old Age Pensions

Proposition 10 – 1950 – Housing Projects Law

TYPE: Initiative Constitutional Amendment

SUBJECT: Mandate local referendum before commencing low-income public housing project

RESULT: Passed (50.8% - 49.2%)

LEGACY: In Effect (Article XXXIV, California Constitution); upheld by US Supreme Court

PROPONENT: Earl Desmond, Frederick Dockweiler

OPPONENT: Mayor Fletcher Bowron, CJ Haggerty, Senator Chris Jespersen (29th d.)

Proposition 7 – 1952

TYPE: Referred Statute

SUBJECT: Require cross-filed candidates to list party of registration on primary ballots

RESULT: Passed (72.8% - 27.2%)

LEGACY: Superseded (AB 118 – 1959)

PROPONENT: Legislature

OPPONENT: Member of the Assembly Julian Beck (41st d.)

Proposition 11 – 1952

TYPE: Indirect Initiative Statute

SUBJECT: Raise state old-age pensions

RESULT: Rejected (43.6% - 56.4%)

PROPONENT: George McLain, California Institute for Social Welfare

OPPONENT: California Chamber of Commerce, Farm Bureau Federation, League/Women Voters

Proposition 13 – 1952

TYPE: Initiative Statute

SUBJECT: Abolish cross-filing

RESULT: Rejected (49.96% - 50.04%)

PROPONENT: John B Elliott, Edward H Tickle

OPPONENT: Senator James J McBridge (Ventura), Mildred Prince

Proposition 4 – 1954

TYPE: Initiative Constitutional Amendment

SUBJECT: Raise state old-age pensions

RESULT: Rejected (45.4% - 54.6)

PROPONENT: George McLain, California Institute for Social Welfare

OPPONENT: California Chamber of Commerce

Proposition 6 – 1954

TYPE: Referred Constitutional Amendment

SUBJECT: Raise legislators' salaries from \$300 to \$500 per month

RESULT: Passed (52.2% - 47.8%)

LEGACY: Superseded (Prop 1A – 1966)

PROPONENT: Legislature

OPPONENT: Member of the Assembly Frank Luckel

Proposition 15 – 1958

TYPE: Initiative Statute/Initiative Repeal Measure

SUBJECT: Repeal Proposition X – 1914; Permit boxing exhibitions on Sundays and Memorial Day

RESULT: Rejected (44.1% - 55.9%)

PROPONENT: Senator George Miller, Jr (Contra Costa), Senator Stephen Teale (Tuolumne)

OPPONENT: Senator James A Coby (24th d.)

Proposition 16 – 1958

TYPE: Initiative Constitutional Amendment

SUBJECT: Repeal property tax exemption for parochial grammar schools

RESULT: Rejected (32.8% - 67.2%)

PROPONENT: John A Owen, Dorothy H Rogers, Tully C Knoles

OPPONENT: Justus F Cramer, Rev. Kenneth W Cary

Proposition 17 – 1958

TYPE: Initiative Constitutional Amendment

SUBJECT: Lower state sales tax from 3-2%; Increase income tax rates on top income brackets

RESULT: Rejected (18.1% - 81.9%)

PROPONENT: CJ Haggerty, Hazel Davis, Anne Dippel

OPPONENT: California Farm Bureau Federation, Chamber of Commerce, Teachers Association

Proposition 18 – 1958

TYPE: Initiative Constitutional Amendment

SUBJECT: Repeal all state “union shop” laws

RESULT: Rejected (40.4% - 59.6%)

PROPONENT: Republican Party, General Electric, Chamber of Commerce

OPPONENT: AFL, CIO, Democratic Party

3. Vote Maps

The map on the left shows the vote by county. The map on the right shows the vote by region. (Some Propositions do not have maps for regions.) The regions are as follows:

1. **Northern California:** Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties
2. **Gold Country:** Alpine, Amador, Calaveras, El Dorado, Placer, Sacramento, Sutter, Tuolumne, Yolo, and Yuba Counties
3. **San Francisco Bay Area:** Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties
4. **San Joaquin Valley:** Fresno, Kern Kings, Madera, Mariposa, Merced, San Joaquin, Stanislaus, and Tulare Counties
5. **Central Coast:** Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz, and Ventura Counties
6. **Los Angeles County**
7. **Eastern California:** Inyo, Mono, Riverside, and San Bernardino Counties
8. **South Coast/Border:** Imperial, Orange, and San Diego Counties

Color Code:

Dark Red = “No” vote exceeded “Yes” vote by more than 10 percentage points (No vote >55%)

Light Red = “No” vote exceeded “Yes” vote by less than 10 points (55% > No vote >50%)

Light Green = “Yes” vote exceeded “No” vote by less than 10 points (55% > Yes vote > 50%)

Dark Green = “Yes” vote exceeded “No” vote by more than 10 points (Yes vote >55%)

Figure 3.1 Proposition 10 – 1950

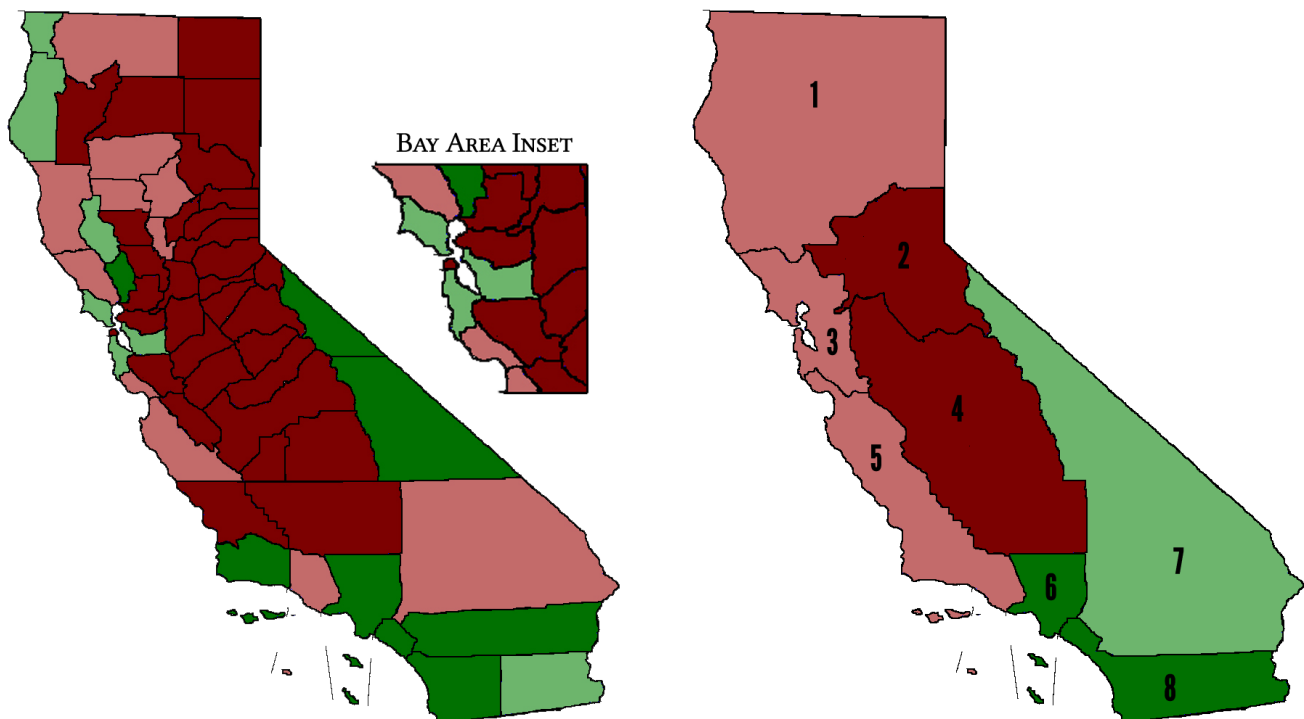


Figure 3.2 Proposition 11 – 1952

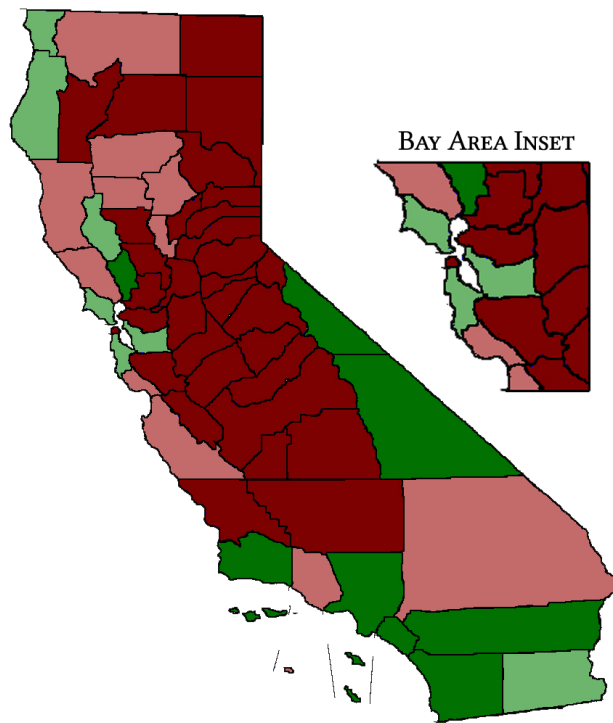
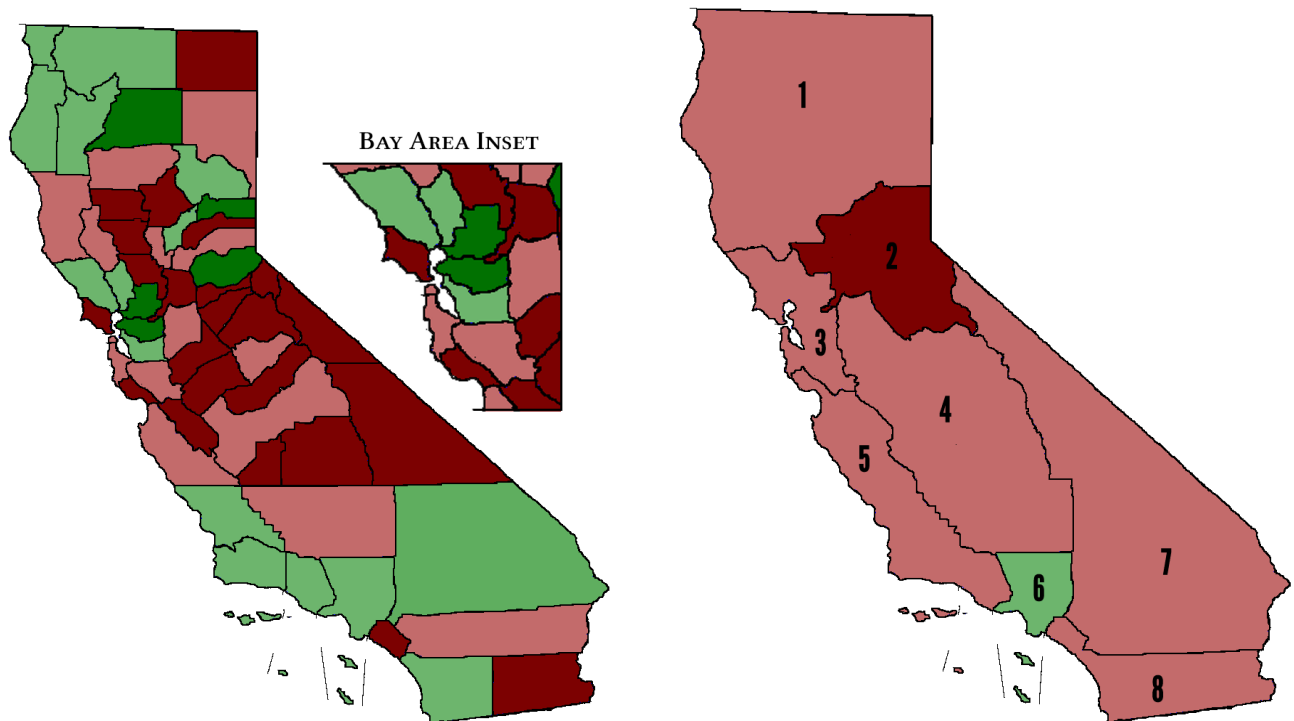


Figure 3.3 Proposition 13 – 1952



A map of California with its counties shaded in different colors to represent the time since the last census. The colors range from dark red (1-5 years) to light green (11-15 years). The map shows a clear trend where counties closer to the coast and in the Central Valley are more recent, while those in the interior and mountain regions are older.