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The Rules of Ruling: Charter Reform in Los Angeles, 1850-2008

A Dissertation submitted in partial satisfaction of the
Requirements for the degree Doctor of Philosophy

in

Political Science

by

James Warren Ingram III

Committee in charge:
Professor Steven P. Erie, Chair
Professor David G. Gutierrez
Professor Samuel H. Kernell
Professor Victor V. Magagna
Professor Isaac W. Martin

2008

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Chair

University of California, San Diego

2008

DEDICATION

This dissertation is dedicated two women—my mother, Gerri Dack, and my wife Clarissa Ingram. Without their love and patience, it would not have been possible.

My wife, Clarissa has endured my obsession with charter reform in specific and Los Angeles in general far longer than I would care to admit. Her own interests are very different, but her tolerance and intelligence has allowed us to stay close as we develop our divergent intellectual interests. By attending long charter reform meetings and discussing the issues with me over a period of years, she has come to understand the field better than many who consider themselves experts.

My mother, Gerri has always encouraged me to think of a larger audience in my intellectual pursuits. She has always valued common sense over fancy theories, and I have relied on my understanding of her sensibilities as a test of whether a particular way of looking at a subject made any sense, or would be a mere exercise in mental gymnastics. She taught me that everyone who comes into our lives has something to teach us, and that all are simultaneously teachers and learners.

EPIGRAPH

The legitimate object of government, is to do for a community of people, whatever they need to have done, but can not do, *at all,* or can not, *so well do,* for themselves—in their separate, and individual capacities.

In all that the people can individually do as well for themselves, government ought not to interfere.

The desirable things which the individuals of a people can not do, or can not well do, for themselves, fall into two classes: those which have relation to *wrongs,* and those which have not. Each of these branch off into an infinite variety of subdivisions.

The first—that in relation to wrongs—embraces all crimes, misdemeanors, and nonperformance of contracts. The other embraces all which, in its nature, and without wrong, requires combined action, as public roads and highways, public schools, charities, pauperism, orphanage, estates of the deceased, and the machinery of government itself.

From this it appears that if all men were just, there still would be *some,* though not *so much,* need for government.

Abraham Lincoln

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PREFACE

This dissertation has been a long journey and its author has accumulated many intellectual and personal debts along the way. Like all human endeavors, this has been a collective enterprise. Authors carry the illusion of methodological individualism because they suffer through facing the blank page, but they are rarely alone. I am certain to forget to mention someone in the process of rushing this work in under time pressures, but my negligence should not be taken as a signal of lack of appreciation.

Dr. Steven P. Erie's work on behalf of my intellectual development began long before his service as my dissertation adviser, when he taught my first class in Urban Politics. His guidance of both this dissertation and its author has continued through many years. Without his patience, this project would not have come to fruition. I hope that I can be as tolerant a mentor as he has been if I have a student like myself.

Dr. Samuel H. Kernell has been monitoring my progress ever since I took my first introductory class in Political Science with him many years ago. His passion for the study of the American Presidency was infectious, and I developed such an interest in the area that I would ultimately be able to teach the class. It gives me great pride to be able to teach both the Urban Politics and presidency classes that Professors Kernell and Erie taught me when I was an undergraduate.

Dr. Victor V. Magagna has provided me with a model for integrating my teaching and research interests rather than perceiving them as conflicting priorities. His ability to bring cutting-edge research and thought into the classroom and demonstrate to students their ability to understand it never fails to amaze. He understands that a true teacher is one who shows students how smart they are rather than how smart he truly is. I keep his example in mind when I enter the classroom.

Recently, I have begun working with Dr. David Gutierrez and Dr. Isaac W. Martin. It is not always the case that outside members of a dissertation committee are so well matched to the project on which a doctoral candidate is working. I was able to see how my work dovetailed with theirs, even though they are from different disciplines. Professor Gutierrez's expertise in the history of American racial and ethnic relations, and Professor Martin's research in living wage and anti-tax movements, were both a perfect match for my dissertation's focus.

The Los Angeles City Archives and the University of California, Los Angeles' Special Collections have served as headquarters for a great deal of the primary research materials used herein. The former stores the records of the city, the latter the Haynes Papers. The fine people working at both institutions have been of tremendous assistance over the years. Hynda L. Rudd's support at the Archives must be singled out for special mention. She has believed in this work for many years. Jeff and Octavio helped me for years in accessing the Haynes treasure trove.

Both the University of California, San Diego and San Diego State University have been great places to teach. The students continue to challenge me to communicate my ideas, and to teach me as well as being taught. Their enthusiasm keeps one excited about the relevance of research done in the library and in the field

when one is outside those settings. The colleagues, students and librarians who have helped me at both institutions are far too numerous too name, but far too important to forget. I have not, although I may not have room for all of the names here.

There are debts, however, that go a-b-c-d-e-f: that is, that go "Above and Beyond the Call of Duty of Eternal Friendship." I have been blessed with two such friends, who have let their own work languish in order to assist me in getting this project completed. My friends Shoon Lio and Trevor Nakagawa have lost so many hours of sleep staying up with me into the watches of the night. There were many days when I would get off the phone with one of them only to speak about improvements to this thesis to the other.

Trevor and I have gone over the whole manuscript together so many times that we have started to converge on thoughts as to how things should be written and organized. Shoon has been sending me marked up copies to suggest corrections, and areas where the manuscript could be clearer. Both have suggested many new sources that will be fully incorporated when this document goes to print.

Other dear friends have also come to my aid in this project. Like Shoon and Trevor, Fred Nakagawa has read the manuscript, given me comments for improvement, and spoke with me when some of the stressful events that went into the participant-observation for this project were ongoing.

Tom Hogen-Esch commented on a draft in which I first started writing on political infrastructure. Ken Bailey read an early summary version that gave the chronology of events, and provided helpful feedback. Robert Maynard spoke with me many times about the concepts in the dissertation. Julie Sullivan, Dawn Christiansen and SDSU Political Science Chair Ron King kept me motivated. Dr. George W. Bergstrom, Jr. encouraged me to make this a reality. Nancy Speckmann, David Carruthers, Ric Epps, Ed Heck, Farid Abdel-Nour, Kristen Maher and Carole Kennedy let me know that they were cheering for me. My honors' thesis student, Midori Wong provided valuable assistance with the literature review.

It goes without saying that the flaws of this manuscript are my responsibility, rather than those of the people who have aided me in its completion.

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ABSTRACT OF THE DISSERTATION

The Rules of Ruling: Charter Reform in Los Angeles, 1850-2008

by

James Warren Ingram III

Doctor of Philosophy in Political Science

University of California, San Diego, 2008

Professor Steven P. Erie, Chair

A number of cities within the United States have been engaged in charter reform in recent years. Yet charter reform is not a new phenomenon: many cities have been engaged in this process since well before the Progressive Era. Los Angeles, for example, was involved in charter reform even before the city was granted authority to draft a home rule charter in 1888. The city has been governed by three separate charters since 1889, the last of which voters ratified in 1999. Given the frequency of charter reform in the city, the novelty of its reforms when made, and the presence of many unsuccessful reform attempts in its history, Los Angeles is an ideal typical case

of charter reform. As such, Los Angeles presents the perfect opportunity for asking why this rule-making activity matters, and determining whether there are any underlying rules of the game that seem to make reform efforts more or less likely to succeed. Using a variety of quantitative and qualitative historical methods, as well as participant observation as a staffer in Los Angeles's 1996-1999 charter reform process, the author establishes a set of conditions necessary and sufficient to successful efforts at altering the rules of the game in cities. This dissertation also benefits from a comparative perspective, drawing on the author's participation as a consultant and campaign volunteer in three San Diego charter reform efforts from 1999 to 2008.

Chapter One: Bringing the Charter Back In

JUNIOR O'DANIEL: Well people like that reform. Maybe we should get us some.

PAPPY O'DANIEL: I'll reform you, you soft-headed sonofabitch! How we gonna run reform when we're the damn incumbent!

--Dialogue from *O Brother, Where Art Thou?*[1]

A man that'd expict to thrain lobsters to fly in a year is called a loonytic; but a man that thinks men can be tu-rrned into angels be an illiction is called a rayformer an' remains at large.

--Finley Peter Dunne, writing as Mr. Dooley, 1901.[2]

Nothing so needs reforming as other people's habits.

--Mark Twain, *Pudd'nhead Wilson*, 1894.[3]

Reform, that you may preserve.

--Thomas Babington, Lord Macaulay, 1831.[4]

Every reform, however necessary, will by weak minds be carried to an excess, that itself will need reforming.

--Samuel T. Coleridge, 1817.[5]

Missionaries are going to reform the world, whether it wants it or not.

--Oscar Wilde.[6]

Reform, Yes, bed-shitting No.

--Charles DeGaulle, May 19, 1968.[7]

> Los Angeles is the experimental station for all governmental fads.
>
> --William M. Humphreys, Freeholder, L.A.'s 1915 Board.[8]

> Public Enemy No. One in Los Angeles is not any character under scrutiny of the grand jury. It is the Los Angeles City Charter—a 125,000-word legal spider web of entangling phrases in which any honest official, once caught, struggles vainly for release. The only beneficiaries of this web are the nameless spider architects who have a vested interest in chaos, conflict and controversy.
>
> --Ransome Callicott, L.A. Civil Service Commissioner.[9]

Los Angeles voters trooped to the polls in June 1999 to approve a new city charter. This document would only be L.A.'s third such instrument since 1888. But charters are more than just local constitutions in Los Angeles; they are a political obsession. In the 120 years since L.A. first became legally eligible to draft its own charter, the city has done much more than ratify three separate charters. L.A. voters have balloted on a more than annual basis, casting ballots at 130 elections on nine different charter documents, eleven charter commissions and 720 separate charter amendments. During the 20th century alone, Angelenos cast over 500 votes approving charter change.

In Los Angeles, it has been fashionable to perfect one's body, one's automobile and the city charter. And the new charter has still not been perfected. L.A. voters again balloted upon charter change within the first two years after ratifying their new organic law. In fact, the 1999 Charter has already been amended ten times

at six separate elections, even though the document is just reaching its ninth birthday.[10] On average, the public has voted on nearly one new charter per decade and on a half-dozen charter amendments per year. The sheer volume of activity clearly illustrates Los Angeles' obsession with charter change.

Yet charter reform is not just a matter of concern in Los Angeles. In terms of California's other cities, Fresno, Oakland, San Diego and San Francisco have recently made fundamental changes to their charters. In terms of other large American cities, Dallas, Detroit, Houston, Philadelphia and New York City have all enacted charter reforms since 1989. Among middle-sized United States cities, Cincinnati and New Orleans have recently approved new charters, and more have been debated in El Paso, Miami Minneapolis, Pasadena, Portland, Richmond, and Spokane in the past few years. A Google search on charter reform in United States cities would illustrate that interest in charter reform has swept municipalities across the nation in just the past two decades. Cities have adopted positions on one side or the other of issues ranging from form of government to whether to grant spousal benefits to the domestic partners of public safety workers. Why is there so much interest in charter reform in cities around the country?

Anyone who wants to understand the structure and exercise of power in cities must take charter reform seriously because charters provide the mid-level constitutive rules by which cities are governed. Both elites and masses, elected officials and interest groups, power brokers and agenda setters, must all involve themselves in the process of rule-making. If we expect people to care about redevelopment decisions,

redistributive issues and resource allocation, then how much more must they care about the underlying rules that define these arenas of contestation?[11] The rules of the game are more important than the playing of any specific match: charter reforms alter the rules for every game that follows an amendment.

Charter Reform as a Mid-level Game

This dissertation is by no means the first to examine cities from the perspective of their rules. Norton Long observed over forty years ago that any local community was an ecology of games, some of them completely unconnected to the others.[12] The commercial game need not share any of the rules (or players) with the political game; each arena was structured by its own rules, which might interact, but did not necessarily need to do so. These games occur in different arenas and on different levels. Politically, the United States' cities operate within a federal system, which delegates only a portion of its authority to municipalities. Economically, these cities operate within a capitalist system, which allows limited state interference in the economy, which usually takes the form of public regulation of private firms and at maximum may involve municipal ownership of some local infrastructure. The larger political and economic contexts in which cities operate serve as the underlying macro-level rules of the game.

This dissertation's focus on charter reform should not be understood as any diminution of the importance of these macro-level rules. No city can be studied as if it were hermetically sealed from the pressures of the global economy.[13] Yet the fact that these macro-level rules are not fully within the control of local players does not mean

that we should look exclusively outside cities to explain urban outcomes. As other scholars have demonstrated, urban leaders have agency and some bargaining ability even in situations where they are negotiating deals with multinational corporations in a competitive international market.[14] Nor should political constraints such as the federal judiciary's imposition of the takings clause, which places conditions on the use of eminent domain, be understood to prove that political power is exclusively exercised over cities rather than by and within them.

Yet those who do examine cities from within their boundaries usually focus primarily on micro-level games. An urbanist who noticed that the hotly contested 2001 race for mayor of Los Angeles featured a star-studded cast of candidates might focus on this election to understand the evolution of race relations within the city. In the city where African-American Tom Bradley served two decades as mayor, two Anglo liberal Democrats (Connelly and Hahn) faced off against two Latinos (Becerra and Villaraigosa) and two Jewish conservatives (Soboroff and Wachs). Just as in L.A.'s 1993 and 1997 general municipal elections, there was no major African-American contestant for the office of Mayor.[15] Alternatively, one might study the allocation of resources by the Los Angeles Community Redevelopment Agency or the Department of Public Works. Racial profiling and the persistent pattern of minority mistreatment, seen in the Rodney King beating a decade ago and the Rampart scandal of recent months, all show the patterns of power in the city.

Micro-level studies could examine the refusal by the Metropolitan Transit Authority to build the buses most popular among their ridership until forced by a

federal judge. Planning decisions on matters such as zoning, variances and conditional use permits demonstrate patterns of favor to one neighborhood or another based on political power and economic wealth. When wealthy white Westchester opposes the LAX Master Plan because of the anticipated externalities to their community in noise and traffic, their concerns are addressed. When Mark Ridley-Thomas's African American constituents supported bringing the NFL to L.A. to revitalize the area around USC, a less sympathetic response was registered. Bonds for police and fire stations become more likely candidates for passage when their supporters are sure to guarantee a large portion of the money will be spent on facilities within the San Fernando Valley, with its higher turnout in municipal elections. As this dissertation will demonstrate, each of these micro-level issues becomes more intelligible with reference to the city charter.

Bringing the Charter Back In

It is surprising that one can read much of the literature on Los Angeles and on urban politics in general, and miss the concept of charter reform. Does this mean that L.A. is a deviant case in its concentration on this arcane subject? A survey of California cities from 1889-1951 reveals that Los Angeles has not been alone in its immense volume of charter activity. In fact, during each legislative session held in that period, an average of 42.7% of chartered localities changed their charters, passing entirely new documents or batteries of amendments. The 70 cities which enjoyed home rule ratified 98 charters and 474 batteries of charter amendments during this time.[16]

During this six-decade period, seven cities (Alameda, Long Beach, Santa Barbara, Santa Cruz, Santa Rosa, Stockton and Vallejo) ratified 3 new charters, while Los Angeles' voters approved only two such documents. If one does not count rejected charters or amendments, nor the absolute volume of charter amendments approved per election, three cities (Oakland, San Diego and San Francisco) actually netted more charter changes than Los Angeles did in this over six decade period. Thus, charter change has played a starring role in the ballot contests of other cities besides Los Angeles.[17] Los Angeles was not alone in its interest in charter change, although the city did pass key charter reforms before other cities did. In fact, L.A.'s neighbors in Long Beach, Pasadena, Glendale and Burbank used entire sections of the Los Angeles Charter as models for their own governing documents.

If charters are unimportant, then why do those involved in city politics pay them so much attention? It is likely that the practitioners of urban governance care about the rules of the game because they actually matter. There is a substantial literature on city charters and the subject of home rule, but it has been almost entirely missed by urban historians and political scientists. Law review articles have dealt with this important issue, as have a series of national and state-level court cases from Judge John Dillon's famous *Clinton v. Cedar Rapids* case.[18]

However, the problem with the view of charters from the bench and bar is that it has neglected the political forces involved in charter reform. The juridical perspective has usually reified charters, taking them at their terms in black letter law, and has rarely addressed the campaigns that put these documents into the books. Due

perhaps to the nature of the discipline, the only time when legal scholars have concerned themselves with the politics of the organic law is when they have attempted to discern the legislative intent of the charter commissions and voters that have altered city charters.

Rules of the Game: the city charter contains the rules of the game that determine who will make many of the important decisions in cities, and how these decisions will be made. The charter determines whether there will be many council members or few. If there are many, the council members can be more responsive to their districts because of their small size. On the other hand, they will hold less power to serve those districts than they would on a council with fewer members. The decision to elect council members at-large encourages a more holistic perspective among them, but means dilution of minority voting rights and leverages up the influence of money. The election of council members by districts means they will be more representative of their constituents, yet will encourage more parochialism. The creation of a stronger mayor, with appointment, budgetary and veto powers comparable to a CEO, will by definition entail a consequent reduction of the city council's influence. One cannot understand the powers of a Rudy Giuliani without taking a look at the Big Apple's charter, which has for years been a model for many cities enamored with the strong mayor system.

The charter can be best understood as the mid-level rules of the game. Once ratified, a charter can have intended and unintended consequences, and can have enormous impacts on the specifics of many micro-level decisions—who gets elected,

which project gets funding—and reflects many macro-level decisions—whether the federal government funds a redevelopment project, whether a multinational will relocate to another corporate headquarters. At the same time, charter decisions can affect the macro-level—the federal government or multinational corporation's decisions may be made in light of charter reform. One of the arguments made by strong-mayor charter proponents is that such a leader may cut deals with national political leaders or corporate figures. The recent interactions between former L.A. Mayor Richard Riordan and former President Bill Clinton, as well as between Riordan and developer Eli Broad come to mind in this regard.

The Rules behind the Rules

How is it that these mid-level rules of the game come to exist? Why is it that some charter reformers succeed in their efforts and others fail? What are the conditions of successful charter reform? Whether charter reform means completely new charters or simply amendments to existing charters, are there any patterns among the salient comparisons and decisive contrasts we may observe in charter change?

Judging from the L.A. experience, crisis seems to be a key variable in explaining the adoption of new charters. Crisis operates as both an independent variable and an intervening variable. Charter reform efforts become more likely to succeed when voters perceive that, due to some crisis, change is necessary. This perception drives the voter coalitions behind charter change. But the presence of crisis also makes leaders take the prospect of change seriously, forcing them to make trades

and forge elite coalitions rather than become non-participants in a process that alters the environment in which they operate.

The presence of crisis may be a necessary condition for charter reform success, but it is not a sufficient one. For crisis to bring reform, voters must both perceive the situation as a crisis, and think that the crisis situation is one that charter change may address. That is to say, the perceivability of a crisis, and the efficacy of charter change as a potential solution to the crisis, will determine whether a crisis will lead to successful charter amendment. These variables themselves reflect leadership, organization and funding. Charter reform succeeded in Los Angeles because of the work of many people, but without the efforts of Mayor Riordan in interpreting the discontent of the City's various secessionist movements as the product of the inadequacy of the city charter, the new charter would not likely have been drafted and ratified.

Yet, despite Riordan's key role in the campaign for the drafting of the charter and its passage, the document that emerged was one which looked very different from what he wanted. Many compromises were necessary, and the charter made many changes favorable to the labor unions whose council member allies he opposed both as mayor and in the nature of his charter reform goals. The same logic of crisis, coalition, campaign and compromise appears to hold for the 1889 and the 1925 Charters of Los Angeles.

But charter reform consists of more than just new charters. The lion's share of the Angeleno activity on charter change has revolved around incremental charter

amendments. These do not appear to require the element of crisis that drives formation of a "big tent" maximal winning coalition. Rather, it seems that most charter amendments need only assemble a Downsian minimal winning coalition. The logic of pursing charter amendments usually involves government insiders rather than outsiders, and seems more state-driven than the society-driven new charter efforts.

City charters resemble state constitutions in that they are subordinate: they are not the highest rung of a federal system, and are subject to a higher law. [19] Yet within the city, they represent the rules of ruling, and are analogous to a municipal version of high politics. With the recent wave of charter amendments creating domestic partner spousal benefits in L.A. and other cities nationwide, it should be clear that charters are more than the mere regulative rules of cities. With anti-discriminatory provisions, city charters may also serve as a city's constitutive rules, defining who belongs and what that means. If ordinances and resolutions matter, then the charter which establishes the rules for making those policies is even more significant. One may index the importance of a city charter by observing that wherever possible, interest groups try to institutionalize their policy goals by inscribing them into the charter rather than merely securing the passage of city laws.[20] The objective of this dissertation is to do more than provide a single case study with longitudinal variation. Comparativists, policy makers and urbanists may find that understanding L.A. charter reform elucidates urban political processes that have eluded scholars studying the histories of cities far beyond this region, state and nation.

Los Angeles as a Test Case

Los Angeles is an ideal case study for this dissertation on the rules of ruling. L.A. is a charter reform poster child and offers an excellent opportunity for scholars interested in explaining charter reform for three reasons: 1) the frequency of charter reform in L.A.; 2) the fact that cities ruled by political machines were seen as the main venue of charter reform; and 3) the novelty of the charter reforms that L.A. innovated.[21] In terms of frequency, Los Angeles has voted on an average of six charter amendments per year and one new charter every decade. Only one-third of the new charters placed before voters have actually been approved, while the success rate for charter amendments exceeds 70%. This variance in the success rate of these two types of charter change is one of the puzzles that this dissertation seeks to solve.

In terms of charter reform and political machines, Los Angeles is one of those cities where charter change emerged as more than merely a response to would-be (or ruling) political bosses, but rather was employed by the growth coalition to implement the city's infrastructure provision strategy.[22] How was the city able to use charter reform to create the political infrastructure for economic growth in an unlikely location? Why did charter reform carry such appeal in a city for which the specter of bossism seemed as abstract as the "boogeyman" rather than a real threat to the hearts and minds of the L.A. citizenry?

In terms of novelty, Los Angeles was the first city in the United States to adopt all three parts of direct democracy—the initiative, referendum and recall.[23] Ironically enough, Los Angeles led the country to the development of professionalized police

forces through its use of charter change. Why did L.A. become such a leader that it defies the conventional wisdom that there are only structural and social reforms? Given that Los Angeles fostered four separate kinds of political reform, why then did the city pursue each with variable levels of success?

Through its extensive experimentation with charter reform from the Progressive Era to the 21st Century, Los Angeles has become the Weberian ideal type of the reformed United States city.[24] There is no variety of reform in which the city has not taken a leading role. In fact, Angelenos dabbled in every kind of urban reform during the Progressive Era, the 1940s metropolitan reform movement, the 1960s-1970s democratization reforms, and the 1990s-era strong mayor reform that has recently swept the country. In terms of charter reform, Los Angeles is the Will Rogers of cities: it has almost never met a charter change proposal its voters didn't like. What is more significant for Angelenos is that these charter reforms have built the political infrastructure necessary to construct the economic foundation for the city's growth.

Los Angeles' apparent obsession with perfecting its city charter makes sense when we consider that the document established the political infrastructure allowing economic growth in an otherwise unlikely location. Therefore, the most important part of the city's charter reform should be understood as the developmental reform which the conventional wisdom has entirely missed. Los Angeles led the nation in developmental reform, building a superlative infrastructure to attract businesses and

population to the city. The city built water, energy, harbor and airport facilities, which would elsewhere be left to the private sector, or to state and federal agencies.

The Los Angeles Department of Water and Power (LADWP) is one of the largest municipally owned utilities in the world, and even supplies electrical energy to customers outside the city's boundaries. The LADWP served the larger region of which the city is a part by playing the lead role in forming the Metropolitan Water District (MWD), and securing federal approval of the compact ensuring California a share of the Colorado River water. The Los Angeles Harbor Department would, with neighboring Long Beach Harbor Department, make San Pedro Bay the premier west coast port. Finally, Los Angeles's Airports Department owns four airports—the Los Angeles International Airport (LAX), Ontario International Airport (ONT), Van Nuys Airport (VNY) and Palmdale Regional Airport (PMD).[25]

Developmental reform has only recently been recognized as an important feature of the Progressive Era. The conventional wisdom largely treated urban reform as targeting either structural or social change. Structural reforms were aimed at the administrative, electoral and organizational dimensions of city government. Administrative reforms such as civil service and contract bidding rules, electoral reforms such as nonpartisanship and direct primaries, and organizational reforms such as commission plan and council-manager charters were all part of the general phenomenon of structural reform.

As Melvin Holli pointed out in his study of *Reform in Detroit*, structural reform differs from social reform. Social reformers targeted amelioration of the

harsher consequences of capitalism. Although Karl Marx would cynically characterize these changes as "hole and corner" reforms, low fares for public transportation and settlement houses for the less fortunate did matter for the lives of indigent urban dwellers.[26] Yet the regulatory, welfarist and planning alterations that were part of social reform did not exhaust the full extent of the reform energies seen in such cities as Los Angeles. The city undoubtedly served as a trendsetter in terms of both social and structural reform. What is less well known is the role L.A. played in the hitherto unrecognized arena of developmental reform. In structural, social, moral and developmental reform, Los Angeles carried the flag and led the charge.

L.A. innovated in the structural reforms for which the Progressives were famous. In 1902, the city became the first U.S. municipality with direct democracy. Other cities had enacted provisions allowing for direct legislation—the use of the initiative and referendum—but L.A. was the first to establish the recall. Moreover, the city's voters believed in using it early and often, and in 1904 became the first in the country to recall a Council member. Five years later, L.A. would be the first city to force a Mayor out of office through the threat of recall. In 1938, the City of the Angels would recall an allegedly corrupt Mayor, again a U.S. first. The city promoted this reform at the state level, where it would be granted to Californians at both state and local levels. Angeleno John R. Haynes' Direct Legislation League worked to protect and extend direct democracy, which was ultimately adopted by nearly two-dozen other states.

In terms of structural reform, Los Angeles was one of the first cities in the United States to adopt civil service locally without being forced to do so by state legislators.[27] Amy Bridges has called into question Los Angeles's standing as a reform city because of the voters' failure to ratify the commission plan in 1912 and the council-manager system in 1916.[28] However, Los Angeles built key portions of both of these plans adopted by other *Morning Glories* into its weak Mayor-strong Council system of governance. In terms of the commission plan, the city authorized individual Council members to monitor executive branch departments in a commission plan-style division of labor. Each Councilmember served as the chairperson of a committee charged with oversight of a key department.

In terms of the manager plan, the city would create departmental general managers, and later a Chief Administrative Officer (CAO) and a Chief Legislative Analyst (CLA) to ensure the incorporation of expertise in city policymaking. Some examples of other structural reform innovations by the city include: contract-bidding, campaign finance, centralized purchasing, executive budgeting, functional consolidation, salary standardization and efficiency studies. In 1909, Angelenos would even require that all city employers allow their workers two hours of time off during their shifts so that they could go to the polls and vote.

In terms of social reform, L.A. was the first city in the nation to create a municipal housing commission charged with providing affordable housing (1925). In the Progressive Era, the city created free labor boards to assist citizens in finding work, and secured charter authority to provide a municipal lodging house to assist

indigents in procuring shelter. The city explored the possibilities for establishing municipal markets to relieve consumers of the burden of supporting middlemen retailers. The city required that racial and religious discrimination be prohibited in city hiring, and provided that men and women in the city workforce be paid equal pay for equal work. The city regulated public utilities and limited their franchises, providing in the contracts that these privileges would be available to the city for purchase, to avoid gouging practices by corporations.

Other social reforms included being the first U.S. city with a public defender (nearly 50 years prior to *Gideon v. Wainwright*), and establishing city worker pensions quite early. Many have portrayed Los Angeles as the city that planning forgot (60 suburbs in search of a center), but in an ironic L.A. first, the city led the nation by using the zoning powers granted by its charter. The city possessed and employed extensive powers to regulate public utilities and franchises. More recently, Los Angeles became the U.S.'s first city to require in its charter that all businesses working with the city pay all employees a living wage. This living wage provision requires that companies pay all of their workers a living wage, regardless of whether they are working in L.A. or not, or whether they are part of the business's contract with the city.[29] The city charter requires payment of spousal benefits for the domestic partners of all city employees, and includes state-of-the-art language in its anti-discriminatory provisions.

Los Angeles also experimented with moral reform, creating a City Prosecutor to act as a monitor of public behavior.[30] The city would censor motion pictures over a

decade prior to the formation of the industry-wide Hays Commission, enact anti-saloon measures, and lead the state to pass the Wright Act (California's companion to the national Volstead Act).[31] The city passed ordinances regarding liquor, gambling and vice. Even dance halls and dancing in cafes were subjected to special scrutiny. The city used its educational institutions to assimilate and acculturate immigrants; in fact, "Los Angeles was the first city where the school training given along the line of Americanization was recognized by the Federal Government, and a certificate testifying to a certain course given in the schools entitles the foreigner receiving it to naturalization papers."[32]

Los Angeles pressed the California Progressives to forbid slot machines, prevent white slavery by raising the age of consent, and prohibit red-light districts. The city also pushed for laws forbidding usury, and such Los Angeles leaders as John R. Haynes would secure reforms to California's prison rehabilitation system, separating juvenile from adult offenders. The city's most significant step in terms of moral reform was the development of a professionalized police force. Long the *bête noir* of Los Angeles as represented in popular culture, the LAPD was placed in the position to implement these regulations on society. As an institution of social control, the LAPD even took on issues of labor and capital, enforcing the open shop. When the City Council outlawed labor picketing in 1910, the LAPD was responsible for enforcing the needs of business.

Did the Rules Save the City?

To some, the 1999 Charter saved the City of Los Angeles from extinction by preventing the secessionists from breaking the city into three parts. But the result of the 2002 Reorganization election did not finally decide the secession issue. Would-be secessionists could prove as persistent as L.A.'s charter reformers, who have in the past submitted proposals repeatedly until either the voters changed their minds, or a low turnout election changed the voters who minded participating. Had the municipal divorce been consummated, it is likely that the new cities of Hollywood and San Fernando Valley would have drafted new charters. The 1999 Charter's offer of Neighborhood Councils (NCs) promised to solve the problems secessionists viewed as grounds for a less-than-amicable dissolution. The advocates of creating NCs contended that they would make city government more responsive to its communities.

Elected NCs with decisional authority had been the secessionists' goal. Such Downtown business groups as the Central City Commerce Association and the Los Angeles Business Advisors rendered this goal improbable because they threatened to campaign vigorously against any charter proposal with this type of NCs. These groups supported an increase in the size of the City Council as an alternative to NCs, and only begrudgingly accepted the new charter's authorization of appointed NCs with advisory powers. Of course, given the continued predilection of L.A. voters for charter reform, a future charter amendment might increase the power of NCs and/or provide for their election rather than appointment. In light of the way past charter

reformers have worked, a try-try again campaign could eventually create the NCs that neighborhood empowerment supporters and secessionists desired.

The stakes of charter reform are high. Had the charter included a larger City Council, it is possible that this would have forestalled the diminution of African American power in the city. The 8th, 9th and 10th Council districts which served as the heart of the old Tom Bradley coalition are becoming increasingly Latino. African Americans at charter reform meetings in the 9th Council District referred to Latinos in code as "the people who hang their laundry on fences and clothes-lines." But Elected L.A. Charter Reform Commissioners such as Woody Fleming, an African-American council deputy from the 9th District who aspired to become its next Council member, referred to the efforts to increase Council size as a municipal version of the Missouri Compromise. Just as that Compromise had tied the existence of "free" states to those allowing slavery, a larger City Council would have ensured retention of seats for African Americans at the cost of weakening the holders of these seats.[33]

Police reform, for which the charter has in the past been a primary vehicle, continues to elude the city. The Rodney King Beating and the rebellion that followed in the wake of the Simi Valley verdicts spurred the passage of Charter Amendment F, which implemented some of the reforms suggested by the Christopher Commission. Subsequent reforms, creating an Inspector General for the LAPD, and later increasing that officer's authority, were intended to rein in the department and improve both its attitude to and treatment of the city's diverse communities. The Rampart scandal called the efficacy of these reforms into question, and a 2001 charter amendment again

reformed the LAPD's disciplinary procedures in an environment where the federal government threatened come in and fix the Department if the city failed to do so.

Charter reform is more than an L.A. obsession. Cities across the United States have explored, and are exploring, charter reform. The current trend is toward stronger mayors, and the strong-mayor charter has been adopted by cities throughout the nation. These rules changes allow us to examine the way power works in cities. At the macro level, there is the impact of political economy. After all, the Los Angeles Business Advisors represented the city's 25 largest corporations, mostly multinationals concerned about the potential effect of charter reform on their stake in L.A. as a node in the global economy. Some of these businesses were very concerned at Los Angeles's decision to become the very first city whose charter requires "that a living wage be provided to the employees of those doing business with the city"[34]

At the micro level, one sees the way that police are disciplined when accused of abusing innocent residents of the city. It is only by looking at the charter, and the politics by which it is changed, that one may understand cities from both a top-down and a bottom-up perspective. As a mid-level game, charter reform reflects the rules of the larger global game, and affects its players as well. Charter reform makes the rules for the micro-level political games of running for office, as well as confrontations between street-level bureaucrats and residents.[35]

And charter reform has its own rules. There are conditions under which charter reform is more or less probable. Charter reformers must be pragmatists, as classic L.A. reformer John R. Haynes said he tried to be when seeking his reform

goals from 1900 to 1937.[36] They must be able to play the game in order to succeed. The purists who think of charters as mere rule-books, which should be as brief as possible, will be less successful at charter reform than those who regard the rule-book as a Christmas tree, with presents underneath for every group that could otherwise block change.

How did the Literature Miss these Rules?

There are several literatures which may profit from an examination of Los Angeles charter reform. The first is the literature on L.A. itself, which has largely missed charter reform or accorded it trifling significance. The second is the literature on form of government (FOG). The third is the literature on Progressive Era political machines and municipal reform. The fourth is the literature on growth machines. The fifth is the literature on the developmental state.

L.A. Stories: it is disconcerting that one could read much of the literature on Los Angeles and never find anything of note regarding the city's charter. Robert Fogelson's seminal work, *The Fragmented Metropolis*, is considered a paragon of the biographical literature on cities. Moreover, some consider this work to be such an important book on Los Angeles that the remainder of the city's literature has been described as footnotes to Fogelson. Yet it is possible to read the entire book and find very few mentions of the city charter. In fact, Fogelson gets key details wrong in regard to the city's 1889 Charter. For example, he mischaracterized the changes made to the first charter drafted in 1888 in order to secure the passage of a compromise document later that year.

One may learn a great deal about the fifty critical years of the city's history that Fogelson covered, but very little about the Los Angeles Charter that served as both the dependent variable of his chapter on the "Politics of Progressivism" and the independent variable for his chapter on the "Municipal Ownership Movement." Fogelson's errors regarding the charter are less a commentary upon his work, whose contribution to the history of L.A. is indisputable, than they are upon the understudied role of charters in fields of urban history, government and politics. The tremendous importance of such Los Angeles municipal attorneys as William B. "Billy" Mathews and James L. Beebe (and their equivalents in most big U.S. cities) has been heretofore neglected. This dissertation aims to fill that yawning chasm in the literature.

The two most influential writers on the city in recent years, Kevin Starr and Mike Davis, do not shed any light on the Los Angeles charter. Kevin Starr focused on heroic individuals and their dreams, and thus missed the institutional dimensions of the city's history. Mike Davis emphasized the role of class and macro-structural forces, and would probably regard the micro-structural influence of such things as charter reform as Marxist superstructure. Kevin Starr barely mentioned the city charter in his historical treatments of Los Angeles, and consistently made errors concerning the charter amendments he briefly described.[37] Mike Davis never even made a single explicit, oblique or cyberpunk tangential reference to the L.A. Charter in his otherwise wonderful *City of Quartz*. Starr once noted that Los Angeles was the Great Gatsby of American cities, and Davis that the city showed Bismarckian municipal will in its construction.[38] Yet, because of their failure to understand the

charter, Starr missed James Gatz's "List of Resolves" that enabled his rise under the pseudonym Gatsby, and Davis failed to see the role of those who played Bismarck in the city's development—charter framers such as William H. Workman, "millionaire Socialist" John R. Haynes and George B. Dunlop.[39]

The only major treatments of the city's history to have understood the role of the charter are by Steven P. Erie, Tom Sitton and Raphael Sonenshein. Erie's seminal essay on "How the Urban West Was Won" examined the role of city charter change in allowing the building of L.A.'s powerful proprietary departments, the Departments of Harbor and Water & Power. Erie followed this article with a book-length treatment, *Globalizing L.A.*, which demonstrated how Los Angeles' Airports and Harbor departments (and even neighboring Long Beach's Harbor Department) followed the same developmental trajectory and constructed the city's transportation infrastructure. Finally, Erie's *Beyond Chinatown* discussed the role of the charter in building the LADWP as the substructure of the MWD's formation. He noted that the 1925 Charter had set the foundation for the strong proprietary department. In fact, the federal government backed the Hoover Dam project with $220 million in Reconstruction Finance Corporation bonds due largely to the credibility of the LADWP, which could be trusted to repay the debt even during the depths of the Great Depression.

Tom Sitton has made a life work of historicizing the study of Los Angeles. His M.A. Thesis on Southern Pacific Railroad (SP) Boss Walter Francis Xavier "F.X." Parker provides a window on the period in which the city dealt with a persistent problem of machine politics. Sitton's article on Kent Kane Parrott demonstrates the

difficulty of applying the conventional machine-reform dichotomy to Los Angeles. The so-called Shaw machine led by Mayor Frank L. Shaw served as the subject of Sitton's dissertation; this study illuminated the politics of 1930s L.A. Finally, and most importantly for charter reform, Sitton wrote a wonderful biography of Dr. John R. Haynes. Because of Haynes' critical role in forty years of Los Angeles charter reform, this biography does provide a good deal of understanding of the city charter and its changes. However, Dr. Haynes had many interests, so that Sitton could only devote a limited amount of the book to exploring charter reform. In addition, the city began its charter reform process prior to Haynes' arrival in the city, and continued it after his death in 1937. Consequently, Sitton covers only the middle period of charter reform, and charter reform is on the periphery of the story, rather than center-stage.

Raphael Sonenshein has authored two important books on Los Angeles. The first, *Politics in Black and White*, paid very little attention to the Los Angeles charter. This is ironic, since the book focuses on the remarkable career of Mayor Tom Bradley, and yet as Sonenshein recognized, it was L.A.'s adoption of district elections in 1925 that provided Bradley with a council constituency.[40] Other cities in California and the Southwest needed the U.S. government to enforce the Voting Rights Act in the mid-1970s in order to create bases for racial incorporation. Los Angeles did not need such assistance, making Bradley's biracial coalition possible.[41]

Sonenshein's more recent book, *The City at Stake*, focuses directly upon the politics of L.A. charter reform. This book considers the 1999 Charter to have saved the city from the various secession movements that threatened to tear it apart at the

beginning of the new millennium. Sonenshein's blow-by-blow account provides an insider's perspective on the making of L.A.'s present charter, but lacks a historical context on charter change. He argues that local empowerment in the 1999 Charter's NCs kept the city's wayward communities in the fold. This point is debatable, but unsurprising if true: charter reform put the city together in the first place. To attract the harbor cities of San Pedro and Wilmington to consolidate with Los Angeles in 1909, the city amended the charter to allow these areas to retain a modicum of their autonomy by becoming boroughs. In addition, the L.A. charter created a mechanism to fund development of the harbor on a scale the two little port cites could not afford. L.A. made good on its funding promise by approving a multimillion dollar harbor improvements bond issue the very next year.

The boroughs and infrastructural improvements L.A. used its charter to offer to the harbor cities would also be extended through charter amendment to entice other areas to merge with the city. Moreover, charter reform attracted these outlying areas by allowing the city to acquire water. In order to obtain access to the water that the aqueduct from the Owens Valley brought to L.A., the nascent network of agricultural and residential areas surrounding the city were compelled to become one with Los Angeles. In an area where whiskey was for drinking and water was for fighting, water served as a powerful magnet drawing potential cities to render their autonomy and stick to L.A. like iron filings pulled from the dusty sand. Yet this dissertation's more important critique of Sonenshein's book is to ask whether the city really was at stake, or at least whether the city's charter framers acted as if it was.

This dissertation will argue that Sonenshein overstates the degree to which the city's new 1999 Charter actually altered the previous document. Sonenshein considers the secession threat to have been so significant that it permitted radical reform. The 1925 Charter that had provided for the city's governance for nearly three-quarters of a century suddenly became obsolete when the city was faced with the threat of dissolution into some of its component areas. This dissertation will demonstrate that whether the city really was "at stake" is unknowable. However, it is clear that the charter framers and voters did not act as if it was, because the secession threat did not represent a crisis of sufficient magnitude to force fundamental charter change. Had the city really been at stake, the 1999 Charter should have done more than fine-tuning, incrementally adjusting the city's 1998 Charter by tweaking it at the margins. It takes a complete historical perspective to see how the city's 1999 Charter reflects the 1925 Charter, which marginally altered the 1889 Charter.

That 1889 Charter hewed closely to the 1873 Charter the city leaders drafted and persuaded the state legislature to ratify during the period before Los Angeles had even acquired the right to adopt a home rule charter. How else would one explain the fact that L.A. had 15 Council members to represent less than 10,000 people in 1878, and the same number of local legislators now represents nearly four million people?[42] The remarkable continuity of the 1999 Charter with the city's previous documents belies any argument that the new organic law represented a substantial break with the past, a discontinuous change that was only possible due to a profound secession crisis.

H. Eric Schockman provided a brief analysis of the Los Angeles Charter in the book, *Rethinking L.A*. The strength of Schockman's essay is in pointing out the way in which the system of city commissions ensconced in the 1925 Charter would eventually create an administrative system dominated by the city elite. He mapped the addresses of the commissioners and found that they tended to come from wealthier and more Anglo areas of the city. Indeed, under the city's permissive system of appointment without respect to residency requirements, some city commissioners even resided in more exclusive neighborhoods located outside the city. Schockman contends that this pattern of elite rule is not accidental, but was the intention of the framers of the 1925 Charter. This may have been true for some of the city's charter reform panels, yet it would be unfair to the 1923 Freeholders to miss the many forward-looking provisions among the adjustments their charter proposal made to the city's constitution. Schockman's criticism of the charter might make one miss the fact that the document did more to incorporate labor goals than had any previous city constitution.

Notwithstanding Sonenshein's praise for the charter's rescue of the city, criticism of the charter is practically the only form of literature that the document has helped to create. James Q. Wilson's "Los Angeles Pre (Civil) War" essay, as well as Francis Carney's classic article on "The Decentralized Politics of Los Angeles" both examined the city's chaotic politics under the 1925 Charter. Wilson recognized that the charter was a historical throwback from the antebellum era, with "a mayor almost too weak to cut ribbons, a large elected council with administrative as well as

legislative functions, and a great many more or less independent departments run by part-time boards of citizens." Wilson pointed out the inherent conflict in the 1925 Charter's provisions making the Mayor the executive officer and the Council the governing body. He also noticed that in L.A. "the extreme decentralization prescribed by law is not mitigated or overcome, as it is in some cities (Chicago, for example), by informal arrangements." Finally, Wilson accurately described the way that Mayor Yorty strengthened his office by assuming "responsibility in matters concerning which the charter is silent." It was a Yorty Executive Directive that unified the city's information systems, allowing some centralization to emerge where the charter permitted.[43]

Francis Carney also addressed the city's decentralized quality, noting correctly that the charter prevented bossism in the city by establishing a weak mayor. The charter created a barrier against rule by a power elite as well as integration to address the problems of urbanism. Carney rightly pointed to the way the "city charter almost insures tension between mayor and council despite a possible party bond." Parochial district elections and the diverse demography would further militate in the direction of a pluralism paralyzed in the face of "acute or even disastrous" problems. Carney explained that voters were unwilling to trust any institution with coordinating the city to face its crises, arguing that the charter represented the public's intent, and not merely an accidental phenomenon.[44] Both Carney and Wilson offered a similar assessment of the consequences of the 1925 Charter, and the charter reforms that the

public ratified in subsequent years would make more of an issue of the city's pluralism and the council's incentives to micromanage the executive branch of government.

One of the best studies of the history of the L.A. Charter is Burton Hunter's classic study of the city's development. Hunter focused on the role of the city's charter and legislation, as well as the state law, in evolving Los Angeles' municipal organization and administrative practice. Hunter wrote in 1933, however, and thus his work cannot capture the last 75 years of the city's development. Fred Crawford attempted to update the Hunter work in 1955, and again included ordinances and state laws to illustrate city governance.[45]

Neither the Hunter monograph nor the Crawford M.A. Thesis addressed the politics of charter reform. Both authors offered useful accounts of the development of the city's governmental organization, but treat it as if it occurred in a political vacuum. Charter change may record the plate tectonics of a city's politics as faithfully as a seismograph registers tremors and earthquakes, but politics is absent from these two studies. While it is true that Starr over-emphasized heroic individuals, and Davis accorded excessive attention to generalized class forces such as power structures, no city government evolves in the absence of these things. The study of charter reform must take politics into account, and not merely reify the document as if it developed like a living organism.

Marvin Abrahams' excellent study of the importance of the city commissions in Los Angeles provided a history of this important institution. Abrahams discussed the role of the 1889 and 1925 charters in creating these commissions, as well as the

failures of the 1912 and 1916 charter proposals that would have altered the way these commissions operated. He also summarized the commission-related charter amendments before and after the 1925 Charter, and the way in which these alterations affected city commissions. However, the study made a few errors, indicating that the only commission ever to be replaced by a single commissioner was Health, when that happened again just a few years later when a Film Commissioner replaced the Board of Motion Picture Censors.[46] Abrahams' thesis provided an excellent history of L.A.'s unique system of government by amateur boards and commissions, yet this administrative device was only one of the many components of the complex city charter. Abrahams did not accord any attention to other city institutions besides the commissions, which have been central to L.A.'s political and economic development, but have operated within the context of the charter's other institutions and rules.

Albert Howard Clodius' magisterial study of "The Quest for Good Government in Los Angeles, 1890-1910" is a forgotten classic. As Clodius pointed out, another scholar would need to supplement his two-decade survey by examining L.A.'s movement through the Progressive Era. Yet charter reform was only one of the subjects Clodius covered in his *magnum opus*. He paid particular attention to the efforts of the 1906 Nonpartisan movement and the 1909 post-recall administration of Mayor George Alexander. Clodius discussed the divide between the moral and structural and social reformers of Los Angeles, but lumped developmental reforms aimed at securing economic growth with social reforms targeted at creating social justice. Clodius also wrote briefly on the breakup of the moderate Alexander

administration, caught between the Scylla and Charybdis of the conservative Old Guard and the Socialist movement. However, because his study ended in 1910, Clodius could not address the inherent tensions in the reform coalition, which showed up more in charter reform than in votes over coalition candidates.

Joseph Gerald Woods' classic dissertation on the Los Angeles Police Department offers readers a look at more than the city's policing function. In fact, Woods' thesis and the book that followed would provide a broad survey of events in L.A. from before the Progressive Era all the way through the beating of Rodney King in the 1990s. But Woods would necessarily restrict his study of charter reform to discussing its impact on the LAPD. Of course, charter reform produced the professionalization of the department through civil service-related amendments. Secondly, charter reform created the police discipline process modeled after the military board of rights, and accorded police chiefs a substantive right to their positions, rendering problematic the dismissal of Chief Daryl Gates.

Finally, the city would use charter change to deal with the problem of the rogue officers that Joseph Wambaugh described as *The New Centurions*. The voters altered the charter to modify disciplinary procedures, set a term limit on the chief, and establish an Inspector General to monitor the LAPD. But the charter dealt with many more subjects than simply the police. In addition, Woods' thesis needs updating since the complicated 1990s, which created competing charter reform goals within different segments of the police community, pitting the brass against the Los Angeles Police Protective League. The most stressful component of participating in the 1996-1999

charter reform process was being involved in the fights between the Chief of Police, the Police Commission, and particularly running the gauntlet during the war between the Inspector General and the Executive Director of the Police Commission over who would direct the former's work in monitoring the Department.

Vincent Ostrom's dissertation on *Government and Water* and his follow-up book on *Water and Politics* provided first-rate coverage of the role of the charter in the development of the LADWP. Moreover, he did not forget that the state-enacted early charters, which were the city's first incorporation acts, also created the foundation for the city's water rights. Likewise, Nelson Van Valen's study of *Power Politics in Los Angeles* accurately captured the role of charter change in the city's battles over the issue of municipal ownership of the city's electrical system. Richard Barsness' doctoral thesis on the development of the Los Angeles Harbor did not miss the importance of charter change, and even the offer thereof to attract Wilmington and San Pedro to surrender their autonomy, become part of L.A., and bring the harbor under city control. Yet none of these studies is able to place the charter reforms around LADWP's water and power bureaus or the L.A. Harbor Department into the larger context of charter reform. Different agencies often competed with each other for sympathetic responses by the public which was asked to support their charter reform wish lists. Occasionally, departments would combine forces and work for each others' measures, but these alliances were short-lived and always subject to defection.

The War of FOG: one of the few literatures that has consistently paid attention to charter reform is the collection of work by urbanists and public

administration theorists on the form of government, or FOG. Some have argued that FOG is a secondary issue, less important than the individuals involved in governing. Even Alexander Hamilton quoted Alexander Pope to the effect in writing: "For forms of government, let fools contest--That which is best administered is best." In one of the *Federalist* papers, Hamilton called this sentiment "political heresy" although he did agree that "the true test of a good government is its aptitude and tendency to produce a good administration."[47] The battle between the proponents of the different schools of thought on municipal governance structures has been so heated that one might term it the war of FOG. This has been an ongoing conflict, as American cities have turned to different structures over time to improve their governance.

The literature on urban politics has recognized three basic forms of city government: mayor-council, commission plan, and council-manager.[48] The mayor-council system followed the American federal model, assigning mayors executive responsibility and empowering city councils with legislative authority. The commission plan established a commission, whose members would act collectively as legislators making policy for all departments, and individually as commissioners implementing policy in their own administrative departments. The council-manager system instituted a policy-making council, which would hold power to hire a professional manager to implement its policies, and fire that officer if the need should arise.

No consensus has ever been reached among urbanists as to which form of government is most appropriate for U.S. cities. Consequently, cities have engaged in

a great deal of experimentation with their forms of government. During the U.S.'s post-bellum period, municipalities turned to amateur commissions to administer city functions. At the turn of the 20th century, many American cities strengthened their mayors; when this resulted in bossism in a few cities, the Progressive Era produced the commission plan and council-manager antidotes. In the 1940s, many American cities that had not adopted the manager plan chose to add Chief Administrative Officers to their charters. In the 1990s, many cities turned again to the device of strengthening their mayors.

The war over FOG has also been beset by the fog of war. Although most recognize the commission plan, council-manager and mayor-council charters as the three major forms, there is an ongoing debate over the strength of the mayor. When the council-manager or commission plan city does provide for a separately elected mayor, it is generally agreed that this is a weak mayor FOG. However, there are also weak mayors in mayor-council cities, and such council-manager cities as San Diego have occasionally had strong mayors. There is no agreement in the literature over what constitutes a "strong mayor" versus "weak mayor" charter. This definitional issue has become tied into the war over FOG because the stakes are so great. In the 1990s, L.A. Mayor Richard Riordan argued that his office was weak, and that the charter commissions ought to strengthen his office so that he could ensure governmental accountability rather than producing the "blame game" that the city's charter had allegedly created through its dispersion of authority.

In 1998, the Rand Corporation compared Los Angeles to other big cities in the United States, and found that Los Angeles' mayor was not an obviously weak officer. The appointment, budgetary and veto powers enjoyed by the city's mayor were comparable to those of American big cities with the "strong mayor" form of government, and dwarfed the authority given to the largely ceremonial mayors of some commission plan and council-manager cities.[49] However, the mayor did not enjoy full authority over the budget, because of the separately elected controller, and this and other complications rendered classification of Los Angeles a more difficult undertaking.

The authors of the Rand Study were hindered in their efforts by the absence of an accepted definition of strong mayor cities. More recently, H. George Frederickson has recognized the existence of a phenomenon he calls the adapted city.[50] Frederickson and his colleagues found that few United States cities fully fit the ideal type of mayor-council and council-manager cities that was the legacy of an earlier day. The conventional wisdom had depicted council-manager government as the reformers' best weapon in their quest to end the era of political machines. Mayor-council charters were alleged to have created an environment that permitted bossism and corruption by injecting politics into city government rather than allowing neutral administrators to manage cities in a nonpartisan fashion.[51]

Both the dragon of machine politics and the self-styled St. George reformers are today but nostalgic memories of days of yore, and only the institutional legacies of the machine-reform contest were left to mark their urban battlefields. Frederickson

found that many mayor-council cities had adopted mayor-weakening reforms, such as civil service and city administrative officers. Furthermore, he found that many council-manager cities had opted to create mayors, adding them to commission plan and pure council-manager charters, and strengthening those mayors whose offices were already provided by a city's governance system. The adaptive city was a hybrid form, somewhere between the "machine-dominated" mayor-council and "reform-dominated" council-manager ideal types.

Yet Frederickson has not been as impassioned an advocate regarding the issue of FOG as other commentators. The proponents of the "Executive mayor" model successfully pushed cities across the country to follow what Rob Gurwitt calls the "Lure of the Strong Mayor." The phenomenon has been seen in a number of U.S. cities restoring mayors to positions of leadership. Ester Fuchs argued in her landmark 1992 study of the experiences of Chicago and New York City that mayoral authority prevented Chicago from reliving the Depression-Era fiscal Crisis experienced by both the Windy City and the Big Apple, whereas New York City endured the same agony all over again in 1975. As Fuchs writes, "The mayor must be able to centralize and control the budgetary process at the final stages of decision making if fiscal problems are to be avoided."[52] From Fuchs' perspective, mayoral leadership may allow cities to minimize service costs and control interest group demands, and cities without it have greater difficulty in balancing their revenues and expenditures.

The International City/County Management Association has been actively involved in urging cities to continue their reliance upon, or turn instead to, the council-

manager form of government. The organization usually has argued that increased efficiency in business-style management would make maintenance or institution of this form of government a worthwhile decision for cities. Despite this contention, recent research has shown that there have been "no more than transient decreases in per-capita city expenditures postadoption of council-manager government." Indeed, Anirudh Ruhil found "the decreased spending that follows the adoption of council-manager government to be short-lived; per-capita expenditure flows revert to their prechange patterns a few years following institutional change."[53]

Although a number of cities have debated over making changes in their form of government, these can be among the most conflict-laden changes proposed. A recent study of 20 charter commissions in Michigan noted that all 7 of the unsuccessful commissions had proposed changes in the respective powers of the mayor and the manager. Of the 13 commissions that were successful at enacting charter change, only 3 proposed FOG changes—two from strong mayor to council-manager and one from council-manager to strong mayor. None of the other issues raised, such as election procedures and term lengths and limits, seem to have brought as much opposition to charter change.[54]

As a way to stem the demand for CEO-mayors, even some of the promoters of the council-manager form of government have called for more effective mayoral leadership. James Svara has authored a number of books and articles calling for facilitative leadership by mayors in council-manager cities. "Mayors can be effective leaders in the council-manager form by being visionary facilitative leaders."[55] Svara

argues that appropriate team-building can even allow mayors who are entirely ceremonial—because of the fact that they are merely council members rotated periodically into office—to give their cities effective governance. Svara has countered those who view the mayor-council model as "conceptually superior" by stating that:

> Separation of powers, with its attendant conflict between the executive and legislature, affects the governance of the community, as bargaining among contending interests weakens the search for a common vision based on shared interests. Involving citizens is colored by the need to secure political allies, which entails exclusion as well as inclusion.[56]

Svara argues that equality, equity and good management as service delivery prioritizes developing constituencies and maintaining political support.

Glen Sparrow has argued that effective mayoral leadership can provide better government, and that mayors without formal authority are hard-pressed to serve their citizens. Sparrow has written eloquently of the success of San Diego Mayor Pete Wilson in leading his city in spite of clear structural impediments to such leadership. Svara rebuts Sparrow, contending that "it is a mistake to seek a quick structural 'fix' by adding powers to the office of the chief elected official or changing the form of government. If structural change is not the answer to increased leadership, then alternative approaches are needed to enhance the leadership of the mayor or chairperson and to make it more commonplace." Svara specifically recommended against giving mayors such powers "as veto or staff-appointment authority" because they isolate these officers from councils." A mayor would also benefit through "Respect for authority and prerogatives of the city…manager." In Svara's view,

council-manager government is inherently "cooperative" while mayor-council systems are "conflictual."[57]

Likewise, Gerald Newfarmer argued that the 1995 drive to move Cincinnati from a council-manager to a strong mayor form of government occurred because the city faced the problem of "What do you do when reformed government doesn't work?" Although Newfarmer was associated with the fund that the ICMA uses to promote council-manager government, he wrote, "Without detracting from professional management, it is possible to empower the mayor to provide leadership to the city council." As Newfarmer noted, "The council-manager model does have an Achilles heel that this Cincinnati experience demonstrates: the dysfunctional city council." Of course, council-manager government in Cincinnati as it stood in 1995 provided that the mayor was no more than the councilmember who had received the most votes at large. Therefore, Newfarmer was arguing that the small modicum of democracy in Cincinnati's city charter was the only problem. This is tantamount to arguing that the business model of governance would be perfect for cities if there was no need to elect the board of directors.[58]

Given that the ICMA has a vested interest in protecting the jobs of city managers, and the strong mayor advocates see managers as inherently problematic because they are not supposed to be held directly accountable to voters, the war over FOG has no obvious resolution.[59] The Frederickson et al study did effectively argue that the form of government issue is no longer the most important item of charter change, and that even cities on opposite sides of the spectrum as far as council-

manager versus mayor-council systems go have converged on such matters as creating CAOs, purchasing and bidding procedures and civil service. Indeed, L.A. was the forerunner in all of these three types of reform, even as it declined adoption of the model commission charter that the National Civic League recommended for the city in 1912. L.A. could be the very model of Frederickson et al's adapted city, adopting over time choices from each different column of the menu in order to create the city charter for Los Angeles.[60]

What is lacking in Frederickson et al., as well as within the law journal and case law literature regarding municipal home rule, is a description of the politics of charter change.[61] The students of public administration and the purveyors of the Model City Charter have missed the fact that the battle over FOG is a political one, and that it is waged within a specific political economy and cultural context. Perhaps it is impossible to design the perfect charter in a one-size-fits-all fashion because each city charter reflects the particularities of the history and culture of its city. Los Angeles' charter has reflected its political trends so effectively over time that the best way to understand the city's history is to excavate the charter and examine the layers of amendments as sedimentary reflections of the interest groups that have dominated the city at any given point in time. Both the ICMA and the strong mayor proponents have assumed that the ideal charter is out there, and not realized that cities' charters display their political plate tectonics.[62]

Bossing the Cities: the FOG literature grew primarily out of the search by the Progressives for a governmental system that would be immune to machine politics.

The study of the political machines that were allegedly the shame of the United States' cities gave birth to both the modern fields of Political Science and public administration. The first generation of scholars in both fields took for granted the assumptions that former mayoral candidate and University of Chicago political scientist Charles Merriam did: that the reformers were engaged in a struggle to purify the cities and restore local democracy. Even as late of the 1940s, professors of urban politics would take at face value the Victorian Era language of the reformers' self portraits. In their works, it appears that the reformers sought truth, justice and the American way in their campaigns to end graft and corruption. Later students came to question this conventional wisdom, and such writers as Samuel Hays and Gabriel Kolko would scrutinize the motivations of Progressive Era leaders. In his study of the *California Progressives*, George Mowry would point out the Beardian class interests implicated in support for reform.[63]

The Los Angeles reformers tapped into the same national-level discourse on machine politics that New York City's anti-Tammany forces would. L.A. reformers saw the Southern Pacific Railroad's advocates as comparable to the bosses of other American cities. In enacting reform devices such as the recall and nonpartisanship, city club leaders spoke and wrote of the need to prevent or halt Los Angeles' bosses. Mayors Harper and Shaw were pushed out of office through use of the recall; reformers charged that these mayors were attempting to create political machines. Republican Party leaders such as Walter Parker, who was prominent at the *fin de siècle*, and Kent Kane Parrott of the 1920s were both alleged to be the city's bosses

during their periods of influence. It is clear that Los Angeles experienced some machine politics, as has virtually every city in the United States, but there is no consensus on whether there was ever a political machine in the city.

The literature on urban politics has recently recognized that the dichotomization of the machine-reform distinction may be fallacious.[64] But it is clear that the fear of the political machine was a potent weapon in the arsenal of political reformers. The story of Los Angeles' charter reveals something fundamental about the discursive nature of the struggle between political reform and its adversaries. A long-time student of Los Angeles politics once observed cynically that the city had a way of finding a boss every time there was an election.[65] But perhaps there is something in Martin Shefter's argument about "Regional Receptivity to Reform."[66] Like most of the American West, Los Angeles showed great partiality to Progressive Era reform precepts. The difference between the cities of the American West and those of its Frostbelt is actually that in the former the reformers captured the parties, whereas in the latter the parties captured reform. The roots of the competitive party system were weak in Los Angeles, and many Angelenos claimed that the Railroad had attained mastery of both political parties. The city's reform receptivity can be gauged by the city's leadership of the state and nation in adoption of key charter reforms.

Did Los Angeles vociferously support reform because of real experience with machine politics, or was the real issue the fear that machine politics would thwart the city's attempt to use its political institutions to drive economic growth? Amy Bridges noted in *Morning Glories* that the American Southwest was a strategically

disadvantaged location in terms of its potential for economic growth. Would-be city-makers in the Sunbelt would need to persuade bonding institutions in faraway Wall Street that their instruments of indebtedness were credible. This would be far more difficult if these cities needed to support patronage armies out of the local budget. Clarence Stone asked the question of 'power for what' in his answer to the community power literature. In the case of such cities as Los Angeles, the question was 'reform for what'. If creating the foundation for economic growth meant preventing machine politics, then enacting civil service was as much a matter of local development as of stopping grafters. In Los Angeles, as in much of the Sunbelt, it was developmental reformers that drove the imposition of anti-machine charter revisions.

Bridges was on the right track in her study of the success of reform in the America's Southwestern cities. However, a close inspection of L.A. points up two major problems with the study. First, Bridges argued that the only important criteria to be adopted in determining whether a city had been reformed was whether the city had adopted a commission plan or council-manager charter. Based on Los Angeles' rejection of both FOG changes, she ruled the city out of inclusion among her cases. In fact, L.A. adopted parts of both reforms, and led the state and nation in practically every other reform category. Unlike the other cities she studied, Los Angeles voluntarily abandoned the electorally restricting charter reform of at-large council elections, rather than needing to do so at the coercion of the U.S. Department of Justice's enforcement of the Voting Rights Act. Los Angeles' low voter turnout in municipal elections may be a result of the nonpartisanship that L.A. inspired the state

to make compulsory on all of its cities, but the city's district elections allowed Angelenos to elect a diverse local legislature earlier than the rest of the West could.

The other major problem with Bridges' otherwise important contribution to the reform literature is her focus upon the society rather than the state.[67] This dissertation will illustrate the importance of Los Angeles in filling a giant lacuna in the literature on urban reform: the need for a state-centered positive reform theory. Bridges focused on the society—chambers of commerce, nonpartisan slating groups (NPSGs) and the like—when the state was the more important issue. Southwestern cities like Los Angeles needed to use the local state to develop their economies. The importance of the commission plan and the council-manager system in other cities, and of citizen commissions and departmental general managers in Los Angeles, was that they allowed the state to be used as an agent of local economic growth. This is why practically all Sunbelt cities adopted civil service, whether or not they would also establish commission or manager government.

Most reform theories have been society-centered and focused on negative reform.[68] Samuel Hays, Richard Hofstadter, George Mowry and others attempted to understand reform in terms of the motivations of the groups that favored reform.[69] Even Kenneth Finegold's wonderful thesis on the demographic bases of support for reform made this mistake.[70] While Finegold realized that it was the incorporation of expertise by local governments that was decisive for the institutionalization of reform, he focused on groups outside the state, such as New York City's Bureau of Municipal Research. As Jonathan Kahn wrote in *Budgeting Democracy*, it was that Bureau's

success in persuading the city, state and nation to adopt its budget reforms that institutionalized budgetary reform.[71]

Moreover, Finegold's data only allowed him to examine mayoral candidates as an index of the public's support for reform. How do we know why the public voted for any particular candidate? The virtue of studying specific charter reforms is that rather than assuming voters granted a mandate for reform by supporting a particular candidate, one can determine whether or not the public favored a specific policy. The group-focused and society-centered theories on reform have never taken the novel step of analyzing the reforms themselves rather offering psychoanalyses of the reformers who supported them.

Besides being society-centered, the literature on urban reform has primarily emphasized negative reform. When the literature has examined the actual changes made by reformers, too often students of urban politics have focused on negative reform. The adoption of civil service and contract bidding rules dried up the output of jobs and contracts necessary to create and maintain political machines. The enactment of at-large and nonpartisan elections stopped the input of votes upon which the bosses depended. Such reforms as the commission and manager plans targeted both the input and output of political machines, changing the way leaders were selected and their behavior in office. Although the commission and city manager reforms carried the potential for positive state action, such thinkers as Bridges have usually emphasized only their negative aspects, e.g., preventing democratic control.

Yet as many reformers and the scholars who studied them found, these negative reforms did not guarantee an end to political corruption. Would-be machine politicians found ways to circumvent practically every one of these reforms. What was more decisive for political machines was the creation of a welfare state, which removed the need for the political machine's assistance. Tammany Hall's support for social reform at the state level would ironically transfer the welfarist functions its leaders had performed to government employees and agencies beyond the machine's control.[72] Positive reforms created a permanent constituency within government that worked to protect their bureaucratic autonomy.[73] Theodore Lowi's "new machines" were part of the state, and were the product of positive reform. These bureaucracies and their functional fiefdoms killed the political machine as surely in New York City as in Los Angeles.[74]

Growth Machine or Growth Reform: Los Angeles charter reformers created a new local state with their positive reforms. The powerful proprietary departments providing the city's water, electricity, harbor and airport service created a foundation for growth. Los Angeles proves that the growth machine literature is inappropriately named.[75] In Los Angeles as elsewhere, growth coalitions have relied on reform institutions as their instrument. L.A.'s proprietary departments, like most of the public authorities employed by cities nationwide, operate within the constraints of: merit-based employment; contract bidding requirements preventing conflict of interest, insider trading and nepotism; and professional norms established by engineers in the Progressive Era. Los Angeles could be the quintessential example of the growth

machine literature. Until the passage of California's Proposition 13 in 1978, the history of Los Angeles resembles one long booster campaign.[76] Previously, the constant efforts at boosting the city over the years had relegated practically all other issues to the back burner of city politics.

Logan and Molotch could have made L.A. their poster child for the growth machine theory.[77] Mike Davis did get this part of the story right; regardless of which group has dominated the city, the boosters always overpowered the Noirs and built the city's economy. Developmental reform has been the most important type of reform for Angelenos because of its promise of growth. In Los Angeles, as in other cities, there were many strands of Progressive Era reform. However, the successful reformers were those who could credibly claim that their alterations would promote economic growth. Growth ideology fueled the creation of cross-class coalitions, resulting in the institutionalization of a particular reform through a series of elections. These elections would institutionalize a reform by building it directly into the city government, and equipping it with permanent allies entrenched within.

Because developmental and some kinds of structural reform carried the promise of progress defined economically, these strands of reform were institutionalized in L.A. Social and moral reform, on the other hand, might be understood to jeopardize economic growth. Therefore, the proponents of these changes were much less successful in changing the charter and institutionalizing their goals within city agencies. It is difficult to understand L.A.'s relentless pursuit of reform perfection in its structure of governance from any perspective other than that of

economic growth. While other cities have been termed growth machines, Los Angeles made reform the mechanism for securing growth. Given the importance of such reform institutions as the public authority in other cities, this study suggests that L.A. is the prototype and the literature is a misnomer.

Developmental Reform or the Local Developmental State: the City of Los Angeles has been characterized as both a *Fragmented Metropolis*, and a *Reluctant Metropolis*, as *Incredible Los Angeles* and *Angel City* by the Boosters, versus urban dystopia to be escaped and *Bladerunner*'s nightmare by the Bashers. As both Boosters and Bashers would agree, the city should probably not exist in its present form or current iteration. If it were possible to hop into a Time Machine and jump back to the Los Angeles of six score years ago, a time traveler would be shocked by the contrast in the landscape that has emerged over such a short period. He or she would be astonished by the amazing increase in both population and economic significance that the city, and consequently the county and region, had undergone.

Others have already documented the city's rise in population from 10,000 residents in 1880 to over 50,000 by 1890, with factorial increases in every census up until 1990.[78] What has not been told is the degree to which the city's transformation from Southwestern pueblo to Double Dubuque to demographic Frankenstein is primarily a consequence of political factors, specifically city charter change.[79] How can the charter be credited with the city's meteoric growth? One kind of charter change in which L.A.'s residents have long been engaged is what Steven P. Erie has termed developmental reform. The city faced many limitations in terms of its

potential for economic development, and therefore needed to compensate for these deficiencies.

In the works of such scholars as Chalmers Johnson and Peter Evans, we see the importance of the developmental state in cases as disparate as Japan and various Latin American countries. In these cases, the state intervenes in the economy to assist development. Therefore, Japan's government took on the duty of acquiring the raw materials necessary for industrial success. The opposite problem, of being only a raw materials exporter to developed economies, was one Brazilians faced and handled through trade policy. In Brazil, the state established protective trade barriers with Import Substitution Industrialization (ISI), while Japan's MITI coordinated companies' actions to avoid destructive domestic competition in their national pursuit of Export-Led Growth (ELG).[80] The point is that the state may step into the process of economic development as a key player, rather than as a passive witness of free market transactions.[81]

The Los Angeles local state engaged in an analogous strategy of attracting growth by providing supportive infrastructure.[82] L.A. lowered the costs to companies of their decisions to locate operations within its boundaries by making itself an infrastructural magnet. The city assisted transportation through subsidies to railroad companies such as the Southern Pacific in 1869, the provision of municipally operated transfer facilities with the Harbor Beltline Railroad, and via use of city, state and federal resources to build a road system linking L.A. with the rest of the country. The

city facilitated trade by constructing a harbor and several airports linking L.A. and its hinterland to the global networks of commerce.

Los Angeles reduced energy costs by creating a city-owned system for the generation, transmission and distribution of electricity. The Los Angeles Department of Water and Power (LADWP) merits consideration in terms of its efficiency and productivity as one of the most successful municipal utilities ever built. Rather than land, labor or capital, the most important limiting factor on the development of California and the American Southwest as a region has always been water. The LADWP solved that problem for its city, county and ultimately its entire region, through its successful water projects, its leadership in the formation of the Southern California Metropolitan Water District (MWD), and its support for such items as California's State Water Project.[83]

To see the developmental state at the national level is not all that surprising. After all, the current international state system enshrines the sovereign state, and allows autonomous governments to make policy within their borders. Even the World Trade Organization, the European Union and the earlier General Agreements on Tariffs and Trade allowed individual nation-states some leeway to use regulation and intervention in their economies to promote their development. The International Monetary Fund and the World Bank encouraged Less Developed Countries to use protectionist ISI strategies to help their countries' economies to become competitive with larger states. Yet the Treaty of Westphalia created no such guarantees of autonomy for sub-national units within a sovereign state's boundaries.

In particular, cities in the United States have always been placed in a position of relative subordination to both national and state governments. The doctrine of Dillon's Rule rightly points out the absence of cities from the terms of the United States Constitution, and the application of this principle over time has sharply restricted the autonomy of American municipal corporations. Thus, it is somewhat more surprising to see the developmental state at work in Los Angeles because it is a United States municipality. This study provides an example of a city pushing the limits of federalism by using its city charter to maximize its potential for growth.

How did the municipal government of Los Angeles come to play such a critical role in the development of the economies of city, county, region and state? How did Los Angeles act to overcome the serious deficits it faced as a location for business and economic development? How did the city surpass its history as location for "the cattle on a thousand hills" to become a fragmented although reluctant metropolis? In order to answer these questions, one has to understand political infrastructure—the legal and political institutional arrangements that made it possible for the city to construct the physical infrastructure that attracted trade and investment to itself. Through a series of state statutes, court decisions and charter amendments, Los Angeles overcame the limited autonomy granted to cities of the United States and built an economic powerhouse.[84]

The city built upon these foundations the public investment of bond issues enabling construction of what Steven P. Erie has called the city's crown jewels—its multibillion dollar investment in a water, power and transportation infrastructure.

Given the limits on American municipal corporations in even those states that have allowed home rule, it is remarkable that Los Angeles succeeded in this endeavor. This dissertation on the rules of ruling will explore the mostly undiscovered country of L.A.'s past, in which city charters and their amendments provided the political infrastructure, which allowed construction of the physical infrastructure upon which the municipality's economy is built.[85]

Methodology

This thesis employs a number of methods to bring to light the political history of the Los Angeles Charter. The first has been research on primary materials. The author read all available articles in the city newspapers surrounding every movement for charter change. This task is not onerous for more recent efforts, since there are now only two major newspapers in the city, the *Los Angeles Times* and the Los Angeles *Daily News*. However, from the 1900s until the 1930s the city was served by several other newspapers, including the *Express*, *Herald*, *Tribune*, *Record*, *Examiner*, *Herald-Examiner* and the *Citizen*. All of these sources were scanned during the periods when charter commissions were appointed or elected, when these bodies were drafting their proposals, and when the City Council and voters were deciding to send these measures forward. The author has also used other sources, such as the short-lived *Los Angeles Municipal News*, the periodical *Intake*, which served LADWP employees, the *Charter Update* published during the 1997-1999 charter reform process, and even shopping circulars which used to contain city news for their readers.

The author also employed other sources of primary data. The various city boards, commissions and departments released annual reports, the city published an annual yearbook, the Mayor delivered annual State of the City addresses, the city produced annual budgets and the Council kept meeting Minutes; these and other city sources were useful. The author used the extensive Council files on charter change, as well as the original election records. U.S. Census data was tapped, in order to permit an understanding of the demography of elections changing the charter. The author entered the data for all city elections involving charter change from 1888-2008, precinct-level data from 1888 to the 1930s, and ward- and assembly district-level data from the 1930s until the 1970s. The author mapped city precincts against each other and larger demographic units in order to discover who supported charter change.

The author also benefited from the extensive holdings of the Haynes Collection housed at UCLA. This collection is a treasure-trove of information on city politics from the 1890s until the 1940s, and charter change specifically from 1898 until 1940. Even after John R. Haynes died in 1937, his secretary continued to participate in charter reform and collect the detritus associated with it. Haynes corresponded with many other reformers and the city's press, as well as with the election organizers whom he often paid out of pocket; his checkbooks and letters, including the details of several campaigns, are in the boxes and folders.

The Haynes Collection provides a better window on the 1925 Charter that provided the city's governance for almost 75 years than the city's own collection does. Haynes and associates such as George Dunlop kept scrapbooks on charter reform that

include newspapers it is impossible to find on microform.[86] The *Los Angeles Daily Journal* also proved an invaluable resource for tracking down charter amendments that failed. The successful new charters and charter amendments for all California cities from 1889-1970 may be found in the *Statutes of California*, but the failed charter changes are not catalogued there.

The author also benefited from participant-observation. The examination of the 1889 Charter depended almost entirely on newspapers and city records, the charter amendments and new charters on which the city balloted from 1898-1940 could be examined from the perspective of reformer John R. Haynes, the charter changes from 1940-1997 could be understood from the standpoint of newspapers and Council files. However, it was impossible to interview anyone from those charter changes prior to the 1940s because the participants had died long ago.

When the charter reform process began again, the author would enjoy an invaluable opportunity to see charter reform up close. The author participated in the debates on charter reform in 1997, writing a newspaper editorial favoring the election of a charter commission, speaking at community forums where commission candidates were present, offering *pro bono* advice to the appointed commission, and ultimately serving as a paid policy analyst (and official Charter Historian) for the Elected L.A. Charter Reform Commission from January 1998 to June 1999, the whole time that panel had a staff. In addition, the author worked on a RAND report concerning charter reform during the process, and on a charter impact-related RAND report afterwards.

Finally, the author served as consultant for three San Diego charter reform groups, and worked in the campaign for one of the four charter amendments that resulted from the work of these groups.[87] In this capacity, the author researched the history of the San Diego Charter, reviewing each of that city's home rule charters and charter amendments. The author also perused the primary and secondary literature on San Diego charter reform by accessing the reports of all of that city's charter commissions, as well as searching the *San Diego Union-Tribune* and its predecessor from the 1900s until the 1990s. A long-time member of San Diego City Attorney's Office had written an autobiography that was so informative that San Diego made it an official city document. Reading Shelley Higgins' book made it possible to see how San Diego had pursued a developmental reform trajectory comparable to that of Los Angeles. Higgins won the paramount right water litigation that was San Diego's equivalent to L.A.'s pueblo rights cases, In fact, San Diego built on Los Angeles' water-related court victories to solve its own hydrological problems.

By researching the history of San Diego charter reform, and participating therein, the author was able to develop both a historical and a comparative perspective. One must avoid the anachronism of reading the present into the past, but the politics of past charter reform efforts really became clear with the perspective of involvement in the rough-and-tumble of live charter change politics. Although the nature of this research required application of different methods to the study of charter reform in different periods, the author is sensitive to the potential pitfalls of incommensurable data.[88] In particular, the author worked to avoid the twin shoals of anachronism and

the historiographical equivalent of the Doppler effect. A historian who operates from the perspective of having been close to events may find that they look and sound different from those experienced only through second-hand accounts. That difference may be real, or it may be illusory, a product of the Doppler effect that makes any sound louder as its source approaches the listener.

Chapter Plan

This dissertation consists of seven chapters. The first chapter is the introduction, presenting the literature concerning Los Angeles charter reform. The second chapter presents the history of Los Angeles' charter from 1850 up until its first home rule charter became effective in 1889.[89] This chapter examines the puzzle of how Los Angeles was able to use its governmental structure as political infrastructure in the period before home rule, when the city was dependent upon the state legislature for modifications to its governmental system, and extensive micro-management of the city's operations.[90] The chapter also examines the compromises which reformers were compelled to make in order to secure passage of a charter.

The third chapter covers the series of charter amendments that voters ratified from 1889 until 1924. This chapter examines the puzzle of how society-driven reform efforts articulated and strengthened the Los Angeles local state through a series of charter amendments. The developmental reformers built a Water Commission that would later become the Public Service Commission, and provide the city with both its water and electricity. In addition, the structural reformers would build a Civil Service Department, bring the voters the tools of direct democracy, and kill the city's system

of ward and party politics. While social and moral reformers attempted to achieve their charter change goals, the developmental and structural reformers' focus on promoting progress through governmental efficiency and economic growth enabled them to institutionalize their reform goals in charter-mandated bureaucratic agencies.

The fourth chapter consists of a tale of three charters, the unsuccessful proposed charters of 1912 and 1916, as well as the second home rule charter, which became the city's organic law in 1925. This chapter examines the puzzle of how society-centered reform groups overcome their significant differences to enact a charter that largely streamlined the 1889 Charter with subsequent amendments, but created a strong state-centered apparatus for developmental reform. That second charter represented a compromise between various reformers, and further enshrined the concepts of efficiency and growth, but its legacy of powerful proprietary departments built Los Angeles into the giant metropolis that it is today.

The fifth chapter details the series of charter amendments that the voters enacted between 1926 and 1997. There were two distinct types of charter change pursued during this period. From 1925-1961, the voters enacted amendments empowering the city's departments relative to elected officials. From 1961-1997, a different trend emerged in charter change, focused on providing greater public accountability and responsiveness, resulting in increased powers for elected officials relative to bureaucracy. This chapter describes the logic of state-centered reform, in which city agencies develop the positive state and institutionalize the goals of developmental reformers. These agencies consistently resisted passage of new

charters, which might repeal their hard-won gains in terms of autonomy and the ability to accomplish their mandate. Instead, they preferred incremental charter amendments, which would assist them in making the operations manual the charter had become into what their agencies viewed as the optimal set of rules. LADWP and LAPD mastered the art of state-centered charter reform, and won improvements for their departments and employees during this period. Interestingly enough, the society-centered reformers sought new charters, which state-centered reformers opposed, and no new charter would be submitted to the voters from 1925 until 1999.

The sixth chapter shows the quest for a third home rule charter, which resulted in failures in 1970 and 1971, and finally succeeded with the passage of the 1999 Charter. This chapter addresses the puzzle of how L.A. overcame the charter reform equivalent of the curse of the Bambino, the city's inability to enact a new charter despite 75 years of effort by society-centered reform groups.[91] The chapter finds that the tortuous politics of the 1996-1999 charter reform process encapsulated and recapitulated the political conflicts within the city. Because the two rival charter commissions were able to create coalitions within and then between their two panels, they were able to draft a new charter that included all the important gains that interest groups had built into the 1925 Charter in their amendments from 1926 to 1998, and thus won voters' approval. This chapter also focuses on the changes to the 1999 Charter that have been made from 2000-2008. The new charter has already been the subject of a new battery of amendments regarding such matters as police discipline and public safety pensions.

The seventh chapter concludes the dissertation, drawing the comparative applications for charter reform in other cities. This chapter also shows that the process of incremental adaptation and streamlining that the 1889 Charter did for the 1873 document; the 1925 charter did for the 1889 organic law and its amendments; and the 1999 Charter succeeded in doing for the 1925 Charter and its three-quarters of a century of amendments. The last chapter includes an analysis of the city's development of its own mega-region, and how the three home rule charters have emerged from crisis, compromise coalitions and campaigns; yet even during periods that seemed to be crises, the compromises necessary to secure new charters assured a strong family resemblance between the new document and its parent. The chapter also deconstructs the logic of the anti-reform slogan "if it ain't broke, don't fix it" and shows the way in which the 1999 Charter framers overcame that powerful counter-reform rhetoric. Next, the chapter compares the charter reform processes of L.A. to neighboring San Diego. Lastly, the seventh chapter links local charters to the logic of the U.S. Constitution.

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[1] Ethan and Joel Cohen's 2000 movie, *O Brother, Where Art Thou?*
[2] Finley Peter Dunne, *Mr. Dooley's Opinions* (New York: R.H. Russell Publishers, 1901).
[3] Pudd'nhead Wilson's Calendar, Chapter 15 [Bartlett's, p. 624: 22].
[4] Debate on the First Reform Bill, March 2, 1831.
[5] *Biographia Literaria*, 1817, Chapter 1 [Bartlett's, p. 437: 2].
[6] See http://thinkexist.com/quotation/missionaries_are_going_to_reform_the_world/172906.html url accessed on June7, 2008.
[7] Georges Pompidou passed DeGaulle's words on to the press. See Nigel Rees, *Mark My Words* (New York: Barnes-Noble Books, 1997), p. 200.
[8] See *L.A. Times*, June 4, 1916.
[9] Civil Service Commissioner Ransom M. Callicott communicated this sentiment regarding the charter in 1949, when identifying public enemies was job one for the government. At the time, Callicot had not yet served his two terms on the council. One wonders what his observations would have been then. The statement is cited in H. Eric Schockman, "Is Los Angeles Governable? Revisiting the City Charter," *Rethinking Los Angeles*, Thousand Oaks, CA: Sage Publications, 1996, p. 57. The charter was apparently a popular subject of Los Angeles commentators in the 1940s. Aldrich Blake

characterized it as a "municipal Mulligan stew" in 1945 and stated it was a perfect example for "future generations…of what *not* to write in their basic municipal law!" See *You Wear the Big Shoe*, Aldrich Blake: Los Angeles, 1945, pp. 16-18.

[10] On April 10 and June 5, 2001, the city altered police officer discipline system and the fire and police pension plans. The March 5, 2002 charter amendment addressed election details.

[11] See Paul Peterson's *City Limits*, following on T.J. Lowi, for this particular division of the urban turf into these three arenas. Distributive, redistributive and redevelopment issues are distinguished as such by Lowi; Peterson points out that power in each arena features a different logic.

[12] Norton E. Long, "The Local Community as an Ecology of Games," *American Journal of Sociology*, Volume 63, Number 3, November 1958, pp. 251-261. Interestingly enough, Long discussed games and the roles and institutions associated with them, but never once used the word "rule" in the essay. His focus on games, and on the baseball game as a metaphor, strongly implies "rules" but doesn't explicitly call them that.

[13] See Manuel Castells*, The Informational City: Information Technology, Economic Restructuring, and the Urban Regional Process* (Oxford: Blackwell 1989); *The Rise of the Network Society, the Information Age: Economy, Society and Culture,* Volume I, (Cambridge: Blackwell, 1996). See Saskia Sassen, *Cities in a World Economy* (Thousand Oaks, CA: Pine Forge Press, 2006) updated 3rd ed., original 1994; *The Global City New York, London, Tokyo* (Princeton: Princeton University Press, 2001) updated 2d ed., original 1991.

[14] Paul Kantor and H.V. Savitch, "Can Politicians Bargain With Business?" *Urban Affairs Quarterly*, December 1993, pp. 230-255.

[15] The two candidates who made it from the primary to the general election were James Hahn and Antonio Villaraigosa, an Anglo and a Latino. Hahn won the general election, mainly because the absence of a partisan local primary pitted two Democrats against each other in the contest, and Anglo Valley conservatives felt more comfortable voting for the liberal Anglo than the liberal Latino. One might point out that nonpartisan local primaries are a state constraint that in California proceeds from the state election code rather than local charters. It must be remembered, however, that local nonpartisan primaries were established in L.A. through its city charter in 1909, two years before the state made them a local requirement. Moreover, LA's charter reformers, and especially Meyer Lissner who was a close adviser of Governor Hiram Johnson and drafted most of his 1911 policy agenda, led the charge to make LA's charter change compulsory for all California cities and counties.

[16] This does not include the elections where a new charter failed or where voters rejected all of the charter amendments proposed.

[17] This survey includes cities and counties, and was completed by inspection of the list of county and city charter changes that appeared in the California Statutes indices from 1905-1951, as well as the table of resolutions for 1889-1905. This survey could be extended up to 1970, when the State Constitution was altered so that the legislature is not required to ratify charter changes. In the years from 1933-1939, the indices are sufficiently detailed that one could even glean the subjects of the charter changes; however, in most of the other years, the index only indicates whether the charter change is a new charter or a charter amendment. The author intends eventually to examine the statutes in more detail, so as to arrive at numbers of charter amendments passed in all of the elections. However, this methodology would miss the elections at which a new charter was proposed and failed, or in which all of the charter amendments were proposed. In these events, nothing goes to the state legislature for ratification.

[18] In time, Judge John F. Dillon's landmark decision in this case became known as Dillon's Rule. See in the case of *City of Clinton v. Cedar Rapids and Missouri River Railroad Co*., 24 Iowa 455, 475 [1868]. Dillon reiterates this decision in *Municipal Corporations* (1*st* ed. 1872). Frank J. Goodnow discusses home rule in his *City Government in the United States* (New York: The Century Co., 1908). He indicates of the special state legislation on cities: "as a general thing, the charters which are thus passed by the legislature have been drawn up in the first place by city officers or city conventions of commissions, and are passed by the legislature at the instance of such authorities" (p. 33, footnote 1).

[19] Unlike a national constitution, a city charter is subject to a more fundamental law. Los Angeles's City Charter operates within the parameters of the constitutions of California and the United States. Unlike a state constitution, the Los Angeles City Charter is not entitled to any specified jurisdiction by the United States Constitution. In the United States, the federal constitution, their state constitutions, and even the ordinary statutes of their state trump city charters except on matters their state defines as "municipal affairs." For California's experience, and the difficulty the courts have had in attempting to define which affairs are of municipal concern, see *Johnson v. Bradley* and *California Fed. Savings & Loan Assn. v. City of Los Angeles*, 54 Cal. 3d 1 (1991). In these cases, the California Supreme Court established a four-part test for determining whether a conflict between state law and a city charter should be resolved in favor of the former or the latter. Unfortunately, this test does not create a hard and fast distinction between areas of statewide and municipal concern; rather, it involves a case-by-case fact intensive review of how a policy has historically been handled. Early in 2001, there was a dispute between the City of Los Angeles and California's Fair Political Practices Commission (FPPC) over whether the City's Ethics Commission could enforce Los Angeles campaign disclosure laws. The FPPC contended some of these laws contradicted the provisions of Proposition 34 (enacted by the state in 2000) and that the state's authority over this policy arena trumped municipal law. The FPPC's ruling on the matter in its opinion *In Re Pelham* eventually found that the only irreconcilable conflict between the charter and state law was on the issue of legal defense funds. After the FPPC gave its opinion, the Ethics Commission and L.A. City Attorney continued to advise officials to adhere to the charter rather than state law. The City Ethics Commission asked for an opinion from the FPPC on possible conflicts between Prop 34 and the city's elections codes. The FPPC concluded that the only irreconcilable difference arose in terms of legal defense funds (See City Ethics Commission Executive Director Leslie Ann Pelham's May 10, 2001 Memorandum, "FPPC Opinion *In Re Pelham*" to Members of the City Ethics Commission). In a communication one month later, Pelham informed her commission, "state law does not preempt the City's limit on contributions to a legal defense fund. Your staff has therefore continued to give the same advice as it did prior to the FPPC's approval of the Pelham Opinion" (See City Ethics Commission Executive Director Leslie Ann Pelham's June 14, 2001 Memorandum, "Commission Advice Regarding Legal Defense Funds After Adoption of FPPC Opinion No. O-00-274, *In Re Pelham*" to Members of the City Ethics Commission). Pelham and her staff did advise city officials to adhere to city law rather than state law on the issue of legal defense funds. See the City Ethics Commission Advice No. 2002-10 sent on September 24, 2002 to Councilmember Nate Holden in response to his request for advice. The City Ethics Commission staff has also pursued an independent path regarding the treatment of member communications under the state law's provisions for independent expenditures post-Prop 34. The Ethics Commission drafted temporary ordinances for both the 2001 and the 2003 municipal elections that could violate the state law (See Pelham to Council President Alex Padilla, "Re: Temporary Ordinances for 2003 Municipal Elections to Require Notice of Independent Spending and Member Communications, September 18, 2002). The council passed these ordinances covering next year's city elections. (All of these documents are on the Ethics Commission's website: http://www.ethics.lacity.org/Commission/commission.htm.) The dispute may eventually resolved in court since Anthony Saul Alperin (the Los Angeles Assistant City Attorney assisting the Ethics Commission on these matters) is convinced that California charter cities hold authority to formulate their own campaign finance program. If the courts follow the above-mentioned *Johnson* case, which treated a similar episode in which the FPPC regarded partial public funding of Los Angeles campaigns as a violation of California's Proposition 73, then they should again uphold Los Angeles's position. But the fact that this will likely be litigated demonstrates the limitations of the Los Angeles charter as a governing document when compared to either the state or federal constitutions.

[20] Consequently, California city charters have followed the state constitution's example and become very detailed documents, addressing a number of specific policy matters rather than merely outline a framework for policy making in general.

[21] The fact that many of the City's charter reforms were innovative does not necessarily mean that L.A.is a deviant case, and thus one from which it would be difficult to draw general propositions about

successful charter reform. Many of these reforms spread to other cities and states, and through state law were applied to all cities in some states.

[22] See Erie, "How the Urban West Was Won," *Journal of Urban History*, 1991. See also Ingram, "Building the Municipal State: Coalitions and Infrastructure Development in Los Angeles, 1889-1939," mss., American Political Science Association Annual Meeting, 1994.

[23] California and 23 other states followed L.A. in implementing direct democracy.

[24] See Max Weber, *The Methodology of the Social Sciences*, or Volume 1 of *Economy and Society* for examples of Weber's use of ideal types.

[25] LAX "is the world's fifth busiest passenger airport and ranks eleventh in air cargo tonnage handled" (url= http://www.lawa.org/lax/generalDescription.cfm accessed on March 15, 2008). VNY "ranks as the world's busiest general aviation airport" (url = http://www.lawa.org/vny/generalDescription.cfm ; accessed on March 15, 2008).

[26] See Karl Marx and Friedrich Engels, *The Communist Manifesto*. This characterization of "hole-and-corner reformers of every imaginable kind" occurs in the subsection on "Conservative, or Bourgeois, Socialism" under the Section on "Socialist and Communist Literature".

[27] Clifford W. Patton pointed out that New York had the first civil service law in any state, which "was mandatory for cities of more than 50,000 and the Mayor was given the power to prescribe the specific rules" (p. 48). Patton favored the New York model for civil service. However, New York's civil service system placed the city's three-member commission under the state's Civil Service Commission headquartered in Albany. The state imposed civil service upon the city, and Tammany Hall fought effective implementation for decades. See Frances Gottfried, *Municipal Civil Service: A Fostering of Inequality* (New York: Greenwood Press, 1988), See also *27th Annual Report of the Municipal Civil Service Commission of the City of New York*, 1910. As late as 1953, the New York City's 67th Annual Report would indicate that the body still reported to the state. Patton's book, *The Battle for Municipal Reform: Mobilization and Attack, 1875 to 1900* (Washington, D.C.: American Council on Public Affairs, 1940) also indicates that "Among the first cities to incorporate civil service regulations in their charters was Philadelphia. The Bullitt Bill of 1885 gave the Mayor and department heads power…" (p. 49). Yet Philadelphia did not enjoy home rule until its 1951 home rule charter took effect. See Joseph D. Crumlish, *A City Finds Itself: The Philadelphia Home Rule Charter Movement* (Detroit: Wayne State University Press, 1959), esp. pp. 1-15. "Chicago provided an elaborate merit system in 1895" and Cook County, Illinois would implement a civil service system prior to Los Angeles County's achievement. However, neither Cook County nor Chicago enjoyed home rule; these systems were imposed by the state. See Robin L. Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago: University of Chicago Press, 1991), p. 171. For the difficulties that Chicago has faced due to lack of home rule, see Maureen A. Flanagan, *Charter Reform in Chicago* (Carbondale: Southern Illinois University Press, 1987), p. 26. An alternate perspective, which views Chicago's structure as preferable to that of New York City under its 1989 Charter, see Esther Fuchs' book, *Mayors and Money*. Of course, Fuchs did not concern herself with whether the source of a city's mayoral authority and party structure was its charter or state law foundation, only with how the structure would affect the Mayor's ability to match revenues to expenditures. For L.A. County's leadership, see Crouch & McHenry, *California Government; Politics and Administration*, Revised Edition (Berkeley: University of California Press, 1949), p. 274. When L.A.'s voters rejected the 1898 Charter, they left to San Francisco's 1899 Charter the distinction of first city-imposed civil service system. Yet Mayor Phelan's legacy to the city was a "'strong Mayor' charter that…vested administrative authority in the mayor and boards of commissioners, whom the mayor appointed and whom he could remove. This was an important and necessary reform; but it made would-be bosses more anxious to secure control of the mayor's office." See p. 9 of Walton Bean's classic, *Boss Ruef's San Francisco* (Berkeley: University of California Press, 1952). Bean's book suggests that San Francisco's reform charter led to anything but the merit system. The revisionists who would later contend that Abe Ruef was no boss ultimately would challenge the idea that there ever was any such thing as the U.S. political machine, and greatly over-stretched Theodore Roosevelt's point about the slight distinction between political machine and party organization. (Roosevelt once said: "A leader is necessary; but his opponents always call him a

boss. An organization is necessary; but the men in opposition always call it a machine." This quote is from Edward McChesney Sait, "Political Machines," in *Encyclopedia of the Social Sciences*, Editor Edwin R. A. Seligman (New York: McMillan, 1933), p. 657 (cited in Judd and Swanstrom, p. 66 of Sixth Edition.) While it is true that L.A.'s 1902 charter "reform amendment drawn up by the Municipal League of Los Angeles was modeled after the Chicago civil service system, which then had been functioning for six years", the Windy City was pressured into such a system by its lack of home rule. (Quote is from Helen L. Jones, *Personnel Management*, Number X in the "Metropolitan Los Angeles: A Study in Integration" series (Los Angeles: Haynes Foundation, 1952), p. 5. Chicago still has no charter, and takes its governance system from Illinois code. Moreover, the city was legendary for its leaders' ability to prevent effective implementation of the system under both Republican and Democrat leaders from Big Bill Thompson to the Kelly-Nash Machine, from "Pushcart Tony" Cermak to Boss Daley. Daley's use of temporaries and obfuscation of the merit system provides some of the most entertaining reading in Mike Royko's *BOSS: Richard J. Daley of Chicago* (New York: New American Library, 1988), especially Chapter IV.

[28] See Amy Bridges, *Morning Glories: Municipal Reform in the Southwest* (Princeton: Princeton University Press, 1997), p. 224.

[29] For details on the living wage, see Isaac Martin, "Dawn of the Living Wage: The Diffusion of a Redistributive Municipal Policy." *Urban Affairs Review*, Volume 36, Number 4, 2001, pp. 470-96. See also Williams' monograph for documentation that no city had inserted living wage provisions in its charter prior to L.A. The citation is E. Douglass Williams and Richard E. Sander, "An Empirical Analysis of the Proposed Los Angeles Living Wage Ordinance: Final Report (Los Angeles: E. Douglass Williams, 1997).

[30] For an assessment of the rise of a relatively recent moral reform movement in U.S. cities, see Elaine B. Sharp, *Morality Politics in American Cities* (Lawrence, Kansas: University Press of Kansas, 2005).

[31] As Kevin Starr indicates in *Inventing the Dream*, the Hays Commission was formed in 1922 (pp. 329-330). Prior to this resultant of the Fatty Arbuckle scandal, Los Angeles had created a Board of Motion Picture Censors. The seven-member Board was formed in 1911 and persisted until 1916, when it was replaced by a Film Commissioner. See *Los Angeles City Officials, Chronological Record*, Volume 2, pp. 9-10 from 1911-1913, p. 9 of 1913-1915, p. 10 of 1915-1917. The Board was created by an ordinance (24187 N.S. of 1911), renewed by another ordinance (33959 N.S. of March 31, 1916), and ultimately replaced by a single individual (37778 N.S. of December 24, 1917).

[32] See John Steven McGroarty, *Los Angeles: From the Mountains to the Sea* (Chicago: American Historical Society, 1921), p. 253.

[33] Fleming's comparison was apt. The good news of the Missouri Compromise was that there would be free states, the bad news that there would also be slave states. This he thought analogous to African Americans holding offices, albeit much weaker ones.

[34] See Section 378 of the 1999 Los Angeles City Charter.

[35] See Michael Lipsky, *Street Level Bureaucracy: Dilemmas of the Individual in Public Services* (New York: Russell Sage Foundation, 1980).

[36] Tom Sitton's *California Progressive* provides an excellent biography of Haynes and his pragmatism. Haynes had many practical allies in his charter reform goals. One of these allies, Charles Dwight Willard, pointed out that the success of the Good Government League had made it a "veritable reform machine."

[37] The word charter does not appear, for example in the index to Kevin Starr's *Inventing the Dream: California Through the Progressive Era* (New York: Oxford University Press, 1985). On page 248, Starr discusses the proposed 1898 Charter, but appears to confuse it with the 1897 Charter Amendment that voters also rejected. On page 249, Starr apparently mistakes the proposed 1900 Charter that the California Supreme Court stymied in *Blanchard v. Hartwell* for the battery of charter amendments voters ratified in 1902. The voters of L.A. established an expanded executive, civil service and direct democracy in 1902, not 1900. The book misconstrues not only the charter reforms, but even the charter reformers. Starr states that Mayor George Alexander came to power by appointment of the City Council; in fact, Alexander won the 1909 recall election, and was not elected in 1910, as Starr wrote

(see pages 246-248 for these errors). These factual errors are forgivable, as they resulted from reliance on secondary sources, but they do signify how misunderstood Los Angeles charter reform is, even among respected historians of the city who are aware of the document's existence. The citation for *Blanchard* is *Blanchard v Hartwell*, 131 *Cal.* 263 (1900).

[38] Davis spends far more time on the city's fiction than on the nonfictional charter. Of course, Marxists tend to ignore law and think of the rules of the game as a convenient fiction useful to hoodwink the masses. It is likely his neglect of the charter is not because of ignorance, but rather because of skepticism. The moneyed classes can use their wealth to make their ambitions legal, and one could adopt a Beardian interpretation of the city charter. In any event, *City of Quartz* never mentions the Los Angeles Charter. See Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* (New York: Vintage Books, 1992).

[39] Not only does Davis fail to mention the charter a single time, his sole and fleeting reference to John R. Haynes consists of pointing out that the "Christian Socialist" was a member of one of the syndicates that profited off the water brought to San Fernando Valley. See Davis, *Quartz*, p. 114. Had Davis wanted to excavate the city's past rather than its future, he could not have picked a better place to start than the city charter.

[40] Sonenshein's two references to the city charter in the book do point out that the 1925 Charter's district election facilitated Mayor Bradley's rise, so he was aware of the charter's importance, but to cover Bradley's amazing career as well as Raphe did, one would necessarily pay short shrift to the charter which affected Bradley as he affected it. See Raphael Sonenshein, *Politics in Black and White: Race and Politics in Los Angeles*, (Princeton: Princeton University Press, 1994).

[41] The U.S. Department of Justice forced the City of Houston to alter its system for electing its City Council because its at-large elections were depriving the city's African Americans of representation. The hybrid system that Houston uses today, electing 14 Council members by districts and 7 at-large, is a product of the DOJ's threats to that city. L.A.'s 1925 Charter addressed the problem of minority vote dilution prior to the Voting Rights Act's passage and enforcement.

[42] I have called the "old charter" the 1998 Charter because it was the 1925 Charter, as amended up to 1998. The over 400 amendments that voters had made to the 1925 Charter over the years made it a document that was closer in many ways to the new charter voters would adopt in 1999 than the old charter drafted in 1923.

[43] See "Los Angeles Pre (Civil) War", in Edward C. Banfield, *Big City Politics: A Comparative Guide to the Political Systems of Atlanta, Boston, Detroit, El Paso, Los Angeles, Miami, Philadelphia, St. Louis, Seattle* (New York: Random House, 1965), pp. 80-93. The quotations are from pp. 80, 83 and 92, respectively.

[44] See Francis Carney, *Annals of the American Academy of Political and Social Sciences*, Volume 353, pp. 107-121. The quoted text is from pp. 120-121.

[45] See Burton L. Hunter, *The Evolution of Municipal Organization and Administrative Practice in Los Angeles* (Los Angeles: Parker, Stone & Baird, Co., 1933); Crawford, Fred G., "Organizational and Administrative Development of the Government of the City of Los Angeles", M.A. Thesis (Los Angeles: University of Southern California, 1955).

[46] See Marvin Abrahams, "Functioning of Boards and Commissions in the Los Angeles City Government," Ph.D. Thesis, Los Angeles: University of California, Los Angeles, 1967, pp. 16-17. To be fair to Abrahams, he may not have noticed the Film Commissioner and the Board of Motion Picture Censors because they were ordinance-created rather than charter-mandated institutions.

[47] See Alexander Pope's *Essay on Man*, Epistle III, "Of the Nature and State of Man, With Respect to Society" which Hamilton quoted in *Federalist Paper #68*.

[48] See Charles R. Adrian's essay on "Forms of City Government in American History", which was printed in the 1988 version of *The Municipal Yearbook* (Washington, D.C.: International City/County Management Association, 1988, pp. 3-12). See also Charles R. Adrian and Charles Press, *Governing Urban America*, 5th Edition, New York: McGraw Hill, 1977. Finally, refer to Lawrence J. R. Herson and John M. Bolland's *The Urban Web: Politics, Policy and Theory*, Chicago: Nelson-Hall, 1990.

[49] See Kevin F. McCarthy, Steven P. Erie, Robert Reichardt, James W. Ingram III, *Meeting the Challenge of Charter Reform*, Santa Monica: Rand Corporation, 1998. Appendix C of the report compared the governance of L.A. with other cities. This report argued that Adrian and Press (1977) were erroneous in claiming that Los Angeles had a weak mayor system. As a counterpoint, the report noted that the mayor's budget became law if the council stalemated did serve to make the mayor's office slightly stronger than Adrian and Press had thought it to be. See McCarthy et al, Appendix C, p. 87, especially footnote number 3.

[50] See H. George Frederickson, Gary Alan Johnson and Curtis H. Wood, *Adapted City: Institutional Dynamics and Structural Change*, Armonk, N.Y.: M.E. Sharpe, 2004.

[51] For the best statement of the reformers' theories about corruption and machine politics, and the role of proper structure in creating good government, see Andrew White, "Municipal Affairs Are Not Political," in Edward Banfield, editor, *Urban Government*, Glencoe: Free Press, 1961, pp. 213-216. For a criticism of White's perspective, see Samuel Hays, "The Politics of Reform in Municipal Government in the Progressive Era", *Pacific Northwest Quarterly*, Volume 55 (October 1964), pp. 157-169.

[52] Ester R. Fuchs, *Mayors and Money: Fiscal Policy in New York and Chicago*, Chicago: Chicago University Press, 1992, p. 278.

[53] Anirudh V. S. Ruhil, "Structural Change and Fiscal Flows: A Framework for Analyzing the Effects of Urban Events," *Urban Affairs Review*, Vol. 38: no. 3, January 2003, pp. 396-416; quotations are from pp. 396, 397.

[54] Susan B. Hannah, "Writing Home Rule Charters in Michigan: Current Practices in Constitution Making," *National Civic Review*, Vol. 84: No. 2, Spring 1995, pp. 140-148, esp. pp. 145-146.

[55]James H. Svara, "Effective Mayoral Leadership in Council-Manager Cities: Reassessing the Facilitative Model," *National Civic Review*, Vol. 92: No. 2, Summer 2003, pp. 157-172, p. 171.

[56] James H. Svara, "The Structural Reform Impulse in Local Government: Its Past and Relevance to the Future," *National Civic Review*, Vol. 83: No. 3, Summer-Fall 1994, pp. 323-347, p. 340. Svara's book and edited volume are the most important defense of the efficacy of mayoral leadership under conditions of structural weakness within council-manager government. See also Svara's *Official Leadership in the City: Patterns of Conflict and Cooperation*, New York: Oxford University Press, 1990.

[57] See Svara and Associates, *Facilitative Leadership in Local Government: Lessons of Successful Mayors and Chairpersons*, San Francisco: Jossey-Bass, 1994. Sparrow was the author of the book's chapter on San Diego. The quotations used in this paragraph are from pages 217, 233, 234 and 236.

[58] Gerald E. Newfarmer, "What Do You Do When Reformed Government Doesn't Work? The Cincinnati Experience," *National Civic Review*, Vol. 84: No. 4, Fall-Winter 1995, pp. 369-376; quotations are from pp. 375 and 374, respectively.

[59] In terms of the strong mayor reform, a recent textbook points out that "Today, one of the major concerns of urban governance has come to be overcoming the fragmentation into functional fiefdoms. The biggest step in that direction has been the drive to strengthen big-city mayors" (John J. Harrigan, Ronald K. Vogel, *Political Change in the Metropolis*, 7th Edition, New York: Longman Press, 2003, p. 198). In California, the cities of Fresno, Oakland and San Francisco have moved from council-manager to mayor-council government, and Los Angeles moved from mayor-council to strong mayor government. In the United States at large, the same trend toward mayor-council and strong mayor forms of government has been manifested in Cincinnati, OH, Hartford, CT, Richmond, VA, Spokane, WA and Tulsa, OK. However, other cities have been making a different transition, toward council-manager government. In California, San Bernardino recently strengthened its City Administrator, making that officer a City Manager. In other U.S. cities, such as El Paso, Texas, Norristown, PA and Topeka, KS, voters ratified city charters providing that the council-manager system would be their local FOG. Writing for the United States Conference of Mayors, Deputy Editor Nick Swift has argued that while the mayor-council FOG has made gains, these are primarily among cities first obtaining the home rule authority to draft charters. Among those cities which already enjoyed home rule, however, the council-manager system has been most popular: "Throughout the 1990s, the strong mayor-council

form of city government was most popular in cities where the form of government has been decided by the state, and declined in popularity in home rule cities (already mentioned), where the citizens of the city have and exercise the right under state law to decide their form of municipal government." (Nick Swift, Deputy Editor, "Mayors play the central role in US municipal government," United States Conference of Mayors, Government link, http://www.citymayors.com/usa/usa_locgov.html (URL accessed on 2/14/2005).)). Hence, mayor-council is better than no charter authority at all, but council-manager charters are the most preferred. ICMA leader William Hansell has been one of the key players favoring maintenance of the council-manager system. He has referred to the move to strengthen mayors in council-manager cities, or worse yet, replace managers with stronger mayors, as "the Reform of the Reform." Other important essay in the war over FOG include Terrell Blodgett, "Beware the lure of the 'strong' mayor," *Public Management*, Volume 76: Number 1, January 1994, pp. 6-8. There is also interesting data in Susan A. MacManus and Charles S. Bullock III, "The Form, Structure, and Composition of America's Municipalities in the New Millenium," *ICMA Municipal Yearbook*, Washington D.C.: International City/County Management Association, 2003, pp. 2-18; see especially pp. 7-12.

[60] See George Dunlop, "Citizen Boards and Department Managers," *Municipal League Bulletin*, Volume 2, Number 12, July 1925, p. 6. Dunlop argued that no one manager could effectively manage all of the city's departments, and that the "citizen boards are provided…to keep alive in the city government the non-professional, non-political, citizen point of view." He compared the relationship of city commissions and departmental managers to that "of the board of directors and the general manager of any large business."

[61] See Howard McBain on *Municipal Home Rule*. Ellis Paxson Oberholtzer, Frank Goodnow and a whole cottage industry of urban reform books, particularly those written during and immediately after the Progressive Era were part of this literature. A number of important law journal articles exist, some that even persuaded California to amend its state constitution to expand municipal home rule in 1914. Finally, such cases as *Johnson v. Bradley* have in their opinions provided histories of the development of home rule in the U.S. and California. See *Johnson v. Bradley*, 4 *Cal.* 4th 389 (1992) and *California Fed. Savings & Loan Assn. v. City of Los Angeles*, 54 *Cal*. 3d 1 (1991). However, none of these have examined the politics of charter change. See Frank Johnson Goodnow, *Municipal Home Rule: A Study in Administration* (New York: Columbia University Press, 1906); E. P. Oberholtzer, *The Referendum in America* (New York: Charles Scribner's, 1912); Howard Lee McBain, *The Law and the Practice of Municipal Home Rule* (New York: Columbia University Press, 1916);

[62] One recent work that does examine the politics of the strong mayor charter change is Megan Mullin, Gillian Peele and Bruce E. Cain, "City Caesars? Institutional Structure and Mayoral Success in Three California Cities," *Urban Affairs Review*, Volume 40, Number 1, September 2004, pp. 19-43.

[63] See George E. Mowry's *The California Progressives* (Berkeley: University of California Press, 1951).

[64] See the works of Alan DiGaetano, but especially "Urban Political Reform: Did it Kill the Machine?" *Journal of Urban History*, Volume 18, Number 1, November 1991, pp. 37-67.

[65] Garrigues, Charles Harris, *You're Paying for It! A Guide to Graft* (New York: Funk & Wagnalls Company, 1936).

[66] Shefter, Martin, "Regional Receptivity to Reform: The Legacy of the Progressive Era," *Political Science Quarterly*, Volume 98, pp. 459-483, 1983.

[67] Bridges' book is an improvement on the literature in that she attempts to see reform in comparative perspective, treating big city reform the way that the urban politics literature has attempted to address big city machines. See Steven P. Erie, *Rainbow's End: Irish-Americans and the Dilemmas of Urban Machine Politics, 1840-1985* (Berkeley: University of California Press, 1988).

[68] Bridges' book is largely in the negative reform category as well. She argued that at-large and nonpartisan elections, as well as city manager and commission governments were aimed at reducing the participation of groups that had been part of machine politics outside the Southwest. She identified reform as coterminous with commission and city manager government (p. 29). She argued that L.A. was not a reform city (p. 224), but this would only be true in the very narrow sense she uses reform.

She downplayed the enfranchising aspects of reform in some Sunbelt cities, such as direct democracy. Her focus on growth was society-centered, on NPSGs and Chambers of Commerce (pp. 121-124, 149).
[69] Alan DiGaetano's essay (cited above) on whether the reformers killed the political machines lays out the literature on machine and reform at great length, and notes the various strands of the conventional wisdom. See also Hofstadter, Richard, *The Age of Reform: From Bryan To FDR* (New York: Vintage Books, 1955), which originated the status anxiety thesis as to the motivations of the Progressive reformers.
[70] See Finegold, Kenneth Howard, "Progressivism, Electoral Change, and Public Policy: Reform Outcomes in New York, Cleveland, and Chicago," Harvard Ph.D. Thesis, 1985.
[71] See Jonathan Kahn, *Budgeting Democracy: State-Building and Citizenship in America, 1890-1928* (Ithaca: Cornell University Press, 1997).
[72] For a great example of a monograph that fully appreciated the welfare functions of the positive state created by Tammany Hall, see Nancy Joan Weiss's *Charles Francis Murphy, 1858-1924: Respectability and Responsibility in Tammany Politics* (Northampton: Smith College, 1968).
[73] Daniel Carpenter's 2001 book is useful here, although one must carefully distinguish national-level findings from the municipal level on which this dissertation strictly focuses. This dissertation discusses the difference between the local and national levels in bureaucratic agencies in Chapter Seven. See Daniel P. Carpenter, *The Forging of Bureaucratic Autonomy* (Princeton: Princeton University Press, 2001).
[74] See Martin Shefter's excellent comparative essay on patronage, in which he noted the formation of the absolutist coalition to protect bureaucracies in Germany from being subject to patronage. The essay notes that other countries had progressive coalitions that acted to insulate their agencies from political pressure to become patronage sources. See Martin Shefter, "Party and Patronage: Germany, England, and Italy," *Politics and Society*, Volume 7, 1977, pp. 403-451.
[75] Los Angeles' growth politics does not fit into the conservative or liberal growth politics and ideology that Todd Swanstrom found in Kucinich's Cleveland. Los Angeles' growth politics and ideology was liberal in that it emphasized "a central role for government", but conservative in that its goal was not "creating an expanded welfare state to help those left behind by growth." See Todd Swanstrom, *The Crisis of Growth Politics: Cleveland, Kucinich, and the Challenge of Urban Populism* (Philadelphia: Temple University Press, 1985), pp. 3-7, 34-37 [quotation is from p. 35]. Los Angeles' early developmental reformers would act in much the same way as the Dallas Citizen Charter Association that Stephen L. Elkin described in *City and Regime in the American Republic* (Chicago: University of Chicago Press, 1987), pp. 61-82. Yet rather than remaining above the fray of politics in the manner of Dallas' city managers, L.A.'s bureaucrats became active players in the political game, and their leadership of the positive state apparatus replaced the entrepreneurial regime. The growth machines that Barbara Ferman analyzed in Chicago and Pittsburgh are not identical to the developmental reform apparatus L.A. built. Ferman described these governing regimes: "Imprisoned by market ideology, captured by vested economic interests, and egged on by a booster media, city policy makers have focused their attention on the central business district, and the few neighborhoods deemed 'gentrifiable'" (p. 12). See Ferman, *Challenging the Growth Machine: Neighborhood Politics in Chicago and Pittsburgh* (Lawrence, Kansas: University Press of Kansas, 1996).
[76] See Isaac W. Martin, *The Permanent Tax Revolt: How the Property Tax Transformed American Politics* (Stanford: Stanford University Press, 2008).
[77] See Harvey Molotch, "The city as growth machine", *American Journal of Sociology*, Volume 82, Number 2 (September 1976), pp. 309–355; John Logan and Harvey Molotch, *Urban Fortunes: the Political Economy of Place* (London: University of California Press, 1987). For the best portrayal of the growth machine in popular culture, watch the first half of Steven Spielberg's 1975 movie, *Jaws*. The town of Amity's decision that economic growth was so important that it justified serving up the city's residents and tourist visitors as a banquet for the shark represents a classic critique of the growth machine's logic, indicting the dark side of boosterism and capitalism's inhumane quest for a brand of progress defined only in financial terms.

[78] See Robert Fogelson's marvelous classic account in *Fragmented Metropolis*, the city biography for which most subsequent histories have served as either footnotes or postscript. See *The Fragmented Metropolis: Los Angeles, 1850-1930* (Cambridge: Harvard University Press, 1967).
[79] H.L. Mencken described L.A. as "Double Dubuque" or the capital of Iowa in exile, based on its Midwestern population. The city's diversity today is an experiment in whether demographic complexity must produce Balkanization.
[80]See Stephan Haggard's *Pathways from the Periphery* for a discussion of the ISI (Import Substitution Industrialization) and ELG (Export-Led Growth), as well as Brazilian trade policy. Haggard, *Pathways from the Periphery: The Politics of Growth in the Newly Industrializing Countries* (Ithaca: Cornell University Press, 1990). See Chalmers Johnson and any number of his competitors seeking to explain the Japanese Economic Miracle in the *nihonjinron* literature. The citation is: Chalmers Johnson, *MITI and the Japanese Economic Miracle* (Stanford: Stanford University Press, 1982).
[81] This is especially true in the initial stages of economic growth. ISI was less successful in the second stage, when countries like Brazil should have taken off the training wheels and entered the market. Cite to infant industry literature.
[82] For the local state concept, see Ted Robert Gurr and Desmond S. King, *The State and the City* (London: MacMillan Education, 1987), esp. Chapter 2 on "The Autonomy of the Local State in a Period of Fiscal Crisis."
[83] For the history of how Los Angeles used its port infrastructure, see Erie's *Globalizing L.A*. For the larger story of how infrastructural agencies made the city a magnet for regional economic growth, see Erie's essay on "How the Urban West was Won," *op. cit.* The full citation is Steven P. Erie, *Globalizing L.A.: Trade, Infrastructure and Regional Development* (Stanford: Stanford University Press, 2004).
[84] For the judicial side of this political infrastructure, a critical work is Norris Hundley Jr.'s *The Great Thirst: Californians and Water—A History,* Revised Edition *(*Berkeley: Unoversity of California Press, 2001). Hundley gives the series of state statutes and court decisions that allowed Los Angeles to construct for itself a pueblo-based water right that was unprecedented in American law, and established the city's rights to all of the water in the Los Angeles River, regardless of conflicts with the accepted doctrines of water property—riparian rights and adverse prescription. See Hundley's excellent analysis, although this chapter will go farther than Hundley does in explaining how Los Angeles built its early claims on water rights in its pre-1889 city charter changes accomplished by state statute.
[85]Steven P. Erie's journal article on "How the Urban West Was Won" and his *Globalizing L.A.* and *Beyond Chinatown* books are the sole exceptions to the literature's general silence on the role of Los Angeles's city charter in enabling economic growth. See Steven P. Erie, *Beyond Chinatown: The Metropolitan Water District, Growth, and the Environment in Southern California* (Stanford: Stanford University Press, 2006).
[86] Anne Mumford, the League of Woman Voters representative on the 1940-1941 Charter Revision Commission was a Haynes associate who continued his charter reform efforts after his death. See Sitton (1992), pp. 179-180 regarding Mumford, as well as the Report of the 1940-1941 Charter Revision Commission.
[87] The author worked from 1999 to 2000 as a paid consultant for a self-appointed citizens' group that drafted a proposed new charter for San Diego. This group's charter was tabled by the Mayor and Council, but revived as a charter amendment in 2004. The author was an unpaid member of the mayoral task force that drafted San Diego's Proposition F of 2004. After working with the drafting committee, the author played an active role as a volunteer in the campaign, debating Council member Donna Frye on the merits of Prop F on KNSD-TV, writing an op-ed favoring the proposition with committee members Steven P. Erie and Professor Glen Sparrow, and speaking about the measure on a KPBS radio show. In 2007, the San Diego Mayor's Office and the City Council created a committee to investigate the possibility of making the Prop F trial period permanent, as well as making other needed changes to San Diego's financial system. The author worked as the committee's only paid consultant, conducting comparative and historical research and drafting a set of charter amendments. The Council

allowed three of these amendments on the ballot in revised form in June 2008, and the voters ratified all of them.

[88]This dissertation relied on secondary sources for 1873-1900, secondary and primary sources including extensive materials for 1901-1940, secondary and primary sources (but only newspapers and voting records) for 1941-1995, and secondary and primary sources and participant-observation from 1996-2008. One of the methodological problems this faced the author with was that as the events become closer in time to the present, there is more data and more kinds of data available. There is always the danger that this could create the historical equivalent of a Doppler effect. The magnitude of the political sound would rise due to the greater proximity of the observer to the phenomena being observed. If this is not taken into account, then the author might overestimate the amount of political negotiation or overvalue certain kinds of political activity that would be visible for a direct participant observer. Graham Allison pointed out in *Essence of Decision* that it is more common that participants will be sensitive to Model Two and Model Three, whereas outside observers might tell a Model One story of the same events. See Graham T. Allison, *Essence of Decision; Explaining the Cuban Missile Crisis* (Boston: Little, Brown, 1971). The other methodological problem faced by the author is obviously anachronism. In order to correct for a historical Doppler effect, one might project that certain events seen up close probably happened in the past history as well. This would be equally problematic. It is impossible to generate data about the unknown by using the known; the data tells one more about the knower than the known. Some would assume that the fact that the knower does not know certain things tells one about the unknown. Certain theorists would tend to highlight some variables while others would see other factors as decisive. Yet knowledge about the knower is still not the same as data, knowledge about the known. This paragraph is intended to be about methodology rather than epistemology, but discussion of the one often leads into the other. The author was also sensitive to the pitfalls of participant-observation, both from Max Weber's standpoint on scholarship as well as Derek Freeman's criticism of Margaret Mead's conclusions about Samoa. See Weber's classic lecture, "Science as a Vocation" in *From Max Weber: Essays in Sociology*, edited by H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1958). Derek Freeman's book, which sparked a debate in the field of anthropology, is *Margaret Mead and Samoa: The Making and Unmaking of an Anthropological Myth* (Cambridge: Harvard University Press, 1983).

[89] California passed special legislation giving Los Angeles a charter in March 1850, and California became one of the United States in September 1850. As will be discussed below, L.A.'s first home rule charter actually took effect in 1889. Some scholars reserve the term "charter" for home rule charters drafted and approved by city voters. However, even home rule charters do not take effect until state governments formally recognize them. Under the current California Constitution, this requires only that the charter or amendments thereto be filed with the Secretary of State (Article XI, Section 3). Prior to a state constitutional amendment in 1974, the legislature formally voted to ratify city and county charters and amendments. Because of Dillon's Rule, formal state recognition of local charters precedes their claim to effectiveness. This is the case for California and all American states of which I am aware. See Myron Ross & Bernard Levine (*Urban Politics: Power in Metropolitan America*, 6th edition, Itasca, IL: F.E. Peacock, 2001, pp. 90-91) as to this point. E. P. Oberholtzer contended the same, although his tome dates back to 1912, *op. cit.* Furthermore, it is common practice in historical, political science and public administration literatures to refer to incorporation acts passed specifically to cover the governance of one city as charters. For example, Burton Hunter refers to the 1878 act California passed to restructure L.A. as the city's 1878 Charter. Urbanists refer to Chicago as chartered, even though that city's charter is actually an Illinois state law. Given that using the term charter in quotation marks for all L.A. governing documents prior to its 1889 home rule charter is awkward, and that this essay distinguishes L.A. charters pre- and post-1889, I will refer to the 1850 and 1878 state laws establishing L.A.'s governance as charters in this essay.

[90] "The period of extensive state control" is Bollens' term for the era between 1850 and 1889. See Bollens' Chapter 2 in *A Study of the Los Angeles City Charter: A Report of the Municipal and County Government Section of Town Hall* (Los Angeles: Town Hall, 1963), p. 44. However, it is clearer to refer to this as a period when the city's charter could only be changed by an act of the state legislature.

Of course, from 1889-1974, city charters could not take effect until they were passed by a joint resolution, but this authority became a rubber stamp fairly early in the 20th Century. The last city to have trouble seems to have been Oakland. In 1974, the California Constitution was changed, so that afterward charters would take effect after they were filed with the Secretary of State. Since the very first municipal primary and general elections held under the new charter featured new charter amendments, it seems that this cycle has begun again. It will likely be only a matter of time before voters again hear that a new charter is needed for the city.

[91] See Chapter Four below for an explanation of L.A.'s charter reform equivalent of the curse of the Bambino.

Chapter Two: Beyond the Night Watchman City—Creating a Political Infrastructure for Economic Growth, 1850-1889

In conclusion, we would say that all of the objections urged since the publication of the charter, and many more, were presented, urged and fully discussed by the freeholders in committee and full session, and the result is a compromise. There is no one of the freeholders to whom the charter is in all respects unobjectionable. The points that are favored by one are condemned by another. Your freeholders were representative men. It would be difficult to select 15 men who would more fully represent the divergent views of the citizens, and it is our firm belief after our experience in charter-making that no other body of freeholders that could be chosen by you could agree upon a charter that would be more acceptable to the majority of the electors.

--First 1888 Board of Freeholders regarding the panel's charter draft.[1]

"If we wait for a new charter that shall be absolutely perfect, we are liable never to have a new charter at all."

--The *Times* on the first 1888 charter proposal's defeat.[2]

"The new charter may not be perfect, for no instrument is perfect, but the old one has outlived its usefulness, and if the citizens wish to see improvements going on they must do all in their power to bring about such a result…While I was Mayor of the city I labored under a great many disadvantages on account of the old charter. Had it not been for that instrument we would have an outfall sewer to the sea today."

--William H. Workman, 1888 Board of Freeholders President, commenting on the need for the 1889 Charter.[3]

"The Chamber of Commerce and the new charter will be two pretty good strides for the same week. Without the new charter, the work of the new chamber will be much impeded. See to it that it is adopted."

--The *Times* on the second, successful charter draft of 1888.[4]

When Mayor Workman spoke in 1889, he was in effect "going public" in favor of the new city charter. He was encouraging the citizenry to pressure California's legislature to ratify the document, which he had drafted with the Board of Freeholders and the public had already approved.[5] As Workman pointed out, he had served as L.A.'s mayor in a time when the charter hindered the city's elected officials in the performance of their duties. The new charter liberated the city from some of the constraints that state oversight imposed upon city growth.

Without the home rule charter of 1889, it would be difficult to plot a course toward the city's economic development. If a charter was indeed such an important document, and its absence such an impediment to the city's progress, then it would be natural to ask why the 107-year-old city was just then getting around to approving one. Until 1888, Los Angeles did not have the option of adopting a home rule charter: no city in the country enjoyed the freedom granted by a home rule charter until 1876. When California's legislature ratified L.A.'s charter in 1889, the city became the first municipality in the state, and only the second in the United States, with home rule.[6]

Despite the city's dependence on the state prior to 1889, Los Angeles had been able to secure its land and water rights and build the first stages of its transportation system. The city convinced the U.S. Lands Commission to expand its claim on the lands that L.A. had held prior to California's admission to the United States. The city cajoled the state to recognize the city's water rights to water on lands outside its boundaries. Los Angeles subsidized the Southern Pacific Railroad to persuade the line

to locate its southern terminal in L.A. rather than San Diego. The city even aided in the construction of a rail line linking landlocked Los Angeles to the ocean by purchasing stock in private companies. Finally, L.A. began to lobby the federal government for funds to develop an inner harbor channel at Wilmington and an outer harbor breakwater at San Pedro.

All of these efforts would ultimately prove to have been the foundation for the So-Cal mega-region clustered around L.A. today. Los Angeles provided the critical water infrastructure and a significant share of the transportation network that now serves its entire region. How did Los Angeles begin pursuing this ambitious path toward regional hegemony and world-historical status prior to the city's acquisition of home rule? How did the city persuade the state to enact an independent incorporation act for Los Angeles, and to amend it frequently over the years to increase L.A.'s municipal autonomy in the era of state control? How did Los Angeles' citizens overcome their serious disagreements over the provisions of their new charter? How did the city persuade the state legislature to ratify L.A.'s home rule charter, when some legislators viewed these documents as tantamount to secession from the state?[7]

Early Government

There are no reliable sources detailing the governance of Los Angeles before 1781, when the Native American village of Yang-Na is thought to have occupied a portion of the city's present-day area.[8] In 1781, a number of colonists established a settlement at the request of Colonel Felipe De Neve, the representative of the Spanish government. Colonel de Neve acted under his authority as Governor of the Spanish

province of Alta California to found *El Pueblo de Nuestra Señora la Reina de Los Angeles de Porciúncula*.[9]

In 1812, Spain provided for Los Angeles' governance by decree, establishing a Council and a Mayor (literally, an *Ayuntamiento*, whose presiding officer was its *Alcalde*). Accordingly, the foundations of L.A.'s present mayor-council system were laid in its earliest semblance of self-government. It is also important to note that Spanish law provided for a separate executive and legislature, but that both were part of the same governing body. This commingling of the separate branches' authority in the city's governance persisted after Mexico shook free from the reins of Spanish rule, and after Los Angeles was transferred to control by the United States along with the rest of Alta California in 1850.[10]

Although there is limited data available for the period between 1850 and 1889, it is possible to determine the exact changes the state legislature made to the city's charter. Of course, there is no direct evidence as to which groups within L.A. favored charter change, but it is possible to document how these changes assisted in building a foundation for city growth.[11] The *California Statutes* did report all of the changes the state legislature made to special city legislation, and the *Journals* of the Assembly and Senate do provide a small amount of legislative history. However the author has not been able to locate a reliable source of data on the political pressures within the city to which state legislators responded in submitting special legislation regarding L.A.

Despite this constraint, it is absolutely critical to understand the foundation for the Los Angeles Charter that the state legislature created in the years before home rule.

The special incorporation acts approved for L.A. by California's Senate and Assembly would long persist in the city's charter when voters gained authority to draft their own organic law. In fact, the city's 1889 Charter would duplicate word-for-word some of the key sections of the special charter the state had granted the city. In charter change as in other phenomena, it seems to be true that regardless of how initial conditions are established, they have a powerful constraining effect on later events.[12] The rules of ruling do not emerge in a vacuum, but rather reflect the underlying rules of the game.[13] Some of the important provisions of L.A.'s present 1999 Charter became part of the rules of ruling the city way back in the 1850s.

The Period of Extensive State Control, 1850-1889[14]

On March 11, 1850, California passed an "Act to provide for the incorporation of cities." This legislation established a procedure under which any city with a population of at least 2,000 could be incorporated by either special legislation or a petition approved by its County Court. The act also created a template for the government of any city incorporated under its provisions, leaving details such as the number of council members to be determined by either the legislature or the County Court, depending on which body had acted to incorporate the new city.

Less than a month later, the state legislature passed an act incorporating the city of Los Angeles. The city did not contain the requisite 2,000 inhabitants: in fact, official population estimates varied from 1,150 to 1,610. It may have been the city's small size that caused the legislature to set the number of council members at seven, the fewest possible under the March Incorporation Act. Given that California was

admitted to the Union in September of 1850, *El Pueblo de Los Angeles* became the City of Los Angeles before California became one of the United States.[15]

Since California's territorial government enacted the special legislation giving the city its first "charter" on April 4, 1850, the Los Angeles City Charter is actually older than the State of California.[16] The 1849 California Constitution authorized the legislature to pass this charter: "Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All general laws and special acts passed pursuant to this section may be altered from time to time, or repealed." The state constitution further stated that the legislature's duty would be: "to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations."

California's Constitution also required that "Each county, town, city, and incorporated village, shall make provision for the support of its own officers, subject to such restrictions and regulations as the legislature may prescribe." However, all of these provisions were in effect exceptions to a rule provided elsewhere in the state's organic law: "The legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State."[17] The state never created any towns, rather establishing a system of counties and municipal corporations to provide for California's local government. The state legislature did provide a generic process for creating a municipal corporation, but

ultimately adopted a special charter for most of the state's cities that requested one from 1850 to 1879. In fact, San Francisco, which is the state's only city-county, was established by the state legislature's 1856 Consolidation Act.

Although the state legislature approved L.A.'s 1850 Charter, the document was by no means a blank check authorizing the city to manage its own affairs and make its own rules. L.A. became part of the United States at a time when all of the country's municipalities lacked home rule, and thus were mere "creatures of the state."[18] As Judge Dillon would point out a few years later, the silence of the United States Constitution on the matter of urban governance meant that cities could not hold any authority unless it were delegated to them by the constitutionally recognized states:

> It is a general and undisputed proposition that a municipal corporation possesses, and can exercise, the following powers, and no others: First, those granted in *express words;* second, those *necessarily or fairly implied in,* or *incident* to, the powers expressly granted; third, those *essential* to the declared objects and purposes of the corporation – not simply convenient, but indispensable. Any fair, reasonable doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied.[19]

Dillon made no great logical leap in construing the Constitution's silence to indicate that states might do anything they wished with respect to their cities, including dissolving their corporate status at pleasure.

Basic Structure: the 1850 Charter did not provide Los Angeles with the authority to do anything at variance with either the state constitution or even ordinary statutes, but it did establish a form of government under which the city could exercise its powers. L.A.'s municipal governance would be based on the generic terms of the March Incorporation Act, along with specific details regarding the number of

members of the council and the date for the first city elections. Based on the generic act, the city's officers would be its "Mayor, Recorder, and Common Council…one of whom shall be elected President….a City Marshal, a City Attorney, Assessor, and Treasurer". Council wards were to be as equal as possible in "regard to the number of white male inhabitants".

The charter set the annual tax rate at 2%, and required approval of a simple majority of the electorate to undertake debt, subject to the constraint that debt might not exceed annual revenue by more than 300%.[20] The Council could use its ordinance authority to "cause the streets to be cleaned and repaired" and do other things, so long as its laws were "not repugnant to the Constitution and laws of the United States, or of this State".[21] The Mayor was analogous to a state governor or the U.S.'s president, authorized to: report annually on the state of the city; recommend measures "connected with the public health, cleanliness, and ornament of the city, and the improvement of the government and finances"; "be vigilant and active in causing the laws and ordinances of the city government to be duly executed and enforced, to exercise a constant supervision and control over the conduct and acts of all subordinate officers"; and veto ordinances, subject to a two-thirds council override.[22]

The 1850 Charter entrusted the council with authority to create a City Collector, as well as other offices, as well as to prescribe the duties of these offices. This authority could only be exercised by ordinance, giving the mayor a voice in these matters, but the charter indicated no preference as to whether the mayor would appoint, subject to council confirmation, or vice-versa. Over the next several decades,

the city tended to use Council appointment with Mayoral confirmation, rather than the system of mayoral appointment-council confirmation employed in most strong mayor cities today. The charter established a process under which the city could "take private property for the purposes of laying out or altering streets or alleys" in exchange for "reasonable" compensation, as determined by a commission of "five disinterested persons" appointed by the County Court.

The state would amend the 1850 Charter several times over a nearly three-decade long period during which only the state legislature and governor held power to change the terms of Los Angeles' incorporation act.[23] Some of these revisions affected the basic establishment of officers and their powers. In 1851, for example, the state made a charter abolishing the office of Recorder, giving its duties to the mayor. When the state legislature abolished the Recorder's office, the body forgot to remove the reference to that office in the corporate name of the city. This change was made in 1856.[24] In 1864, the city needed state permission to change the City Assessor from an elected to an appointed official.[25]

Many of the changes the state made to the city's charter concerned financial matters. In 1851, the state reduced the city's tax rate from 2% to 1.5% of assessed valuation.[26] An 1852 charter amendment would alter the city's financial management by requiring that warrants on the treasury receive Mayoral approval, rather than merely that of the Council President; the 1852 amendment also reduced the tax rate by one quarter of one percent of the assessed value of property.[27] An 1866 charter amendment restored the tax rate to $1.50 for every $100 value of assessed property.[28]

The state would repeatedly alter the city's taxation and indebtedness provisions from 1850 to 1878.

In 1868, the state would make the most significant structural change to L.A.'s incorporation act, raising the number of Council members from seven to ten. The state law did not prescribe the number of wards the city would contain, so it is not clear how the ten Council members were elected or who they represented from 1868 to 1869. In 1870, the Mayor and Council passed an ordinance determining the distribution of these Council members among the three wards. Two wards elected three Council members, while the third ward elected four legislators.[29] (It has not been possible for the author to determine from city records whether these three wards were newly created, or created by the Mayor and Council at an earlier date).[30]

In 1873, the state would provide Los Angeles with a new charter to replace the heavily patched document that the city's 1850 Charter had become. Although the new document retained the basic structure that had incrementally emerged under the 1850 Charter with sundry amendments, the new incorporation act did make important changes. The law increased the Council's size from ten members to twelve, with four members elected by each of the city's three wards. The Mayor would no longer be permitted to appoint a City Assessor with Council confirmation. Instead, the voters would hold authority to elect the City Assessor, even if a special election were required for that purpose.

The 1873 Charter authorized the Mayor and Council to create and provide for an appointed or elected City Tax Collector, City Surveyor, Superintendent of Streets,

and Zanjero or Water Overseer, and any other officers. Rather than electing a Council President, the Council would be required to make the Mayor its presiding officer. The Treasurer would now pay warrants when they were signed by the Clerk of the Council and the Mayor. Although granted authority to preside over the council, the Mayor was denied a vote on legislation; instead, this officer was granted power to veto, subject to two-thirds Council override. The charter authorized the Mayor to set the order of business, subject to the rules or appeal of the Council.

In terms of policymaking, the state legislature augmented the city's long list of powers with an "elastic clause" to further empower the council "to exercise, carry out, and execute, such other power and authority as is given to said corporation by the Act, and not otherwise specially delegated; and to make, pass, and adopt, for such purposes, such laws, rules, and regulations as shall be necessary therefor."[31] The 1873 Charter limited the city's debt to $300,000, but did not explicitly require public approval of the decision to obligate the city. Finally, the charter required all municipal acts be published in Spanish as well as English.[32]

The 1876 Charter provided for a slight alteration in the city's political structure, adding the Council Clerk and Judge of the City Court to the list of officers the city might elect or appoint. The charter would alter policing the most, as the city replaced an elected City Marshal with an appointed Chief of Police, and created a Board of Police Commissioners consisting of the City Judge, the Mayor and the Chief of Police. The Chief of Police would serve at the pleasure of the City Council.[33] The Tax Collector was also dropped from the list of elected officers. Most importantly, the

elastic clause was rewritten to include power and authority given "expressly or by implication".[34] The 1876 Charter raised the city's debt limit to $400,000.[35]

The 1878 Charter again changed the structure of government. The state legislature increased the Council's size to 15 members, with the number of members representing each ward lowered from four to three, but with the number of wards raised from three to five.[36] The document strengthened the Mayor by increasing the margin required for Council override of his veto from two-thirds to four-fifths.[37] However, the charter no longer allowed the Mayor to preside over the Council or control its agenda; that power would be exercised by the Council president, elected from among its members. The 1878 Charter provided for a Public Library system and the appointment of two new officers: a City Surveyor, and a City Auditor (*ex officio* Clerk of the Council).[38]

The 1878 Charter also required that a clause be inserted into any contract for public works or improvements to forbid the employment of Chinese labor.[39] Except for this constraint, the Mayor and Council were given explicit authority to do an enormous number of things, including the suppression of "any and all noxious and offensive, immoral, indecent, or disreputable places, businesses, and practices" and prevention of vagrancy by "punishment, confinement, imprisonment, and employment, or either, of any and all persons having no visible and reputable means of support, or leading idle and dissolute lives".[40]

More importantly, the 1878 amendment would authorize the city to provide public buildings, schools, libraries and parks, to deal with public health, to provide

such utility services as water, gas and sewage, and to condemn property to provide for "any or all other public or municipal objects as required for the protection, benefit and convenience of said city and its inhabitants".[41] The 1878 Charter included a full article establishing a process for the exercise of eminent domain, as well as another full article establishing a procedure to handle the grading and improvement of streets. The 1878 Charter raised the city's debt limit to $500,000.[42] Finally, the 1878 Charter repealed the requirement of the 1873 and 1876 Charters that all official acts be published in both English and Spanish.[43]

Changing the Special Charter: any time L.A. needed authority to do anything not clearly permitted by the special incorporation act that served as its charter, it was necessary to petition the state legislature to amend the document. Absence of home rule was not only onerous, it could also invite the state to micro-manage the city's affairs. As home rule expert Frank Goodnow wrote, "The frequency of actually necessary special action with reference to cities, resulting from their public position, increases the temptation of the legislature to interfere where its interference is not only unnecessary, but even pernicious."[44]

But the need to alter the special incorporation acts of multiple cities could overburden legislators rather than offer them license to exert domination over the state's municipalities. A survey of special legislation reveals that between 1850 and 1879 the state legislature dealt with the needs of 60 separate cities during the period. This required passage of 233 statutes, not including all special charters and amendments. Just four cities needed action 98 times: the legislature ratified thirty-

three special laws regarding San Francisco, 27 concerning Oakland, 25 pertaining to Sacramento, and 13 about Los Angeles. Twenty-seven different cities enjoyed the status and authority accorded by having been granted their own special charters, and like L.A., these cities often needed state action tailored to their own peculiar needs.[45] The need that L.A. and other cities faced to constantly petition the state for action continued to grow as the complexities of local governance increased. A survey of other cities' incorporation acts and amendments to them suggests that Los Angeles was not atypical. Even cities as small as Marysville would return to the state legislature on a regular basis for further changes to their charters.[46] Consequently, the state legislature eventually came to treat special legislation in a manner that brings the rubber stamp to mind.[47]

In 1873, L.A.'s leaders sought a further articulation of their powers, which could only be granted by the state legislature. On September 25, 1873 the council appointed a Charter Committee from among its members "to draw up a new charter." Six months later, the state passed an act "to amend the charter of the City of Los Angeles, to define its limits and rights, to enlarge its powers, and provide for its more efficient government." Rather than amending the generic Incorporation Act of 1850 to provide for L.A.-specific variations, this act represented a special charter drawn up for the city, including its exact boundaries.[48] Although passed in 1874, the new charter is usually referred to as the 1873 Charter of the City of Los Angeles.

After the City Council's Charter Committee had drawn up its charter proposal, the Mayor and Council petitioned their new state senator C. W. Bush for changes to

the city's incorporation act. Senator Bush immediately submitted a bill to the California Senate for that purpose. He received the petition on February 11, 1874, and introduced legislation accordingly later that day. The Senate referred Bush's bill to the Committee on Corporations, where it was amended and sent back by Committee Chair Farley with a recommendation to pass. On March 14, 1874 the Committee of the Whole passed the bill, without any amendments.

The Senate referred the bill to the Assembly, and that body received the referral on March 20, 1874. The Assembly passed the bill the next day, without amending it or even referring it to the local delegation. This violated the normal custom for laws of concern to a particular constituency. Not only did the Assembly pass the bill immediately, that body suspended the rules so that all three readings of the legislation could be done on the same day. The Assembly passed the bill without a roll-call vote. The governor signed the bill on March 26, 1874, and the law took effect immediately.

One would think from the seemingly cavalier and cursory treatment of the law that it was an unimportant matter. However, this act would serve as the city's first "real" charter. Earlier enactments had been mere amendments to the very brief 1850 Incorporation Act. This 1874 law, with amendments in 1876 and 1878, would serve as the city's constitution until 1889. Yet an examination of the Assembly and Senate journals demonstrates that the document became law with nary a hitch. Los Angeles would be governed under its new charter almost exactly six weeks after asking for the document. There were only minor amendments to the charter, and it was apparently

regarded as such an uncontroversial matter that other Senators and Assemblymen representing the city did not even request input regarding its terms. The legislature's action regarding the new charter for L.A. seems to have been so innocuous that it makes all the more remarkable its importance to the city. Los Angeles used the charter to secure its hydrological patrimony by staking a claim to the water that would allow the growth of L.A. and its So-Cal mega-region.[49]

"Power over Water"

In terms of water, one of the most important provisions of the 1850 Charter had explicitly stated that the "Corporation created by this Act, shall succeed to all the rights, claims, and powers of the *Pueblo de Los Angeles* in regard to property, and shall be subject to all the liabilities incurred, and obligations created, by the *Ayuntamiento* of said *Pueblo*."[50] The generic Incorporation Act had already provided that any city might "provide for the regulation and use of all commons belonging to the City," but the Los Angeles-specific incorporation act clarified that the nature of commonly held property could include resources other than land.

It is likely that this clarification concerned the city's property in water. That 1850 Charter had only accorded the Council with authority "to provide for supplying the City with water" but had not determined whether this provision would be by public or private means. The city had already established a precedent treating water as a matter too important to be left to chance or to private enterprise: "In 1849, a special water department of the city government was organized, for at the time the city owned and operated its own water system."[51]

For Los Angeles, it was critical to control sufficient land in order to secure the attendant water rights. However, the accomplishment of this goal would require the city to persuade the state legislature to change its ideas regarding the optimum size for cities. California had originally set a limit on the area of its cities; the law provided that municipal corporations "shall in no case include an area of more than four square miles." Some cities were given a bit of leeway in this regard. For example, state law accorded Monterey, Sacramento, San Diego, San Francisco and Santa Barbara greater freedom in establishing their boundaries, such that they might exceed four square miles. The legislature mandated specific boundaries for the cities of Benecia and San Jose in their special charters.

Los Angeles was like these cities in that it was among the group of only eight municipalities that were incorporated via special acts in its first legislative session. However, Los Angeles was unique in that its incorporation act required the city to give up a significant share of the land that it had held before California joined the Union. The state law indicated that the Pueblo of Los Angeles would become the City of Los Angeles, but specifically required the city to go on a kind of property diet, so that it would fit within the "four square miles" constraint. The statute required the first council to fix the city's lawful boundaries within three months of its members' election to office.[52]

The state legislature does not appear to have appreciated the fact that these boundaries would jeopardize L.A.'s rights to the water on which it depended. This language runs counter to the remainder of L.A.'s special charter, and therefore it does

not seem to have been the government's intent. After all, the state had declared the city's status as successor "to all the rights, claims, and powers of the *Pueblo de Los Angeles* in regard to property."[53] Thus, it is unlikely that the state intended to allow private entities to step in and take over the city's water supply. However, the law's requirement that L.A. set itself smaller boundaries meant that a significant portion of the city's former land and water property would no longer lay within the city limits.

Los Angeles' officials were so dissatisfied with their incorporation act on this score that the mayor and council undertook "the biggest debt the city thus far had incurred" to hire Attorney Joseph Brent to lobby the state for more favorable terms regarding the city's property and water. Given that California was at the time applying English common law to water matters, city officials were rightly concerned that L.A. would forfeit its water rights if it lost the lands from which the city drew its river water and on which it had constructed part of its irrigation system (*zanjas*).[54]

The state legislature acted to enhance L.A.'s control of its water within one year after granting the city its charter. On April 5, 1851, the state passed an act mandating that:

> The Corporation of the City of Los Angeles shall retain all the powers and rights promised by the former *Ayuntamiento* of said city over the public lands belonging to said city, and not included within its present incorporated limits; to lease, sell, or otherwise dispose of said lands, also to take from the river of Los Angeles the water needed for irrigation of said lands, by means of a dam or dams built without the incorporated limits aforesaid; but the said Corporation shall exercise no municipal authority over said lands except to regulate the taking and distribution of water for irrigation as aforesaid.

This amendment to the city's special charter meant L.A. would have to dispose of the property, but could keep the water. This change in Los Angeles' incorporation act would be the first amendment to its city charter. It is a telling fact that the city's first "charter amendment," although not a change to a home rule charter ratified and amended by the public directly, concerned water.[55] The alteration allowed the city to build storage facilities outside city limits and to re-take the water it had lost in reducing the city's size nearly twenty five-fold from 100 square miles down to 27 square miles in area. The city's leaders had still been required to diminish its area in return for incorporation, but apparently regarded the lost water property a greater sacrifice, and had secured some redress from this 1851 charter amendment.[56]

Land and Water Rights: although the 1851 alteration improved the existing law, it apparently did not create sufficient security for the city's property in land and water. Consequently, the legislature would act in 1852 to provide that "the limitation to four square miles shall not apply to the City of Los Angeles." The law provided that as long as a majority of the electors residing within the city's former limits approved (with an application to the County Court), "The boundaries of the City of Los Angeles shall be so changed as to embrace within its limits all the lands belonging to the former *Pueblo de Los Angeles*."[57] The law further directed the council to "pass ordinances providing for the proper distribution of water for irrigating the City lands" and do "all necessary acts" to provide irrigation.[58]

Once again, the state legislature had articulated and strengthened the city's powers and duties regarding water supply by charter change.[59] The city began to

move the state in the direction of recognizing its pueblo water rights. As Norris Hundley has written, the city eventually persuaded state courts to write Spanish and Mexican water law into Californian and American codes. Although the critical cases did not occur until the turn of the century, L.A. officials began pushing for this as early as the 1850s.[60]

In 1854, the state once again acted to elaborate on the city's "Power over Water." The state legislature amended the city's charter, stating that the document would "be construed to vest and to have vested in the Mayor and Common Council of the said city the same power and control over the distribution of water for the purpose of irrigation or otherwise among the vineyards, planting grounds and lands within the limits claimed by the ancient Pueblo and Ayuntamiento De Los Angeles, and by the said Mayor and Common Council as the Egidos or Commons of said city, the possession whereof is hereby declared to be in the said Mayor and Common Council."

It seems clear that here that the state gave L.A. a foundation for the pueblo water right that the city would secure from the state courts a few years hence. Los Angeles leaders would have been wise to trust the city's water future to neither riparian rights nor to adverse prescription, because either half of the *Lux v. Miller* California Doctrine would deny the city a share of the river. Instead, the city of Los Angeles persuaded the California courts to recognize a Spanish concept of water rights based on the terms of the Treaty of Guadalupe Hidalgo, which required the United States to respect property rights existing before the annexation of California.[61]

The 1850 Charter had described municipal structure and powers in considerable detail and thus severely restricted L.A.'s officials. Even the amendments of 1851, 1852 and 1854 had not freed the city to develop its infrastructure in such areas as water supply adequately. For instance, Los Angeles was limited in its ability to build water, sewer, and any other needed facilities because state law set the city's aggregate debt limit at three times its annual estimated revenue.[62] Wherever possible, the city used its limited authority to address hydrological issues. For example, the very first Common Council established a council committee on Water Supply and Irrigation on July 6, 1850. The Council members had only begun their term of office three days earlier.

On January 17, 1853, the Council created a Canal Improvement and Repairs Committee. On March 3, 1853, the council created an Investigation committee on Water Claims. On May 6, 1853, the Council's Supplies Committee explicitly included Water and Irrigation. On January 23, 1854, the Council created a Ditch Inspection Committee. On April 3, 1854, the Council appointed the city's first Water Overseer. Unfortunately, Manuel F. Coronel resigned from this office 2 weeks later. On May 15, 1854, the Council established an Artesian Well Construction Committee. Coronel's successor as Water Overseer, Henry Cardwell, lasted only one day over four months, having been appointed on April 17, 1854 and resigned on August 18 of the same year. On December 22, 1854, the Council appointed a Special Water Committee. However, the city's own efforts in terms of water were frustrating, and

although the council had rejected William Dryden's 1853 proposal to distribute water under a franchise with the city, the legislators accepted Dryden's offer in 1857.[63]

Over the next several years, the state legislature and governor continued to expand L.A.'s jurisdiction, particularly in terms of its water needs. In 1859, the state allowed the city to annex surrounding territory and to undertake debt to improve its irrigation system.[64] The state also took the unprecedented step of granting the city "[a]ll and singular of the right, title, interest, and estate of the State of California held by said State as eminent domain" to permit water development. The legislature included with this eminent domain authority the power to appropriate and undermine lands outside the city to build a water system outside city limits. This authority was comparable to that granted to railroads in acquiring rights-of-way, and allowed city officers to take property to the extent they "may judge necessary for the suitable prosecution and success of their water-improvements."[65]

Water continued to be a problematic issue for Los Angeles. L.A. was hit by a terrible drought in the 1863-1864 period. Norris Hundley, Jr. has pointed out that this drought was so severe there were total crop losses in the San Joaquin Valley. In Los Angeles, the drought and a smallpox epidemic left the city's residents so poor that the government assessed no taxes for the year. The California legislature was spared its usual duty of approving the city's tax rolls because there were none that year. The 1870-1871 and 1877-1878 droughts would also affect the city and its governmental practices. If a Wittfogelian interpretation of strong governmental institutions is not warranted here, it is at least obvious that Los Angeles' governmental system as

determined by its charter and ordinances reflected the importance of managing the water question.[66]

In 1868, the state authorized the city to create a special Los Angeles River Fund through raising taxes to the tune of 25 cents on every $100 of taxable property. While this kind of power was not limited to water issues, as the state also authorized a nickel tax to help the city light city streets with gas, L.A. primarily requested and received greater authority over its water provision. The city did what it was permitted to do in order to improve its water system. "The office of Zanjero had manifestly become the most responsible city position by 1868 and was paying its incumbent $200 per month for March [through] September, and $100 for the five remaining months of the year, totaling an annual income of $1,900. He had two expert assistants, who were also well paid, all from the sale of water tickets."[67] As Detective Jake Gittes' operative says of water department head Hollis Mulwray in the movie *Chinatown* (a film which is as entertaining as it is fictional) Los Angeles and its local legislators had "water on the brain."[68]

The city's state-constrained inadequacy in developing its water supply seems to have led Los Angeles to contract with private individuals to manage this function. In 1868, three individuals made an arrangement to form the Los Angeles City Water Company, to which the city awarded a thirty-year franchise. Yet the city sought and received state guarantees of its ultimate ownership of water. In 1870, the state enacted a law declaring the Principal Zanja and its 8 tributaries "public zanjas; and the quantity of water which has generally flowed in each one of said zanjas is hereby

declared to be the quantity which, by right, belongs to each one of said zanjas and to the farmers and fruit growers who are benefited by their use". The law did provide, however,

> always, that nothing herein contained shall be so construed as to affect or in any manner interfere with any rights, privileges or easements heretofore granted and conceded to P. Beandey [sic. Beaudry], John S. Griffin, Solomon Lazard, their associates or assigns, by the Mayor and Common Council of the City of Los Angeles.

This law balanced the interests of allowing Beaudry and his partners to succeed in delivering water to the city with the city's interests in protecting its water rights.[69]

In 1872, the state once again enhanced L.A.'s control over water, granting the Mayor and Council "full and complete control and power over all zanjas, watercourses, water ditches, and canals within the city limits, excepting the rights, privileges, and franchises heretofore granted and now enjoyed by the Los Angeles City Water Company…" The revised version of this language, which would be issued in the following year, would make no reference to any rights of the water company.

Still, the new law did give the city "power to take by purchase or otherwise land for the enlargement of the present zanjas, canals, watercourses, and ditches, to increase the number, and keep the same in repair, and in all cases to regulate the use of the same…" The law also authorized the city to levy a .20 tax on all property irrigated by the zanjas, with the proceeds committed to a special Water Fund. The law also enhanced the city's authority to condemn land for public use. Finally, the law enabled the city to require persons convicted of misdemeanors "to perform labor on the streets or other public works".[70] Just over one month later, the council would formalize the

position of Water Overseer, making that officer a Council appointee confirmed by the Mayor, and providing him with a salary greater than any city officer.[71]

Full, free, and exclusive: the 1873 Charter that Los Angeles Charter Committee had drafted would greatly increase the city's powers over its water supply. The document granted the city "to be by it held, used, and enjoyed in absolute ownership, the full, free, and exclusive right to all of the water flowing in the River of Los Angeles at any point from its source or sources to the intersection of said river with the southern boundary of said city…."[72] This would mean that anyone appropriating water from the Los Angeles River north of the city's boundaries would no longer have a claim to that water, regardless of their status as riparian users or prior appropriators. Only those riparian users and prior appropriators south of the city would retain their claim to water from the Los Angeles River, assuming the city did not dam the river within its boundaries and use all of its flow, leaving its southern neighbors literally high and dry.

The 1873 Charter granted the city extensive powers regarding Los Angeles' all-important water supply. It is ironic in the extreme that the city secured the full power to manage its water system five years after the city had signed the lease with the private water company. The 1873 Charter's water-related mandate for the city included:

> "the right to develop, economize, use, and utilize all waters flowing beneath the surface in the bed of said river at any point or points between the points of termini above given, and for that purpose it is hereby declared that the powers to condemn property outside of the limits of said city…in so far as the same relate to the condemnation of property in water for increasing the water supply of said city, are

> intended to be given, and to be restricted to such sources of supply and to the rights therein, excepting and reserving from the operation of the aforesaid grant of the water flowing in said river, unless the same be condemned and taken for public use as herein provided, all vested private rights to the water flowing upon the surface or beneath it, in the bed of said river….[73]

The city would hold authority over all of the subsurface water between the source of the river and the city's southern boundary. The city could also use its condemnation authority to acquire subsurface water outside city limits, so long as it compensated the private owners and allocated the water exclusively for public use. However, the language carefully provided that the city would not have to compensate private owners in this manner for water flow taken by the city.

The city council members who framed the original draft of the 1873 Charter clearly took special care to protect the city from the unintentional loss of its water rights. The language provided explicitly:

> that said corporation shall not in any manner dispose of, transfer, or convey any portion of said water, or any right to develop or use the same, or any portion thereof, to any corporation, association, individual, or other person who might or would use the same in any way prejudicial to the use thereof for irrigation within the limits of said city, or who might or would at any time, for any good or valuable consideration, desire to sell, or in any way dispose of to any other person, natural or artificial, any interest therein or right to the use thereof….[74]

Since the rule of adverse prescription or prior appropriation took only five years to grandfather individuals into property rights based on water use, one would need to take great care in drafting the these terms in order to prevent accidentally creating water rights by permitting uncontested water use.

The 1873 Charter also took particular care regarding water matters in addressing the control of the water in the city's system of ditches, its zanjas, by institutionalizing the terms of the 1870 water law within the charter. The document stated that

> the zanjas which are within the limits of said city, known as the principal zanjas and zanjas number one, two, three, four, five, six, seven, and eight, are hereby declared public zanjas; and the quantity of water which has heretofore, generally flowed in each one of said zanjas is hereby declared to be the quantity which by right belongs to each one of said zanjas, and to the farmers and fruit growers who are benefited by their use.[75]

The city's water users would still have access to the zanjas, but the charter clarified that the system was public. It is important to note that the charter text did not make reference to the rights of Beaudry and his partners at the water company, as the 1870 law had done. The framers of the 1873 Charter may already have begun the preparations for the end of that lease, which still had twenty-five years to go.

The 1873 Charter also created a process to protect the public water system. The city's enforcement authority, exercised by its police and the courts system, could be used to prevent individuals from polluting the city's water supply:

> Any person or persons who shall throw, or cause to be thrown, any filth or matter detrimental to the public health, or allow their sewers or sinks to run or drain into any of said zanjas, shall be deemed guilty of a misdemeanor, and upon conviction thereof before the Mayor or any Court having jurisdiction thereof, shall be fined in a sum not exceeding one hundred dollars and not less than twenty dollars, for the first offense; and not more than three hundred dollars nor less than fifty dollars for every subsequent offense, or by imprisonment in the County Jail for not more than thirty nor less than five days, or by both such fine and imprisonment. Any person violating this section shall be prosecuted before any Court of competent jurisdiction in the City or Township of Los Angeles, upon the complaint of any person

> aggrieved, or of the Overseer of Watercourses of said city. All moneys collected as fines under the provisions of this Act, shall be paid into the City Treasury of said city, to the credit of the Water Fund of said city, known as the New Water Fund.[76]

It is important to note that the proceeds of this protection system would be credited specifically to the Water Fund rather than to the city's general fund. Prior to this, there had been no charter mandate for a special fund for water purposes; this type of special fund provision would over time become critical to the city's infrastructure. In addition, this charter section provided for a specific officer, an Overseer of Watercourses, to manage the city's water system. Elsewhere in the 1873 Charter, the document provided for a "Zanjero or Water Overseer", which had long been a feature of the city's ordinances, but whose legal status was somewhat murky prior to the 1873 Charter.

In the 1876 Charter, the state legislature increased the minimum fine for polluting the zanjas from $20 to $50. In addition, the new document increased the city's debt limit by 25%, which might allow construction of improvements on water or other services. The 1876 amendment provided the city with wide-reaching "corporate rights as to water in Los Angeles."[77] In 1877, the City of Los Angeles suffered a drought so serious that the Council passed an ordinance giving "the city the right to connect to the lines of any corporation and use water therefrom for engine houses, fires, engines, watering streets, public squares and parks, flushing sewers and all like purposes."[78]

Given the city's experience with the drought of 1877, it is not surprising that the 1878 Charter streamlined the city's management of its waters. The document

would also protect the city's waters for "domestic, and culinary purposes" and not just for irrigation as previously was the case.[79] In addition, the 1878 Charter did not separate the rights of "farmers and fruit-growers who are benefited from their use" from the water rights of the general public. Under the 1873 and 1876 charters, these private individuals could have asserted themselves against the city if deprived of "the quantity of water which has heretofore generally flowed" in the zanjas they used to irrigate their properties.

State Micro-management of Municipal Affairs: in order to obtain power over water, the city was required to seek action in Sacramento. Although the city did create a Water Overseer in 1854, and formalize its appointment by the Council with Mayoral confirmation in 1872, the authority of this officer was potentially diminished because of the silence of the state's special charter. Water was by no means the only area in which the state's charter would prove deficient. Many of L.A.'s municipal affairs were left to state control because the legislature had not granted the city sufficient leeway to manage its own concerns. Besides needing state legislative authority to confront their water concerns, Los Angeles city officials required state authorization to conduct an incredible amount of what would become ordinary matters as the city increased in size and thus the complexity of problems they faced in governance.

The 1850 Charter and its amendments had failed to create any mechanism for dealing with matters of education. This was an important issue for L.A., but until the state legislature acted, one upon which the city was helpless to act. On May 3, 1852,

the state established a system of common schools. The act permitted chartered cities to "provide, by ordinance, for the election or appointment of a City Board of Education and Superintendent of Common Schools, and prescribe their powers and duties." Los Angeles took advantage of this grant of authority and passed an ordinance providing for a three-member board appointed by the Council and confirmed by the Mayor. The chairman of the Board of Education would serve as school superintendent.

In the following year, the city made the mayor the superintendent of schools and three council members served *ex officio* as the school board. However, the city soon found that its authority to govern education was limited. In 1872, the city wanted to create a larger board of education, but because the 1852 act had provided that school boards would consist of three members, it needed state approval. In addition, the law hamstrung the board's ability to use its funds to build public schools and meet operating expenses.

The state enacted legislation creating Los Angeles' new school board and authorizing it to issue bonds for a Special School Building Fund. Two years later, the city would again need state approval for education-related reforms. This time, the legislature authorized the city's Board of Education "to appoint a City Superintendent of the Public Schools…from among the teachers thereof, to whom they may delegate such of their powers and duties as they shall deem proper; and they shall also have power to elect, from their number, a President and Secretary."[80]

The city faced great limitation in terms of managing its financial affairs. In 1859, the city needed action by the state legislature twice. First, the Mayor and Council city needed state approval to contract a loan for irrigation and other purposes. Second, the city needed state approval to relieve Hiram McLoughlin, who had served as the surety on the bond of W.C. Getman, the deceased City Marshal. In 1861, the Mayor and Council needed state legislation authorizing them to take and subscribe $50,000 stock in a railroad company that was supposed to connect the city with San Pedro Bay. In 1862, the city needed state authorization for several financial decisions: first, to authorize city borrowing for municipal improvements; second, to fund the city's debt; and third, to legalize the assessment rolls for the 1860/1861 and 1861/1862 fiscal years.[81]

In 1868, the city needed state approval for four financial matters: first, to raise the direct tax rate from one-quarter to one-half of one percent; second, to legalize the assessment rolls; third, to levy a tax for repairing the river bank, as well as to repair and light the public streets; and last, to purchase $75,000 of capital stock in the Los Angeles and San Pedro Railroad, meant to improve the city's transportation. In 1870, the state was called on yet again to allow the city to fund its debt, as well as to legalize the assessment rolls of 1868 and 1869.

In 1872, the city could not appropriate money to support the Sisters of Mercy Hospital without state legislative action; furthermore, the city needed state approval to confirm a ten-acre land exchange with an individual named T. A. Sanchez, whose property had been used for a public cemetery. In 1874, the state legislature's

imprimatur was needed on a $13,500 bond issue to pay for lands purchased from Arcudia Stearns and John S. Griffin; these needed lands had been the site for the SPRR's workshop and depot. The state also needed to approve the city's decision to pay "certain warrants" which were not even important enough for the law to specify their identity, but still needed state action.

In 1876, the city wanted to issue irrigation bonds, but could not do so without state approval. In 1878, the last year before California's 1879 Constitution forbade special legislation, the city again asked the legislature for assistance on financial matters. The state authorized the issuance of bonds to pay for damages caused by the widening and extension of Los Angeles Street, to contract "for the proper sprinkling of the streets of said city, or for the supply of water for such purposes, either with the Los Angeles City Water Company, or any other party", and permitted the Council to pay a $161.25 warrant that the city owed to John S. Griffin.

To require state legislature to oversee such a small expenditure seems excessive, even if one indexes this for real dollars by the standards of 1878, yet the city could not even act on such a trifling matter as this without action in Sacramento. The city needed to request so many changes to its direct tax rate that by 1868, the latest bill to do so was entitled "An Act to amend an Act entitled an Act to amend an Act supplementary to an Act to incorporate…" Whether it was to amend its city charter to allow further authority, or to do things not permitted by the state-provided city charter, Los Angeles constantly found it necessary to get state authorization to handle its fiscal responsibilities.[82]

The city also needed state approval to make other changes. In 1859, the state authorized the Common Council to extend the city's limits up to 1500 yards on all sides. In 1863, the state granted the Mayor and Common Council authority to establish a public City Pound, and to prohibit the grazing of certain domestic animals within certain prescribed limits.[83] In 1870, the state established a procedure that the city could use to establish a Board of Water Commissioners. Two years later, the state repealed the law, and returned power over water to the Mayor and Common Council. In 1872, the state had to pass a law to correct one word in the city charter, indicating that County Courts could sentence those guilty of misdemeanors to perform labor on city streets or other public works.

In 1874, the state passed a law to promote irrigation in Los Angeles County, but needed to specially exempt the city in order to maintain its water control. For example, one provision of the act had required owners of artesian wells to cap them if their water was not being used for irrigation, domestic purposes or watering livestock. In 1876, the state legislature authorized the city to establish a public library, specifying that the cost of the lot and building could not exceed $15,000, to be raised by a bond issue. The law provided that the Library would be controlled by an elected, nine-member Board of Regents, along with ex officio members to include the Mayor and the Treasurer. The Mayor would be the *ex officio* President of the Regents, and that body would hire a Librarian and assistants, prescribe their duties and compensation, and remove them by two-thirds vote. All of this mind-numbing detail that would

ordinarily occupy the pages of city ordinances had to be accomplished through state action. The law even set the highest monthly charge for a library card at fifty cents!

Under these restrictions, Los Angeles found itself unable to meet new challenges unless the city could persuade the state to amend its charter. Often, the city's ordinance powers were too limited to meet the exigencies of its marginal existence on America's western frontier. Like most cities of the era, Los Angeles experienced government in crisis management mode. In 1869, a smallpox epidemic led the city to form a Health Board. One year later, fear of rowdy New Years' revelers spurred the city to create a Board of Police Commissioners. Likewise, in 1872 the planning of much-needed municipal improvements inspired the establishment of the Board of Public Works. Yet the mayor and council expanded their local government's administrative capacities in a haphazard and *ad hoc* fashion. Any of these administrative boards handling education, health, police, public works or such matters could be abolished by a simple ordinance.[84]

The potential overlap regarding the issue of whether the city could use its ordinance powers to handle affairs, or the state would address them, became problematic with respect to public works. In 1876, the city had a Board of Public Works that had been created by ordinance. In March of that year, the state legislature passed a law creating a Board of Public Works, whose first three members would be gubernatorial appointees. These three were to be replaced by three elected officials with 3-year terms, in the next three years. The board members were to be compensated at the same rate as members of the County Board of Supervisors. The

Board was granted authority to appoint a City Engineer, who would also act as Street Superintendent.

The Board controlled all public works, including those relating to water, sewers, parks, gas and buildings. Two years later, the state repealed the law creating the Board, which had apparently never been carried into effect. To settle the confusion, the state needed to enact a second law, clarifying that all of the work the Council had done regarding public works between 1876 and 1878 was "ratified and confirmed" and that these acts would "have the same force and validity as though said Act had not passed." The city council had used its powers as granted under the state charter, and then the state had passed laws calling into question the legality of the council's actions in constructing, maintaining and repairing its public works, and in issuing the bonds to raise money to do so.[85]

Given Los Angeles's growth, from 1150 residents in 1850 to 10,000 in 1878, the city needed a more expansive government.[86] In response, the state legislature and governor enacted a new charter in 1878. The 1878 Charter made many improvements, authorizing a Library Board, enlarging the council and providing for new officials such as an auditor. Most importantly, the charter granted the city raised the city's debt limit to $500,000. In 1885, the city took advantage of its 1878 charter provisions and established a professional Fire Department to replace the volunteer system. But even with frequent state amendments to the city's charter, this state-managed system of municipal government was not prepared to handle the dramatic population explosion of the 1880's, as the city quintupled to 50,000 inhabitants.[87]

Home Rule: those who wanted their local government to act as more than a mere night-watchman were gratified when California's new constitution provided local home rule. In 1879, California became the second state in the Union to move away from the use of special legislation to provide for the governance of its cities and counties.[88] Not only did the state's new constitution permit large cities to enact their own home rule charters, it forbade the state from passing legislation regarding individual localities.

> The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: . . . . Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, graveyards, or public grounds not owned by the State. . . . Regulating county and township business, or the election of county and township officers. . . Providing for conducting elections or designating the places for voting, except for the organization of new counties. . . . Creating offices, or prescribing the powers and duties of officers in counties, cities and counties, townships, election or school districts. . . . In all other cases where a general law can be made applicable.[89]

After the 1879 Constitution, it was no longer legal for the state to create a city charter through special legislation. California's new organic law also forbade the State to amend an existing special charter. As the Constitution indicated, "corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed".[90]

There were ways to bypass the constitutional requirement; in 1880, for example, the state passed a law for the governance of the largest city, which the index

to the state statutes frankly labeled as San Francisco's charter.[91] In 1883, the state passed a municipal law that created almost as many county classes as there were counties (49 classes for 52 counties; the classification system was so detailed that the 32nd class included only counties whose population was between 8,610 and 8,614 residents).[92] However, the constitution at least technically forbade special legislation, and the only way to amend a city's special legislation that had served as its charter was to persuade the state legislature to construct a class consisting of a single city.

For Los Angeles, the post-1879 municipal regime posed a problem. The city had been used to acquiring changes to its incorporation act via special legislation. The state no longer held authority to make such changes, yet the city would not want to lose the special water protections that the state had granted by moving to a generic classification. Moreover, Los Angeles was not large enough to be allowed to draft its own home rule charter. The state constitution reserved that privilege to cities with populations exceeding 100,000. In 1880, Los Angeles contained barely over 10,000 inhabitants, and thus did not qualify. In 1887, Californians amended their state constitution to extend this privilege to cities with at least 10,000 inhabitants. At its very next municipal election, Los Angeles chose a Board of Freeholders to write a home rule charter.

The Battle for Los Angeles' First Home Rule Charter

William Henry Workman would act as the prime mover behind the 1889 Charter. Workman was a businessman with experience in real estate, agriculture, commerce, and nearly every kind of enterprise in which Angelenos engaged from the

1850s until his death in 1918. Workman played a key role in bringing the street railways and steam railroads to L.A., in waging the Free Harbor battle, and in developing the city's water resources. Workman served as the first Vice President of the Chamber of Commerce, as a member of the elected Board of Education and City Council, and was elected to the Mayor's office once and to the City Treasurer's office thrice.

Workman was the ideal person to lead the charge for a home rule charter because he had been a leader in economic as well as political circles. In terms of economics, he helped found the whole internal and external transportation network, with street railways, steam railroads and the Los Angeles Harbor. He also played a key role in bringing the Owens Valley water to Los Angeles. He was the only person who could fully appreciate the link between the city's economic circumstances and the political system. As a successful elected politician, Workman was the ideal figure for making such a link and selling it to the electorate. The idea that the charter could address the economic situation was not obvious, and needed to be made, but had to be credible. The hypothesized connection between the charter and the economy could not resonate if it carried no verisimilitude.

Unlike the typical business leader on a citizen's committee, Workman understood the interaction between economics and politics and took political affairs seriously for their economic dimensions. He apparently saw the possibilities of economic growth that political activity could carry both for himself and his city. In economic terms, Workman was a successful business person, and as such held

sufficient credibility to lead the city in economic endeavors profitable to himself and other members of his class. Playing this leadership role, he helped to found the city's transportation infrastructure. He also helped to build the city a harbor, and ensure that it was not subject to monopoly control by one railroad. Finally, he assisted in the creation of a water supply and distribution infrastructure.

Prior to serving on the Board of Freeholders, William Henry Workman had epitomized the possibilities for realizing the Horatio Alger myth in early Los Angeles. In 1854, at the age of 15-years old, he had come to L.A. with his family. Although he was trained as a printer, Workman was employed as a journalist, a clerk, a mounted messenger delivering payrolls. In 1863, he went into the business of raising sheep, but this business was an uncertain one, "because it was so utterly dependent upon the vagaries of the rain." In the droughts of 1863-1864, Workman learned, as did many others, of "'the necessity for developing water.'" In 1867, Workman entered the business of manufacturing harnesses and saddles with his brother. Because hides were a form of currency in those days, it was an easy transition for Workman to move from manufacturer of leather materials to merchant of hides. The Workman brothers established a trade that reached all the way to Utah. Workman was married to the daughter of Andrew Boyle in 1867; he got on well with his father-in-law, and the two worked on many business deals together.[93]

Workman had become involved in social and political affairs at an early age. His general achievements in the service of the city are remarkable. In 1859, he helped to found a Library Association that worked for the formation of a public library. The

effort failed, however, and the city would not be able to achieve this goal until 1872. The state would provide for a public library officially in an 1874 enactment.[94] When he was a member of the Board of Education in the early 1870s, he donated many school sites. He helped organize the first high school while a member of this board, and aided in constructing it.[95] He served as a Parks Commissioner at the time when Griffith Park was given to the city, and in fact may have suggested the donation.[96] He gave two-thirds of the land for Hollenbeck Park, and persuaded another person to donate the rest. He led improvements to Westlake Park, and induced the Council to fund improvements for caring for parks. Workman was active in the laying out of South Park, Central Park, Eastlake (now Lincoln) Park and Echo Park.[97]

William H. Workman accounted for a number of accomplishments in official city positions. As Mayor, he recommended the appointment of the first jail matron. In addition, he discharged several police officers, removed the police chief and appointed a new one. As Treasurer, he established cash reserves and daily books balancing. Workman played a leading role in the construction of the city hall the city constructed before the 1925 building L.A. now employs.[98] In his non-official life, Workman promoted branch banking in 1905. He actually organized the American Savings Bank at Second and Spring streets, which became a branch of the Home Savings Bank.[99]

In his private enterprises, Workman was an agriculturalist and a land developer. He purchased and subdivided Boyle Heights.[100] He helped form the Southern District Agricultural Society in the early days.[101] In his agricultural efforts,

Workman recognized early on the importance of water. The droughts of 1863-1864 helped him see its necessity. He battled to extend irrigation and domestic waters to East Los Angeles and Boyle Heights: "There were other large property owners there, but that fertile hill land was practically uncultivated because of lack of water". In fact, he paid the L.A. City Water Company to extend its mains. Connecting Boyle Heights to the water supply cost him $30,000.[102]

When Workman's "request for a zanja was refused by the Council, he decided to run for Councilman himself". Knowing that if he got in he would fight for a new zanja, his own Democratic Party refused to nominate him for office. Therefore, he ran for City Council as a member of the Workingmen's Party. Boyle Workman wrote that:

> Every other member of the Council was opposed to the zanja. Father did not agree with them. But, being a patient, painstaking man, he merely took them, one by one, for a ride through the territory in his spring buggy. Incidentally, he broke a dozen springs in that buggy by driving those men across the ravines and gullies, and showing them how the assessed valuation of the city would be increased if the lands could be cultivated and opened up for residential purposes.[103]

Workman was successful in his persuasive efforts, and played a key role in the modernization of L.A.'s pueblo-era system of irrigation ditches, which were called zanjas:

> He first converted them to the proposition that an improvement of the whole zanja system, and the acquisition of the canal and reservoir system would be of advantage not only to the east side, but to the west side of the river as well. The plan he offered was for the building of a tunnel, paralleling the Southern Pacific tracks, to tap the springs in the Elysian hills, as a new source for water supply in the Zanja Madre district. The tunnel was to be 3,600 feet long. The Zanja Madre was to be lined with concrete for 8,000 feet, down to Aliso

> Street. The Council also voted to buy the ditch which had been dug to the reservoir which is now the lake of Echo Park, paying the Canal and Reservoir Company for its improvements, and to develop another reservoir, which today is still in use as the Silver Lake Reservoir.[104]

Under the influence of Workman's persuasive efforts, the City Council decided to build:

> an irrigation aqueduct that carried water from far in the hinterland to the large tracts which he proposed to cultivate. Los Angeles' first large aqueduct, thereupon, became a reality, but not before Mr. Workman engaged in long arguments with other members of the council of fifteen, who were finally persuaded to make the investment for the returns in water rentals and increased taxes. The aqueduct was built from a point fourteen miles up the river, where a sufficient gravity fall could be obtained to carry the flow into the high ground behind the hills of East Los Angeles. The high line canal route may still be traced in its torturous windings between the hills; and the main reservoir, No. 9, still makes a depression in the land back of the zoo near Eastlake Park.[105]

Workman's leadership on the water question would continue after passage of the 1889 Charter. He broke the deadlock between Los Angeles and the L.A. City Water Company over the city's efforts to resume control of its own water system at the end of the thirty-year lease. He went with City Attorney Billy Mathews to market the bonds for the city to buy out LA City Water Company.[106] When he was City Treasurer, Workman took the risk that it might be illegal for the city to purchase water rights in the Owens Valley and he honored a demand for $150,000 even though Mathews told him he might have had to pay the money out of pocket if the voters did not approve the 1905 water bonds.[107] This was a tremendous risk for a man whose father had committed suicide over the failure of his bank.[108]

If Workman's role in securing water for the city was impressive, the value of his efforts in the arena of transportation is inestimable. He was "directly instrumental in securing or aiding the construction of every steam line which entered the city" (McGroarty, v. 2, 3). This assistance included both street railways and steam railroads. He was also a crucial player in the network of streets and bridges built in the city.[109]

In terms of street railways, Workman was a key player. In 1875, he constructed the city's second street railway--a "single horse-car line that ran from the junction of Main, Spring and Temple streets, then the business center of the city, east on Aliso street to Pleasant avenue, in Boyle Heights, crossing the river on a surface bridge".[110] "In 1886 he secured a franchise and built at his own expense a broad-gauge street car line from First and Spring streets east on First to Evergreen Cemetery. It remained a two-horse line until purchased by the Los Angeles Cable Company, which made it into a cable road." Workman sold it to this company so that cable car lines could be constructed. "In 1894 he constructed the Cummings street extension in Boyle Heights". This apparently extended the new electric railway of the city. "In 1896 he secured the franchise for the East Fourth street line to Evergreen Cemetery, in Boyle Heights. He procured $50,000 to aid in financing the construction of the Fourth Street bridge, donating $25,000 of it himself". "In 1909 he bid in the franchise for the East Seventh street line, which ran out Stephenson avenue east of the river, and he induced the Los Angeles Railway Company to assume the franchise and build the line".[111]

Workman also led in the effort to connect L.A. with steam railroads. "In 1872 he aided the Southern Pacific to enter the county and city of Los Angeles, with a depot at River Station".[112] Later he aided in getting the Santa Monica line to compete with the interests then in control of freight hauling between LA and the San Pedro Harbor. In 1888 he obtained a valuable right of way that allowed the Santa Fe Railroad to compete with the Southern Pacific. In exchange, the Santa Fe had to build a levee along the west bank of the river to the present station.[113] He tried to fix the Alameda trackage system.[114] He secured the Salt Lake's entry into LA.

> Realizing during his career as mayor that the city needed more transcontinental facilities and business, he made a trip from Los Angeles to Salt Lake City by buckboard , scouting out the route, noting the traffic possibilities and preparing the people to aid in securing a railroad. Then he went on to St. Louis and laid his data and plans before the late U.S. Senator Richard C. Kerens and those associated with him in the big terminal deal in St. Louis, and presented the facts so convincingly that Kerens and his associates put the road through.[115]

He assisted this road to enter the city on similar terms as the Santa Fe—"to levee the east bank of the Los Angeles River". He helped L.A. to create railway competition and thus improve its economic prospects by working to establish the LA Terminal Railway Company, which is the Union Pacific today. He did this by becoming a financial backer of this company. In 1896, he moved beyond his role as a mere stockholder to become a member of the board of directors. Near the end of his life, Workman would even play a role in the fight for Union Station.[116]

Thirdly, Workman helped build the city's domestic transportation system through improving its streets and bridges. He promoted street improvements and

bridges for electric street cars. He fought to bridge the L.A. River at Macy Street (now Cesar Chavez Boulevard), and succeeded in this effort in 1870. He secured the construction of wooden bridges at Aliso Street and First Street. He secured the opening of First Street to Boyle Heights in 1875. He convinced the Santa Fe, the LA Cable Co., and the city to build the first viaducts over the river at First Street and Downey Avenue. The railroad, the railway and the municipality split the expense three ways. As Mayor, he started the proceedings to give the city its first paved streets. He fought for street control in the charter itself, which led to the devotion of four separate charter articles to that purpose; Mayor Eaton would later lament when these sections were overruled as violations of the state's Vrooman Act.[117] In what would serve as a portent of the future, Workman signed the city's first traffic law as mayor.[118]

Finally, Workman also lent support to the effort to secure the city's harbor. Workman was an active member of the Free Harbor League (FHL), and made a speech at an 1896 rally in which he denounced the SPRR for its excessive freight rates.[119] He even became involved with the effort to buy the *Los Angeles Herald* as part of the harbor effort. What this meant was that both the *Times* as the main Republican paper and the *Herald* as the main Democratic paper could publicly endorse the "Free Harbor" effort. He was one of the original promoters of the FHL, a member of its Executive Committee and of its Floral Parade Committee that put on a show for an estimated 100,000 people. Municipal League leader and FHL historian C. D. Willard described Workman as "an old-time harbor advocate" and stated that he

was one of the signatories to a Chamber of Commerce memorial sent to every Congress member in the push for building the harbor at San Pedro. The roll of the FHL described Workman as a "capitalist", and while this was a common occupational description at the time, it does accidentally or coincidentally capture the interested nature of his participation in the FHL as well. Workman supported fellow Democrat in the successful fight for a Free Harbor.[120]

Workman's economic endeavors led him into the field of politics. He would serve the city in several offices. He was a member of the Board of Registration in 1868 (this was a state-created board responsible for elections); a Board of Education member in the 1870s; Councilmember in 1872-1874, 1875-1877 and 1878-1880; and Mayor (and thus *ex officio* Fire Commissioner and Police Commissioner and Police Judge) from 1886-1888. He would, of course, serve as a member and as president of the Board of Freeholders from 1887-1889. In later years, he would serve as a Parks Commissioner (appointed) from 1894-1898, and would finish his political career as the elected City Treasurer from 1900-1906.[121]

As a leading figure in the city, Workman was well placed to lead the charge for charter reform. He held the needed connections to both the economic and political structure. He was respected as a leader in both communities. He had the credibility needed to carry forth the venture.[122] In December 1887, citizens went to the polls and elected a 15-member Board of Freeholders. The voters selected Mayor Workman as one of the new board's members. Workman and all of his fellow freeholders ran on the Nonpartisan slate, which specifically named Workman as its Chairman. Workman

was a Democrat, but neither his party nor the city's Republicans were willing to permit partisanship to prevent the city from obtaining its own charter. Therefore, the City central committees of all of Los Angeles' major parties came together to nominate a combined ticket. Only the Anti-Saloon League refused to join the coalition, and assembled a competing ticket. The Nonpartisan ticket won all of the seats on the Board, although seven of its members had also been slated by the Anti-Saloon League.[123]

The achievement of a consensus on a Nonpartisan ticket for the Board of Freeholders represented an unprecedented accomplishment, demonstrating the significance of the charter issue. Every other candidate for the municipal offices listed on the ballot had been nominated by one of the city's political parties. For example, the Council race was hotly contested, featuring three slates seeking the nine open seats.[124] In sum, 24 different Council candidates campaigned for these seats; only a few candidates were supported by more than one party. Democrats won seven of the Council seats, and Republicans took the other two seats (one of the Republicans was also slated by the Anti-Saloon League).

Given the partisanship displayed in the legislative contest, it is remarkable that Republicans and Democrats were able to cooperate on selecting a ticket for the body being chosen to draft the fundamental law that would lay the foundation for future elections, for Council authority and the shape of city development. "The high matter of electing a board of freeholders to frame a new charter for the city is to be passed upon by the voters; but in this case, happily, there is no party question at stake, so far,

at least, as the Republican and Democratic parties are at stake, they having united upon a non-partisan ticket composed of men drawn from both the great parties. Their names appear at the head of this page. This ticket, as a whole, is a good one, and deserves to be elected."[125]

However, the new Freeholders found themselves in electoral limbo after the balloting. The polls had closed too early, and thus there was some doubt about the legality of the charter board's election. Because of these irregularities, there was ambiguity regarding the Board's legitimacy. The City Attorney ruled that the Council held authority to decide the election's status. The Republican *LA Times* forecasted the invalidation of the election by the majority Republican council because the Democrats had won so many council seats in the next city administration. To add insult to injury, the Democrats had taken three of the open seats on the Board of Education, and the Anti-Saloon League had taken the other. However, the Council voted to accept the election and all of its results, including the Board of Freeholders that had been chosen, as legal and binding.[126]

Given that the parties had come together to nominate the Freeholders, and that their election was effectively ratified by the Council, it is evident that city leaders had forged a consensus on the need for a new charter. This may also have assured that the Freeholders represented more of a cross-section of the City's leadership than a competitive election might have produced. In this era Los Angeles voters divided fairly evenly into Democrat and Republican camps. Both parties were competitive in most wards as well as in the city at large. Had the parties engaged in a vigorous

contest over selecting the Board of Freeholders, the charter draft might favor one party and then be defeated at the polls as the other party exerted itself strenuously in that campaign to prevent any rules changes that were detrimental to their position in the *status quo*. Rather than this war of all against all, the process of selecting charter framers involved collaboration. Consequently, in campaigning for their charter draft, the Board could point out their representative quality and consequent ability to capture the divergent views of the citizenry.[127]

Despite this auspicious and consensual beginning, the charter commission faced controversy from all sides. The Board had just weathered a challenge in terms of whether it had been legally elected, when the legitimacy of specific members' elections was questioned. One person complained that a particular member of the Board had lived outside Los Angeles for five years, and thus was not by residency eligible to serve as a Freeholder. After this challenge to the Board's status appeared in the newspapers, which interested parties were using as a forum to impose their agenda on the Freeholders, the Board ruled that it would only accept communications that were addressed directly to its Secretary.

Further controversy arose in the substance of the Board's work. The Board members debated vigorously over matters such as police reform, commission appointments, council size, city attorney selection and how to handle liquor and vice. There was disagreement over whether to appoint or elect the City Attorney. The Board was even compelled to handle such matters as determining whether the charter should allow the Council to regulate saloons and brothels, or only to prohibit them.

Even multi-dimensional issues arose, such as in setting up elections so that any particular ward's members of the Council and school board could not be selected at the same plebiscite.

Although the assembly of a diverse Board likely aided in selecting the Freeholders, it appears to have made consensus more difficult to achieve on a charter proposal. For whatever reason, a number of Freeholders did not actively participate in the charter drafting process. This was even obvious to journalists who were predisposed to favor the charter:

> The work of the board is not as advanced as it should be, owing to the fact that several of the members have done absolutely nothing in the way of work beyond qualifying. This has thrown a large proportion of the labor on the shoulders of comparatively a few members, who have been unable to do all that was required of them.[128]

The Board turned the various committee reports over to an advisory revision committee, which apparently drafted the final charter for submission to the voters. The product apparently did not satisfy all of the Freeholders, because two of them did not sign the charter proposal submitted to the electorate. One of the dissenters was W.W. Robinson, the Freeholder who had been elected to the Board by the largest majority. To make matters worse, Robinson had also been selected by his fellows as the Secretary of the Board. The opponents of the proposed charter used Robinson's refusal to sign off on the charter against the document: "If the new charter is so perfect an instrument, why is it that some of the very men who helped to frame it are opposed to it and refused to sign it? Not only that, but denounce it as an imperfect and dangerous instrument?"[129]

This lack of consensus among the Freeholders did not bode well for the document's chances of passage. It proved an entering wedge that those favoring the status quo exploited to undermine support for a new municipal constitution. The city's newspapers featured attacks on the charter proposal. Charter reform supporters on the City Council then requested the Freeholders to make a public statement defending their work. A committee of six members of the Board drafted a letter, which was published in the *Times*:

> The most important of the changes proposed by the new charter relate to the organization of the city government, and the theory upon which it is to be conducted. After careful consideration of the subject, the board determined that the only way to have the business of the city properly attended to was to employ competent men to attend to it, and pay them adequately for doing so, and so far as was right and practicable to have the heads of departments appointed and subject to removal by the city government, thus insuring more direct responsibility. This necessitated, naturally, the reduction in the numbers of the Councilmen. The old system may work reasonably well in a small town, but the universal experience of all large or growing cities, including our own, is that it is entirely unsatisfactory and inadequate. Ordinary business principles must be carried into municipal government, or the failure will always be marked and disastrous.[130]

The Freeholders argued that the continued election of the other city officers would ensure "the rights of the people are directly guarded." The Mayor, Council members, and other executive officers would be elected. The Auditor would be able to act as "the watch dog of the Treasury" and thus the public should not be concerned about appointed officials. "The remaining officers and employees are more in the nature of bureau officers, who hold office at the will of the city government, and are so under its control, and can be held to a closer responsibility."

The Freeholders defended their theory of accountability against attacks on their reduction of the council and simultaneous increase in salaries paid to the officers the council would control. In attacking the proposed charter, opponents most often cited the issue of council size. The Board wanted to maintain the city's five wards, but to allow each to elect only one representative rather than the three they had been selecting. This provision for a five-member council most angered those who preferred the status quo. A related problem for the charter was contention over the issue of salaries. But the defense the Freeholders offered seems to have been insufficient to save the charter proposal from defeat on this key issue alone. The small council and the big salaries it would control ended up as the biggest albatross around the neck of the pro-charter campaign.

The Freeholders also refuted other objections against their charter proposal. They argued the new charter was "a vast improvement upon the old" in terms of street improvements. The old charter's process was "cumbersome, uncertain and tedious" whereas the new proposed charter's system was "more simple, expeditious, inexpensive, and in the main, more just". Some apparently complained about the charter provisions requiring that the majority of property owners must consent to improvements unless compensated for damages. Depending on how one read the section, it could have required both majority consent *and* compensation, or allowed action with either majority consent *or* compensation. The Freeholders pointed out that the property holders had themselves insisted upon this language. The Board thought it was difficult to find a better way to improve streets "with justice to the public

interests". They argued that the interests of property owners in any one block would not differ, or that if they did, the Council could offer a remedy.[131]

The proposed charter's provisions concerning taxation also motivated its opponents. The charter set taxation at $1.00 for every $100 of assessed valuation. The Freeholders defended the dollar limit as having worked "admirably in San Francisco in checking the extravagance of the Council and officers." If this one-percent tax produced inadequate revenue, then the Assessor and Council could act as a board of equalization and raise property valuations in order to increase the tax. The charter limited bonded debt to $2 million, but did not apply this limitation to the waterworks and sewer system, whose improvement was such a "crying need...that argument is unnecessary."[132]

The Board also defended the fact that they had improperly drafted charter sections regarding the Board of Health: Section 6 granted the Mayor authority to appoint this body with Council confirmation, whereas Section 116 provided for Council appointment of the board. But the Freeholders argued this "inadvertent discrepancy" would cause no problem in implementation. Since the latter section was actually located in the article on the Board of Health, it would be the controlling provision. The *Tribune* called this complicated legal argument "glib."[133] This was not the only problematic issue that charter opponents raised about the Board of Health. In 1888, state law granted the council power to remove smallpox patients to a hospital. The proposed charter transferred this power to the Board of Health. The Freeholders preferred giving the authority to the Board of Health since it would be "more

intelligently exercised...than by the Council." Adversaries of the charter draft questioned this assessment.[134]

The Freeholders did not think their charter proposal was perfect, but they did believe that it was the best possible framework upon which they could agree. In closing their letter to the public, the Freeholders made the element of compromise clear:

> In conclusion, we would say that all of the objections urged since the publication of the charter, and many more, were presented, urged and fully discussed by the freeholders in committee and full session, and the result is a compromise. There is no one of the freeholders to whom the charter is in all respects unobjectionable. The points that are favored by one are condemned by another. Your freeholders were representative men. It would be difficult to select 15 men who would more fully represent the divergent views of the citizens, and it is our firm belief after our experience in charter-making that no other body of freeholders that could be chosen by you could agree upon a charter that would be more acceptable to the majority of the electors.[135]

Apparently, the Board hammered out a compromise charter in the midst of serious disagreements among its members. Even relatively trivial matters could become controversial when the Freeholders addressed them: the Board even debated which newspaper should publish their completed charter. One freeholder pressured for its publication in the *Herald* and *Evening Express* papers, but another member joked that this would cause the other papers to oppose the charter on the mere grounds of having lost the printing business. After this, the Board decided to advertise for bids for printing the new charter. The same papers still received the contract and printed the charter, but the City's other two dailies—the *Times* and the *Tribune*—split over the

charter's suitability. The *Times* supported it, although it saw flaws in the document, whereas the *Tribune* strenuously opposed the charter proposal.

The *Times* addressed the public's discomfiture over the council size issue: "The provision for the election of a council, consisting of five members in place of the present fifteen, is one of the radical changes provided by the new charter, and the one which has elicited the most discussion and criticism." The *Times* argued against the safety-in-numbers principle by pointing out that "a small council, composed of the very best men that can be brought forward from each ward would be held directly responsible for the affairs of that ward, and, to the extent of his general responsibility, for the affairs of the whole city." Because they would receive "fair compensation" and devote "their entire time to the public business", they would realize their "responsibility and render good and efficient service." The present council, by contrast, consisted of multiple representatives per ward, so no one was responsible for their own ward, much less the entire city.[136]

The *Times* defended the charter proposal's provision allowing the city to acquire its waterworks and construct a sewer system, terming it "a good measure." However, the newspaper did object to some portions of the document. For example, the editorial staff would have preferred appointment of Police judges to election of these officers, but regarded this as a small defect. The newspaper also objected to charter provisions granting the Health Officer power to remove smallpox patients to the hospital, but argued this provision was so un-American that it would never be enforced. *Times* publisher Otis characterized the charter-established salaries as

"liberal", but opined they would "command first-class talent. It will be the fault of the people if incompetents, *ladrones* or scoundrels are permitted to fill the offices. Eternal vigilance is the price of liberty and good government." In sum, the newspaper favored adoption of the new government structure: "On the whole, then, the new charter though not without defects, is a meritorious instrument--an organic act suited in its essential provisions to the needs of the fast-expanding city for which it was framed.[137]

The *Times* was not able to persuade sufficient numbers of voters concerning the merits of the new charter, and they rejected the document by a 55-45 margin. Likely because nothing else was on the ballot, and perhaps additionally due to voter confusion, only a minuscule portion of the electorate bothered to vote. In an electorate of 10,000, about one in seven showed up at the polls. Only 1400 citizens bothered to cast ballots, and of these a 140-vote plurality opposed the charter. Although 14.3% turnout would not be atypical of an LA election in the 1980s, such a level of civic apathy was uncommon in the 1880s. The *Times* denounced the low turnout: "The extent to which this criminal neglect of a citizen's duty was carried may be gathered from the fact that, for every man who voted yesterday, at least seven who have a right to vote stayed away from the polls....This wholesale abstinence of citizens from serious political work is a species of social dry-rot, which, if allowed to spread, will inevitably undermine the entire fabric upon which American society, as at presently constituted, rests." The *Times* went on to argue that: "If we wait for a new charter that shall be absolutely perfect, we are liable never to have a new charter at all."[138]

However dismal the situation, the newspaper's publisher recognized the solution, and stated it for its readers: "The next thing to be done is at once to take steps to elect another Board of Freeholders and submit the charter once more to the people, after eliminating its most objectionable features and adding any good provisions which the recent discussion of the subject may have suggested." Two weeks later, "Mr. Teed moved that the Clerk address a notice to each City Central Committee, requesting that they meet and nominate 15 new Freeholders to work on a new charter." The parties followed the suggestion, and this time the Anti-Saloon League did not put together an opposition ticket.[139] Voters went to the polls on May 31, 1888 and elected the single ticket of Freeholders placed before them. "As there was but one ticket, it was, of course, elected 'by a large majority.'" Yet the ratification of the consensus ticket could not be taken to index widespread voter interest in a new charter; only 240 people—a little over 2% of the electorate—bothered to vote.[140]

Within 23 days of the defeat of the first charter of 1888, therefore, a new charter commission had been elected. Mayor William H. Workman again acted as board president. The Board seems to have taken the previous charter draft as a starting point. As evidence of this, a close reading reveals that much of the document—except in areas of controversy from the charter election—is word-for-word the same. In fact, the charter drafted by this second Board repeated the mistake of providing contradictory methods for appointing the Board of Health. However, the

Board did remove a number of the charter's objectionable features, and compromised on others.

We may surmise from the failure of the first charter produced by a Workman-led Board of Freeholders that his ideal charter may not have been identical to the one the city ratified. Because of the paucity of any record in the form of letters, and even the relative scarcity of coverage in the press at the time, the only way to discover the nature of the process at the time is to examine the difference between the documents themselves. By seeing the difference between the "charter" the state legislature drafted for the city and the charter the city enacted, this study may offer some observations about why the charter was drafted. By identifying the differences between the first 1888 charter that failed of passage and its successor, it should be possible to discover the contours of the compromise that must to some degree account for the passage of the second document.

The *Times* later stated in an 1897 retrospective: "A second board of freeholders then drafted another charter out of which all the good features which distinguished the one drafted by the previous board had been expunged"[141]. Of course, this represented 20-20 hindsight as well as election rhetoric. This newspaper had strenuously urged voters to pass the second charter produced in 1888, and this article was urging the 1897 charter amendments to fix the 1889 charter. Therefore, one must take the paper's arguments with a grain of salt (especially because their article inaccurately recorded the charter election as having occurred on December 5, 1887, when it actually happened on May 8, 1888; the Board was elected on December

5, 1887), but the newspaper's opinion on exactly which of the expunged features had been positive is indicative of the compromise of 1888.

Unlike the first charter of 1888, the second charter which was ratified (1889 Charter), according to the *Times*' memory of events, "fails to arrange for a definite system of management and finance for the carrying on of the city's business." The charter framers had also bungled in terms of assessments and franchises. Finally, "it is notable in this respect by an absolute failure to define or fix responsibility." The *Times* could have been referring to the fact that the first charter proposed in 1888 would have provided for mayoral appointment--with Council confirmation--of a city engineer and a street superintendent, whereas the second required these two officers to be elected.[142]

In his great biography of Los Angeles as a *Fragmented Metropolis*, Robert M. Fogelson argued there was a difference between the two proposed charters and the boards that framed them: "A new and more conservative Board of Freeholders then prepared another charter which stressed efficiency, avoided nonpartisanship, endorsed the common council, retained the ward system, and otherwise so respected present realities that it secured electoral approval in 1888".[143] This inaccuracy is one of the few problems in a book which otherwise represented a magnificent contribution to the literature on Los Angeles. In reality, the second Board does not seem to have been any more conservative than the first, and had been selected through the same kind of nonpartisan coalition.

Fogelson also mischaracterized the content of the two charters. While it is true that the second proposal maintained the ward system and the common council, the charter altered the ward boundaries, the number of wards, the connection between wards and council members, and the size of the council. In terms of efficiency and nonpartisanship, the first and second proposed charters were nearly identical. In terms of efficiency, both used the word many times throughout their proposed charters. More importantly, both proposals provided boards that were either required to include members appointed "without regard to their political opinions" or "[t]he Mayor and four citizens...not more than two of whom shall be members of the same political party".[144]

Despite Fogelson's errors in regard to the comparison between the two boards and their proposed charters, he was on the right track. There were changes between the first and second charter proposals, most them to address complaints made about the first document. One example of these is the power of the Health Officer. As mentioned earlier, even the *Times* had to counterbalance its support for the first charter proposal overall against its worries about the way the sections establishing the Board of Health would have affected the City. In covering the first charter proposal, the *Times* had stated:

> The Health Officer, under authority of the Board of Health, is empowered, among other things, to remove small pox patients within the city limits from their homes to the pest-houses. This is extraordinary power, liable to abuse, and the exercise of it would be of doubtful constitutionality and might result in serious infringement of those sacred private rights guaranteed to every citizen by Magna Charta. For these reasons, it is a dangerous provision, of which we cannot approve on principle. Yet, as a matter of fact, in actual practice

> we do not apprehend serious difficulty on this account, for the very reason that so great is the American repugnance to the invasion of the citizen's home-the entrance upon his castle without his consent--that the provision would be rendered practically inoperative. The exercise of such arbitrary power would be a dangerous experiment which no council and no officer would dare undertake, in the face of strong private and public opposition.[145]

In the new charter, the Board answered this objection by weakening the Health Officer. The Health Officer could, "with the approval of the Board of Health...cause to be removed to the hospital of the city provided for that purpose any and all persons affected with smallpox, from such houses as cannot be properly quarantined." The previous language did not require the Health Officer to employ the quarantine option instead of removal. [146]

Schools represented yet another area of divergence between the 1888 Charter proposals. W. M. Freisner, the Superintendent of the Schools during the time the two proposed charters were under construction, denounced the first charter in a letter which was printed in the newspapers. Freisner made three complaints, two of which the second charter draft remedied. The Superintendent complained about the share of taxation that was to go to the schools. He did not think the charter-provided 20 cents on each $100 dollars valuation was sufficient, but this was not changed.[147]

Yet another of Freisner's complaints was that his clerk was taken away by the charter: "At present the Superintendent, Deputy Superintendent and a clerk are so crowded with work that they cannot do justice to the department, yet the proposed charter wishes to go backwards by compelling two persons--the Superintendent and Deputy--to do all the work in the future when there will be more of it."[148] The second

version of the charter explicitly added "a clerk... and other employees" to the list of persons the Board could hire.[149] Finally, the Superintendent complained that under the proposed charter the Board of Education "may fix the salaries of all employees, except the Superintendent...but for some reason the Council must fix the salary of the Superintendent...would it not be better to give the Board of Education full control of their chief executive officer?" The second version did so, and removed this exception. The second Board of Freeholders fixed some of the education-related problems that plagued its predecessor and made it a harder sell politically.[150]

Apparently, another of the problems with the first charter of 1888 was in its provisions for streets. As indicated above, the Freeholders defended precisely this section of the charter in their open letter. The *Herald* was willing to concede a little: "No one has denied that its provision with reference to streets and the machinery devised for carrying out necessary public improvements are superior to those in the existing charter".[151] However, the paper and perhaps others still had problems with the process: "Why does it not say something in support of the injustice of making property holders go on paving their streets forever instead of having streets once paved turned over to the city. That is just the uncomfortable fix in which the proposed charter leaves property owners."[152]

The new and improved 1888 charter altered the street improvement process to address precisely this area. In Section 189, the charter instead provided that:

> Whenever any street or part thereof has been graded or otherwise improved at the expense of the owners of the real estate fronting thereon, and the same has been accepted by the Council, and the roadbed thereof shall require any repairs to be made thereon at any

> time, the Council shall order such repairs to be made at the expense of the city; any material required in such repairs, except on paved streets, to be of the same nature and kind as previously used. Whenever any street or part thereof has been paved and a sewer constructed therein at the expense of the owners of the real estate fronting thereon, and the same has been accepted by the Council, and the roadbed thereof shall thereafter require repaving, or it shall be necessary to construct a new sewer therein, the cost of such repaving or of such new sewer shall be at the expense of the city, and shall not be assessed against the owners of the property aligning such street.[153]

Therefore, the City would not assess the property owners for improvements more than the first time improvements were made. Instead, the City's general fund would be tapped for future purposes.

The next issue of contention over the first 1888 charter proposal was that of mayoral power. As the *Herald* stated, "This charter places greater power in the hands of the Mayor than is possessed by President, Governor or any constitutional King".[154] "Vote down the new charter so un-Democratic, so un-Republican in the vast patronage it bestows on the Mayor. Let us have a Charter which leaves the Government with the people, where it belongs." "The Herald's main objection to the proposed character is that it opens wide a door as big as a farm-yard gates [sic] for the entrance of a ring of 'boodlers', who will wreck the city".[155] But this issue was closely linked not only to patronage, but to the issue of the council's size and role: The *Herald* feared that the proposed charter was "without effective checks".[156]

Opponents of the first charter proposal cited the document's lack of checks and balances. The newspaper did not agree with reducing the council's size:

> Why is it that the Freeholders do not give a choice between their pet plan of a small council and a representative Council? They could have submitted alternative propositions, and the people could

> have taken their choice. Instead of this, they assumed the responsibility of forcing upon the people their hobby. They knew very well there was a strong indisposition among the people to abdicate their right to liberal representation, and yet they have refused to give them a voice deciding whether they shall have a large or a small legislative body. They virtually hold the poisoned chalice to our lips and say you must drink. It would have been very easy to have presented alternative propositions on this subject for the people to vote upon. That would have been fair and democratic. Not having done so, they must not be astonished if the people object to the whole business and call for another charter.[157]

The *Herald*'s objections seem to be somewhat counterintuitive. After all, a small Council would mean greater power for each individual member of the Council, perhaps placing a stronger check upon the mayor's authority. However, the *Herald*, and perhaps its readers linked a larger Council to the prevention of patronage and a graft-based ring: "Five men is too small a body to entrust with the affairs of a great city, and with no proper checks and balances to hold them in hand. There is not a city in the Union so governed. Such a city government is a direct invitation to pot-politicians to form a ring which will wreck the city."[158]

The *Herald* contended that the charter proposal would create the potential for a tyrannical mayor. If the Council was too weak to check the mayor and balance his power, then it would be a mistake to strengthen the executive. As the paper explained: "We have no objection to the experiment of increasing the power of the Mayor, providing that we retain the countercheck of a representative Council. But to increase the power and patronage of the Mayor, and at the same time to lessen the representative power of the people to hold a check upon the major [sic] if he should attempt to abuse his enlarged powers, would be simply suicidal."[159]

However, the logic under which a larger Council would be better able to check the Mayor requires explanation. One would think that the members of a smaller Council would each hold greater prestige and power in checking and balancing a Mayor. Yet the *Herald* saw the matter in a different light: "The weak point of the new charter is its unrepublican and undemocratic invasion of the principle of representation of small constituencies. The councilman who represents a small neighborhood feels a direct sense of responsibility which does not weight with a man who represents a constituency three times as large."[160]

Apparently, although there were three council members per each ward under the 1878 Charter, the custom must have been for the three to represent different constituencies within the ward. The three council members were selected by the same ward, so there no formal arrangements for sub-ward constituencies. Otherwise, it would be difficult to understand the concerns. The relative weight of each ward's vote was not to be changed, only the number of different sub-constituencies into which each ward was divided. A cynic would point out that perhaps some wards were so dominated by one neighborhood that their relative weight was much greater than other neighborhoods within their ward and in other wards. In addition, the real concern may have been that moving to ten fewer council members would have created greater difficulty in dividing spoils for the intra-ward machines that many newspapers reported. Regardless of the actual cause, the council size reduction sparked the most controversy of any of the changes the first 1888 charter would have made to the 1878 document.

The main feature of the compromise made by the second Board of Freeholders was then here, on the issue of council size. The second Board of Freeholders did not follow the path of controversy that the first had. Instead of reducing the Council from fifteen members to five, the Board's charter would create a nine-member council. This would mean four more council members than the earlier charter, but still six less than the status quo. If one splits the difference between five and fifteen, the result is ten. But ten is an even number and would result in problems due to ties.[161] One could alternatively choose nine or eleven; the virtue with nine is that it would allow an exact two-thirds majority for veto over-ride and budget purposes.[162] Thus, the nine-member Council represented a compromise between those who wanted to maintain the status quo and those who preferred a smaller council. The reformers sacrificed the very small council they wanted, but increased the resemblance between their document and the *status quo*, which likely made the proposal more likely to pass muster with voters. In addition, they still provided a system of one councilmember per district, which would ideally make it easier for voters to assign responsibility.

In exchange for allowing a somewhat larger Council and a reapportionment of wards—both of which were probably undesirable to defenders of the status quo—the second Board of Freeholders further enhanced the benefits of ward politics. They provided for a Board of Education whose members would be elected by districts rather than at-large. In the original 1878 system, the five members of the Board of Education had been elected at large. The first 1888 charter retained the five-member Board of Education, but provided it would be elected by the five proposed Council districts.

This change was not raised as an issue by the opponents of the charter proposal and would probably not have been as objectionable to ward politicians.

However, those who preferred ward politics may not have been pleased with the way that these elections were to be held. As the *Times* explained, "the section relating to the election of the Board of Education was so changed that the members thereof shall be elected, one from each ward of the city, and so alternating with the election of councilmen that no member of the Board of Education from any ward shall be elected the same year that a councilman is elected from that ward."[163] Two of the wards would elect their council members while the other three selected their School Board member. The next year, the two wards would choose their Board of Education members while the other three elected their council representative. This staggering of elections would make ward politics more vigorous for those who wanted to control their bailiwicks.[164]

The second charter proposal of 1888 retained the Board of Education as a body elected by wards, but allowed the members of both council and school board members to be chosen at the same time. The same nine wards would be used for both policy-making bodies, and all elections would include all City officers, regardless of whether they were elected by wards or at large. Moreover, the second charter proposal retained the election scheduling *status quo*, keeping the municipal elections in December of even-numbered years (unlike the first charter proposal, which would have required annual plebiscites). Furthermore, to answer the complaint that the first proposal granted the Mayor too much power, the framers of the second charter

proposal provided for election of the City Engineer and the Street Superintendent. The first charter proposal had made these officers mayoral appointees confirmed by the Council.

The final area of compromise between the two documents can be seen in the authority of the Mayor and Council. The revised charter proposal did not require the Mayor to be a full-time city officer. In addition, the new draft reduced the time allocated to the executive to consider ordinances; his time was cut from fifteen days down to ten. If the Mayor did not decide whether to veto or sign an ordinance in ten days, it became law.

To further empower the Council with respect to the Mayor, the second charter proposal retained the Council's leadership on financial matters. The first proposed charter had given both Mayor and Auditor the power to block the Council's financial decisions by refusing to sign contracts and pay demands. In the revised charter proposal, the Council could over-ride the Mayor and Auditor's objections to contracts and demands by the same two-thirds vote they were required to cast when approving them before their submission to these officers. Essentially, the Mayor and Auditor were reduced to calling a time-out, a period for the Council to reconsider its action. If the Mayor were to veto other financial decisions on which the Council was required to achieve a two-thirds majority in order to act, the Council could over-ride the Mayor's veto by a three-fourths majority.

Lastly, the first proposed charter allowed the Mayor-appointed City Engineer the authority to veto any contract or payment for public works before the Council

could order them or before it could pay for them. The revised charter allowed the elected City Engineer to report to the City Council on public works, but not to stop improvements from being made or paid for. The 1889 Charter institutionalized the strong Council that the 1878 Charter had established for the city.

By compromising on these matters, the second Board managed to avoid the failure of the first.[165] But the *Herald* still did not endorse the revised charter. The *Times* and the *Express* remained supportive, but the third daily was still unappeased. The enemies of the charter, according to the *Times*, were "that wing of the hide-bound and bigoted Democracy, which is under the leadership of the Herald and the ex-Chief of Police." In addition, the *Times* claimed that "Sid Lacey, the Democratic boss, was generalissimo in charge of the attacking forces." It is notable that although the *Times* called the Democratic Party "hide-bound and bigoted", the paper blamed a specific "wing" rather than the whole party. The *Times* faulted the party bosses, as well as the criminal element which the Times alleged to have engaged in vote fraud. Of course, the Board included Democrats, such as its President William H. Workman, and this undoubtedly aided the charter's prospects for success.

One of the issues that nearly derailed the 1889 Charter arose regarding its absence of anti-Chinese provisions. The 1878 Charter had included such language. The document expressly indicated that: "The Mayor and Council are prohibited from entering into any contract for public works or improvements, unless a proviso to be [sic] inserted in the said contract to the effect that Chinese labor shall not be employed on such works or improvements."[166] Even though the President of the Board of

Freeholders had entered politics as a member of the same Workingmen's Party that had placed such language in the 1879 California Constitution, and likely pressured for this language in the legislature when it drafted L.A.'s 1878 Charter, the 1889 Charter observed silence on this matter.

The L.A. Council addressed the absence of anti-Chinese provisions in the 1889 Charter proposal. At a Council meeting held a month before the voters approved the charter, the council acted unanimously to adopt the following resolution: "Whereas the proposed Charter contains no provision excluding the employment of Chinese labor on City work because the State law prohibits the same; Resolved that it is the opinion of this Council that insertion of a clause prohibiting the employment of Chinese labor was unnecessary and that there can be no objection taken to the Charter on this ground." State law at the time required cities to enforce such sections of the state's organic law with local ordinances, so there was little danger that L.A. might act in this manner, even in the absence of a charter mandate.[167]

The campaign for the 1889 Charter explicitly trumpeted the virtues of the document in preparing the city for the future. The *Times* made a very strong case about the charter "today offered to the voters of Los Angeles for their acceptance or rejection".[168]

> Much hangs upon the result of their vote today. The prosperity and progress of the city, in which we all take so much pride—at least to the extent of that progress, whether it shall be great or only moderate—hangs in the balance. Many much-needed public improvements will be impeded; or altogether prevented, should the new charter be defeated and let it be remembered that it will be two years before we can have another one. The coming winter will be a critical period in the history of Los Angeles. It is now a year since the

> crazy speculation in town lots came to an end. We have taken a good rest and are ready for a new start. The coming winter and spring will tell whether the real-estate boom is to be followed by a solid industrial boom, or whether a lengthy period of comparative inactivity is to intervene. Which shall it be? It depends very largely upon ourselves. And it depends more than many believe, upon whether or not we adopt the new charter today….The interest of The Times in this election is the interest of every good citizen who intends to make his permanent home here. Once more, and for the last time, we advise all our readers, who are voters, to go to the polls today and vote FOR the new charter. Its defeat will be a positive detriment to the city.[169]

Yet the newspaper was not content to make the above statement its last word regarding the new charter. Elsewhere on its editorial page, the newspaper discussed the formation of the city's new Chamber of Commerce. The editor stated that: "The Chamber of Commerce and the new charter will be two pretty good strides for the same week. Without the new charter, the work of the new chamber will be much impeded. See to it that it is adopted."[170]

The *Times* also pulled out all of the stops and adopted *ad hominem* tactics, contending that the villains against the new charter were criminals: "Under the new charter the Chief of Police will not be a member of the Police Commission, but a servant of it, liable to be turned out of office for misconduct. This fact makes one of the reasons for the opposition of the criminal classes." Additionally, the editorialist described the charter's opponents as: "Demagogues who toil not and only labor with their jaws"; "the rotten element"; and "the disreputable classes".[171] The newspaper depicted the charter as economically essential: "If you won't take the trouble to walk to the polls and deposit your vote for the new charter, you must not complain if you suffer from financial depression during the next two years." The paper's exhortations

in this vein approached hyperbole: "The adoption of the new charter means confidence, progress and prosperity. Its defeat means doubt, delay and retrogression….There will be plenty of work for all who desire it if the new charter is adopted. We want the sewers. We want them badly. Vote for the new charter. VOTE for the new charter."[172]

At a Republican rally held the day before the charter vote, a candidate in the county election spoke for its adoption. H.Z. Osborne pointed out that

> this was one of the most important questions ever presented to the people. It is especially so to those living in the hill districts, East Los Angeles and Boyle Heights. At present these districts are amalgamated with the closely-packed divisions about Alameda street and the railroads, and, as a consequence, they cannot elect their own councilmen. They should each constitute a ward by themselves as in the new charter. The city has outgrown the old charter. Under it the indebtedness is limited to $500,000, which limit has been reached. This puts a stop to all improvements, etc., as no city can pay for such things from its current funds. It was only right that those who are to have the benefits of those in the future should help to pay for them. As to the charge of gerrymandering the wards, they were laid out by the Board of Freeholders, which had eight Democrats to seven Republicans. The division had no partisan bias, and was vastly with them at present. The speaker further pointed out the great advantages of the new charter, and showed that it gave less taxation and a better government. He advocated that all good citizens take an interest in its adoption.[173]

The voters expressed confidence in the charter in an election featuring 45% turnout. Three times more voters showed up at the polls than had participated in the first charter election that year. The voters may have participated in greater numbers due to the fact that the election was held on a Saturday. The third ward was the most supportive of the charter, giving it 72% of their votes, but this ward had of course been the only one to give the first proposed charter a majority. In every ward but two, the

number of voters was three times higher than in the first election. In the first and second ward, the number of voters was 3.7 times higher.

The charter vote was closely watched by those who feared corruption would sabotage the election and defeat the year's second charter proposal. The *Times* reported on two precincts in the second ward:

> At Precinct B of the Second Ward, the 'mac' brigade, headed by the notorious Billy Abbott, made their appearance early in the day and worked like beavers against the charter. Unfortunately the police had neglected to stretch the customary ropes to define the 100-foot limit, inside of which electioneering would not be allowed, and Abbott took advantage of this lapse and the absence of policemen to thrust himself up to the very dock of the polling place....Complaint is made that at Precinct A, Second Ward, no attention was paid to looking up the name or number of a voter, and almost anybody who chose to deposit a ballot was allowed to do so. This precinct gave a vote of 492 against to 191 in favor of the charter--a negative majority of 301.[174]

Whether aided or injured by these reported acts of voter fraud, the charter passed by a 58% majority. Of the nine precincts into which the five wards were divided, only 2 gave the charter less than a majority. Five of the nine precincts gave the charter between 69% and 74%; two gave it 54% and 61%. Precincts 1B and 2A, the latter of which was the precinct whose monitors the *Times* alleged to have possibly a stuffed ballot box, gave the charter 43% and 28% respectively. In sum, the voters ratified the new charter by a 58% majority.

There seems to have been no correlation between turnout and affirmative voting on the charter. In the two wards for which the number of voters increased by a factor of 3.7, the affirmative vote was 1.48 times what it had been on the first charter. In the three wards for which the number of voters increased by a factor of 3, the

affirmative vote was 1.54 times what it had been in the first charter. In the first and fifth wards, for which the percentage of affirmative votes doubled, the number of voters rose by 3.7 in the former and only 3 in the latter.

The increase in popularity of charter reform—from a 45% to a 58% margin—might have resulted from either the substance of the charter or the campaign on its behalf. The charter framers made compromises that probably increased its prospects for success. Both the first and the second Board were chosen by a trans-partisan coalition; even the Anti-Saloon League's ticket for the first Board of Freeholders was mostly composed of those backed by the winning Nonpartisan list of endorsees. The same kind of elite coalition backed both Boards, and the same papers appeared to have endorsed and opposed both the first and second charters. Thus, the compromise is the one key difference between the two charter proposals. It may be that the mere fact of repetition of the process raised the voters' awareness and increased the charter's prospects, or that the second proposal was the subject of a more effective campaign. It is even possible that some combination of the compromises, repetition of the process and the campaign accounts for the second charter's passage.

The *Times* offered an interesting though highly problematic explanation of the charter's victory, based on besmirching the character of its opponents:

> the main cause for this striking majority may undoubtedly be found in the discovery which respectable citizens made, early in the day, that the vicious classes of the city, including all the pimps, gamblers and thieves, supplemented by that wing of the hide-bound and bigoted Democracy which is under the leadership of the Herald and the ex-Chief of Police, were working solidly against it. This induced many respectable citizens, who had intended to vote against the charter, to change their minds and cast an affirmative ballot.[175]

What is more likely is that the compromises, which the *Times* would later denounce as having ruined the charter proposal, made it possible to pass.

The city of Los Angeles ended up holding rallies to persuade the state legislature to ratify their charter. At a mass rally, former mayor and Freeholder President William H. Workman stated, "The new charter may not be perfect, for no instrument is perfect, but the old one has outlived its usefulness, and if the citizens wish to see improvements going on they must do all in their power to bring about such a result…While I was Mayor of the city I labored under a great many disadvantages on account of the old charter. Had it not been for that instrument we would have an outfall sewer to the sea today."[176] As Workman's son would note: "One reason for the few municipal improvements was that, being unchartered, Los Angeles had to function under general state law. Even such important matters as water development could not be undertaken without authority of the State Legislature." Mayor William Workman had been experienced in the need to get state legislative approval for everything. He had even asked the legislature to create the position of Police Judge so as to free himself as Mayor and later executives from the burden of such judicial duties.[177]

Yet the campaign for the new charter did not end when the voters left the polls. Because Los Angeles was the first city in the state to take advantage of the right to draft a charter, there was no telling what the legislature would do. This freeholders' charter would nullify the special charter that the state had enacted for the city, and it was not clear how much a freeholders' charter would diminish state control over the

city. Furthermore, the proposed charter established reforms that were fairly progressive for the times, and might not be favored by the legislators. Those officials who were allied with public utilities such as the Southern Pacific Railroad might have felt some trepidation concerning the great expansion of the city's regulatory authority the new charter established. Hesitant state legislators were prohibited by law from amending the document, and could only decide to approve or reject it as a whole.

In view of this uncertainty, Los Angeles leaders decided that they needed to campaign for legislative approval of their charter. In fact, the city seems to have conducted a more visible campaign to persuade the state legislature than had been offered to convince voters to approve the charter. The city's pro-charter forces were kept in agony, waiting for three months to find out the fate of their document. They held rallies, gathered citizen signatures on a massive, 175-foot-long petition that the city submitted to the state legislature, and cheered when that body swallowed its fears about the document's legality and ratified it.[178]

It is possible that the Freeholders did not need to campaign as aggressively with the city's own voters because of the collapse of the 1880s real estate boom. It is no coincidence that the charter election which ratified the document took place the same day the newspapers reported the formation of a new Chamber of Commerce. Like the charter, the chamber was to address the precipitous decline in property values that came at the end of the tremendous growth spurt from 1885 to 1888. Mayor William H. Workman, the man who led the Board of Freeholders in drafting the new charter, was also one of the founding members of this new Chamber of Commerce.

The new Chamber aimed to campaign for revitalization of the city, whose growth had peaked in 1887:

> Truly the late summer and early fall of 1887 in Los Angeles need yield to few rivals as a period of feverish business, ready cash, and lush prosperity. But the summit was reached in 1887. After that the boom proceeded to slip downgrade, and promoters were fully occupied explaining drooping sales figures and dwelling happily on the past--emphasizing, of course, their opinion that there was no logical reason why the flurry should not surpass itself during the following summer. Their manful strivings were in vain. Easterners, satiated with hysterical advertising, responded in ever-diminishing numbers, and the winter tourist crop was painfully small. Unfortunate incidents occurred to discourage optimists. For instance, January was a month of flooding rains which temporarily disrupted railway communication, and some property owners decided that the time had come to sell out. Advertisements became plaintive, then desperately noisy, then subsided into feeble glimmerings of their old enthusiasm. The boom was over, the machine was running down.

Dumke's land assessment figures for the City of Los Angeles indicated that the city properties had declined precipitously in value. In the words of a downcast realty reporter who observed the end of the boom, "[t]he market is not what it used to be".[179]

Many city residents saw a connection between the city's economic and political situations. These people thought taxes were "outrageously high and services incredibly inadequate". They offered a politics-based diagnosis of the source of the city's inability to reconcile frugal administration with liberal improvements: "They attributed this situation to a corrupt political ring, consisting of businessmen and officials, which exploited the townspeople in order to gain profit and win elections". These people were unhappy with the existing municipal accommodation between private enterprise and public authority.[180]

Undeniably, the City of Los Angeles found itself in economic crisis when it decided to draft its first charter. It is more than mere coincidence that the City formed a new Chamber of Commerce the day before voting into effect its first freeholders' charter. When the first charter proposal had failed to secure a majority, the voters had promptly elected a new board. The second charter proposal, which was approved by the city's voters a few months later and subsequently ratified by the state legislature, became effective in 1889. The city's desire for a home rule charter can be inferred from the fact that voters went to the polls four times within ten months to secure passage of a suitable governing document.[181]

It is not surprising that the leaders in the charter campaign also led the effort to re-establish the Chamber. Mayor Workman's leadership in both marked his comprehension of the link between the city's political and economic fortunes. As the *Times* opined, "the citizens of Los Angeles...know that the future prosperity of their city depends, to a great extent, upon the approval of this charter, which they have so heartily endorsed. We are complaining now of dull times. Should the new charter be defeated, we may have something to complain about, in earnest, during the ensuing two years."[182]

Los Angeles's First Charter: Progress as Efficiency and Growth, 1889

Under the 1889 Charter, Los Angeles continued to rely upon the mayor-council form of government. However, the charter was much more extensive than this alone, and provided a complete set of checks and balances much like the United States Constitution. The charter established separate branches for executive, legislative and

judicial functions. Like the U.S. Constitution, the charter created a sort of bicameralism, with separately elected legislatures to make policy for the city and for its school system. The City Council and the Board of Education were both elected by the nine wards into which the charter divided the city. Like the U.S. Constitution, the charter instituted a judicial branch consisting of a police court, with two police judges and their clerks; the courts were responsible for punishing misdemeanors and other crimes that were not handled by California's superior and appellate courts. Like the U.S. Constitution, the charter designated the mayor as the city's executive officer and provided that this officer would supervise "the acts and conduct of all its officers and employees."[183]

The major difference between the charter and the U.S. Constitution was in the charter's executive branch. In this regard, the 1889 Charter bears a greater resemblance to the California Constitution because of the plural nature of its executive branch. The United States Constitution provides a unitary executive. The Vice President is not truly elected separately from the President since the 12th Amendment's passage, and the Vice-President carries no formal authority except casting the tie-breaking vote in the U.S. Senate if necessary. The California Constitution, on the other hand, provides for several different executives, who are all elected separately, hold divergent authorities, and do not report to each other or the Governor. The 1889 Charter provided for a nine-member plural executive. The Mayor, City Assessor, City Attorney, City Auditor, City Clerk, City Engineer, City Tax and License Collector, City Treasurer and Street Superintendent were all elected by the entire city by separate

votes. Each was given different jurisdictions, and while each reported to the City Council on their actions, none could be removed except under very circumscribed conditions.

The 1889 Charter also resembles California's Constitution more than that of the United States because of its clearly delineated organizational chart. The U.S. Constitution is very vague and ambiguous when it comes to Article II on the executive branch. The President is authorized to "require, the Opinion, in writing, of the Principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices," but the details of these departments, duties and offices are left unspecified.[184] The President is allowed to appoint "Officers of the United States…established by Law" subject to advice and consent of the Senate, but no specifics as to the functions or responsibilities of these officers are outlined in the document.[185] The California Constitution, on the other hand, provides for specific cabinet officers and departments.

Following the state constitutional model, the 1889 Charter established nine specific appointed officers—the Chief Engineer of the Fire Department, Chief of Police, Clerk of the Mayor, City Sealer of Weights and Measures, Health Officer, Librarian, School Superintendent, Superintendent of Buildings and Water Overseer. One of these officers reported directly to the Mayor (the Clerk), another to the Board of Education (School Superintendent) while four of the others were appointed and supervised by the Boards of Commissioners of the Fire, Health, Police and Public

Library. The charter did not establish an officer for the Board of Park Commissioners, but the Council was authorized to create such positions as needed.

Unlike the U.S. Constitution, which vested "executive Power" only in the President, the charter delegated key policy making and administrative functions to boards of commissioners.[186] Such boards would manage the fire, health, library, park and police departments and appoint their executive officers. Some boards were to be appointed by the mayor with council confirmation; others were to be appointed by the council, with the mayor serving as a member *ex officio*. The boards of fire, park and police commissioners would consist of the "Mayor and four citizens, to be appointed by the Council, not more than two of whom shall be members of the same political party." The health and library boards were also to consist of five members, but they were to be "selected without regard to their political opinions." In its concern for providing bipartisanship or nonpartisanship on these boards, the 1889 Charter reflected the nascent opposition to party-based rule of cities that characterized early municipal progressivism.[187]

The system of five-member citizen commissions--which managed their departments and could appoint executive officers--has been maintained since 1889 and remains a key feature of Los Angeles government to this day.[188] The charter accorded these appointed boards considerable authority. The Library Commissioners could "control and order the expenditure of all moneys at any time in the Library Fund, and order the drawing and payment of all moneys out of said fund for such expenditures or liabilities…." The commission could "purchase and lease all necessary real property

whereon to construct, and thereon to construct a library building or buildings…and generally do all that may be necessary to carry out the spirit and intent of this charter in establishing a public library…."[189]

The city's commissions could hold city property without involvement or interference by elected officials. For instance, the charter charged the Park Commission with managing and protecting parklands, ensuring they would "forever remain to the use of the public…inviolate…and no part…ever used or occupied for any other purpose." The charter granted the Board of Health quarantine authority, as well as power to staff city hospitals and to operate a "Small-Pox Hospital." These 1889 Charter-authorized commissions held special fiscal and property powers which would establish the precedent for the city's proprietary department commissioners, who are presently charged with managing multi-billion dollar public enterprises.[190]

Since the 1889 Charter emerged from the nascent Chamber of Commerce, it should come as no surprise that this organic law made it a priority to ensure economic growth. To allow construction of needed infrastructure, the charter raised the debt limit to two million dollars. That limit could be exceeded to the extent allowed by state law if the debt were undertaken for water or sewer purposes. The charter's framers devoted four of the charter's 22 articles to enhancing the city's ability to improve streets and construct sewers. The charter established a legal foundation for city authority over condemning property and paying for new development. Finally, the charter guaranteed the all-important water supply would be municipally owned and managed.[191]

The 1889 Charter listed in exhaustive detail the powers that the city's officers would enjoy. In terms of providing infrastructure, the city could "erect and maintain public buildings, and…lay out, establish, improve, and maintain public parks and cemeteries." The city could "provide for supplying the city and its inhabitants with water and gas, or either, or other means of heat and illumination." The city was allowed to "lay out, open, extend, widen, improve, or vacate, pave, and repave streets and alleys, sidewalks and crossings, and other highways." To take care of "the disposition of sewerage", the city could "construct and maintain sewers, drains, and other works." In order to pay for such infrastructure, the city held power "to levy assessments upon property to pay for the improvement of streets and other public improvements." Of course, the charter limited the tax for these purposes to 1% of assessed valuation so the city would not scare away the citizens and companies it needed to bring in to allow growth. This limitation did not, "however, include "payment of interest on the municipal debt and redemption of bonds," which was only constrained by state law if this debt were undertaken to provide water and sewer service.[192]

The charter established a Water Overseer of the City to carry out the functions of the Zanjero, an office that had long served the city. The Water Overseer would "have the general charge, care, and supervision of all waters and waterworks belonging to the city, and of the distribution of said waters, so far as the same shall be intrusted to him by ordinance." The Water Overseer would take over the duties of the city's Zanjero, which had been created earlier in the city's history and strengthened by

the 1878 Charter. Every year, the Water Overseer would report on "the amount of water rates and charges collected by him, and…make a detailed statement of the condition of the water systems of the city, so far as the same are intrusted to him".[193] The Charter had to leave some of these provisions vague because the city had entered a thirty-year contract for water service with a private company in 1868. Until the contract's expiration in 1898, the Water Overseer would be hampered by the privately owned Los Angeles City Water Company.

The Charter did contain an entire article laying out the terms of its water rights. The city would "continue in its ownership and enjoyment of all rights to the water of the River Los Angeles".[194] These rights were to include "the full, free and exclusive right to all the water flowing in the said river at any point from its source or sources, to the intersection of said river with the southern boundary of said city, and also the ownership, and the right to develop, economize, control, use and utilize all waters flowing beneath the surface in the bed of said river".[195] The city's conveyance of its waters would not be permitted unless the city could revoke it on less than six months notice. Conveyance would not include ordinary sale of water to irrigation, domestic or manufacturing purposes, but it would include the use of water to generate hydroelectric power.

The council would set water rates for itself or any companies selling city water, and would determine the material and capacity of any water mains laid in the city, none of which could be less than four inches in diameter.[196] Finally, the city would be allowed to "construct, maintain, and operate waterworks, dams, reservoirs,

ditches, canals, and other means to conduct the said waters…to supply the city and its inhabitants with water, and to distribute such water, either in zanjas, pipes, or otherwise, into, upon, and over the lands within the limits of said city".[197] This charter article would cement in place the foundation for the developmental reformers and their campaign to create an infrastructure for economic growth.

In terms of providing needed city services, the charter authorized the city "to establish and maintain public schools and public libraries." The city was allowed to "provide for the care of the sick and helpless" and "to make regulations to prevent the spread of epidemics and contagious and loathsome diseases." The city could "protect the property of its inhabitants against inundations"; "provide against the existence of filth, garbage, and other injurious and inconvenient matter within the city, and for the disposition of the same"; and "provide and maintain a proper and efficient fire department". The city could "adopt such measures, rules, and regulations for the prevention and extinguishment of fires, and for the preservation of property endangered thereby, as may be deemed expedient." The Council was authorized specifically to regulate or prohibit "the keeping of gunpowder, acids, or other explosive, combustible, or inflammable material, within the limits of the city, or any specified part thereof".[198] The Council might "establish fire districts, and determine the character of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration, or repair of such buildings, or in the repair or alteration existing buildings within such limits".[199]

The charter would grant the city extensive powers to regulate businesses. This regulation could serve both social and moral reform goals. The city would hold power to:

> license and regulate the carrying on of any and all professions, trades, callings, and occupations carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in such professions, trades, callings, or occupations, and provide the manner of enforcing the payment of the same; provided, that no discrimination shall be made between persons engaged in the same business otherwise than by proportioning the tax upon any business to the amount of business done; and to license, regulate, restrain, suppress, or prohibit any or all laundries, livery and sale stables, cattle and horse corrals, slaughterhouses, butcher shops, hawkers, peddlers, pawn-brokers, dance cellars, melodeons, shows, circuses, public billiard tables, bowling and tenpin alleys, and to suppress and prohibit all faro banks, games of chance, gambling houses, tables, or stands, bawdy houses, the keeping of bees within city limits, and any and all obnoxious, offensive, immoral, indecent, or disreputable places of business, or of practice.

In all probability, the reason why the charter forbade discrimination between people in the same business was to prevent the opportunities for graft that would have been available through selective enforcement of the licensing laws. Social reforms aiming at fairness in the marketplace, and moral reforms targeted at suppression of gambling, liquor and vice would have been within the jurisdiction of the Mayor and Council equipped with such wide-ranging authority.

The charter allowed the city to "manage, sell, control, lease or otherwise dispose of any or all property…and to appropriate the income or proceeds thereof". The charter did prohibit the city from mortgaging its property or using it as collateral "for any purpose". In describing the city's powers of eminent domain, the charter would explicitly include water. The city could "acquire, by purchase, condemnation,

or other lawful means, property, both real and personal, including water and water rights, within or without the corporate limits, necessary or convenient for municipal purposes".[200]

The Charter accorded the council extensive powers to: regulate private buildings; define and abate nuisances; manage prisoners and use them on "public work"; survey streets, set their names, numbers, advertising rules, and cleaning and sprinkling systems, and "compel all persons to conform" with official street surveys; establish "stands for hacks" and regulate their charges and require them to be posted in their vehicles; regulate gas, light, electric, railroad, telegraph and telephone utilities; provide police telegraph and fire alarm systems; remove "all rubbish, garbage, refuse matter, and of all material detrimental to public health" at the times it determines are "best for the public good". In short, the council would "have full power to pass ordinances upon any other subject of municipal control".[201]

Because the charter framers had not forgotten the inflexibility and resulting inadequacy of the city's state-provided structure, they wrote into the 1889 Charter not one but two elastic clauses. The first clause authorized the city to make "regulations as are not in conflict with general laws, and are deemed expedient to maintain the public peace, protect property, promote the public morals, and to preserve the health of its inhabitants." The second clause reserved for Los Angeles the right to "exercise all municipal powers necessary to the complete and efficient management of the municipal property, and for the efficient administration of the municipal government,

whether such powers be expressly enumerated herein or not, except such powers are forbidden by the general law".[202]

The charter granted the spending power to the council so long as six of its nine members could reach consensus. All city officers, including the mayor, reported annually to the council. The mayor signed contracts and could veto them with auditor approval, but the council could override both officers by the same two-thirds margin by which the body had initially approved the spending.[203] The 1889 Charter gave the mayor negative powers such as the veto, but little positive authority except in terms of board appointments and *ex officio* board membership. Those who feared the use of public authority to create opportunities for graft soon had reason to regret the power they had given to council coalitions. They condemned the continuation of ward-level machine politics in the city--seen in the council's granting of controversial and perhaps ill-considered traction franchises and city printing contracts--by calling the council "the Solid Six." [204]

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[1] See "Today's Election—Duty of Citizens," *Times*, December 5, 1887. This comment about the imperfectness of the charter, but its quality as the best that was possible at the time, resonates with those made during the 2000 charter reform process, and was uttered by Commissioner Widom.
[2] "The Times and the Charter," *Times*, May 8, 1888.
[3] "Pro Charter: A Mass Meeting of Citizens Last Night," *Times*, January 22, 1889, p. 2.
[4] *Times*, October 20, 1888, p. 4.
[5] See Samuel H. Kernell, *Going Public: New Strategies of Presidential Leadership*, 4th Edition, (Washington, D.C.: CQ Press, 2007).
[6] Up until 1875, all American cities, including Los Angeles, took their structure and function from special legislation. Typically, states would divide cities into classes based on their populations, and provide forms of governance for these different classes. In the case of larger cities, such as San Francisco, the state would draft an incorporation act that would apply to only one city. Alternatively, the state could define classes such that they would contain only one city. In 1875, Missouri became the first state in the United States to allow its cities to adopt home rule charters. In 1876, St. Louis took advantage of this privilege. California provided for the adoption of home rule charters by large cities in its new 1879 Constitution, which simultaneously forbade the state legislature from providing for local

governance by special legislation. San Francisco was the target of these home rule privileges, as St. Louis had been the target of the new Missouri Constitution. Yet San Francisco was unable to persuade its voters to approve a new charter for the city-county. In 1887, both California and Missouri altered the provisions for home rule charters: California allowed smaller cities to elect boards of freeholders to draft charters for ratification by citizens; Missouri outlined a freeholder process for large cities other than St. Louis. Based on these statutory changes, both Kansas City and Los Angeles selected boards of freeholders in 1887. Both cities' voters rejected their charters in early 1888, and elected new boards of freeholders later in 1888. On October 20, 1888, Kansas City voters elected that new board of freeholders, while on the same day Los Angeles voters approved the charter drafted by their second board of freeholders. The state of California approved the Los Angeles Charter and it took effect in January 1889. Kansas City's voters approved their second board of freeholders' charter on April 8, 1889, and it took effect on May 9, 1889. See Oberholtzer for the L.A., San Francisco and California side of the story, as well as a brief discussion of the history of Missouri and home rule. For the details of the Kansas City charter and its history, see Burroughs N. Mossman, editor, *The Charter and Administrative Code and General Ordinances of Kansas City, Missouri: Revision of 1941*, (Kansas City: Lewis Printing Co., 1941), pp. 9-11.

[7] See Ellis Paxson Oberholtzer's book on *The Referendum in America* for his discussion of the ambivalence state legislators felt regarding the granting of home rule charters to cities, when these documents would repeal the state legislature's authority to legislate for the cities.

[8] Yang-Na was located near the intersection of Commercial and Alameda, according to Hunter. See Burton L. Hunter, *The Evolution of Municipal Organization and Administrative Practice in Los Angeles* (Los Angeles: Parker, Stone & Baird, Co., 1933), p. 1.

[9] This name was adopted because the Los Angeles River had been called El Rio de Nuestra Señora La Reina de Los Angeles de Porciúncula by Catholic friars during Father Junípero Serra's establishment of missions along the California coast. Therefore, the city of Los Angeles is actually and aptly named after the river that makes it possible.

[10] The commingling of powers remains the *status quo* today. The issue of where to divide legislative and executive powers has proved to be one of the key battlegrounds for charter reform over the years since L.A. became a U.S. city. The caveat to this characterization of Los Angeles governance from 1812-1850 is that there was a brief period from 1840 to 1844 when Los Angeles was without an *Ayuntamiento* and *Alcalde* because of its small size. In 1837, the Mexican Congress had required towns to reach a population of 4,000 residents in order to qualify for an *ayuntamiento*, and a survey by national officers was conducted to determine which municipalities were eligible. In 1840, the survey had been completed, and neither Los Angeles nor any other town in California contained the requisite number of inhabitants. All of California's *ayuntamientos* were thus closed. An 1844 act re-established Los Angeles's *Ayuntamiento*. During the hiatus, prefects and justices of the peace governed Los Angeles, implementing laws enacted by Mexico's departmental assembly. See Hunter, 1933: p. 6.

[11] One of the reasons is that access to newspaper evidence is limited prior to the founding of the *Los Angeles Times* in 1881. It has not been possible for the author to locate a satisfactory source of earlier newspapers such as the *Los Angeles Star*, and aside from a few memoirs of early Los Angeles written by Harris Newmark and Boyle Workman, there is little data on political history at the detailed level of charter change.

[12] See the burgeoning literature on path dependence that has been developing in several subdisciplines of the social sciences and various subfields of Political Science.

[13] Discounting the possibility of discontinuous change, successful efforts at charter change demonstrate the underlying contours of the rules of the game as well as do the unsuccessful attempts. Of course, this dissertation does not argue that ultimately the charter does not matter because the city found ways to get things done even when the legislature was calling the shots. The absence of home rule did hamper the city, and also task the state legislature with a great deal of work on the city's behalf. Ultimately, it seems in part true that the state legislature delegated control over municipal affairs to cities because the

magnitude of their tasks was so great without needing to run the cities, and any electoral credit to be gained by passing special legislation would require a great deal of local knowledge. It might be more costly to a state legislator to intervene in local matters than it would be worth. In any event, the state legislature lost the power of special legislation over cities by virtue of the 1879 Constitution drafted primarily by the Workingmen's Party. The new state constitution would constrain the legislature in manifold ways, such as creating the Board of Equalization and the Railroad Commission, not to mention the stricter requirements the document imposed upon budgeting, taxation and indebtedness. The 1879 Constitution deprived California's legislature of a great deal of authority, including local legislation. See Swisher's classic study of the 1879 Constitution: Carl Brent Swisher, *Motivation and Political Technique in the California Constitutional Convention, 1878-79* (Claremont, CA: Pomona College, 1930); see also Neil L. Shumsky, *The Evolution of Political Protest and the Workingmen's Party of California* (Columbus: Ohio State University Press, 1991).

[14] "The period of extensive state control" is Bollens' term for the 1850-1889 era. See Bollens' Chapter 2 in *A Study of the Los Angeles City Charter: A Report of the Municipal and County Government Section of Town Hall*, Los Angeles: Town Hall, 1963, p. 44. However, it is clearer to refer to this as a period when the city's charter could only be changed by an act of the state legislature. Of course, from 1879-1974, city charters could not take effect until they were passed by a joint resolution. As Oberholtzer indicates, the framers of the 1879 state constitution insisted on this principle of a proposed charter's submission to the legislature as prophylaxis to the effective "secession" of cities from the state, but the legislature could only "accept or reject the instrument 'as a whole without power of alteration or amendment'" (see p. 347). This veto authority apparently became a rubber stamp fairly early in the 20th Century. Oberholtzer wrote in 1912: "Up to this time the approval of the legislature has never been withheld from a charter which the people of a city have first ratified…" (p. 349). In 1974, the California Constitution was changed, so that afterward charters would take effect after they were filed with the Secretary of State.

[15] See "An Act to Provide for the Incorporation of Cities," *The Statutes of California*, First Session, (San Jose: J. Winchester, State Printer, 1850), Chapter 30, pp. 87-91 for the Incorporation Act. See "An Act to incorporate the City of Los Angeles" in Chapter 60, p. 155 of the same volume for the rest of what would become Los Angeles' 1850 Charter. Hunter, 1933 (p. 16) discusses the disparity between the city's population and the number of inhabitants required for municipal incorporation. In tandem, the March and April acts form Los Angeles' 1850 Charter. According to Gregory H. Singleton, "the *alcalde* system had been a method of giving official recognition to the *rancheros* who held charismatic leadership." Singleton contends that the 1850 Charter thus "made the town officials government functionaries rather than social leaders." See *Religion in the City of Angels: American Protestant Culture and Urbanization, Los Angeles, 1850-1930*, "Studies in American History and Culture," series, Volume 2, Ann Arbor: UMI Press, 1979, p. 36.

[16] As will be discussed below, L.A.'s first home rule charter actually took effect in 1889. Some scholars reserve the term "charter" for home rule charters drafted and approved by city voters. However, even home rule charters do not take effect until state governments formally recognize them. Under the current California Constitution, this requires only that the charter or amendments thereto be filed with the Secretary of State (Article XI, Section 3). Prior to a state constitutional amendment in 1974, the legislature formally voted to ratify city and county charters and amendments. Because of Dillon's Rule, formal state recognition of local charters precedes their claim to effectiveness. This is the case for California and all American states of which I am aware. See Myron Ross & Bernard Levine, *Urban Politics: Power in Metropolitan America*, 6th edition (Itasca, IL: F.E. Peacock, 2001), pp. 90-91 as to this point. Furthermore, it is common practice in historical, political science and public administration literatures to refer to incorporation acts passed specifically to cover the governance of one city as charters. For example, in his 1933 monograph on the history of L.A.'s government, Burton Hunter refers to the 1878 act California passed to restructure L.A. as the city's 1878 Charter. Urbanists refer to Chicago as chartered, even though that city's charter is actually an Illinois state law. Given that

using the term charter in quotation marks for all L.A. governing documents prior to its 1889 home rule charter is awkward, and that this chapter distinguishes L.A. charters pre- and post-1889, I will refer to the 1850, 1873, 1876 and 1878 state laws establishing L.A.'s governance as charters throughout this dissertation.

[17] The sections cited in this paragraph are, in the order cited: Article 4, sections 31 and 37, and Article 11, sections 9 and 4 of California's 1850 Constitution.

[18] The quote is often cited from the United States Supreme Court's *Trustees of Dartmouth College v. Woodard* (17 U.S. 518 [1819]), but it is a misquotation of that particular case. See Dennis Judd's *The Politics of American Cities: Private Power and Public Policy*, 2nd ed. (Boston: Little, Brown, Co., 2004), p. 41. The closest that John Marshall came to declaring cities creatures of the state in *Dartmouth* was when he wrote: "In respect to public corporations, which exist only for public purposes, such as towns, cities, &c., the legislature may, under proper limitations, change, modify, enlarge or restrain them, securing, however, the property for the use of those for whom and at whose expense it was purchased." Elsewhere in the opinion, Marshall stated, "A corporation is an artificial being, invisible, intangible, and existing only in contemplation of law. Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly or as incidental to its very existence. These are such as are supposed best calculated to effect the object for which it was created." These two passages seem clearly to be the foundation for Judge Dillon's *Clinton* ruling (see footnote 11 below). On early Los Angeles charter history, see J.M. Guinn, *A History of California*, Volume 1 (Los Angeles: Historic Record Co., 1915), p. 269 and Hunter, *Evolution*, pp. 13-21. I use the term American here to apply only to the United States of America rather than to the Americas.

[19] See Judge John F. Dillon's landmark decision in *City of Clinton v. Cedar Rapids and Missouri River Railroad Co*., 24 Iowa 455, 475 [1868]. Dillon reiterates this decision in *Municipal Corporations* (1*st* ed. 1872) (emphasis in original). Quote from *Federalist* #45 here and explain how once the states proved willing to delegate their powers to the cities, the municipalities would hold considerable authority.

[20] Sections 12 and 13 of the 1850 Incorporation Act.

[21] The state would be more of a constraint, given that little detail of local relevance would be in the national Constitution at this pre-Civil War amendments period.

[22] Sections 21 and 23 of the 1850 Incorporation Act.

[23] From 1879 to 1887, no one held authority to change the city's charter. The 1879 Constitution had removed the power of special legislation from the Senate and Assembly, and L.A. was too small to draft a home rule charter until the state liberalized the home rule provisions in 1887. Technically, L.A. could have asked the state legislature to give it a generic charter under the terms of the 1883 Municipal Corporations Act, but this would have meant that L.A. lost all the special water-related provisions built into its charter by 1878.

[24] See "An Act supplementary to an act entitled 'An Act to Incorporate the City of Los Angeles,'" *The Statutes of California*, Second Session (Vallejo: G. Kenyon Fitch, State Printer, 1851), Chapter 78, p. 329 [Act passed April 5, 1851]. The 1856 act was "An Act Concerning the Corporate Name of the City of Los Angeles," *The Statutes of California*, Seventh Session (Sacramento: James Allen, State Printer, 1856) [Act passed February 19, 1856].

[25] See *The Statutes of California*, Fourteenth Session (Sacramento: Benj. P. Avery, State Printer, 1863) [Act passed February 15, 1864].

[26] See "An Act supplementary to an act entitled 'An Act to Incorporate the City of Los Angeles,'" *The Statutes of California*, Second Session (Vallejo: G. Kenyon Fitch, State Printer, 1851), Chapter 78, p. 329 [Act passed April 5, 1851].

[27] See "An Act Supplementary to 'An Act to Incorporate the City of Los Angeles,'" *The Statutes of California*, Third Session (San Francisco: G. K. Fitch & Co., and V. E. Geiger & Co., State Printers, 1852), Chapter CX, pp. 186-187 [Act passed May 1, 1852).

[28] See *The Statutes of California*, Sixteenth Session (O. M. Clayes, State Printer, Sacramento, 1866) [Act passed January 17, 1866].
[29] The council's original size was set at seven members, the smallest number permitted by the state's generic incorporation act for cities, which provided for a council ranging from seven to twenty members. It is not clear from city records how many wards the council created for the election of these members, or if the city created any wards at all, although it seems to have been three. According to the *Chronological Record of City Officials, 1850-1938*, the council acted in 1870 to re-allocate council members between the three wards, and the provision for having three wards was not required by the 1868 increase of council members to ten, so it is possible that there were three wards prior to 1868, and that the three wards split the seven council members between them.
[30] If they were not new, then the Mayor and Council must have established them at some point between 1850 and 1868, and established a rule for who would elect the seven Council members.
[31] See Article IV, Section 1.
[32] However, bilingualism may have been required by the state prior to 1873. The 1849 Constitution recognized both English and Spanish as official languages, mandating that state records and documents be printed in both. Based on a perusal of several state depositories at several public universities, it appears to the author that the state may have been remiss in complying with the 1849 Constitution's provisions for bilingualism. It is difficult to find the translated *Leyes de California* for the years after 1856. Of course, the 1879 Constitution drafted by the nativist Workingmen's Party of California would repeal the official status of Spanish as a state language, and in 1986 California's Proposition 63 would declare English as the official state language. San Francisco's Proposition O emerged from an attempt in that locality to ban advertising on billboards in languages other than English. For an analysis, see Kathryn Woolard's essay, "Sentences in the Language Prison: The Rhetorical Structuring of an American Language Policy Debate," *American Ethnologist*, Volume 16, Number 2, May 1989. For the 1873 Charter terms mentioned in this paragraph, see Article IX, Sections 3 and 27 respectively.
[33] See Article III, Section 1.
[34] See Article VI, Section 1.
[35] See Article IX, Section 3.
[36] Burton Hunter's otherwise wonderful history of the administrative practices of L.A. did not correctly state the details on council size, indicating that there were 10 council members from 1868-1878. In reality, the city had 10 council members from 1868-1873, but 12 council members from 1874-1878. The 1850 Charter provided a 7-member council elected by no more than 7 wards (effective 1850-1868). An 1868 amendment provided for a 10-member council, which an 1870 city ordinance would provide for electing from 3 wards, with 3 members each from the 1st and 2nd wards and 4 from the 3rd ward (1868-1874). An 1873 amendment established a 12-member council elected from 3 wards, with 4 members per ward (1874-1878). The 1876 charter maintained the 12-member council from 3 wards. The new charter drafted for L.A. by the state in 1878, set up a 15-member council elected from 5 wards, with 3 members per ward.
[37] Article XII, Section 11.
[38] See Article VII, Section 1. The new charter's provisions for a Public Library system repealed the separate 1874 law the state had passed on this issue.
[39] Article IV, Section 10.
[40] Article IV, Section 5.
[41] Article IV, Section 2.
[42] Article XII, Section 3.
[43] Cf. Article IX, Section 27 of 1873, Article IX, Section 25 of 1876, to Article XII, Section 24 of 1878; in connection with the prohibition on Chinese labor, the 1878 Charter shows the influence of the Workingmen's Party, which would remove bilingualism from the state constitution in 1879.
[44] See Frank J. Goodnow, *Municipal Home Rule: A Study in Administration* (New York: Columbia University Press, 1916), p. 56.

[45] For this data, see appendices in Sutton's *Civil Government in California*. The various special acts needed by cities were catalogued in a table of obsolete laws, found in *California Code Commission, Government Code, Title 4, Preliminary Draft*, "Tentative List of Obsolete Acts," (Sacramento: State Printing Office, 1942).

[46] Marysville is a small city with 12,268 inhabitants according to the 2000 U.S. Census. The city had achieved a population of 10,000 by the 1850s, and due to its role in the Gold Rush seemed likely to become "the New York of the Pacific." The city produced such luminaries as Stephen J. Field, the advocate of L.A.'s Free Harbor and long-time U.S. Supreme Court Justice. Marysville's seemingly bright economic future was crushed by hydraulic mining upstream on the Yuba River, which required the city to build and maintain a levee system. The Marysville Levee Commission is one of the city's few official entities that is listed on its website. The levees closed the city off from potential development, and thwarted the economic promise that it had held. In the period from the 1850 to 1879, when the city had high hopes, Marysville was a frequent subject of special legislation and charter alterations by the state legislature. In fact, "The Marysville Levee Commission was established by the State Legislature in 1876 for the purpose of construction and repair of levees in the City of Marysville. The Levee District encompasses the lines of the levees within the City. The Commission is separate and independent from the City." See url http://www.marysville.ca.us/city_services.asp?did=262 accessed on June 8, 2008; url http://www.marysville.ca.us/sitemap.asp accessed on June 8, 2008. Marysville was founded on January 15, 1850 and incorporated on February 15, 1851. "Named after a 15-year-old survivor of the Donner Party, Mary Murphy, Marysville is California's Oldest Little City. Six California cities are older than Marysville, but none of them could today be considered a little city, by any means. Marysville, once California's second largest city, has been constrained from growing by the very levees that have protected it from flooding since 1875. It's first elected leader, Stephen J. Field, instituted the whipping post to deter crime (the new city could not afford a jail), wrote the charters of several California cities, and became the first Supreme Court Justice from the bawdy American west. Marysville became the dominant supply city to the Northern mines and its founders hoped it would become "The New York of the Pacific." Mule traffic was so heavy in and out of the city that Marysville became known as "The Jackass Capital of the World." See url http://www.visityubasutter.com/pdf/historic_landmarks.pdf accessed on June 8, 2008.

[47] A survey by the author of all the California Statutes from 1850-1879 revealed that many cities were receiving amendments to their incorporation acts on almost as frequent a basis as Los Angeles. During this period, Los Angeles was itself a small town, so that even small town affairs kept the state legislators occupied. The electoral credit to be gained from stopping municipalities from securing alterations to the charters would likely have come at a high cost, as disappointed locals probably cared a great deal more about these things than state legislators. Therefore, the adoption of a rubber stamp mentality by state legislators toward charters was perhaps to be expected. After all, in the period from 1879 to 1970, when the state legislature could block home rule charters and their amendments of any and all cities, the body never used that power to stop a single charter change. In fact, the state legislature adopted legislation after the 1906 earthquake to allow San Francisco and San Jose to change their charters without the need to wait for the legislature to rubber stamp their changes by resolution. The law would allow two years of legislature-free charter change. (See *The Statutes of California*, 36th Legislature, Extra Session, p. 88 (San Francisco: Bancroft-Whitney Co., 1906) [Legislation ratified June 12, 1906]). Ultimately, the state legislature would propose the 1970 amendment to the state Constitution removing the state legislature's ability to veto charter change.

[48] This would, of course, limit the city to changing its boundaries and increasing its area by making it necessary to secure state approval. The city's area under its 1873, 1876 and 1878 charters would remain constant at 18,597 and one-seventh acres. See Article I, Section 2 of all three charters. See *Los Angeles City Officials, 1850-1938*, "Chronological Record," volume 2, Los Angeles: Municipal Reference Library, 1938, Section 1872-1873, p. 9 for details of the city 1873 Council Charter Committee. For the act that created the 1873 Charter, and the language cited here, see *The Statutes of*

California, Twentieth Session, 1873-1874 (Sacramento: State Printing Office, 1874), Chapter CCCCXLVII, p. 633 [Act passed March 26, 1874].

[49] For the blow-by-blow account of the 1873 Charter, see *The Journal of the Assembly during the Twentieth Session of the Legislature of the State of California, 1873-1874* (Sacramento: G. H. Springer, State Printer, 1874), esp. pp. 992-994. For the Senate's actions, see *The Journal of the Senate during the Twentieth Session of the Legislature of the State of California, 1873-1874* (Sacramento: G. H. Springer, State Printer, 1874), esp. pp. 427-437, 656 and 731.

[50] The section subheading is drawn from the caption of the 1854 change to the 1850 Charter which was made to enhance the city's control of its property in water. The Spanish words italicized here were not actually italicized in the text of the Act. See "An Act Explanatory of an act entitled 'An Act to Incorporate the City of Los Angeles,'" *The Statutes of California*, Fifth Session (Sacramento: B. B. Redding, State Printer, 1854), Chapter XCV, p.205, [Act passed April 13, 1854.] California's 1850 Constitution required that all official documents be published in both English and Spanish, and the use of Spanish words was not uncommon in California laws enacted during the 1850s. Article 11, Section 21 of the 1850 Constitution read: "All laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in English and Spanish." The state legislature took this constitutional requirement seriously. In 1851, the state passed "An act to provide for the translation of the Laws into the Spanish Language. In 1852, the state amended this act to require that the Translator be bonded in order to ensure "the entire, correct, and complete translation of the Laws and Joint Resolutions…into the Spanish language...." See *The Statutes of California*, Third Session (San Francisco: G. K. Fitch & Co., and V. E. Geiger & Co., State Printers, 1852), Chapter LI, pp. 116-117 [Amendatory act passed April 24, 1852; Original act passed March 15, 1851]. On March 11, 1853, the legislature passed a Concurrent Resolution creating a "Joint Committee on Translation of Laws into Spanish." See *The Statutes of California*, Fourth Session (San Francisco: George Kerr, State Printer, 1853), p. 312.

[51] The sentence quoted is from Charles Dwight Willard's account, *The Herald's History of Los Angeles City* (Los Angeles: Kingsley-Barnes & Neuner Co., Publishers, 1901), p. 298.

[52] The author examined all of the statutes passed regarding municipal corporations during the first session of the state legislature. This included a generic incorporation act applying to all cities, as well as each of the special incorporation acts established for the eight cities mentioned in the paragraph. The source is *The Statutes of California*, First Session, 1849-1850, San Jose, J. Winchester, State Printer, 1850. For the generic municipal corporations act, see Chapter 30, p. 87, March 11, 1850. For Benecia, see Chapter 45, p. 141, March 27, 1850. For Los Angeles, see Chapter 60, p. 155, April 5, 1850. For Monterey, see Chapter 50, p. 131, March 30, 1850. For Sacramento, see Chapter 20, p. 70, February 27, 1850. For San Diego, see Chapter 46, p. 121, March 27, 1850. For San Francisco, see Chapter 98, p. 223, April 15, 1850. For San Jose, see Chapter 47, p. 124, March 27, 1859. For Santa Barbara, see Chapter 68, p. 172, April 9, 1850.

[53] See "An Act to incorporate the City of Los Angeles," *The Statutes of California*, 1st Session, 1849-1850, (San Jose: J. Winchester, State Printer, 1850), Chapter 60, p. 155, [Act passed April 4, 1850].

[54] In order to secure her original land rights, the city incurred the most debt it ever had. *The Chronological Record of Los Angeles City Officials*, *1850-1938* noted: "When the city of Los Angeles became incorporated in 1850, her original boundary, which comprised twenty-seven square miles, was limited to four square miles, running two miles in each cardinal direction from the church standing in the Plaza. Through this statutory delimitation, the municipal corporation suffered a serious loss of domain. To recover these domain losses, the council proposed to fight in every legal way known to them. It was for this reason that Joseph Lancaster Brent's services were contracted for by the council committee, and subsequently approved by the mayor, at a cost of 9,000, payable at different times and in conformity with stipulated requirements, set forth in the said contract. This was the biggest debt the city had thus far incurred." (See 1855-1856 Section, p. 8, footnote 3). In the end, Brent would not serve the city well in this capacity. *The Chronological Record of Los Angeles City Officials*, *1850-1938*

indicated: "The city of Los Angeles had entered a contract with Lawyer Joseph Lancaster Brent whereby he was to receive $9,000 for all such legal services as were necessary to secure from the U.S. Lands Commissioner her former Pueblo Lands which had been forfeited when the city became incorporated and by law delimited to a territory of four square miles. Due to the delay of the legal proceedings the council decided to abandon the idea of getting the 27 square miles of land, the original Pueblo area, and instead to take four square miles. This required a liquidation of the first contract with Lawyer Brent. Mr. Brent agreed to the cancellation of his contract on condition that he receive in addition to any money already received the sum of 4,500." See 1857-1858 section, page 7, footnote 3.
[55]See *The Statutes of California*, 2nd Session, 1851-1851, (San Jose: Eugene Casserly, State Printer, 1851), Chapter 78, p.329, [Act passed April 5, 1851.]
[56] See "An Act supplementary to an act entitled 'An Act to Incorporate the City of Los Angeles,'" *The Statutes of California*, Second Session (Vallejo: G. Kenyon Fitch, State Printer, 1851), Chapter 78, p. 329 [Act passed April 5, 1851]. Hunter provides the square mileage of the city in its pueblo, ciudad and city phases on page 17. See the Incorporation Act of March 11, 1850 cited above for the limitation of all California cities to four square miles. It is Section 4 of the Act.
[57] Ultimately, Los Angeles would not regain title to the sixteen square leagues (over one hundred square miles) that the city had held prior to becoming part of the United States. In 1852, the United States created a land commission, whose surveyor was Henry Hancock. Four years later, the commission would only confirm the city's title to four square leagues (about 27 square miles). Still, this was better than four square miles, and further annexation would ultimately make the city one of the country's largest in area. See James M. Guinn, *A History of California and an Extended History of its Southern Coast Counties* (Los Angeles: Historic Records Co., 1907), Volume 1, pp. 314-315.
[58]For the 1852 alteration, see *The Statutes of California*, 3rd Session, 1852, (San Francisco, G. K. Fitch & Co. and V. E. Geiger & Co., State Printers, 1852), Chapter 110, p.186, [Act passed May 1, 1852.]
[59] The 1852 amendment stated: "The Common Council shall have power, and it is hereby made their duty to pass ordinances providing for the proper distribution of water for irrigating the city lands; to impose and collect taxes; to impose and collect fines for breach of ordinances, and to do all necessary acts for the purpose aforesaid."
[60] See Norris Hundley's *The Great Thirst*, op. cit.
[61] See "An Act Explanatory of an act entitled 'An Act to Incorporate the City of Los Angeles,'" *The Statutes of California*, Fifth Session (Sacramento: B. B. Redding, State Printer, 1854), Chapter XCV, p.205, [Act passed April 13, 1854.] Appropriately enough, the annotation of this statute indicates that it concerns "Power over Water." The term "*Egidos*" is sometimes rendered as *Ejidos*. It does refer to commonly held property, but is a holdover of Spanish colonial feudal society and does not actually perfectly translate to "the commons." Arturo Warman's And *We Come to Object* (*Y Venimos a Contradecir*) is instructive in this regard, since it explains the logic of the *Ejidos* as they operated in the Mexican state of Morelos. See Hundley's *The Great Thirst* for an explanation of the *Feliz* and *Pomeroy* and other cases tracing the trajectory of L.A.'s securing of a pueblo water right granting the city the ownership of every drop of the waters of the L.A. River.
[62] Despite securing this control, L.A. would later act to delegate some of the city's water management powers to private interests. Perhaps it was the state's tight fiscal limitations on the city that drove its leaders to turn that function over to a private company. See Los Angeles's 1850 Charter, as amended to April 13, 1854, Article 7, section 3 for these provisions regarding water. This charter may be found in William McPherson, *Charter and Revised Ordinances of the City of Los Angeles* (Los Angeles: Los Angeles Star Printing, 1873). The 1873 Charter is available at LACA. See Hunter, *Evolution*, pp. 24-26 for the 1857 and 1868 decisions to allow private parties to manage the city's water system.
[63] See Los Angeles City Officials, 1850-1889, Chronological Record, Volume 2., 1850-1851 Section, p. 1 and p. 4; 1852-1853 Section, pp. 4-5; 1853-1854 Section, pp. 3, 4, 6; 1854-1855 Section, pp. 2,5. See Hunter, p. 24 for details of Dryden's proposals.

[64] See *The Statutes of California*, 10th Session, 1859, (Sacramento: John O'Meara, State Printer, 1859), Chapter 245, p.253, [Act passed April 15, 1859.] In 1889, the state streamlined the process for the annexation of territory into municipal corporations' boundaries by providing for the holding of elections in both the city and the area to be annexed. See *The Statutes of California*, 28th Session, 1889, Sacramento, J. D. Young, Supt. of State Printing, 1889, Chapter 247, pp. 358-361, March 19, 1889.
[65]The author has called this unprecedented because a survey of the California laws from 1850-1859 has not revealed any other instances in which the state of California delegated its eminent domain authority to a municipal corporation for the purposes of creating an irrigation system. In 1855, the state provided a generic law covering water systems, but it did not grant such a blank check to cities or counties. See *The Statutes of California*, 10th Session, 1859, (John O'Meara, State Printer, 1859), Chapter 193, p.199, [Act passed April 11, 1859.]
[66] See Norris Hundley, Jr., *The Great Thirst*, p. 90. For the city's drought and epidemic-inspired tax holiday of 1863-1864, see James M. Guinn, *A History of California and an Extended History of its Southern Coast Counties, also Containing Biographies of Well-known Citizens of the Past and Present*, Volume 1(Los Angeles: Historic record company, 1907), p. 317. For Wittfogel's theory, see Karl A. Wittfogel, *Oriental Despotism: A Comparative Study in Total Power* (New Haven: Yale University Press, 1967).
[67] See *The Chronological Record of Los Angeles City Officials, 1850-1938*,1867-1868 Section, p. 14, footnote 4.
[68]See *The Statutes of California*, 17th Session, 1867-1868, (D. W. Gelwicks, State Printer, 1868), Chapter 184, p.167, [Act passed March 16, 1868.]
[69] See "An Act concerning water courses in the City of Los Angeles," *The Statutes of California*, Eighteenth Session (D. W. Gelwicks, State Printer, 1870) [Act passed April 2, 1870]. Even the contract with the Los Angeles City Water Company required state approval. See "An Act to ratify certain acts and ordinances of the Mayor and Common Council of the City of Los Angeles," *The Statutes of California*, Eighteenth Session (Sacramento: D. W. Gelwicks, State Printer, 1870) [Act passed April 2, 1870].
[70] See "An Act to Amend the Charter of the City of Los Angeles," *The Statutes of California*, Nineteenth Session (Sacramento: T. A. Springer, State Printer, 1872) [Act passed February 20, 1872].
[71] See Hunter, p. 35, for details of the ordinance. The Water Overseer was to be paid $100 per month, while the Mayor's salary was $1000 annually. Hunter, p. 29 seems contradictory, but it is likely that the $1800 awarded to the Water Overseer and deputies in 1870 was increased by specifying that at least $1200 would be paid to the Overseer specifically, as opposed to deputies.
[72] See Article II, Section 1.
[73] See Article II, Section 1.
[74] See Article II, Section 1.
[75] See Article II, Section 1.
[76] See Article II, Section 1.
[77]For the 1876 Charter, see *The Statutes of California*, 21st Session, 1875-1876, Sacramento, State Printing Office, 1876, Chapter 476, pp. 692-722, April 1, 1876. The quotation regarding the city's corporate water rights is the annotation for Article 2, Section 1, and is on page 693.
[78] See Burton Hunter, p. 48.
[79] See Article II, Section 1.
[80] For the 1852 schools act, see "An Act to Establish a System of Common Schools," *The Statutes of California*, Third Session, (San Francisco: G. K. Fitch & Co., and V. E. Geiger & Co, State Printers, 1852) [Act passed May 3, 1852]. Note that the 1852 act repealed an 1851 law, which L.A apparently had not yet followed by creating a school system. For L.A.'s ordinances on education, see Burton Hunter, pp. 19-20. For the 1872 law, see "An Act Creating a Board of Education for the City of Los Angeles, and Authorizing the Common Council of that city to issue bonds for a special School Building Fund," *The Statutes of California*, Nineteenth Session () [Act passed February 24, 1872]. For the 1874

law, see "An Act to amend the special school law of the City of Los Angeles," *The Statutes of California*, Twentieth Session () [Act passed March 25, 1874].

[81] See *General Statutes of the State of California Continued in Force and Not Affected by the Provisions of the Codes* (Sacramento: T. A. Springer, State Printer, 1873), pp. 812-813. For the 1862 changes, see "An Act to Authorize the Mayor and Common Council of the City of Los Angeles to borrow Money for Municipal Improvements," *The Statutes of California*, Thirteenth Session (Sacramento: Benj. P. Avery, 1862) [Act passed on February 19, 1862]; "An Act to Authorize the Corporation of the City of Los Angeles to Fund the Debt of said City," *The Statutes of California*, Thirteenth Session, (Sacramento: Benj. P. Avery, 1862) [Act passed on February 19, 1862]; "An Act to amend an Act, approved February nineteenth, eighteen hundred and sixty-two, entitled an Act to authorize the Mayor and Common Council of the City of Los Angeles to borrow Money for Municipal Improvements," *The Statutes of California*, Thirteenth Session, (Sacramento: Benj. P. Avery, 1862) [Act passed on April 17, 1862].

[82] See *General Statutes of the State of California Continued in Force and Not Affected by the Provisions of the Codes* (Sacramento: T. A. Springer, State Printer, 1873), pp. 812-813. For the change in direct tax rate, see "An Act to amend an Act entitled an Act supplementary to an Act to incorporate the City of Los Angeles, approved May first, one thousand eight hundred and fifty-two," *The Statutes of California*, Sixteenth Session (Sacramento: O. M. Clayes, State Printer, 1866) [Act passed January 17, 1866]. For the purchase of railroad stock, see pp. 20-26, 299-300, and 538-539 of *The Statutes of California*, Seventeenth Session (Sacramento: D. W. Gelwicks, State Printer, 1868); authorizing the stock purchase required passage of three separate state laws, approved on February 1, March 25 and March 30, respectively. For the T.A. Sanchez title transfer, see "An Act to legalize, ratify, and confirm certain acts of the Mayor and Common Council of the City of Los Angeles," *The Statutes of California*, Nineteenth Session (Sacramento: T. A. Springer, State Printer, 1872) [Act passed February 13, 1872]. For the SPRR lands purchase, see "An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness," The Statutes of California, Twentieth Session [Act passed March 27, 1874]. For the 1876 irrigation bonds, see "An Act to authorize the corporation, the Mayor, and Common Council of the City of Los Angeles to issue bonds and to provide means for the improvement of irrigation in said city," *The Statutes of California*, Twenty-First Session () {Act passed February 28, 1876]. For the three items of 1878, see "An Act to authorize the issuance of bonds for the payment of damages for the widening and extension of Los Angeles Street, in the City of Los Angeles," *The Statutes of California*, Twenty-Second Session [Act passed March 23, 1878]; "An Act to ratify certain contracts and ordinances of the Council of the City of Los Angeles," *The Statutes of California*, Twenty-Second Session [Act passed March 30, 1878]; "An Act to authorize the Council of the City of Los Angeles to audit and pay to John S. Griffin the amount of a warrant, and heretofore drawn in his favor," *The Statutes of California*, Twenty-Second Session [Act passed March 30, 1878].

[83] The creation of the public pound occurred by virtue of a law prohibiting the trespassing of animals upon private property in the county. The index to the state statutes refers to the law as "Los Angeles City. Public pound authorized" although the law was entitled: "An act to amend an Act supplementary to an Act to amend an Act to prevent the Trespassing of Animals upon Private Property, approved the seventeenth day of May, one-thousand eight hundred and sixty-one." See *The Statutes of California*, Fourteenth Session (Sacramento: Benj. P. Avery, State Printer, 1863) [Act passed April 25, 1863].

[84] Section 11 of the 1850 Charter authorized the city explicitly to "establish a Board of Health." See McPherson, *Charter*, p. 10. Policing and public works in general were also matters over which the 1850 Charter had given the city authority, and the Mayor and Council could create these bodies by ordinance. The problem with both the Police and Public Works boards is that they were mere *ex officio* agencies. The Board of Police Commissioners consisted of the council committee on police and the Chief of Police (Hunter, 31). The Board of Public Works included five council members appointed by the council, along with the Mayor serving *ex officio* and the City Clerk acting as Secretary. The probability that the Mayor and Council could make these matters their most important concern is obviously very low.

[85] See "An Act to create a Board of Public Works in and for the City of Los Angeles," *The Statutes of California*, Twenty-First Session [Act passed April 3, 1876]; "An Act to Repeal an Act entitled 'An Act to create a Board of Public Works in and for the City of Los Angeles,'" *The Statutes of California*, Twenty-Second Session [Act passed January 25, 1878]; "An Act to ratify certain acts and proceedings of the Council of the City of Los Angeles," *The Statutes of California*, Twenty-Second Session [Act passed February 12, 1878].

[86] Lest the critic view this as functionalist thinking, it is important to note that increasing city size increases infrastructural demand. If one doubles the radius of a city, one doubles the city' perimeter and quadruples area, and likely population. A larger population means the support system must be larger and the transportation infrastructure is under greater stress. The city stood to gain from a government with greater ability to allow city residents to handle their collective action problems, and its state legislative representatives and later charter drafters acted to increase local state capacity accordingly. In the era before home rule charters, municipalities had insufficient power over their own streets and other assets, and had difficulty in constructing even modest water and sewer systems. They could award concessions to franchisees, but then had problems preventing these public utility companies from exploiting them afterwards by charging high fees for inadequate services. See Sam Bass Warner, Jr.'s history of the Philadelphia experience with water and sewage.

[87] The 1850 Charter had explicitly authorized the city "to establish a Fire Department" in section 11, p. 10, but the 1878 Charter enhanced these provisions, allowing the city "to provide for and maintain out of the general fund...a proper and efficient Fire Department" (Article 4, section 1). The 1878 Charter also represented clear state sanction for the city's ownership and development of its water. The terms did not, in fact, even permit the transference of the water to anyone who would use the water in a way that would prejudice its use for "irrigation, domestic and culinary purposes" or "desire to sell or in any way dispose to any person, natural or artificial, any interest therein or right to the use thereof…." See Article 2, section 1 of the document. The 1850 Charter was amended in 1851, 1852, 1854, 1862, 1868, 1872, 1873 and 1876. The 1878 Charter provided a bit more leeway for the city's government, yet still constrained city leaders. Refer to the above quotation from Mayor William H. Workman regarding the old charter and the city's sewer problems. Workman spoke from experience: he was the last mayor to govern L.A. under the 1878 Charter. For growth in the real estate market, see Glenn Dumke's classic, *The Boom of the Eighties in Southern California*, San Marino: Huntington Library, 1944. For the 1873 amendments, see M.C. Desnoyers, *Revised Charter and Compiled Ordinances of the City of Los Angeles August 19, 1872-April 8, 1875*, Los Angeles: L.A. Steam Printing Establishment, 1878 (Available at LACA). For the 1878 Charter, see "An Act to Revise the Charter of the City of Los Angeles," *The Statutes of California*, Sacramento: State Office, 1878.

[88] In 1875, Missouri became the first of the United States to grant home rule authority to its cities. The very next year St. Louis took advantage of this state constitutional change and its voters enacted the country's first home rule charter. California followed Missouri's lead in 1879, and Los Angeles was the state's first city to make use of the right to propose and ratify a home rule charter. In January 1889, Los Angeles became the second city in the United States to be ruled under the terms of a home rule charter. Although the 1875 change to Missouri's constitution presaged a charter for Kansas City, Missouri, that city would not enjoy this privilege until four months later. Although San Francisco was the target of the California Constitutional change, that city would not enact a home rule charter until 1899.

[89] See 1879 Constitution, Article IV, Section 25.

[90] See 1879 Constitution, Article XI, Section 6. This interpretation may verified by reference to Sutton (cite needed), and by Winston W. Crouch, Dean E. McHenry, John C. Bollens and Stanley Scott, *State and Local Government in California* (Berkeley: UC Press, 1952), p. 185: "like all cities they are protected from additional special legislation" they say of Alviso and Gilroy, the only two cities still operating under their pre-1879 special charters). Those cities that had special charters before the 1879 Constitution continued to be governed under them. (Sutton, 113-115) Thus Los Angeles, Alviso

(1852), Santa Clara (1874), Gilroy (1876), Marysville (1876) and Nevada City (1878) were cities under special charters that cannot be amended.(Sutton, 431-434) The State established eight classes of charters, and Los Angeles could only have changed its charter by adopting the charter adopted by the State for cities of its class of size. Los Angeles, therefore, continued to employ the 1878 Charter for its governance. Los Angeles did not adopt the Charter the State offered its class in 1883. By 1897, Los Angeles would have been the first and one half class but instead had already become the first city in the State to adopt its own Freeholder's Charter. (Sutton, 113-115). Los Angeles was not alone in refraining from the use of a Class Charter. As late as 1914, no California city except those of the fifth and sixth class (20,000 inhabitants or below) had ever employed a class charter.

[91] See *The Statutes of California*, 23rd Session (Sacramento: State Office; J.D. Young, Supt. State Printing, 1880), Chapter CCXXIV [Act approved April 24, 1880]. The law, which the index frankly labels as San Francisco's charter, begins on p. 137, and specified the city's operations in tremendous detail, going down to the level of employee compensation at the Police Department, the number of night watchmen, Hydrant men, messengers and janitors that the Fire Department could employ. The amount the city could spend on horses was even specified in the law. The state legislature kept Frisco on a very short leash with this technically illegal charter. By setting the city class at one hundred thousand and up in population, when no other city was even close to that population, the state made the city of San Francisco a subject of special legislation.

[92] See *The Statutes of California*, 25th Session, p. 299 for the 1883 state law establishing counties. The county classification, which omitted a class for counties whose populations were in the 8,000 to 8,609 range, is on pp. 332-335.

[93] See *Boyle Workman's The City that Grew as told to Caroline Walker,* (Los Angeles: The Southland Publishing Company, 1936), pp. 70-72, 102, 129; McGroarty, volume 2, p. 4.

[94] "In 1859, one of the first efforts toward the formation of a Public Library was made when Felix Bachmann, Myer J. Newmark, William H. Workman, Sam Foy, H.S. Allanson and others organized a Library Association, with John Temple as President: J.J. Warner, Vice-President; Francis Mellus, Treasurer; and Israel Fleishman, Secretary. The association established a reading-room in Don Abel Stearns's Arcadia Block." See Maurice H. and Marco R. Newmark, editors, *Sixty Years in Southern California 1853-1913, Containing the Reminiscences of Harris Newmark*, Third Edition (Boston: Houghton Mifflin Company, 1930), p. 256. See also Newmark, 256, 443-444.

[95] McGroarty v. 2, p. 7.

[96] Boyle Workman, *The City That Grew*, p. 225.

[97] McGroarty, Volume 1, p. 7.

[98] See Workman, pp. 227, 233 and 298.

[99] Workman, pp. 353-354 and McGroarty, Volume 2, p. 6.

[100] McGroarty, Volume 2, p. 5.

[101] See Workman, p. 123. Another source indicates that this body was the Sixth District Agricultural Park Association, and he was on the first board of directors (McGroarty, v. 2, 6).

[102] See Workman, pp. 57, 90; McGroarty, v. 2, 5.

[103] Workman, p. 90.

[104] See Workman, p. 91.

[105] McGroarty, Volume 2, p. 6.

[106] See Workman, pp. 295-296.

[107] Workman, p. 307.

[108] See Workman, *City That Grew*. Workman's father was also named William, and the bank he had established would fail due to the post-Comstock Lode silver mine speculation and mismanagement by his bank employees.

[109] McGroarty, v. 2, p. 3.

[110] McGroarty thought this was the first railway, but it was actually the second (See Workman, 149).

[111] McGroarty, v.2, pp. 3-4.

[112] "Late in the Spring, Senator Stanford and a party of Southern Pacific Officials visited Los Angeles with the view of locating a site for the new and 'magnificent railroad station' long promised the city, and at the same time to win some of the popular favor then being accorded the Santa Fe. For many years, objection had been made to the tracks on Alameda Street, originally laid down by Banning; and hoping to secure their removal, Mayor Workman offered a right of way along the river-front. This suggestion was not accepted. At length the owners of the Wolfskill tract donated to the railroad company a strip of land, three hundred by nineteen hundred feet in size, fronting on Alameda between Fourth and Sixth streets, with the provision that the company should use the same only for railroad station purposes; and Stanford agreed to put up a 'splendid arcade,' somewhat similar in design to, but more extensive and elaborate than, the Arcade Depot at Sacramento." See Newmark, *Sixty*, p. 562. See also McGroarty, v. 2, p. 4.
[113] This was the present station as of 1921. See McGroarty, v. 2, 5; Workman, 230-1.
[114] See Workman, p. 232.
[115] McGroarty v. 2, p. 5.
[116] McGroarty, v. 2, p. 5; Deverell, p. 102, p. 216 n. 55; Workman, pp. 238-239, 372.
[117] See Mayor Eaton's State of the City Address of 1901, which complained about the result of the *Davies v. City of Los Angeles* case (1890).
[118] See McGroarty, v. 2, p. 7; Workman, pp. 104, 235, 267-268.
[119] See Deverell, pp. 111, 115.
[120] See Deverell, p. 216 n. 55; Willard, pp. 127, 210, 211, 200, xxx, 210 respectively; Workman, p. 277.
[121] For most of these positions Workman held, the source is the alphabetical and chronological records of *City Officials*, volumes 1-3. For the Board of Education, see Newmark, which indicates that Workman served on the School Board in 1866: "In noting the third schoolhouse, at the corner of San Pedro and Washington Streets, I should not forget to say that Judge Dryden bought the lot for the City, at a cost of one hundred dollars. When the fourth school was erected, at the corner of Charity and Eighth Streets, it was built on property secured for three hundred and fifty dollars by M. Kremer, who served on the School Board for nine years, from 1866, with Henry D. Barrows and William Workman." See Newmark, *Sixty*, pp. 354-355. Newmark indicates that as of 1870, Workman was still a member of the School Board: "Soon after this Institute was held, the State Legislature authorized bonds to the amount of twenty thousand dollars for the purpose of erecting another schoolhouse; and the building was soon to be known as the Los Angeles High School. W.H. Workman, M. Kremer, and H. D. Barrows were the building committee." See Newmark, *Sixty*, p. 419. See also Workman, *The City That Grew*, p. 57.
[122] Very little is known of Workman's own motivations because there are no collections of his papers from which one may read his letters. These could be a help, although correspondence collections of the sort carry cautions for historians as well. The writers can only depict things as they see them, and often may not communicate their motivations even when they are aware of them. In any case, Workman's actions must be studied from the outside, by gleaning what is possible from public documents like state of the city messages and news items.
[123] These cross-listed seven candidates did receive 25% more votes than the eight members of the Nonpartisan ticket the Anti-Saloon League had not endorsed.
[124] Since this was an odd-year election, there would ordinarily have been eight council seats on the ballot. In odd years, two council members were elected by odd-numbered wards, while one member would be elected by even-numbered wards. In even years, two council members were elected by even-numbered wards, while one council member would be elected by the odd-numbered wards. There were five council districts, each of which elected three members of the council. This election system, provided by Article X, Section 3 of the 1878 Charter, mixed the benefits of replacing half of the two-year termed council every year with those of letting each district choose new members every year. In the 1887 municipal election, only eight council seats would necessarily have been on the ballot, but nine actually were. The reason for the variation was that Fourth Ward Councilman Joseph Hyans had

resigned from the Council on November 7, 1887, leaving one extra seat to be filled in that even-numbered ward.
[125] See "Today's Election—Duty of Citizens," *Times*, December 5, 1887.
[126]This is an area on which some scholars have become confused and thus not recorded properly, including the City's municipal reference librarians. See *Los Angeles City Officials, 1850-1889*, Chronological Record, volume 2, page 5 of 1887-1888 section. There were five open seats on the Board of Education, but it has not been possible to determine why the fifth school board member was Edward P. Johnson when he was not a candidate from any of the parties in the election.
[127] See "The Freeholders: They Give a Few Reasons Why the Charter Should Be Voted for," *Times*, May 5, 1888.
[128] See "Freeholders: All of the Committees are Ready to Report," *Times*, February 24, 1888.
[129] See *Herald*, May 6, 1888.
[130] See *Times*, May 5, 1888.
[131] See *Times*, May 5, 1888.
[132] See *Times*, May 5, 1888.
[133]This discrepancy was not fixed by the second board of freeholders of 1888, and the anomaly persisted as part of the city's 1889 charter. It was not fixed until 1903, when the charter amendments voters enacted in December 1902 fundamentally altered the system of city commissions.
[134] See *Times*, May 5, 1888.
[135] See "Today's Election—Duty of Citizens," *Times*, December 5, 1887.
[136] "The Proposed Charter," *Times*, May 6, 1888, p. 4.
[137] "The Proposed Charter," *Times*, May 6, 1888, p. 4.
[138] "The Times and the Charter," *Times*, May 8, 1888. This would in future become a familiar refrain in the city's battles over charter reform.
[139] It is likely that the Anti-Saloon League opted out of proposing a ticket this time because of its success in influencing charter language choices by the first Board of Freeholders. The Anti-Saloon Leaguers had actually been pleased with the first charter proposal because its liquor-related terms differed so greatly from that of the 1878 Charter. The 1878 Charter had allowed the council and mayor leeway over " licensing, regulating, restraining, suppressing, and prohibiting" objectionable businesses (See 1878 Charter, Article 2, Section 5). Instead, the 1888 Charter proposal would only allow the council to suppress and prohibit "all faro banks, games of chance, gambling houses, tables, or stands, bawdy houses, the keeping of bees within the city limits, and any and all obnoxious, offensive, immoral, indecent, or disreputable places of business, or practice" (Section 2(13) of the proposed 1888 Charter). Under either version of the charter proposed in 1888, the council would not be allowed to do anything but prevent the kinds of behavior the temperance forces opposed. This language would be retained in the new charter proposed later in the year. The fact that the League had secured this wording might explain why its members did not nominate a slate of freeholders in the election to choose the second Board of Freeholders. Perhaps the ASL faced so little opposition in securing this language that they did not fear a new charter commission would offer a charter without it. Indeed, the second Board of Freeholders would keep Section 2(13) of the proposed 1888 Charter completely intact in their charter proposal.
[140] "Defeat of the Charter," *Times*, May 8, 1888..
[141] "A 'Boom' Memory: Days when Meum and Teum were Roughly Defined," *Times*, January 16, 1897.
[142] "A 'Boom' Memory: Days when Meum and Teum were Roughly Defined," *Times*, January 16, 1897.
[143] See Fogelson, p. 210.
[144] Compare §§86, 94, 110 and 116 of the proposed 1888 charter to §§83, 91, 107, 114 and 120 of the adopted 1889 Charter.
[145] *Times*, May 6, 1888

[146] See Section 132 of the charter, and compare to Section 128, 1888 proposed charter.
[147] See *Herald*, May 7, 1888 for his complaint letter, and note well 1889 Charter, section 71(a)) regarding taxes for education.
[148] See the *Herald* article for this point, too.
[149] See the 1889 Charter, 71(2).
[150] Compare 1888 charter §74(2) to 1889 Charter§ 71 (2).
[151] See *Herald*, May 5, 18888.
[152] See *Herald*, May 6, 1888.
[153] See § 189, 1889 Charter.
[154] *Herald*, May 6, 1888.
[155] Both quotations are from *Los Angeles Herald*, May 7, 1888.
[156] *Herald*, May 6, 1888.
[157] *Herald*, May 6, 1888.
[158] *Herald*, May 7, 1888.
[159] *Herald*, April 25, 1888.
[160] *Herald*, April 25, 1888.
[161] That is, of course, unless one wanted to require super-majorities on all action. It would take six out of ten votes, a 60% margin, to secure a simple majority on a ten member council.
[162]Having seen exactly these issues come up over a century later in the 1997-1999 reform process, I can imagine this debate! In a similar debate in 1998, an Assistant City Attorney passed the author a note indicating that "size does matter when you're getting screwed!" Woody Fleming's comparison of the Council size debate to that on the Missouri Compromise also comes to mind.
[163] *Times*, February 18, 1888.
[164]All of the at-large officers would be chosen in the election which chose only two council members, and this election would be held in the odd year; the 1878 charter had provided elections in December of every even year. See §191-193, 1888 charter proposal.
[165]It is interesting that the day before the election on the charter, a new Chamber of Commerce was formed. Among the leaders of this organization were Board President William H. Workman. The Chamber did not take up the issue of the imminent charter vote, but given the growth-oriented provisions of the charter and similar motives by the Chamber, and the number of shared members of the Board and the Chamber, it is not inconceivable that there was a connection. Even if it is just that a pro-growth milieu existed, this context was favorable to both the Charter and the Chamber. The *Times* announced the formation of the Chamber--and the *Times'* publisher Harrison Gray Otis was one of the members of the Committee on Permanent Organization, as was J. R. Dunkelberger (who was probably the brother or father of the Isaac R. Dunkelberger on the Board of Freeholders, if not the same person, given the possibility of a typo in the *Times* (JR or IR))--on October 20, 1888, a day before the charter election. A day earlier, the Times argued the charter should be passed because it is "so well adapted to the pressing municipal requirements of fast-expanding Los Angeles....its defeat will be little less than a calamity. Turn out, then, on Saturday, and see to it that the enemies of progress and good government, who are opposed to the charter, do not gain a victory over you."
[166] Article IV, Section 10 of the 1878 Charter of the City of Los Angeles.
[167] See Councilman Bosbyshell's resolution, *Los Angeles City Records*, Saturday, September 8, 1888 (Council Meeting), Volume 27, page 98). At the time, the Constitution did address this matter: "No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime" 1879 California Constitution, Article XIX, Section 3. Cite state law requiring compliance with anti-Chinese provisions re local contracts.
[168] See *Times*, October 20, 1888, p. 4.
[169] *Times*, October 20, 1888, p. 4.
[170] *Times*, October 20, 1888, p. 4
[171] *Times*, October 20, 1888, p. 4

[172] The emphasis is shown as in the original text. See the editorial page of the *Times*, October 20, 1888, p. 4.
[173] *Times*, October 20, 1888, p. 4.
[174] *Times*, October 21, 1888.
[175] *Times*, October 21, 1888. Note the similarity to the Council's aid of the 1999 Charter by opposing it!
[176]"Pro Charter: A Mass Meeting of Citizens Last Night," *Times*, January 22, 1889, p. 2.
[177] Workman, pp. 222-223.
[178] See "That Petition," *Times*, January 23, 1889, p. 4. The club that circulated the petition called itself the Oro Fibo Club, which seems to translate to the Golden Sun Club.
[179] See Glenn Dumke, *The Boom of the Eighties*, pp. 49-55.
[180] Fogelson, 209; see according to his footnotes *Evening Express*, 11/13 & 29/1878; Star, 4/24/1873.
[181] California was the second state in the country to allow municipal home rule; Missouri had become the first to do so in 1875. For the 1889 Charter story, see E.P. Oberholtzer's *The Referendum in America* (New York: Charles Scribner's, 1912). Note that most city histories do not accurately recount the story behind the first home rule charter. The city's first Board of Freeholders, which was elected at the municipal plebiscite in 1887, produced a charter that was rejected at the polls by the voters in March of 1888. A second Board of Freeholders was elected in May of 1888, and their charter received voter approval in October of that year. Because Mayor William Workman was on both Boards, perhaps it is not surprising that the charter proposals submitted by both were nearly identical. Despite the close resemblance between the two documents on many matters, the voters decided to pass the charter the second time around. For details, see *Los Angeles Express* and *Times* coverage from November 1887-October 1888. In an entirely uncharacteristic mistake, Robert Fogelson's otherwise masterful book gets this story wrong, and his inaccuracy greatly magnifies the contrast between the first and second charters balloted in 1888. See Fogelson's *The Fragmented Metropolis: Los Angeles, 1850-1930* (Cambridge: Harvard University Press, 1967), pp. 63-70.
[182] See "Enemies of the New Charter at Work," *Times*, January 19, 1889, p. 2.
[183] For the 1889 Charter, see "Charter of the City of Los Angeles," *The Statutes of California*, Sacramento: State Office, 1889. The 1889 Charter was re-printed for city use as *Charter and Compiled Ordinances and Resolutions*, Los Angeles: R.Y. McBride Press, 1889. Thus, for citation purposes, the document will be referenced as the *1889 Charter*. See Article IV, Section 41 of this charter for the terms of the mayor's service.
[184] Article II, Section 2 of the 1889 Charter.
[185] Article II, Section 2 of the 1889 Charter.
[186] Article II, Section 1 of the 1889 Charter.
[187] See White, Andrew, "City Affairs Are Not Political," in Dennis Judd and Paul Kantor, *The Politics of Urban America: A Reader*, 3rd ed. (New York: Longman, 2002). White's essay originally appeared as "The Government of American Cities," *Forum*, December 1890, pp. 213-216.
[188] Refer to *1889 Charter* sections 91, 107 and 114 for the Police, Fire, and Park boards. For the Health Board, see sections 83 and 120. The five Library Directors were to be appointed by the mayor with council confirmation. The sections on the Health Board are a bit confusing; according to section 6, the mayor was to appoint four of its members with council confirmation, but according to section 120 the mayor was to serve on the Board, with the other four members being appointed by the council. It has not been possible to find any city attorney opinion rendered on this subject. The first city administration to take office under the 1889 Charter noted the problem. "Mayor Hazard was in the Council chamber, and said that in order that there might be no question as to the legality of their election the Council could proceed and elect the members, and he would then send in the same names. This was agreed to....The gentlemen were unanimously elected, and Mayor Hazard has sent in the same names, which were unanimously approved, thus making assurance doubly sure" ("Council: Out with the Old and in with the New," *Times*, March 22, 1889, p. 2). Four persons were nominated, and the

mayor became the fifth member of the Board. In the next city administration, the mayor transmitted "the names of the old Board of Health for reappointment, and they were unanimously confirmed" ("Filling the Commissions," *Times*, November 15, 1891, p. 3). The subsequent administration, however, saw mayoral appointment and unanimous council confirmation of a new Board of Health. The issue of who held authority over the Board's composition was not raised, apparently, and only one of the new members had served as a Board member previously. Therefore, this was not just a simple case of reappointment of the old membership (See "The City Council: Inspectors for the Outfall Sewer Appointed," *Times*, January 24, 1893, p. 4). Despite an exhaustive search through the newspapers, the author has not been able to determine the method used to appoint subsequent Boards of Health from 1895-1903, when this charter anomaly was corrected by a December 1902 charter amendment. For an analysis of the 1889 Charter generally, see Lola I. Kassel's "A History of the Government of Los Angeles, 1781-1925," Master's Thesis (Los Angeles: Occidental College, 1929).

[189] Likewise, the Board of Education (in this case, an elected rather than appointed body) held authority over expenditures from the School Fund. See section 86 of the *1889 Charter* for the Library Board's powers, and sections 71-74 for the extensive powers of the elected Board of Education.

[190] The Board of Education did, however, deviate from the pattern as it was elected rather than appointed, but the point here is the existence of special funds not under mayor and council control. The term "proprietary department" will be used in this essay to apply to revenue-producing departments with specific property and a special fund that they essentially control. In the urban politics and political science literatures, these proprietary departments might be termed enterprise special districts or public authorities. However, these entities are part of L.A.'s municipal structure, and do not depend on state laws creating joint-powers authorities. Los Angeles' current Airports, Harbor and Water and Power Departments are proprietary. See the *1889 Charter*, sections 76-79, 86, 113, 132, and 208-222.

[191] See *1889 Charter*, Articles XIV-XVII for streets and sewers, Article XVIII for water, and section 223 for the debt limit. In terms of the importance of water to the new charter, see Vince Ostrom's *Water and Politics: A Study of Water Policies and Administration in the Development of Los Angeles*, Los Angeles: Haynes Foundation, 1953, p. 46. For sewers, see Fogelson, *Fragmented*, pp. 28-34; "Should the charter be defeated, we cannot issue sewer bonds, and many other necessary public improvements will be thrown back a couple of years" ("Enemies of the New Charter at Work," *Times*, January 19, 1889, p. 2). In terms of streets, see Mayor Hazard's protest against a California Supreme Court decision that made the Vrooman Act applicable to Los Angeles and rendered questionable "the improvement of our streets...for which the charter was principally adopted." The mayor's January 12, 1891 message to council is in LACA, *Los Angeles City Records*, Volume 33, pp. 278-80. The decision that Hazard lamented here was *Davies v City of Los Angeles*, 86 Cal 37 (1890). The address also complained of a number of similar court decisions, which in tandem were making it pointless for cities to even bother drafting charters: courts were consistently holding that the state's general law trumped them.

[192] Article XXII, Section 223 of the 1889 Charter.

[193] Section 58(9) of the 1889 Charter.

[194] Section 190 of the 1889 Charter.

[195] Section 190 of the 1889 Charter.

[196] The private water company providing the city with water at this time had even tried to use wooden water mains to supply the city at one point. Given the properties of wood, of course, this was a doomed experiment. The 1889 Charter sought to protect the city from poor quality service from the water company.

[197] Section 192 of the 1889 Charter.

[198] Article III, Section 27 of the 1889 Charter.

[199] Article III, Section 30 of the 1889 Charter.

[200] Sections 2(12) and 2(15) of the 1889 Charter.

[201] Sections 24-40 of the 1889 Charter.

[202] For the city's agitation at tight state control, see Bollens, *Study*, p. 44. The elastic clauses are 22 and 23 under section 2 of the *1889 Charter*.

[203] Demands that were disapproved by the mayor and/or city auditor could be made by a two-thirds vote of the council. See *1889 Charter* sections 209 and 214. Contracts that were disapproved by the mayor could be carried by a council override. In the case of contracts that required a simple majority, a two-thirds council vote was needed. For contracts that required a two-thirds council vote in the first place, a three-fourths council vote was necessary. See *1889 Charter* sections 207, 37 and 38. This was implicitly the case under the 1889 Charter, since all contracts required an ordinance and these were the provisions for passage of an ordinance over the mayor's veto. However, a 1909 Charter amendment to section 207 made this explicit and not merely implicit.

[204] See the *1889 Charter*, sections 16, 58, 207, 214. For various accounts of Walter F.X. Parker and the Council machine, refer to Albert H. Clodius' *The Quest for Good Government in Los Angeles, 1890-1910*, Ph. D. Thesis (Claremont: Claremont Graduate School, 1953), pp. 117-119; Fogelson, *Fragmented*, pp. 206-213; George E. Mowry's *The California Progressives* (Berkeley: University of California Press, 1951), pp. 38-49; and Tom Sitton's "Walter F. X. Parker and Machine Politics in Los Angeles, 1903-1910," Master's Thesis (Fullerton: California State University Fullerton, 1973). Opposition to the "Solid Six" came to a head in a 1904 legal advertising controversy in which the council accepted the *Times* bid even though it was not the lowest. See Carey McWilliams, *Southern California Country: An Island on the Land* (Salt Lake City: Peregrine Smith Books, 1990 [1946]), p. 281.

Chapter Three:
A "City Progressive, Pure and Populous"—Charter Amendments. 1889-1924

> "Upon your body there lies the responsibility of giving our people a chance to make our city progressive, pure and populous, or putting the city for unknown years under the control of the push and the pull of conflicting private interests and corrupt politicians. We speak respectfully for the people of all classes and of all political faiths, who have repeatedly shown their favor to all of these measures."
>
> --Union Reform League petition to the 1898 Board of Freeholders, signed by John Randolph Haynes and others.[1]

> "There has never been any doubt in the mind of the student of the geography of the Pacific Coast that Los Angeles would someday occupy an important position in the commerce of the country—would, in fact, be to the southern coast what San Francisco is to the north—and while this fact is generally conceded, if any more proof were needed, no more convincing argument could be offered than the plain story of the latest big development scheme of the Southern Pacific Railroad Company."
>
> --"Los Angeles Building for a Great Commercial Future", *Times*, May 28, 1888, p. 4.[2]

> "It is well, however, to seriously consider and take to heart the unmistakable lesson taught by the whole history of this transaction, beginning with the execution of the contract in 1868 and ending with the payment of the price for the works in 1901; and that is the unwisdom and the danger of yielding up for any consideration to any person the municipal control of the waters which the city owns and has always owned."
>
> --L.A. Board of Water Commissioners, *First Annual Report*, 1903.[3]

John Randolph Haynes and his fellow petitioners would be sorely disappointed by the Freeholders' failure to submit his direct legislation proposals to the voters. Yet

he would persist in his efforts to promote direct democracy and other changes to the 1889 Charter. Ultimately, Haynes would succeed in his charter reform project, when reformers with different concerns hopped on the reform bandwagon. Some of these reformers were not as concerned with whether the city would be "pure" as they were that it be "populous". To this day, the words "progressive" and "progress" carry different connotations for different people.

In fact, social progressives do not see eye-to-eye with many of those who favor progress in the form of economic growth. The Southern Pacific Railroad's original plan for Los Angeles seemed a boon to those who hoped that the railroad would make the city prosperous. However, the transportation company's plans for the city may have been more beneficial to its own prosperity, at the expense of the city. Those who were not willing to place complete faith in the railroad would soon add their support to the reform camp. The city's experience with the privately owned water company to which the Council had entrusted water delivery would lead the city into a battle to recover its own hydrological patrimony in the city's ownership of the river for which it was named.

In tandem with the city's problems regarding the railroad, the water company's actions convinced even some of the city's most wealthy business owners to adopt an economic growth-oriented equivalent of Clemenceau's dictum that war was too important to be left up to the generals. L.A.'s developmental reformers learned that progress was too important to be left up to privately owned utility companies. Some leaders took the lesson even further in consideration of the city's land development.

Charles Dwight Willard would indicate in his history of the city that it was a shame that L.A. had not retained its vast holdings of public land rather than transferring them to private individuals in a desultory manner.[4] Rather than benefiting from the foresight of city fathers, L.A. would rely on generous individuals such as Colonel Griffith J. Griffith to gift the city with land enabling formation of the park that bears his name.

The city's need for a comprehensive plan for development was thwarted early on by private developers' decisions which paid little regard for the city's need to grow in a sensible manner. When traction magnate Henry E. Huntington would use the development of his trolley lines to increase the value of his own real estate, he helped to make L.A. 60 suburbs in search of a city.[5] By 1913, the pervasive smog problem would be singled out for special attention by Mayor George Alexander in his State of the City Address; this "vehicle smoke" would be the bitter legacy of land use mistakes that Willard dated to the early 1850s. The fault for the city's legendary traffic problems can be laid at the same doorstep.

Athens of the Modern World: Social reformers took the logic of the developmental reformers a step further, contending that other traditionally private sector activities besides natural monopolies should be regulated or entrusted to the city. In 1912, the social reformers would attempt to use charter change to permit L.A. to undertake virtually any business enterprise the city's officials might take a fancy to performing, from operating bakeries to funeral parlors. This is the back story for L.A.'s consuming obsession with charter change. Reformers did not seek charter

change merely because they were bored and had nothing better to do than tinker with the city's constitution. They knew that California's gift of home rule provided the city with a chance to control its own destiny. Although it may seem farcical to people now, some reformers wanted L.A. "to be the Athens of the modern world" and the charter allowed them to charter a course for the city's bright future.[6]

In ratifying the 1889 Charter, Los Angeles had articulated the local state apparatus necessary to act as the city's political infrastructure. Moreover, the city had broken its dependence upon the state legislature to make constant changes allowing the city to develop its assets. Yet the nascent mechanisms of the new charter placed much of the city's developmental authority in the hands of mayors and councils, who would be subject to the short-term winds of electoral fortune. Their ability to seek the city's long-term needs would be hampered by close dependence upon public approval. This chapter will explain how the city developed its political infrastructure and escaped the democratic dilemma of serving short-term considerations at the expense of the city's long-run growth needs?

How did society-centered reform groups make development of a strong local state apparatus a reality, increasing the city's local state capacity? How did Los Angeles become a national leader in enacting such reforms as direct democracy, civil service and nonpartisanship? How did the reformers square their belief that the only cure to the problems of democracy was more democracy, with their trust in experts and engineers charged with building the city's physical infrastructure and securing its bright economic future?[7] Why did different types of reform achieve divergent degrees

of success in attracting elite and mass support? How did reformers institutionalize their reforms by building them into the state and creating a state-centered constituency for reform? Why did some reform patterns become institutionalized in the form of city agencies while others were not? Only an examination of the politics of charter change can offer a satisfying answer all of these questions.

The reformers would make charter reform a Los Angeles obsession, as consuming for the city's residents as fine-tuning their precision automobiles and tanning and toning their perfect hard-bodies. Between L.A.'s adoption of its first home-rule charter in 1888 and its adoption of a replacement charter in 1924, the city would face many charter reform attempts. From 1889-1923, the city would undergo seventeen charter elections featuring 3 new charters and 157 separate charter amendments, passing none of those new charters but approving 92 of the amendments. Most of these amendments would assist the city in increasing the efficiency of governmental operations and building the political infrastructure on which Los Angeles would depend for economic growth.

When the 1889 Charter was approved by the voters and ratified by the state legislature, it became the new city constitution. Like all political actions, this constitution resulted from compromise. Even its supporters were unhappy with some of the "emasculated" document's features, but gave it their support because the city's failure to adopt it would leave Angelenos under the increasingly obsolete 1878 Charter that the state had drafted. Those who feared that the council's composition and powers would lead to mischief because of the opportunities for graft soon had reason

to regret the power the 1889 Charter had given to council coalitions. They condemned the continuation of ward-level machine politics in the city--seen in the council's granting of controversial and perhaps ill-considered traction franchises and city printing contracts--by calling the council "the Solid Six." [8]

Machine Politics and the 1889 Charter: the city's first home-rule charter took effect at a time when the citizens of Los Angeles and the entire state of California found themselves in the clutches of the Southern Pacific Railroad. In fact, the railroad had stationed Walter F. X. Parker in the city to manage its municipal political interests. The S.P.R.R. controlled over 85% of the state's transportation infrastructure, and could thus charge all the traffic would bear to ship products to markets.[9] In order to maintain its privileged position and profitability, the railroad needed to elect its allies to the California Railroad Commission to prevent effective regulation, and to ensure selection of friendly judges to avoid costly damage settlements.

To guarantee continuation of the *status quo*, the railroad created a powerful political machine. This machine's leaders, although not bosses in the conventional sense, made use of retainer fees, free railway passes and outright bribery. Frank Norris's novel about the tragedy at Mussel Slough characterized the railroad as an "Octopus," and William Randolph Hearst's *Examiner* papers popularized this label.[10] The term resonated with people because the railroad appeared to have wrapped its powerful tentacles around nearly everything of value in the state. Based on a phonetic pronunciation of the railroad's name, S.P., both L.A.'s residents and citizens

throughout the Golden state referred to the railroad's political apparatus as the "Espee" machine.[11]

The Espee corrupted the politics of the state and its cities to preserve its privileged position, while the Octopus used its economic advantage to maximize its profits. The Octopus, for example, was known to check companies' books to decide how much to charge them to ship their products. In the 1890's the Espee changed from nuisance to menace when it tried to monopolize L.A.'s ocean access. Although the city had given the Espee an existing railway to San Pedro, and valuable wharfage facilities there, the company attempted to persuade the U.S. Congress to appropriate funds for a harbor at Santa Monica.

The city was forced to undertake a "Free Harbor Fight" to ensure that the harbor would be built at San Pedro. The waterfront at Santa Monica was railroad-controlled, whereas San Pedro offered a location for a competing railroad, besides being the superior site from an engineering point of view. The city, led by Senator Stephen M. White, fought valiantly against the Espee to prevent an appropriation for Santa Monica. Despite the railroad's alleged bribery of members of Congress's Rivers and Harbors Committee, a unified coalition of city businessmen managed to win the San Pedro site.[12]

In Los Angeles, two groups opposed the Southern Pacific's excessive and potentially injurious political influence. The first group, which included such associations as the City Club, the Good Government Organization and the Voters League, consisted of individuals that historians have termed structural reformers.[13]

These reform clubs regarded the Espee's political corruption as inherently evil, and wanted to use alterations in political institutions to eradicate graft and restore municipal democracy.[14] They had supported the 1889 Charter, and especially its nonpartisan and bipartisan prescriptions, as antidotes to what they perceived as a chronic L.A. problem with corruption.

These reformers felt that the charter's articulated structure might clarify reporting responsibility and increase the difficulty of misusing public power for private ends. When they discovered the new charter had not brought about the civic purity they craved, reformers attributed this setback to the document's structural deficiencies. Since the charter had required many compromises in order to enact, they blamed compromise itself for the problem. They failed to reconsider their fundamental premise in enacting it—that structure alone sufficed to produce the desired outcomes. Rather, they attributed the failings of the city's government to the fact that the charter established too many elective offices, thereby obscuring responsibility and permitting machine rule to continue.[15]

The second L.A. group that emerged to rival railroad control of the city included such associations as the Chamber of Commerce (especially its Free Harbor League), the L.A. Realty Board and the Municipal Waterways Association. Like the structural reformers, these groups were concerned by Espee influence over the city, but for entirely different and more pragmatic reasons. Instead of obsessing about corruption and political chicanery as evils, they sought to enhance the city's economic foundation. Ensuring growth would require improvement of the water and harbor

infrastructure, and avoidance of monopoly conditions in terms of such resources as energy and transportation. Because these groups focused on developing a strong base for city growth, they should properly be termed developmental reformers.[16]

Developmental reformers apparently believed the city's powers would have to be increased and its governance arrangements articulated to allow L.A. to secure needed infrastructure. These reformers thought that they had not been well served by private companies entrusted with constructing the city's infrastructure. The city had authorized the Los Angeles City Water Company to operate the water system, only to face disappointment as the company failed to provide satisfactory service throughout its 30-year lease.

Worse yet, the privately owned enterprise fought in the courts to try to retain the city's water and water rights at the end of the lease. The city was forced into three years of costly litigation in spite of clear contractual requirements in the lease that the company regularly violated.[17] The same failure relating to public trust had occurred a few years earlier in the Free Harbor Fight. Only a city battle in Congress had prevented a monopoly on railroad access to the city's future port. Developmental reformers thought the city had been shabbily treated after granting the railroad a large subsidy and the water company a valuable privilege.[18]

Early attempts to amend the 1889 Charter: the structural reformers would lead the city in its early efforts to repair the 1889 Charter. In 1895, the city's voters went to the polls to decide the fate of a battery of charter amendments. Apparently, California had not yet adopted the single-subject requirement for ballot measures,

because the voters addressed the group of amendments as a single measure, which they rejected. In a low turnout election, the public voted by a five-to-one margin to retain the status quo.[19] The most objectionable features appear to have been the extension of the terms of the members of the Board of Education and the City Council from two to four years, as well as transformation of the three officials with the most patronage from elective officials to Council appointees.[20]

Two years later, the electorate would again march to the ballot box to address a group of amendments placed on the ballot as a single item. In this 1897 election, the voters again demurred. The charter amendments which were proposed would have made a number of elected officials into Mayoral appointees, who could be removed for corruption or incompetence by either the Mayor or the Council. The 1897 amendments would also have created at-large elections for the City Council.[21] In 1898, reformers mounted yet a third attempt to secure charter change. This time, the city created a Board of Freeholders, which would be charged with drafting a new charter. This decision may have reflected two strategic considerations. First, it took only a majority vote to pass a new charter, whereas the state constitution required a three-fifths margin to adopt charter amendments. Second, the process of electing a charter commission, which could then deliberate over alterations and present them to the public, might increase the prospects for ratification.

The election of the 1898 Board of Freeholders would produce the city's third elected charter commission in what was only its first decade of home rule.[22] On July 8, 1898, the electorate balloted on the question of who should be entrusted with the

duty of drafting a new organic law for L.A. The prospects for creating a consensus charter dimmed somewhat with the conflict over what an appropriate board would look like. Thirty-one candidates populated the ballot, variously designated as Non-Partisans (N-P), Citizens' Non-Partisans (CN-P), and both. The *Times* recommended election of only those bearing the Non-Partisan designation, claiming that the CN-P candidates "seek to introduce into the new charter a number of experimental and chimerical features of a socialistic, populistic and crankistic nature."[23] The electorate chose a Board whose members were a combination of these liberal, progressive and conservative elements: seven of the fifteen Freeholders had been among the conservative *Times*-endorsed N-P, four emerged from the liberal *Times*-scorned CN-P, and the remaining four bore both labels.

The public had awarded the four freeholder candidates carrying both the Citizens' Non-Partisan and Non-Partisan labels the four highest votes; these Freeholders received on average 1497 votes apiece. The four C.N-P. candidates would receive the second highest group of votes, averaging 1026 votes apiece, while the four N-P. candidates received the smallest group of votes, averaging 999 votes apiece. The highest vote for a member of both the C. N-P. and N-P. groups was 1573, the highest vote for a member of the C. N-P. group only was 1118, the highest vote for a member of the N-P. group only was 1139. Only four freeholder candidates bore both labels, and all four were elected; they polled 5986 votes. The N-P. polled 12746 votes, averaging 750 apiece for their 17 candidates, the C.N-P. polled 9035 votes, averaging 904 votes apiece for their 10 candidates.

There appears to have been a miniscule turnout for the 1898 Charter election. The city did not publish the total votes cast or the registration figures for the election, but it is possible to estimate those numbers. Given that each voter could cast 15 votes, and that there were 27771 votes cast among the 31 candidates, one might estimate that 1851 voters participated in the election. Although this requires us to assume that all the voters chose 15 candidates, this assumption is not too problematic. The N-P slate included 21 candidates from which voters might choose, the CN-P slate included 14 candidates that the electorate could support (the fusion group can be counted for both slates, which seems unproblematic, given that they were the most popular of all of the candidates).

There may have been nearly 27,000 registered voters eligible to participate in this election (judging from the participation in the 1896 and 1900 presidential elections). This would mean that the turnout for the 1898 Board of Freeholders election was 7%, one-tenth of the average presidential election during this period.[24] Low turnouts for charter-related elections would prove a Los Angeles tradition over the years, and 1898 was no exception.

Nine of the candidates for the 1898 Board of Freeholders had served on the committees of the famed Free Harbor League. These developmental reformers would comprise one-third of the individuals elected to the 1898 Board of Freeholders. This fact serves to some extent to validate the contention of one L.A. historian that the Free Harbor League served as the breeding ground for the Los Angeles Progressives.[25] To be sure, the Free Harbor Fight was somewhat more complex than a simple conflict

between reformers and the railroad, and involved a battle between the supporters of two railroads. But it would be unfair to adopt an entirely cynical perspective on the motivations of the Free Harbor League Freeholders. While Ambrose Bierce may have been perspicacious in defining politics as "a strife of interests masquerading as a contest of principles", it would be fair to say that most people adhere to ideologies that fit well with their material interests.[26]

The composition of the 1898 Board of Freeholders indicates that the Free Harbor League was a seminal moment in the formation of Southern California's Progressive movement. It would not be surprising from this perspective that one of the 1898 Charter's proposed alterations was for shorter terms for railway franchises, and provisions favorable to municipal acquisition of these utilities. The support that the 1898 Charter received at the polls also strengthens this finding. Although ecological regressions are of questionable validity due to the assumptions one must make about the motivations of individuals based on group behavior, they do offer interesting insights into the demography of L.A.'s reform movement. George Mowry once argued that the Progressives were largely young WASP Republicans, and this would be an accurate description of the support for the 1898 Charter.[27] The voters would reject the 1898 Charter, but the proposal clearly was more popular in the wards whose electorate consisted of Republicans born in the United States than it was in wards with larger populations of Democrats of foreign parentage.[28]

High Turnout Blues: there were 6787 affirmative votes on the proposed 1898 Charter and 8173 negatives, meaning that only 45% of the voters supported the

document. Judging from the Los Angeles figures for the 1896 and 1900 presidential elections, turnout in the 1898 charter election was 54%. This turnout would be nearly eight times larger than that for the Board of Freeholders itself. The large turnout may have been problematic for the charter; as the *Times* opined, the "charter election occurred simultaneously with the general election. The measure was at that time defeated. Many observers believed that if the election had been held at some other time the charter would have received a greater number of votes."[29]

Over time, it would prove more difficult to secure charter change in elections with higher turnout than it would in those plebiscites largely ignored by the public. Consequently, charter change proponents appear to have learned that the probabilities for success were correlated with the ability to schedule important votes in special elections featuring extraordinarily low turnout. Some of the most important votes ever cast in Los Angeles during the 20th Century took place in elections with participation rates lower than 20%. This would be true of charter changes, but also appears to have been an accurate observation for voting on critical bond measures, such as those that secured the city its Owens Valley water supply in 1905 and 1907.

What institutional and policy changes would have followed in the wake of the 1898 Charter proposal if it had secured voter approval? The 1898 charter would have lengthened the Mayor's term from two to four years and strengthened his appointive powers by allowing him to appoint the previously-elected City Attorney, City Engineer, and Superintendent of Streets. The 1898 Charter framers thought that the 1889 Charter did "not so distribute authority as to definitely fix responsibility for a

proper conduct of the city's affairs" and therefore acted to strengthen the mayor and weaken independent executives.[30] This executive aggrandizement and preference for appointed rather than elected officials would prove over time to be a consistent pattern in the efforts of structural reform in Los Angeles.[31] In addition, the new charter would have created a more difficult environment for railways. Those who remembered Charles Crocker's famous threat that he would "make the grass to grow in the streets" of Los Angeles were perhaps relieved at the failure of the 1898 Charter at the polls.[32]

One of the most important yet controversial provisions of the 1898 Charter concerned street railways. Their franchises would be limited to 35 years, whereupon their tracks and stationary features would become city property. In addition, the new charter would have made the franchise free for the first five years, but required the city to receive 3% of their gross receipts for the next ten years, and 5% for the last twenty years of the franchise. Some were concerned that these provisions would "operate practically as a bar to future street railway investments in Los Angeles."[33] This suggested alteration foreshadows the railway regulation and principle of public ownership which would be followed farther towards its logical conclusion in Los Angeles than in most other American cities.

The city's reformers did not let the 1898 defeat daunt them in their quest to better the city. Voters would elect yet another Board of Freeholders, which began to work in1900, but early on in its proceedings a question arose as to whether the board was legally allowed to author a new charter. The state constitution allowed a Board of Freeholders to draft a charter for a city without one, but did not state whether such a

board could draft a replacement charter. To amend an existing charter was not the same, and in fact amendments to an existing charter required a three-fifths vote to enact.

The 1900 Board of Freeholders continued their work, while pursuing a friendly suit to test out this question. It turned out that the only recourse would be for the City Council to take the new charter drafted by the Freeholders, break it up into amendments, and then allow the public to decide the fate of the charter through a series of measures that would each require 60% approval.[34] The City Council did not have adequate funds to carry this plan into effect, and the proposed 1900 Charter was stillborn. The Freeholders were chagrined because a number of progressive measures had been embodied in the 1900 Charter. Freeholder John R. Haynes would lament: "I was specially anxious that the civil-service provision, and the initiative, referendum and recall should be submitted to the people. It is a decided disappointment that such a test of public sentiment cannot be made at this time."[35]

Haynes had received the highest votes of any member of the 1900 Board of Freeholders and could have been the Board's chairman, but "he maneuvered the selection of a friend who could be counted upon to make satisfactory committee appointments. Haynes was appointed chairman of the committee on legislation and from that position carried on the campaign for inserting direct legislation provisions in the new charter." The chairman allowed him to name the other two members of the committee. Haynes's political aptitude here followed him throughout his reform career. His "methods were essentially those of 'practical' politics applied in realistic

fashion to consummate an ideal."[36] The constitutional issue that rendered the 1900 Freeholders' efforts impotent would later be remedied by a change in the state constitution, but Los Angeles decided to try reforming the charter through the amendments process in the interim.[37]

Fine-tuning the 1889 Charter: in the 1895, 1897 and 1898 attempts, charter reformers had made reform an all-or-nothing proposition. Secondly, the reformers had not been able to offer changes that were acceptable to a larger audience. Structural changes to the type of elections or number of officers selected may have seemed like so much inside baseball to those outside the reform clubs. Those interested in economic growth may have been intrigued by reforming the operations of the railroads, but were perhaps not so concerned with structural details. How could one make a credible link between development of the city and mere changes to the number of elected and appointed officials? The charter reformers needed to be able to demonstrate to ordinary citizens and businessmen that charter change could improve the city's bottom line by reducing taxes or assisting local development.

In 1902, the would-be charter reformers succeeded because they based their campaign on efficiency. Efficiency proved the vital touchstone linking structural and developmental reformers. Civil service reform could appeal to both groups because it promised to eliminate opportunities for patronage-based corruption and to ensure that city workers would be capable of handling their jobs. By the same token, both could support a measure such as competitive bidding on contracts because it would in theory raise the probability that the city would receive its money's worth rather than paying

for graft. Structural reformers favored these amendments because they might prevent corruption of the public service. Developmental reformers thought these measures might aid them in providing the city with the energy, transport and water assets needed to foster growth.

In the 1902 municipal election, the voters approved 13 of the fifteen proposed charter changes. One of the most important alteration concerned water; this amendment established a Water Commission to provide the city with water service. The Water Commissioners were to serve four-year terms, staggered so that only one new commissioner was appointed every year. The Water Commission could manage the Water Department, but it could not "convey, lease, or otherwise dispose" of the city's water rights without approval of two-thirds of the voters. This amendment proved that the city had learned from its ill-fated experience with private provision of water from 1868-1902.

As the Board of Water Commissioners stated in their *First Annual Report*:

> It is not necessary, nor is it fitting that this report should attempt to deal with the merits of the controversy between the water company and the city….It is well, however, to seriously consider and take to heart the unmistakable lesson taught by the whole history of this transaction, beginning with the execution of the contract in 1868 and ending with the payment of the price for the works in 1901; and that lesson is the unwisdom and the danger of yielding up for any consideration or to any person the municipal control of the waters which the city owns and has always owned. It is not the economic theory of municipal ownership and administration of public utilities which concerns us; we are confronted with a condition and not a theory. The city owns its waters, and our experience should convince us in this generation of the far-sighted wisdom of our Spanish and Mexican predecessors in holding on to their rights in the waters of the river of Los Angeles with a grip of iron.[38]

Yet another amendment instituted a Board of Civil Service Commissioners to implement civil service reform. Like the Water Commissioners, the members of the Civil Service board were to serve four-year terms, staggered so that only one new commissioner was appointed every year. Four other amendments altered the city's method for selecting the Police, Fire, Park, and Health Boards, moving the power to appoint them from the council to the mayor with council confirmation. The members of all six boards of commissioners (including Water and Civil Service) did not serve at the pleasure of the council, or mayor and council, but were to hold office for two-year terms. Furthermore, all of these commissioners were empowered with the same investigative authority that previously only the council had enjoyed.[39]

The 1902 charter changes also affected the city's only elected board, reducing the Board of Education from nine to seven members. This education amendment also mandated at-large election of school board members. This change was intended by reformers to begin to weaken Los Angeles's ward machines, which had up to this time elected members of both the council and the board of education from the same nine wards. These ward machines were also regarded as the target of the two amendments that would authorize voters to invoke the initiative, referendum, and recall. Thus, Los Angeles's citizens became the first in the country with the full power of direct democracy. Through circulation of a petition and persuasion of a majority, they could bypass, overrule or remove their elected officials. The electorate also empowered the city to provide infrastructure by raising the debt limit to $5,000,000. For water and

sewers, indebtedness could exceed this limit, up to the maximum permissible under California's "Constitution and general laws."[40]

The most controversial amendments adopted in the 1902 charter election were those creating direct democracy. One amendment created the initiative and referendum, while another created the recall. The recall was by far the most controversial. The city of San Francisco had already adopted direct legislation, but the right to recall elective officials had not been granted to voters in any American city or state. In adopting this reform, Los Angeles' voters were taking a controversial step, and one that might give machine politicians pause. In order to promote direct democracy's three components, John R. Haynes made extraordinary efforts both in the campaign to convince the 1902 Charter Commission of its merits, as well as to persuade Southern Pacific "boss" Walter F. X. Parker to permit the state legislature to ratify the charter amendment.[41]

While the power to ratify city charter amendments would eventually be used like a "rubber stamp", possibly because of the limited electoral benefit to preventing a city from altering its own governance, such an assumption could not be made in 1902. Haynes vigorously lobbied the state and the Espee machine to allow Los Angeles to adopt its innovative charter change. Haynes would ultimately spend a good deal of his personal fortune on protecting direct democracy, extending it to the state level through a constitutional amendment, and promoting it throughout the United States. Haynes' Los Angeles experiment amounted to a fundamental constitutional change that would

eventually be adopted in nearly two-dozen states and prove the most significant re-allocation of power that the states of the American republic would ever adopt.[42]

In 1902, the City Council had not appointed John R. Haynes to the Charter Revision Commission. However, he cleverly managed to dominate the first meeting of that commission by putting on a large festive dinner at Levy's Restaurant. When the charter framers were stuffed, Haynes introduced two wealthy manufacturers, the first known as the 'father of direct legislation,' who spoke on the initiative and referendum. After the entertainment provided by Haynes and his speakers, they were asked to remain for the official meeting. Right after the meeting was called to order, one of the CRC members introduced a resolution to adopt direct legislation as a charter amendment. At the end of the dinner and formal meeting, "all drank to Dr. Haynes and sang 'For He's a Jolly, Good Fellow.'"[43]

Because Haynes "knew that a lecture would avail nothing", he staged this event. Levy's was one of the city's fashionable restaurants. Moreover, "[t]he chef was instructed to spare nothing for the delight of the guests. As the hour for the freeholders' meeting neared it was apparent that those persons had forgotten their scheduled conclave. Whereupon it was suggested that the minute books be brought to the restaurant, a meeting of the freeholders could be conducted without moving from the pleasant surroundings, and Eltweed Pomeroy would discuss certain matters! In deference to a genial host this suggestion was followed. Pomeroy was sufficiently lucid so that at the conclusion of his discourse a motion was made and carried to submit direct legislation proposals with the charter."[44] The Charter Revision

Commission eventually submitted fifteen amendments to the voters. Direct legislation was split into two amendments--one containing the initiative and referendum, another the recall—and L.A. became the U.S.'s first city to adopt direct democracy.

Was Haynes' success in 1902 merely a matter of wining and dining the Charter Revision Committee? More work behind the scenes was required, and Haynes ensured it was done. Doctor Haynes had an interview with Frank Finlayson earlier in the day of the elaborate dinner. Finlayson from the CRC committee on Elections & Appointments was the one who introduced the direct legislation amendment at the dinner at Levy's. Upon proposing the initiative, referendum, and recall, Finlayson recommended that the CRC adopt direct legislation "because these measures were the heart's desire of their genial host."[45]

Both Finlayson and Haas dominated the CRC committees on Elections & Appointments and Public Utilities where radical changes were suggested. Haynes's coalition-building paid off and the charter amendments reflected the changes so near and dear to his heart. The Municipal League, the Direct Legislation League, and most of the local papers favored the amendments and passed their recommendations on to their readers and followers. It is surprising, however, that the Municipal League supported all of the amendments except the recall, which it saw as "radical and experimental."[46]

Table 3.1 below demonstrates the pattern of support for the different types of reform. The voters favored both the developmental and structural reforms at the 1902 Charter amendment election, and supporters of the former also tended to favor the

latter. This precinct-level analysis shows that the voters who favored protecting the city's water rights and increasing its infrastructural debt limit were also likely to support charter amendments creating civil service and the police board. Although the civil service and police-related measures were structural reform priorities, it is easy to see how each might promise greater efficiency and thus be more attractive to voters otherwise concerned with economic growth.

Table 3.1: Support for Structural and Developmental Reforms, 1902

Then the Precinct's support for Y is:	If 100% of a precinct's voters support X			
	Water Rights	Water Debt	Civil Service	Police Board
Water Rights	*	99%	93%	100%
Water Debt	92%	*	92%	100%
Civil Service	89%	92%	*	93%
Police Board	86%	91%	85%	*

(R-squares range from.29 to .68; t-tests significant at .0001)

The two most popular issues at the election were actually direct legislation and civil service. 86% of those who cast a vote on direct legislation favored it, while 82% of those who chose to cast a ballot on civil service affirmed this measure. In fact, the two measures with the least roll-off were direct legislation and civil service.[47] 79% of those who participated in the 1902 general municipal election cast a vote on direct legislation, while 77% of participants balloted over civil service.

The efficiency of the merit system in comparison with graft links civil service to economic growth. However, the connections between these issues and direct legislation might be regarded as more tenuous. One could regard support for water

rights as central to developmental reform, yet there is less of an obvious connection between efficiency and direct democracy, especially the controversial recall. However, the table below reveals that many of those who favored water rights also voted for the more controversial recall. It is possible that the potential of direct democracy to be the "gift that keeps on giving", to allow future pro-growth measures to be placed on the ballot despite opposition, persuaded many voters to enact the radical proposition.

Table 3.2: Support for Structural and Developmental Reforms, 1902

Then the Precinct's support for Y is:	If 100% of a precinct's voters support X			
	Water Rights	Recall	Civil Service	Direct Legislation
Water Rights	*	92%	93%	88%
Recall	85%	*	90%	93%
Civil Service	89%	95%	*	93%
Direct Legislation	89%	99%	94%	*

(R-squares range from.12 to .61; t-tests significant at .0005)

The truly remarkable thing about civil service is that Los Angeles voters chose to enact this structural reform without outside pressure. Of course, L.A. was not the first U.S. city to create a civil service system. Ironically, Chicago and New York City would be subjected to the merit system prior to L.A. In Gotham, Assembly District leader George W. Plunkitt would denounce the reform for its anti-patronage (and anti-patriotism!) impacts, while in the Windy City Boss Richard M. Daley would silently obfuscate the merit system.

It is necessary to recognize, however, that civil service came to these two machine politics-ridden cities at the behest of state pressure. Plunkitt would denounce the Big Apple's lack of home rule and its resulting domination by the upstate hayseeds. The "City with Big Shoulders" also lacked home rule at the time, and to this day receives its local constitutional structure from an Illinois law enacted to govern the city. Unlike these two early and unwilling participants in the merit system, Los Angeles adopted the civil service measure without state government pressure. In fact, Los Angeles leaders would press the state itself to adopt a civil service system under the Governorship of Hiram Johnson, whose state legislative agenda was drafted by Angeleno Meyer Lissner. Rather than being pushed into creating civil service by the state, Los Angeles would persuade the state to apply the reform at all levels.

Yet another important charter change from 1902 would provide for electing the Board of Education at large. The proposal for at-large elections had been raised by earlier charter reformers, but had failed. The argument that ward politics had nothing to do with educating children would echo a few years later in terms of all city policy. One of the 1902 charter amendment proposals that voters failed to adopt would have empowered the Board of Education with respect to its employees and use of the School Fund. The other amendment that the voters rejected would have raised city officials' salaries. While many reformers would argue that it was impossible to attract qualified candidates without paying city officers a decent salary, the electorate apparently found this claim unpersuasive. Cynics might contend that the move to at-large elections, as well as the failure to pay an adequate salary to officers, would both

serve to alter the class composition of city officialdom. Amy Bridges' observations about the consequences of reform for participation and the empowerment of the less fortunate appear quite applicable to the experiences of some Los Angeles reformers.[48]

The Amendments of 1904 and 1906: in 1904, reformers persuaded voters to approve all 6 charter amendments on the ballot. One amendment replaced the elected Street Superintendent with an appointed Board of Public Works. The Board would control street improvements, construct city projects and even supplant the council in hiring private contractors. Another portion of this amendment moved municipal elections to odd-numbered years, which would reduce voter registration and thus turnout in subsequent local plebiscites.

To enhance municipal efficiency, other amendments improved civil service examinations, created competitive bidding on contracts and allowed consolidation of city and county functions to reduce expensive duplications of service. Another charter amendment authorized city ownership and operation of public utilities supplying the city with water, gas, heat, lighting, power, railroads, and transportation. Finally, the voters addressed the franchise issue that had been especially problematic with regard to railroads: they passed an amendment which limited all franchises to 21 years, and preserved the city's option to purchase the capital investment of the franchisee at a reasonable cost at the end of this period.[49]

The most controversial amendment on the ballot concerned the Board of Public Works. This amendment received only about 52% of the vote; in fact, had the state not reduced the required margin on charter amendments to a simple majority from the

former three-fifths, then the amendment would have failed. Although the vote was close, this amendment was the one upon which the fewest voters balloted. Only about 52% of the voters who participated in the general municipal election bothered to cast a vote on this issue. It is possible that the schedule change to municipal elections was unpopular, or it could have been that making the head of Public Works an appointed body rather than an elected official were problematic. It is difficult to separate these issues; such a charter amendment would unlikely be placed on the ballot today, because of the multiple-subject nature of its charter changes.

The improvements to the civil service examinations, the introduction of competitive bidding on contracts and the provision for consolidation of city and county functions represent the hallmark of efficiency-oriented reform. In practice, the 1902 Charter amendment language on civil service examinations needed a little tweaking to be more practicable. The competitive bidding reform could ensure that the city would accept the lowest responsible bid rather than using contracts for public works as graft to pay off supporters. The city-county consolidation could prevent needless duplication of effort by implementing this reform.

The other three charter amendments also concerned the city's economic growth, but raised a matter of controversy in this arena. To what degree could the city government promote its own economic growth by replacing private utilities in the provision of critically needed infrastructure? Could the city provide utility services, including railroad service, at lower cost than the private sector? This question of whether the regulation of public utilities was sufficient, or municipal ownership and

operation was better, would come to dominate the city's affairs over the next several decades. The 1904 Charter Amendments laid the foundation upon which the city's municipal ownership movement, termed municipal socialism by opponents and good government by supporters, would rage for years.

By 1906, a change had taken place in the nature of charter reform; new groups learned how to use the amendment process to achieve their goals. Before this, the conflict over charter change involved allies and opponents to specific changes. The new order would feature disputes over the definition of suitable charter change. Groups that were once only the semi-passive targets of charter change began to act as its instigators. William Herrin, the Southern Pacific chief counsel who had supervised L.A. "boss" Parker, once stated that he had run the city by controlling reform movements. The 1906 charter amendment election, which was near the zenith of Parker's power in the city, may have been the subject of Herrin's allusion in this remark.[50]

From this time on, charter amendment elections became more combative, with groups questioning each other's motivations in proposing charter reforms. For instance, a number of the machine-allied councilmen placed amendments on the ballot proposing that franchises be lengthened from 21 years to 40, and that street railroads be permitted to carry freight. The voters refused to make these changes, as well as two of the other amendments they faced.

However, voters did ratify some of the changes they considered. For example, they increased the salaries of the City Engineer and the Secretary of the Board of

Public Works and enhanced this board's fiscal powers to protect its construction money from council meddling.[51] These changes were intended to assist the board in the task it faced in building the Los Angeles Aqueduct. Because the aqueduct construction required both experts and unskilled laborers, the electorate approved yet another amendment making these positions exempt from civil service. This change would ease the recruiting of laborers and increase the attractiveness of skilled positions to needed engineers and technicians.

Their willingness to strengthen the Board of Public Works did not signal that voters would automatically approve all amendments empowering commissioners. The electorate rejected a charter change that would have protected these appointees from removal except in cases of incompetence, negligence or malfeasance.[52] Voters approved only one-half of the amendments they faced at the 1906 election, foreshadowing the problematic nature of charter reform throughout the next few years. From 1890-1925, the electorate would reject over 40% of all the charter amendments placed before them.

The 1906 election represented a key test for the issue of whether the priority was economic growth or political purity. The city had just approved a $1.5 million bond issue to purchase the water rights of the Owens Valley, and was on the verge of approving a historic $14 million bond for construction of an aqueduct to bring these waters to Los Angeles. Estimates of the city' available domestic water supply set 300,000 inhabitants as the highest population that the city's river and artesian wells could support. For those with imperial ambitions for L.A.'s growth, the need for a

larger water supply outweighed all other considerations. But the city could not afford to construct an aqueduct if it was compelled to employ all of the laborers needed to build it through the civil service system. Civil service might prevent the use of city jobs for patronage purposes, but the typical civil service applicant might not be suited to the grueling physical labor required of a "mucker". L.A. needed to hire many strong bodies in a very short time, and the inefficiency of a civil service system for recruiting such a workforce was obvious.

Consequently, the Board of Civil Service Commissioners supported an amendment to the charter to exempt the needed workers from civil service. The largest employment program that the city had ever created would not be part of the civil service system. Of course, jobs involving back-breaking labor might not be attractive as a source of graft. The kinds of working conditions that aqueduct workers were compelled to endure even inspired the city's socialists to establish an Aqueduct Investigation Board. Some of the practices which William Mulholland used in order to build the infrastructure on time and within budget were not approved by L.A.'s organized labor movement.

Given that Mulholland was trying to build the system at less than one-fourth of what some private companies had bid on the project, he felt it was necessary to cut corners wherever possible. If building a municipal cement-making plant was necessary, then it is no surprise that the Chief Engineer might need to contract with people willing to provide food under the harsh conditions that one might scorn in more civilized quarters. The Civil Service Commissioners wholeheartedly endorsed the

civil service exemptions for the purposes of the aqueduct project. There remain to this day civil service exemption provisions in the Los Angeles Charter that are the legacy of the 1906 Charter Amendment.

The civil service exemption was supported by none other John R. Haynes. He served on the city's Civil Service Commission from 1902-1915, and presided over the body from 1913-1914. City officials from all over the country consulted Haynes on this issue for many years after he left the commission.[53] In addition to working for direct democracy and civil service, Haynes served on charter revision commissions in 1900, 1911, 1912, 1915 and 1924, and fought to further the cause of structural reform in this capacity.[54]

Between his work for civil service and his life-long fight to protect direct democracy, Haynes's credentials as a structural reformer are beyond question. Yet in 1906 Haynes supported the charter amendment exempting city employees from civil service in order to allow the construction of the Owens Valley Aqueduct:

> The proposed amendment...is designed mainly to meet special exigencies in the construction of the Owens Valley Aqueduct and the completion of the outfall sewer by the city. It is urged (and very correctly) that ordinary labor is now scarce and hard to secure. In the Owens Valley work it will be necessary to employ men wherever they can be found--men already inured to the heat and hardships of the desert....To oblige all of these men to come to Los Angeles and register in accordance with civil service law, before they could begin work, would be a foolish adherence to red tape, which would seriously cripple the service. The same is largely true with reference to the members of the civil engineering crews....It was for the purpose of leaving the Water Department and the Board of Public Works free-handed to employ engineers and laborers to the best advantage for the work in hand that the Civil Service Commission concurred in proposed amendments....The amendments proposed are not an attack on civil service. The reasons for proposing them are regarded as good and

> sufficient by the Board of Civil Service Commissioners and each member is in favor of their adoption. There is no occasion for alarm on the part of the friends of civil service or of hilarious rejoicing on the part of its enemies.[55]

The amendment's authors drafted it so as to exempt from civil service "[u]nskilled laborers," "[p]ersons employed to render professional, scientific, technical or expert services," and "[p]ersons employed on the construction of public works, improvements or buildings".[56] In Haynes' choice to support a weakening of civil service to allow construction of the aqueduct, one can find a basis for comparing his commitment to the causes of structural and developmental reform. As a charter change intended to enhance the city's ability to pursue economic growth, the civil service alteration typifies the developmental reform agenda. In Haynes' decision regarding a clear tradeoff, it seems evident that developmental reform took precedence over structural reform even for the most prominent structural reformer the city ever produced.

While developmental reformers saw civil service exemptions as essential to economic growth, they did not compromise in terms of the charter amendments proposed by the city's pro-railroad forces. Those who served the city's transportation needs saw the 21-year franchise limitation that had been ensconced in the charter in 1904 as unreasonable. Railroad lobbyists questioned whether any traction company could afford to invest in the city if given such a short time frame within which to recoup its investment. Therefore, they asked that the 21-year limit be extended to forty years. In addition, these companies argued that they ought to be permitted to carry freight on the street railways, which would be mutually beneficial.

Railroad counsel and city politician Billy Dunn did not receive applause for his efforts, and these charter amendments failed. Like many of L.A.'s reformers, Dr. Haynes regarded the railroads with suspicion; that they claimed to care about the city's welfare seemed laughable in light of their failure to adopt the Eclipse safety fender for their streetcars until forced by the use of the initiative.[57] Moreover, their allegedly corrupt lobbyists were chased from the Council by use of the recall, as Councilman Davenport found to his chagrin.

The ill will that many Angelenos bore the railroads and sometimes publicly owned public utilities in general seems paradoxical given their support for the economic growth that the railroads made possible. But from the point of view of residents of Los Angeles and even the west in general, the public utility corporation represented a mixed blessing. It is in the nature of a company to seek profit, and yet high profits by public utilities could hinder other commercial enterprises. In the American west, dealing with railroads was necessary because only they might make it possible for this part of the United States to trade with the east coast and, indeed, the rest of the world.

Laying railroad ties under the conditions present in the Golden State was an expensive undertaking for the Central (later Southern) Pacific Railroad Company. Naturally, that company would need to charge all the traffic would bear to recoup its investment. It would not be surprising for the railroad to seek to create a monopoly so that it could pay its stockholders and make a profit. But farmers, small businessmen and others would see the railroads' freight charges as injurious to their ability to

remain financially afloat. The ambivalence the Angelenos felt for the railroad was well-captured at the time the public faced the transportation-related charter amendments of 1906 by a piece that appeared in the *Examiner*, the most consistently anti-Espee of the city's papers:

> 'How Did Huntington Lose Ocean'? Asks Child.
> Attorney Fred Hentig told this, which he said was a true story, on the floor of the City Council chamber yesterday:
> A man and a 6-year-old daughter were out for a car ride. While on the car the child asked:
> 'Papa, who owns all these cars?'
> 'Mr. Huntington,' replied the parent.
> An hour later father and child were seated at the water's edge and the child was digging in the sand.
> 'What place is this, papa?' the child asked.
> 'Huntington Beach.'
> 'Who owns it?'
> 'Mr. Huntington.'
> A few minutes later the child looked into her father's face and asked:
> 'Who owns the ocean?'
> 'God,' he replied.
> The child pondered for a moment, then asked:
> 'But, papa, how did he get it away from Mr. Huntington?'"[58]

Under the ownership of William Randolph Hearst, the *Examiner* backed public ownership of public utilities, and opposed the railway-related charter amendments.

The Amendments of 1909: in 1909, reformers used the threat of a petition to force the council to submit their proposed charter changes to the public. Haynes and his fellow reformers knew that the state constitution had authorized them to use the petition process if a recalcitrant council blocked charter change. Facing a charter amendment election in any event, the council also proposed myriad charter changes from its own wish list. In sum, the council presented the electorate with a mind-

numbing spectacle, calling upon the public to decide the fate of 31 separate charter amendments at the special election.

Three of these amendments regarded improvement of the city's power to build and control its water and power infrastructure. The voters charged the Board of Public Works with responsibility for constructing the Los Angeles Aqueduct and handing it over to the Water Commission when completed. Voters further permitted Los Angeles to enter the power business and sell to city residents the electricity generated as an aqueduct by-product. But voters refused to increase the Water Commission's authority to collect payment from property owners who owed the Water Department.[59]

In 1909, the developmental reformers used charter alteration as an invaluable tool in pursuing their goals for the city's growth. As the Municipal Waterways Association stated in their articles of incorporation:

> The objects and purposes of this organization are to promote the development and growth, commercially and otherwise, of the city of Los Angeles, of her natural ports and waterways, and of adjacent and nearby cities in Los Angeles County, and especially by promoting the accomplishment of the following objects, to wit;
>
> 1. Bringing the navigable waters of the Pacific within the Los Angeles city limits by annexation of contiguous territory, by consolidation or otherwise.
> 2. Acquiring, constructing and operating municipal docks, wharves and warehouses upon such waters for the accommodation of vessels of the largest class.
> 3. Opening, laying out and maintaining paved and macadamized highways from the business districts of the city of Los Angeles to such municipal docks and wharves.
> 4. Acquiring, building, operating and maintaining a municipal railway via the river bed from the business center of Los Angeles to such municipal docks and wharves, such railway to be operated as soon as practicable by electrical power produced by the Owens river water.
> 5. The conservation and use of all available water of the Owens river and the Los Angeles River, together with all power generated

> therefrom, to be owned and distributed by the city for the use of the inhabitants upon payment of fixed rates and tolls.
>
> 6. As an indispensable means to secure free ports and municipal docks and wharves within the city, and avenues of transportation and distribution, we will aid in securing amendments to the laws and to the city charter, or by a new city charter, to authorize the annexation of adjacent territory, towns, and cities, and consolidation of city and county government, and the establishment of a borough system for near-by towns in order to place such ports, waterways, and means of transportation under a single control and to thereby abolish the system of double taxation for maintenance of government.
>
> 7. This organization will favor and endeavor to secure charter amendments, or a new charter, forever prohibiting the sale, transfer, lease or alienation of all docks, wharves, highways, water works, water rights, water power, river beds, railroads or other utilities owned or held by the city.
>
> 8. By means of cheap water transportation to secure an abundance of cheap fuel and food products and raw materials for manufacturing, and therewith to build up with our natural advantages the greatest manufacturing and commercial city.
>
> 9. Finally, to meet the completion of the Panama Canal and to enable the inhabitants of Los Angeles county and southern California to enjoy its inestimable advantages.[60]

This Association spelled out in detail the developmental reformers' entire game plan. They regarded municipal ownership as a growth strategy, which was to be forwarded through charter amendments. Their explicit goal was to provide infrastructure and to thus transform Los Angeles into an economic giant. For the members of this organization, charter amendments would serve to increase the local state's capacity to increase the economic strength and potential of their region. L.A. could become an industrial city rather than merely remaining an agricultural backwater. Developmental reformers viewed municipal ownership as a means of assisting private growth. This association's articles demonstrate that a coherent and unified development strategy existed early on and was not just constructed *ex post facto*.

The water-related charter amendments were among the most important decisions that Los Angeles ever made. By putting the Owens Valley Aqueduct under the Water Commission, voters afforded the water that the city was acquiring from the Owens Valley the same protection that was accorded the Los Angeles River. The water and water rights under the Water Commission's control could not be alienated without a vote by two-thirds of the public. This would prevent the city transferring even this newly acquired water to a private company in the way that the city had in 1868.

The decision to allow the city to sell the electricity generated by the aqueduct rather than selling it to one of the privately owned electric utilities doing business in the city would also represent an L.A. watershed. This decision would lead to the creation of one of the largest and most successful municipally owned power companies in the world, but would lead to a firestorm of political controversy between the city's Power Bureau and such private companies as the Los Angeles Gas & Electric and Southern California Edison. The Water Commission's electrical generation activities would raise the specter of municipal socialism for the *Times*, while to others it magnetically attracted growth to the city by providing cheap and reliable energy to businesses and residents. Since it was a municipal entity, it would not need to pay taxes on bonds like a private utility, or charge high rates to declare dividends to stockholders.[61]

Public ownership of public utilities was not only popular among those who sought economic growth. Some saw the achievement of structural reform as attached

to it. Lincoln Steffens argued in his studies of machine politics that the public utilities were particularly avid in their support for bossism because of their dependence upon politicians for approvals of their privileges, as represented in their favorable franchise contracts. John R. Haynes echoed Steffens' sentiments in his discussion of the importance of public ownership as a municipal reform measure:

> That political machines were created and maintained by public utility corporations, liquor interests, gamblers and other disreputable elements of society, aided by some eminently respectable business men, who received special privileges through reason of the existance [sic] of corrupt government and by a large number of honest voters who unfortunately are narrow partisans, always voting the straight ticket. All these, however, constitute a minority of the entire electorate, but through reason of a complicated system of nominations, perfect organization, enormous corruption funds supplied principally by public utility corporations, the machine kept in power despite the fact that the majority of the electorate is honest and desires good government.[62]

Haynes saw municipal ownership as a way to address not only the provision of public services, but also as a way to remove the incentives for graft and corruption present in cities where city politicians held the power to grant franchises to public utilities.

Yet another 1909 charter change concerned the city's transportation infrastructure. Voters ratified an amendment allowing landlocked Los Angeles to acquire a harbor and to build and operate its port facilities. Harbor acquisition depended on convincing the then-existing cities of Wilmington and San Pedro--the sites of the inner and outer harbors--to renounce their status as municipal corporations and consolidate with L.A. In order to compensate these cities for their loss of autonomy, Los Angeles passed an amendment allowing them the option to become boroughs. The amendment also authorized Harbor Improvement Bonds, which the

city promised to issue. In return, the amendment asserted Los Angeles's "exclusive jurisdiction over two streets or highways in each borough" to connect downtown with the waterfront.

This charter amendment passed, and a few months later the two harbor cities became part of Los Angeles. Voters had employed their charter ballots to bring a harbor into the city's boundaries.[63] Raphael Sonenshein's recent book, *The City at Stake*, does a good job of pointing out the way in which charter reform may have held the city together. However, the book does not attempt to provide a historical perspective on charter reform, and therefore fails to notice that charter reform put the city together in the first place. The offer of borough status was a powerful incentive to areas such as the Harbor, Hollywood, the San Fernando Valley and the Westside, when they were annexed in 1909, 1910, 1915 and 1916, respectively. The courts would ultimately annul the borough promise in the 1917 *Crose* case, but by that time these areas had already become part of the city.[64]

The electorate did not look kindly on the council's proposed charter amendments. Voters not only rejected salary increases for the council members and all other city officials, they also rejected the amendment allowing the council to serve as police, fire and park boards. This would maintain the separation of the executive and legislative functions, and leave mayoral appointees in position to implement city policy. To further embitter the pill the council was forced to swallow, that body lost some of its power due to a successful amendment allowing the mayor to veto council contracts exceeding $500. The voters gave the council little to celebrate: one of the

few amendments increasing the legislature's authority permitted them to clean up vacant lots and charge the owners, as well to establish a dog pound for the city.[65]

The charter election made two especially critical changes, both targeted at ending the ward-level machine politics that reformers detested. First, voters applied the at-large elections system they had mandated for the school board in 1902 to the council as well. Equally important, the public gave its approval to an amendment instituting nonpartisan direct primaries and general elections.

Taken together, the two amendments regarding nonpartisanship and at-large elections destroyed both the wards and the local parties that had served as the basis of city politics since the 1870s.[66] Structural reformers had attributed city corruption to these parochial organizations, and viewed their destruction as the way to end council collaboration with Espee "boss" Parker. However, the nonpartisan reform covered every city official, and removed all references to political parties from all municipal ballots. Two years later, at the behest of the Los Angeles wing of the Lincoln-Roosevelt League, Governor Hiram Johnson and his fellow Progressives would place on the state ballot a constitutional amendment mandating nonpartisan elections for all of California's local governments. The Golden State's voters followed L.A.'s lead, and all of the state's local and judicial elections are still nonpartisan over a century later.[67]

The creation of at-large elections and direct, nonpartisan primaries ended the period of machine politics that the city had experienced. According to John R.

Haynes, the alternation in power by Los Angeles's political parties was pure machine politics. In a speech delivered at USC in 1910, Haynes stated:

> You probably are aware that we tried for the first time a week or two ago, the fifth important provision of our basic governmental principals:-the direct primary. Under the old regime the corporations, the liquor, gambling and "open town" interests combined in one thoroughly organized machine which controlled the nominations of both the democratic and the republican primaries completely and absolutely. The old method of primaries by caucus and conventions was a well-oiled piece of machinery to enable the powers of evil in government to control almost all nominations.[68]

The dominance of ward bosses in Los Angeles appears to have ended with the creation of this new method of electing council members. While it is true that Espee advocate Walter F. X. Parker died just shortly after this reform was ratified by the voters, it would clearly have been a more difficult environment for him in any event.

Reformer Andrew White argued that the parties were irrelevant to the issues raised by municipal politics. In L.A., the reformers followed the nonpartisan sentiments of Theodore Roosevelt and pushed political parties from the local scene. However, the politics of parties would be replaced by the politics of interest groups and bureaucracy.[69] Theodore Lowi's "new machines" would emerge, as various employee groups would seek charter changes desired by their memberships. It is not surprising from this perspective that the city would create the charter authority for its first employee pensions, for the powerful firefighters and police officers, at the first charter election to take place in the post-partisan environment: 1911.

The coalition between the structural and developmental reformers held up in the 1909 charter amendment election. There is an impressive correlation between

support for such developmental reforms as the amendment authorizing the city to supply the public with water and power and permitting the city to develop the harbor, with structural reforms creating nonpartisan primaries and electing the Council at-large. It is clear, however, that the developmental reforms were more popular. Those who voted for structural reforms were more likely to vote for developmental reforms than vice-versa. Yet the reformers were united under one banner. Meyer Lissner, who helped lead the charge for the 1909 amendments credited the victory to the organization that the city had built up in 1906: "Organization, therefore, is absolutely necessary--in fact, it is imperative. Lack of organization spells defeat."[70]

Table 3.3: Support for Structural and Developmental Reforms, 1909

Then the Precinct's support for Y is:	If 100% of a precinct's voters support X			
	Public Water & Power	Harbor Control	Direct Primaries	At-Large City Council
Public Water & Power	*	100%	100%	100%
Harbor Control	97%	*	100%	100%
Direct Primaries	89%	91%	*	100%
At-Large City Council	84%	87%	95%	*

(R-squares range from.85 to .96; t-tests significant at .0001)

Amendment in the Form of Substitution, 1911: after 33 amendments over four elections, the charter began to resemble a crazy-quilt: there were almost as many patches as there was original material in the city's organic law. Reformers of every stripe started to worry that the hodge-podge charter might jeopardize their victories.

To secure their hard-won gains, they sought reorganization of the entire charter, which they proposed to secure through voluminous amendments. The electorate gave the 1911 Charter Revision Commission's work a vote of confidence, approving by enormous margins all but one of the 15 amendments the group placed on the ballot.

The 1911 charter amendment election represents the full flowering of the Los Angeles municipal reform movement. Of course, this was partly the result of the reform coalition that took over the city. Between the city's 1904 recall of a councilmember, its 1906 election of nearly the entire nonpartisan ticket, its 1909 removal of an allegedly corrupt mayor via the threat of recall (Arthur C. Harper), and its selection of reform-oriented candidates to virtually every elected position in the city in the 1909 elections, the Good Government Organization would be justified in claiming to have instituted a "veritable reform machine".[71] The members of the new political establishment were well-disposed to reform, and had reaped the benefits of the changes in the city's political structure in their own election to office. In the charter election, the city would experiment with all of the varieties of reform. The voters would enact structural, social, moral and developmental reforms by supporting the battery of charter amendments.

Melvin Holli's seminal work, *Reform in Detroit*, correctly pointed out that all reforms are not identical in their motivations and consequences. Specifically, he demonstrated the difference between the sterile structural reforms that altered the rules of the political game, as opposed to what he called social reforms, aimed at ameliorating the ills of *laissez-faire capitalism*.[72] This chapter has already shown that

developmental reform must be added to the mix. These were reforms that targeted the economy, but whose constituents might just as easily be the well-to-do as the less fortunate. However, there is one more type of reform besides these three: moral reform. The moral reform category includes measures dealing with gambling, liquor and vice.

Los Angeles led the state and nation towards the Prohibitionists' dream when its voters supported a liquor control measure as early as 1890.[73] In 1905 and 1917, L.A. voters considered saloon-closing measures. Voters addressed a series of referenda concerning alcohol: in 1912, they balloted on whether to allow lunches to be served in saloons, they voted on the liquor issue three times between 1917 and 1918, and they decided the Sunday Closing issue in 1918. Prior to the ratification of the 18th Amendment, Los Angeles had enacted the Gandier Saloons Ordinance (1917). This measure would allow druggists to dispense half as much alcohol for medicinal purposes as they could under the Volstead Act. Moreover, Angelenos persuaded the state to pass the Wright Act, an even more vigorous antiliquor measure than the federal Volstead Act. The City of the Angels was a major promoter of the effort to carry the nation to the dry Promised Land. Of course, the city's voters were no more angelic than other Americans when it came to living the dry life. Even avid Prohibition supporter Haynes kept a well-stocked wine cellar from which he entertained his guests.

In terms of vice and gambling, referenda on ordinances concerning dance halls (1913), dancing in cafes (1916) and dice-shaking (1917) would populate the ballots of

Angeleno voters. L.A. pressed the state to constitutionally forbid slot machines in 1910, as well as to deal statutorily with the problem of white slavery and red light abatement. The 1889 Charter had provided the city a great deal of authority over "any and all professions, trades, callings, and occupations carried on within the limits of said city" and could "license, regulate, restrain, suppress, or prohibit any or all…hawkers, peddlers, pawn brokers, dance-cellars, melodeons, shows, circuses, billiard-tables, ball ten-pin alleys" and "suppress and prohibit all faro banks, games of chance, gambling houses, tables or stands, bawdy houses…and any and all obnoxious, offensive, immoral, indecent or disreputable places of business or practice." The issue of whether the LAPD was sufficiently vigorous in enforcing the city's ordinances in this regard made the Police Chief's office the position with perhaps the city's highest turnover rate.[74] The student of Los Angeles history can appreciate the concept of moral reform in light of the fact that the city created motion picture censorship before the creation of the Hays Commission.

The 1911 charter amendments ran the gamut of the four basic types of Progressive Era municipal reform. In terms of developmental reform, the amendments regarding the Harbor, Public Service and Public Utilities commissions were key. Representing social reform were the amendments regarding the Parks and Playground commissions, the provisions for pensions for public safety workers, and the limitation on the height of buildings to 150 feet. In the moral reform camp, one finds an amendment that allowed areas newly annexed to Los Angeles to remain dry; they

would keep their privilege to exercise local option and ban liquor within their territorial limits.

In addition, the creation of a Municipal Art Commission to ensure that city projects conformed to the principles of good taste should be seen as a sop to moral reformers; the Woman's City Club saw this as an advance. In addition, the creation of the Municipal Newspaper provided another option for educating and informing the public; moralists were unhappy with the "cheesecake" photos that various newspapers used to increase circulation in a city with an extraordinary number of competing publishers. Finally, the structural reformers managed to create centralized purchasing, campaign finance reform, strengthen the recall to cover appointed officials and create staggered elections for officers.

Many of the 1911 Charter amendments were aimed at promoting the city's growth through enhancing its ability to provide necessary infrastructure. One amendment extended the principle of municipal ownership and operation of the city's utility assets. This amendment was amplified by the results of a straw poll on the issue of whether the city should lease its electric power to a private utility serving the city, or distribute this energy itself. The voters enacted the amendment and gave an affirmative response on the advisory referendum by large margins. 82% of the voters approved the charter amendment, while a whopping 91% approved authorizing the city to distribute the power rather than allowing a private utility company to reap the benefits of the city's aqueduct investment.

Yet another charter change raised Los Angeles's debt limit to 15% of assessed valuation, devoting 80% of this amount exclusively to infrastructure. Voters authorized formation of a Harbor Commission organized along lines comparable to the existing Water Commission. The Harbor Commission would manage the city's port, but would require approval from two-thirds of the electorate to dispose of any of its waterfront property. Voters also consented to development of a municipally owned utility to distribute the electricity generated by the aqueduct. To manage this utility, as well as the water system, voters established a Public Service Commission.

The Public Service commission would subsume the duties of the Water Commission, managing both water and power concerns. The new commission would maintain separate funds for each function, and could exercise at pleasure the option to divide the Department of Public Service into water and power bureaus.[75] This fateful decision both reflected and cemented in place the divergent status of the two functions. Over time, the Bureau of Waterworks and Supply would be popular with most segments of the city, while the Power Bureau would emerge as the bête noir of the *Times*, creating both the specter of municipal socialism by competing with established private sector companies and that of political corruption by providing sinecures for workers engaged in creating a political machine.

Many important innovations emerged from the 1911 charter reorganization. For example, the city commenced the formation of a system of fire and police pensions, even though the city had a reputation as the citadel of the open shop.[76] Voters also approved an amendment calling for campaign finance regulation, long

before it would become fashionable in California and the United States. Los Angeles set yet another trend in extending the use of the recall to cover appointed officials, and not just their elected counterparts. This tool remains in the charter to the present, and L.A. is one of the few cities whose discontented citizens possess this option. The electorate also approved a new regulatory regime that would affect the downtown cityscape up until the 1970s. Rather than allowing private property owners to build as they pleased, the voters approved an amendment erecting a 150-foot limit on the height of buildings. Another amendment established municipal planning powers, paving the way for the 1925 Charter's City Planning Commission.[77] Finally, voters granted charter status to the Public Utilities Commission, which would regulate the privately-owned companies the city depended on for its gas, telephone and other utility businesses that the city had not yet entered.[78]

Commissions played a key role in the changes wrought by the 1911 Charter reorganization. The change included creation of commission-managed Playground and Municipal Art departments. Following the successful model of the Board of Public Works, voters reduced five of the city's commissions from five to three members. Only the Public Library and Public Service Boards retained the five-member form, while nine commissioners oversaw Municipal Art. Rather than serving two-year terms or at pleasure of the appointing authority, all commissioners were given four-year terms, which were staggered so that commissions could profit from a mix of the virtues of continuity and freshness.

As in the previous four charter amendment elections, city commissions continued to assume power at the expense of the council. This was not accidental but intentional: voters transferred to the Public Utilities Commission powers that the council had held since 1889 but declined to use effectively. The voters empowered other appointees besides commissioners. For example, the charter change called for an appointed Purchasing Agent to manage a centralized purchasing system. If this particular amendment had been detailed, rather than merely leaving implementation to a future ordinance, then the council would have lost even more power.[79]

The 1911 charter amendments were so thorough that the election nearly represented an amendment in the form of substitution. Yet the substitution demonstrated great continuity with the trends of preceding charter changes, and in fact served to perfect L.A.'s system of boards and commissions. In addition to these changes to the appointive hierarchy, the 1911 amendments also altered the elective apparatus. All elected officials would enjoy four-year terms, although the election system would subject half of them to public review every two years. Staggered elections would provide continuity at the same time as allowing voters to select new officials on a regular basis.

Voters approved one charter amendment that allowed areas annexed to Los Angeles to preserve local option. This increased measure of autonomy would serve two functions. On the one hand, it would allow L.A. to grow as the city could permit suburban communities to keep their autonomy when they merged with the city to gain access to its infrastructure. On the other hand, the city's moral reformers and the

suburbanites themselves could preserve the suburbs' dry status even after they became part of the wet city. It was clear that the city was wetter than the county from the failure of a saloon-closing ordinance in 1905. The local option amendment meant that no one needed to sacrifice their community's position on the wet-dry divide due to consolidation with L.A.[80]

Table 3.4:

Support for Developmental, Structural, Moral & Social Reforms, 1911

Then the Precinct's support for Y is:	If 100% of a precinct's voters support X			
	Water, Power & Harbor Debt Limit Increase	Council as Board of Equalization	Local Option in Annexed areas	Fire & Police Pensions
Water, Power & Harbor Debt Limit Increase	*	99%	98%	97%
Council as Bd. of Equalization	97%	*	98%	95%
Local Option in Annexed areas	95%	97%	*	96%
Fire & Police Pensions	84%	84%	86%	*

(R-squares range from.31 to .82; t-tests significant at .0001)

As Table 3.4 above shows, the 1911 charter amendments would again demonstrate the correlation between structural and developmental reforms, as well as between moral and social reforms. The rank order of popularity appears consistently to have been one favoring developmental reform over structural reform. In the 1911 election, with the presence of all four types of reform, it appears that structural reform

was more popular than moral reform, and voters favored moral reform over social reform. When one considers that social reforms are the most antagonistic to capitalism, perhaps this finding is unsurprising. Moreover, in a city which sought to increase tourism through the convention business and promotion of an All-Year Club to bring tourists to Los Angeles, perhaps being too angelic might also threaten prosperity. The question may have been whether L.A. could afford to be "the better city" favored by such proponents of moral and social reform as Dana Bartlett.

Three Charter Proposals Come and Go, 1912 - 1916: by 1912, reformers had enacted almost four-dozen charter amendments, but were still unhappy with the results. Their charter amending success apparently did not carry with it an iron-clad guarantee of control over their elected officials. They had elected much of their nonpartisan ticket in 1906, and then after recalling Mayor Harper, were able to select all city officials in the 1909 and 1911 elections. Still, they were discontented with the meager tangible results of their efforts.

Structural reformers began to doubt the old Mugwump nostrum about electing the right sort of person to office and thereby improving the purity of civic government.[81] Their diagnosis of the body civic had attributed its ailments to the mayor-council system. In 1912, structural reformers called for a brand new and improved city charter. Voters selected a Board of Freeholders that followed the National Municipal League's prescription for a commission plan charter. Under this kind of charter, each commissioner would oversee one department, with the mayor supervising Public Safety because of its importance. Because Los Angeles was larger

than any city then governed by the usual five-member commission plan, the Freeholders' proposed charter provided for election of seven commissioners.[82]

The 1912 charter proposal would have maintained at-large elections and direct democracy, but would have ended the city's unique system of boards of citizen commissioners controlling semiautonomous departments. A blue ribbon panel of the most prominent civic and business leaders in the city had worked to assemble the proposed charter. The document received praise from the National Municipal League as the next advancement in municipal governance, a model for other cities to follow.

However, the *Times* and *Examiner* papers were not so charmed with the charter proposal, and led a determined campaign against its ratification. These newspapers published lists of members of their anti-charter coalition. Previously, only reformers had used such lists of important individuals and organizations to show the credibility of their causes through the impressive endorsements they could garner. Many business groups would join the campaign against the charter proposal, and the anti-charter campaign seems to have been effective. At the polls, twice as many people would vote against the charter proposal as supported it. This humiliating defeat demoralized the city's structural reformers, driving them away from the business community and its developmental reformers. After the 1912 election, relations between developmental and structural reformers were never the same.[83]

In 1913, the old politics of fine-tuning the charter resumed. Yet there was a new element as well. The city's Socialists, structural and developmental reformers and the old "machine" regulars all brought their own charter reform wish lists to the

table. Just as in 1906 and 1909, there was a dispute over whether various parties were proposing reform or deform. By this time, everyone had learned how to use charter change to achieve their political goals, and competing reformers scrambled for a place on the ballot for their pet charter amendments. Ultimately, the voters faced a ballot that featured competing amendments on three different issues--harbor control, council elections, and council service.

The remnants of the structural-developmental reform coalition wanted an appointed Harbor Commission with a clear hold on the Harbor District but limited leeway in granting leases and franchises. Conversely, the old regulars and some business groups preferred an elected and weaker Harbor Commission, albeit with a free hand in decisions over leases and franchises. The amendment establishing a stronger appointed commission won popular support, and the foundation was set for the powerful proprietary Harbor Department of the present. In terms of council elections, the Socialists wanted Proportional Representation while conservatives preferred district elections. Because neither amendment achieved a majority, the city retained the system of at-large elections that structural reformers had fought to win in 1909. In terms of council service, the voters approved the amendment that moved council meetings from a weekly to a daily basis, and doubled council members' salaries.[84]

To clarify the city's position in terms of managing its own infrastructure, voters further elaborated municipal authority over acquisition of privately owned public utilities.[85] City elections were the main focus of one amendment. By giving it

a majority, the electorate made three changes: fixing technical flaws that had rendered the appointive recall inoperative; halving elected officials' terms from four years to two; and rescheduling city elections to mid-year. Two of these three changes effectively recalled from office all members of the 1911 reform ticket: half of them lost six months of their terms, while the other half saw their terms reduced by two years and six months. This "total recall" reflected the bitterness between the structural and developmental reformers, which remained alive long after the 1912 charter election and increased in intensity due to this 1913 dispute over charter amendments.

Voters committed to a public safety pension system by moving the details of the fire and police pension funds from ordinances to the charter. This would in the long run prove to be one of the most momentous decisions of 1913. Charter elections post-1913 would routinely include provisions relating to city employee pensions, and especially to the firefighters and police officers to whom the citizenry have been most generous. Finally, the voters required the council to divide the city's business so each of its members might specialize and serve as the "committeeman" responsible for investigating and reporting to that body on one of these divisions. The 1912 commission plan charter proposal had failed, but passage of this 1913 charter amendment allowed voters to incorporate a modicum of parliamentary-style executive-legislative fusion into the city charter.[86]

The battle that dominated the newspapers during the 1913 charter amendments election was over the question of control of the harbor. Some favored an elected commission to manage the city's new port, while others felt that an appointed body

would provide better service. The decision by the voters to entrust appointees with this task represented a choice consistent with the series of charter amendments since 1902. Amateur citizen commissions would allow the city to take the management of its infrastructure out of the rough-and-tumble of electoral politics, and would also continue to permit the city's "best and brightest" to control its assets.

Occasionally, this application of the amateur ethic to the spirit of city government did not work well. In a blatant misuse of politics as an avocation, Water Commissioner Moses Sherman is alleged to have used privileged information for personal profit. He helped form two land syndicates in the San Fernando Valley that would take advantage of the water Sherman knew the Owens Valley Aqueduct would deliver.[87] Yet, despite such chicanery, the city by and large appears to have benefited from the talents of these lay commissioners. In his role as a city commissioner, John R. Haynes spent a considerable amount of his time and fortune trying to strengthen and protect the city's civil service and electrical energy infrastructure. The naming of such public power assets as the Haynes Generating Station seems a well-deserved recognition of a lifetime of service.

In 1914, structural reformers once again clamored for a new charter. By this time, the commission plan had fallen out of vogue nationally. Instead, municipal reformers viewed the council-manager plan as the panacea for all municipal ills. Reformers introduced a series of new charter amendments, the most important of which would have offered voters the manager plan. The amendment would have created a business manager of departments to run the executive branch, while the

mayor would serve as both a member of the council and its presiding officer. The council prevented a vote on the concept by canceling the entire election. But reformers were undaunted.

In 1915, they again pressured for a new charter, and voters selected yet another Board of Freeholders. The Freeholders proposed a new charter that would have established departmental managers and reallocated city responsibilities. The proposed 1916 charter represented a fairly modest and incremental improvement on the existing charter. One hitch the framers faced was their inability to reach consensus on several key issues. Finally, they chose to place four alternative measures on the ballot: if the charter should pass along with any of these amendments, the new charter would be accepted and then instantly amended. If two contradictory alternatives were both to pass, the one with the larger majority would be operative.

One alternative offered replacement of the mayor by a city manager; another would have given elected officials terms two years in length rather than the proposed charter's four; the third would have allowed voters to elect the council by districts rather than at-large; and the last called for voters to select the council through a system of Proportional Representation. The district representation alternative received a majority, foreshadowing future events, but no other charter proposition passed. Since the charter itself failed, the city retained at-large councilmanic elections. Instead of empowering voters with choices, the four alternative propositions almost certainly confused voters, causing them to preserve the *status quo*. Given that the 1916 proposed charter so closely resembled the charter as it then stood, it is remarkable that

anyone expended great effort opposing it. Yet the *Times* and *Examiner* again led the charge against the charter--once again with allies among the business community and the more conservative reformers--and it was defeated by almost as large a margin as the 1912 commission charter.[88]

The Amendments of 1916: the failure of the 1916 Charter did not discourage reformers from pursuing incremental improvements. However, it was a different group that would seek the narrow charter amendments of October than the ambitious leaders of the June charter election. The *Times* led the campaign of the more conservative forces which had defeated the 1916 Charter proposal, and called for more conservative patches to the existing charter. Those who sought efficient operations persuaded voters to consolidate the city with the county for the purpose of assessing and collecting taxes. They also succeeded in securing an amendment to secure consolidation of the city's special elections with county and state plebiscites; this could save the city money, although it might make it more difficult to sneak charter amendments by voters in low-turnout special elections. An apparently more conservative electorate than seen at the 1902-1913 charter amendment ballots refused to allow the city authority to borrow funds in anticipation of tax revenues, as well as to allow the creation of bonding districts.

Some reformers sought to improve the city's infrastructure, and triumphed in efforts to require railways to elevate or depress their grade crossings. Voters paved the way to an improved street work process with an amendment allowing the city to do this work rather than contracting for it. The caveat was that the city had to offer

those who were assessed a lower price than outside contractors had offered. Another improvement to transportation might be expected from an amendment allowing the creation of rights of way through parks, which would sacrifice recreation and environmental protection to some degree, but might ease transportation difficulties. Los Angeles' Mayor had raised the issue of smog in his 1911 State of the City address, and automobiles were already beginning to make their mark on the city; running highways through Griffith Park might ease congestion.

This right-of-way amendment applied not only to roadways but to all utilities, and eased the Bureau of Public Service's efforts to build transmission lines to convey aqueduct-made electricity to the city. Since the amendment applied to all city parks, the Parks Commissioners feared that it would call into question the trust deeds under which park lands had been allotted. This was a real threat, but not one the public thought important enough to outweigh issues of economic growth and traffic. Even though the commissioners raised the specter of the city's loss of its Griffith Park lands, the public apparently was willing to tolerate power lines and arterials traversing these previously inviolate properties.[89]

Voters enhanced the city powers generally by accepting the broader definition of "municipal affairs" that California had authorized in a 1914 Constitutional Amendment. This charter change theoretically relieved the city of the need to continually add to the laundry list of city powers every time it wanted to do something not explicitly authorized in plain language within the charter. Prior to 1914, state law provided that a city could do nothing unless its charter expressly conveyed the power

for an action. When the state's voters changed the constitution to specify that so long as a matter was considered to be a municipal affair, any city in the state could do it, cities no longer needed to continue adding to the lists of express powers their charters contained.

At that moment, the city charter ceased to be an instrument of empowerment and began to constrain city officials. The impetus to become a charter city rather than a general law city in California was partly extinguished. If any city in the state can do something, then any other city, whether incorporated under a charter or the general law, can also do it. The only caveat is that a charter can stop a city and its officials from doing something they might otherwise be allowed to do. The developmental reformers supported this charter amendment because many of the charter changes they had been compelled to seek over the years were expansions of the exhaustive list of city powers. The charter amendment and the state constitutional provision on which it relied should make this unnecessary.

Yet the public did not wholeheartedly support the goals of developmental reformers; they turned down an amendment that would have allowed the Harbor Commission to make emergency contracts. A charter amendment allowing the Public Service Commission to sell surplus water to other cities on a temporary basis squeaked by on a narrow margin. This would relieve the Water Bureau of the necessity to seek two-thirds approval in order to sell its surplus. The amendment was carefully crafted, however, so as not to compromise the city's "paramount right" over

this precious resource. The city found itself "[w]ith considerable surplus water and a chance to reap some revenue from it" and approved the charter amendment.[90]

A number of amendments that the voters considered had to do with minor house-keeping affairs. For example, the public altered the charter to appoint commissions to control park donations, permit the city council to meet five days per week rather than six, and establish weekly or semimonthly paydays for city employees. This last item was passed by nearly a 2-1 margin, and clearly would make it easier for the workforce, which had heretofore received compensation on a monthly basis. One unsuccessful amendment sought to create the borough system that had been promised by the charter amendments of 1909, yet never implemented. In sum, the charter amendments of 1916 were dominated by the concerns of structural and developmental reformers. The conservative nature of this election could be gauged from the fact that only a few social reforms and no moral reforms appeared on the ballot.

Reform by Patchwork: in 1918, the trend begun in 1916 towards narrow changes targeted at fixing picayune issues continued. The broad and visionary approach of the Good Government forces gave way to small changes at the margins. At the 1918 charter amendment election, the voters considered nine alterations, disapproving six of them. One of the three amendments that voters approved served to increase the library's share of the city's tax revenues. This did not raise taxes, but altered the distribution of tax revenues between city departments. A second amendment again altered the street improvement process that voters had just changed

in 1916; this charter change allowed tunnels to be improved when used for vehicular traffic. Developmental reformers found that the Second Street tunnel was impeded by the narrow language of the charter and the state courts' treatment of tunnels as merely devices for subterranean drainage.[91]

Voters also approved an amendment to clarify the relationship between the city charter and the general law. The 1916 Charter Amendment accepting the state's empowerment in terms of "municipal affairs" raised important issues. What if the City of Los Angeles had been authorized to do things under its charter that no other city had been authorized to do? What if the state defined "municipal affairs" in a way that prevented the city from exercising such functions as delivering electrical power to its residents?

The 1918 charter amendment would clarify that the city could "exercise any or all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the state".[92] This would theoretically deprive the state of the authority to halt L.A. from exercising certain powers if it had allowed those powers to be exercised in the past. It is not clear whether this charter amendment would have been legally binding if litigation were brought under its terms. It is likely that the general obligation bond contracts which the city's agents had signed would be a better defense against ex post facto changes to the city's authority. As Robert Caro indicates in *The Power Broker*, New York's Robert Moses was able to use the liberty of contract protections granted by the U.S. Supreme Court to cement himself and his goals in place through bond contracts, which trumped state and local laws.

Many of the unsuccessful amendments concerned items of importance to the city workforce. Voters refused to approve both a general pension program for all city employees, as well as a change to the pension system for the Fire and Police departments. The change in the public safety workers' pension would have provided life insurance for a firefighter or police officer regardless of whether he had died in the line of duty.[93] Although usually opposed to labor measures, the *Times* actually supported both of the pension proposals. The arch-conservative newspaper opined: "Many corporations have adopted the plan of rewarding continuity of service by giving pensions to those of their employees who have grown gray in the harness. By so doing, well-managed corporations serve both themselves and their employees and thus disprove the cry of the agitators that corporations have no soul. The same rule should apply to employees of municipal corporations. Vote YES."[94] Yet the voters did not find the newspaper's arguments persuasive.

The electorate also refused to approve an increase in the public improvements tax and a change in the civil service. The civil service alteration would have strengthened the Civil Service Commission at the expense of the city's departments. The Commission would have been authorized to certify one candidate for an open position rather than three. With three candidates, the city department would be given something other than a Hobson's choice as to whom to employ. The Commission would also have been authorized to demote a city worker based upon its own records, without regard to the department head's opinion as to the employee's efficiency.

The electorate was not receptive to the concept of changing the city's public utilities contracts. The pro-public power developmental reformers sought a charter change that would have made it legal for the city to purchase Southern California Edison's electrical distribution system, but they were shot down. The Public Service Commission's battle to monopolize the city's electrical energy market would take over twenty years of litigation and charter amendments to accomplish. The private utilities played hardball with the Bureau of Power and Light, and Electrical Engineer Ezra Scattergood's supporters believed in fighting fire with fire. The Power Bureau even used funds from bond issues to campaign for public support for further departmental indebtedness, until a lawsuit halted this practice in the 1920s.[95]

This controversial action was a risky proposition for Scattergood; the 1911 Charter Amendment that created his position did not protect him from arbitrary dismissal. As head of the Bureau of Water Works and Supply, the Chief Engineer of Water Works could only be fired "for good cause", but no similar protection was offered to his Power Bureau counterpart. The *Times* opposed this amendment as part of its general campaign against the Power Bureau. The *Times* also opposed the ten-cent tax increase proposed by another charter amendment on the grounds that it would "give the power bureau more money for pet schemes".[96]

Finally, in an amendment signaling future events, voters rejected district-based Council elections. The *Times* was partial to the change, noting that "a majority of the present Councilmen live almost within a stone's throw from one another". However, the newspaper expressed misgivings about whether fifteen was the right number of

districts. It would represent a two-thirds increase in the number of Council members, and thus presumably of the legislature's costs. The concept of a fifteen-member district council had been approved in the 1916 vote on a new charter, but failed since the charter itself was not approved. The issue of what kind of council elections the city should employ would arise chronically over the next several years.

The conventional wisdom is that the World War One and its "Preparedness" campaign brought on the "Big Chill" that ended progressivism in California and elsewhere in the nation. Although relations between the more left- and right-oriented reformers of L.A. would cool prior to 1918, it does seem that the passing years made collaboration between these groups more difficult. John R. Haynes was a self-described "millionaire Socialist", and such Haynes fellow travelers such as Gaylord Wilshire and Edwin Earl had mostly disappeared from the scene. Haynes had collaborated with more conservative reformers such as Meyer Lissner and Marshall Stimson, but they marched to the beat of a different drum. In 1918, the charter reform process would produce limited gains, and successful measures fit more with the conservative agenda. Four of the five charter amendments that were defeated were those which might have raised taxation levels. As the *Times* would note after the election, "Los Angeles voters kept a tight clutch on the purse strings when they voted on the thirteen proposed city charter amendments last Tuesday".[97]

Voters rejected an amendment to remove the dollar tax limit by nearly a two-to-one margin. The public apparently agreed with the *Times'* opinion that raising the tax limit to a larger amount would be acceptable, but that placing no limit on taxes

was unacceptable. The citizenry also rejected two measures related to officials' salaries. One amendment would have provided for an increase in the salary of the mayor and council members. Even the *Times* would point out that the L.A. mayor received "the smallest salary paid to the chief executive of any city in the United States of 100,000 population or more".

The other amendment would have permitted the Mayor and Council to set the salaries for the City Attorney and Auditor, rather than retaining the paltry compensation provided those officers under the 1889 Charter. 60% of the plebiscitary participants seemingly thought salary increases unwarranted. The voters also refused to double the terms of elected officials to four years. Finally, the election killed an amendment to give all city employees the pensions enjoyed by public safety workers. The Chamber of Commerce saw this proposal as meritorious, but unworthy of support until the proposal to raise the tax limit was off the table. The taxpayers apparently agreed with the Chamber and the *Times* on this score.[98]

However, the majority of charter amendments on the ballot received approval. For example, four growth-oriented charter amendments sailed to ratification. The first change provided that street improvement costs be made a first lien against properties benefiting from the improvements; this added security might give contractors an incentive to bid the cost of improvements lower, as had occurred at the state level. The second alteration eased the red tape involved in sale of public property, which might produce revenues as well as put more property into development. The third measure would limit claims against the city by requiring that they be filed within six

months, unlike the status quo, under which those claiming damages were given four years. The fourth of these very popular growth proposals would allow buildings higher than 150 feet in the industrial district, leaving that restriction in place only in the central business district.

The developmental reformers successfully pursued an amendment relating to the harbor commission:

> With the tremendous recent development of the Los Angeles Harbor it was believed by the members of the City Council, who approved of this amendment, that the powers of the Board of Harbor Commissioners should be increased, and that it should be given the semi-independent authority similar to that exercised by the Board of Public Service Commissioners. While the acts of the commissioners, under the amendment, are to be subject to the scrutiny of the members of the City Council and of the public, in matters of Administration it is proposed to give the commissioners a free hand to develop the Harbor. The Commissioners are to be, as at present, appointed by the Mayor. VOTE 'YES'….[99]

The *Times* had opposed the power that the Public Service Commission enjoyed with respect to developing public power, but was willing to encourage voters to hand similar authority to the Harbor Commission. To a public power proponent, the hypocrisy of this double standard would have had to be galling to witness.[100] Perhaps the voters also noticed the irony, because the charter amendment passed by a razor-thin margin of about 1500 votes out of over 95,000 cast on the measure.

The electorate approved the remaining three charter amendments by safe majorities. All of them altered the civil service provisions of the charter. The first measure would demonstrate the manner in which even national events made their way into the city charter. L.A. would reward patriotic veterans returning home to the city

from "over there" with additional points on their civil service examinations. Ten percent of the required credit on the exam would be given to "all soldiers, sailors or marines who served in time of war, or to the wife of any such service man, if he is incapacitated, or to the widow of any such service man".

The second amendment made the fire chief a member of the civil service so as "to remove the position of chief of the fire department from politics, and…stabilize the fire department by bringing to an end frequent changes in the position due to the change in the occupant of the office of Mayor." Finally, the public authorized the Civil Service Commission to increase its efficiency by certifying at one time candidates for more than one position.[101]

The failure to increase the tax limit was a crushing defeat for those who perceived increased investment in city resources as essential to its progress. The proposal was soon revised and resubmitted for citizen consideration. Rather than ask for the flexibility of an unlimited tax rate, charter reformers requested a 25 cent increase. This would alleviate the public's fear of sky-high taxes. Voters approved the change handily in a special election at which less than 25% of the registered voters participated. The try-try again formula would prove successful, as the reformers floated a compromise version of a change they had proposed in two previous elections. The amendment passed on a day when most of the taxpayers did not turn up to vote. Over time, persistence has proven a very important trait of successful charter reformers; eventually, the electorate is either worn out or caught off guard.

Yet another plebiscite would be held later in 1922. At the November general election, voters faced a barrage of seventeen charter amendment proposals. The lion's share of the propositions concerned matters of paramount importance to those who served as the city's officials and employees. The public turned down three charter amendments concerning the best way to elect the City Council. The city's Socialists had long protested that at-large elections left workers without any representation; the Proportional Representation remedy they had proposed in 1913 and 1916 again made it to the ballot, but was decisively defeated. The P.R. Council reform also included repeal of the primary. There were two proposals to move to a district-based Council—one with 12 members and another with 15—and both measures lost. The margin by which the fifteen-member district council was defeated is remarkably large, considering that voters would adopt exactly this proposal at an election less than eighteen months later. After seeing the proposal on the ballot repeatedly, voters would see the error of their ways and revoke at-large elections to create the Council election system that persists to this day.

Official salaries would again appear on the ballot and again be defeated. The public did not approve any of the four amendments proposed to update the city's obsolete schedule of compensation for its elected officials. One amendment would have raised the Mayor's salary to $10,000; a second placed the City Attorney's salary at $7,000; a third set the Auditor's salary at $6,000; a fourth would have increased the nine Council members' salaries to $4,200. The Mayor was earning $4,500 annually, the City Attorney $4,000, the Auditor $3,000 and the Council members $2,400.

Consequently, the city could have provided this more adequate compensation at a net cost of $33,100 annually. A generous public demurred, and the salaries remained at their 1889 levels. The most popular of these losing proposals would have raised the Auditor's salary, while the measure to increase Council compensation lost by almost 20% of the votes cast.

The voters were far more generous to city employees. For example, the Fire and Police departments' employees received an increase in, and an extension of, their pensions. The public favored this proposition by more than a two-to-one margin. What is more amazing is the fact that this proposal made it to the ballot through the initiative process. Citizens desiring to use the charter reform process had previously coerced the Council into submitting amendments through the threat of a petition. The public safety workers were the first group to go beyond threats and actually use this tool.

The Council members wanted to propose a charter amendment concerning all city workers, but the police officers and firefighters did not feel the need to tie their fates to those of other city staffers. This was probably a wise move, because the public would not feel magnanimous enough to extend all city employees pension protection until 1937. The fact that the Police and Fire departments' workers were either well-organized enough or sufficiently popular to secure this charter amendment in a high-turnout general election is all the more impressive. Over time, the public safety workers would prove the only group of employees as successful in campaigning for their aims as the Public Service Commission's workforce. In the 1930s and 1940s,

the only competition with the alleged Water and Power Machine for control of the city would be the Police union.

The electorate also faced two other employee-related measures. The voters approved an amendment classifying the City Clerk and the City Treasurer, making these officers part of the civil service system. Classification was popular among these officials because it would mean job protection. This would move greater power from appointed and elected officials into the hands of professionals in the departments the city's officers and their appointees were supposed to oversee. At the same time as managers were seeking to be brought into civil service, the employees of their departments sought to be brought under the protective wings of their managers.

Voters rejected another plea by the Civil Service Commission for the authority to demote employees based on their civil service records. The departments retained the power to demote workers. It might seem that voters were being inconsistent by favoring the Civil Service Commission in opposition to other commissions, while supporting the departments against the Civil Service Commission. Yet the ethic of departmental control, with the autonomy that any bureaucracy seeks over its turf, would appear to explain both trends. Both elected and appointed officials lost control over managers and employees as they were tied more firmly to their departments.

The priority of economic growth again played a role in the 1922 charter amendments. The public approved by large margins charter amendments allowing the placement of public buildings in city parks, setting more permissive limits on the height of buildings, increasing the tax for permanent public improvements (rejected in

1918) and enhancing the city's authority to supply water and power. Yet there was dissent over some of the developmental reforms proposed in this election. The electorate rejected two amendments that would have allowed the Public Service Commission to borrow against its revenues, and altered the duties of that commission and paying its President a salary. The voters also negated a charter change that would have streamlined the process for emergency contracting.

In May of 1923, the voters would make their last changes to the 1889 charter. In fact, at that same election voters would ballot on a list of candidates to a Board of Freeholders entrusted with drafting a new city charter. Although the changes were to be short-lived, the public approved all four of the amendments they faced. Three of these alterations concerned salaries for the Mayor, City Attorney and Auditor. These three officers were still earning the salary that had been paid to their predecessors when the home rule charter took effect in 1889. In the past three decades, the cost of living had risen, and the annual compensation of $4500 was insufficient.

Even the traditionally frugal *Times* would state that "the present salary, which was established thirty-three years ago when Los Angeles was a village, is wholly inadequate for the Los Angeles of today, the fifth city in point of population in the United States." The "able, efficient men necessary to direct the administration of the city's business" would have to be better compensated. Still, although the newspaper editorialized that $10,000 would not be an unreasonable salary for the mayor, the amendment did not request $10,000 (which had failed in 1922), but only $8,000. The newspaper likewise endorsed salary increases for the other two officials, who were

earning far less than their private sector counterparts.[102] As seen before with respect to the tax rate increase, the salary-related amendments that had gone to the public many times since 1902 would finally receive sympathetic consideration.

Besides the three salary-related amendments, the electorate endorsed a charter change to grant civil service protection to the Purchasing Agent, the Chief of Police and the Secretary to the Chief of Police. The *Times* opposed this amendment, stating that the new charter would probably make extensive changes to the city's "inadequate" purchasing process. It would be a mistake to place the Purchasing Agent under civil service in that it would interfere with the "comprehensive changes" likely to be made to city purchasing.

The newspaper raised serious objections to awarding the Chief of Police with civil service status because "if a poor Chief got in, as would be easily possible under this system, it would be next to impossible to get him out unless he should be guilty of flagrant misconduct. Experience shows mere incompetence hardly suffices as a cause for removal. The United States government uses civil service to a great extent, but never above a certain level of employee."[103] Despite the voters' decision to approve the civil service charter amendment that it had opposed, the *Times* praised the electorate: "Los Angeles gave a good account of itself at the polls on Tuesday, proving anew that it is possible for a community to be populous without being boss-ridden or corrupt."[104]

Amendments from 1916 to 1925: from 1916-1925, voters cast their ballots on amendments treating many subjects. Many addressed L.A.'s growth priorities by

strengthening its proprietary departments. For example, the Public Service and Harbor Commissioners campaigned for amendments enhancing their authority. Another cluster of amendments emerged regarding public employee pensions: in 1918 and 1920, voters rebuffed attempts to create pensions for all city employees, but would in 1922 increase the generosity of police and fire pensions.

Finally, civil service retained its status as a main subject of amendments over the years, but the tenor of civil service changes differed. Historically, these amendments had exempted positions from the merit system. In the 1920's, this trend reversed, and amendments began to extend rather than retrench civil service coverage. Apparently seeking professionalization and job security, a number of departmental managers actually requested classification for their positions. Voters obliged these requests for the Fire Chief in 1920, the City Clerk and City Treasurer in 1922, and the Purchasing Agent, the Chief of Police and his Secretary in 1923. These extensions of civil service would empower appointed officials at the expense of elected leaders.

By 1923, two decades of charter change had transferred authority over city affairs from the legislative to the executive branch and from elected to appointed officials. Gone was the 1889 Charter's strong council system. From 1902-1925, voters consistently authorized appointees to exercise powers previously held by the council. Moreover, the council selected fewer of these appointees. The council could oppose mayoral appointments by refusal to confirm these decisions, but it could not appoint any officers. Therefore, the council saw many of its powers delegated to appointees over whom it would hold even less authority.

Housekeeping Amendments: the initial impetus for charter reform derived from groups outside of the city government. City clubs, voters' leagues and other civic organizations sought changes that they thought would be beneficial to the city. This would account for structural reforms aimed at direct democracy and civil service, as well as developmental reforms targeted at improving the city's ability to create an infrastructure on which to found economic growth. Then, reforms began to emerge from within the city itself, and particularly within the departments and from the officers charged with handling the city's affairs. Given that Dillon's Rule compelled cities to draft charters that were explicit operations manuals covering not only the who and what but the how and when, charters could ultimately hamstring municipal affairs. Checks and balances could halt even the well-meaning actions of officials who were not trying to engage in corrupt behavior, but merely trying to do their jobs.

The pressure for charter changes would then begin to arise from within the city government. In a study on amendments to the 1925 Charter, Ronald Ketcham would note this trend, but it had actually begun with the alterations to the 1889 Charter:

> Civic and political groups within the city seldom actually have instigated changes in the charter. It is the rule, more or less, that changes become necessary only after the charter has been put into practical use. These changes are suggested by department heads and various other city officers. City employee groups, of course, exert pressure for certain proposals which they deem to be to their advantage. Associations of police officers, firemen, and other city employees have played an important role in the charter amendment situation. Such officers as the City Controller, City Attorney, and City Clerk often suggest to the Council that certain proposals be placed on the ballot. Various operating agencies, notably the Water and Power and Harbor Departments, through their legal divisions, propose changes in the charter to expedite their business."[105]

The politics of charter change began at this time to resemble what one would expect, given the relative importance of the charter to the public versus the city. For the general public, matters of charter change often seem like inside baseball, of interest only to government insiders. But the city's employees and officers face the charter as a constant constraint. If centralized purchasing rules make it impossible for a department to buy a single paperclip without someone's permission and a lot of red tape, the charter will matter to those within a city's bureaucracies.

Yet another observation that Ketcham made of the post-1925 charter amendments also applies to the pre-1925 alterations:

> The extensive use of the amendment method of changing the provisions of the charter has not clarified that document. The length of the charter has approximately doubled since its adoption only sixteen years ago. In practically every instance, the changes that have been made have remedied a specific ill or have been in the interest of a certain department or group of employees in the city government. There has been no general overhauling of the charter. This form of spasmodic addition and alteration serves to create only further confusion in the mind of the average voter. The smoother performance of city functions may have been facilitated in several cases, but the document to which the voter must refer if he is to understand his government has only become longer, more detailed, and less understandable.[106]

Theodore Lowi once observed that the old political machines had been replaced by new machines, the municipal bureaucracies that contested one another over control of functional fiefdoms. For these new machines, the charter may be the most important battleground.[107] Agencies, boards, commissions and departments are the a-b-c-d's of municipal government, and these institutions seek autonomy to pursue their imperatives; the charter is a focus for the new machines because it is the rulebook that

can help or hinder them. From this standpoint, the internally driven logic of much of charter amending makes sense.

Table 3.5: Charter Amendments and New Charters, 1885-1924

		Charter Amendments		New Charters	
Period (5 years)	Elections in Period (N)	On the Ballot (N)	Approved by Voters (N)	On the Ballot (N)	Approved by Voters (N)
1885-1889	2	0	0	2	1
1890-1894	0	0	0	0	0
1895-1899	3	2	0	1	0
1900-1904	2	21	19	0[108]	0
1905-1909	2	39	14	0	0
1910-1914	3	33[109]	27	1	0
1915-1919	3	27[110]	13	1	0
1920-1923	5	35	19	0	0
1885-1924	20	157	92	5	1

[1] The petition may be found in UCLA Special Collections, Haynes Collection, 1241, Box 102, Folder "Los Angeles – Charter – Miscellaneous 10."

[2] Hereinafter in the chapter, the abbreviation *Times* will be used exclusively to indicated the *Los Angeles Times.*

[3] The annual reports of the Water Commission, and its successors, the Public Service Commission and the Water and Power Commission may be obtained at LADWP's Library.

[4] See Charles Dwight Willard, *The Herald's History of Los Angeles City* (Los Angeles: Kingsley-Barnes & Neuner Co., 1901). Willard goes on to discuss the tragedy of the city's loss of land. For the interpretation of the role of the land, railroad and water companies' perfidy or failure to take into account the city's long-term interests in driving the choice of the city's municipally-led growth strategy, see Erie's "How the Urban West Was Won." The essay has the right to be called seminal and that is the real reason why the author has cited it copiously throughout this dissertation. It is indispensable to the understanding of L.A. in particular and the growth machine in general.

[5] As Kevin Lynch notes on L.A., "It's as if you were going somewhere for a long time, and when you got there you discovered there was nothing there after all." See Kevin Lynch, The Image of the City (Cambridge: The Technology Press and Harvard University Press, 1960), p. 41. Lynch describes the city as being "spread out…spacious…formless…without center" (p. 40)

[6] George B. Dunlop, the last Mayor of Hollywood, would play father of the bride in the 1910 marriage of that city to Los Angeles. He penned the Athens comparison in a 1934 report regarding charter reform. Dunlop, who served his newly adopted city and "son-in-law" Los Angeles with the passion of a parent (others might make the comparison to a midwife or stepfather, but why mix metaphors!), aided the city in many capacities both in and outside of appointed office. He helped in the work of the Municipal Annexation Commissioners, led the city's Municipal Newspaper experiment from 1911-1913 and worked with Dr. Haynes for all kinds of reform. In his work as the Secretary of the 1923

Board of Freeholders, he drafted the entire 1925 Charter and worked tirelessly to ensure voters understood and approved the constitution that would serve the city for almost 75 years. Dunlop would not be alone in his ambitions for L.A.'s future. Clarence Matson, who did more as the Harbor Department's General Manager to develop the L.A. Harbor during the 1920s and 1930s than anyone else, would write that L.A. was the culmination of the western civilization that began with Abraham's exit from Ur of the Chaldees, marched on through history to Athens and Rome, and sailed forth from Europe to the New World, reaching its climax in Los Angeles, "for there is no more further West." Matson's introduction to his book on the harbor might rightly be regarded as Yankee imperialism by today's more enlightened standards, but it does show how the booster culture of L.A. had captured the romantic impulses of the developmental reformers just as much as it had reformers with manifold interests, such as George Dunlop. See Dunlop's August 27, 1934 report, entitled "The following is a personal study of certain governmental principles which relate to the proposed Los Angeles City Charter Amendments." The report offers a penetrating critique of charter changes offered at the September 27, 1934 plebiscite. The Dunlop Report is in the Haynes Papers, Box 107, Folder entitled "LA-Charter-1934, 1-20". The Matson commentary is at the beginning of his *Building a World Gateway* and truly has to be read to be believed. Given that Matson fostered the creation of the Municipal Belt Line Railroad that would greatly expand the city's port traffic, it is clear that he was willing to engage in public ownership. However, Matson seems to have been more conservative than Dunlop. Matson reached an understanding with the railroad in terms of transfer fees for railroad cars (a buck a car). His ability to deal with the railroad represented an improvement upon the traditionally hostile relations between the SPRR and the Harbor Department; of course, there were hard feelings after the Railroad attempted to prevent development of San Pedro Bay during the Free Harbor Fight. The same natural conservatism seems to have driven Matson's decision to contract for Harbor work rather than employing a workforce as the L.A. Department of Water and Power would do in following in the footsteps of its predecessors, the 1903-1911 Water Commission and the 1911-1925 Public Service Commission.

[7] See Clodius, "Quest," p. 14 for the point regarding democracy curing its own ills. Clodius also pointed out that a satirical article in the *Times* parodied "The Use of the Recall in Prehistoric Arizona" as responsible for the fall of a civilization. The use of the three K's—"Kumbac" for initiative, "Kersmash" for referendum, and "Kibosh" for recall—was supposed to have been fatal to a people several millennia earlier. Clodius recounts the story on p. 13, footnote 15; the original article was in the October 9, 1910 issue of the *Times*.

[8] The 1889 Charter was termed "emasculated" by an 1897 *Times* article: "A 'Boom' Memory", January 16, 1897, p. 9. See the *1889 Charter*, sections 16, 58, 207, 214. For various accounts of Walter F.X. Parker and the Council's machine, refer to Albert H. Clodius's "The Quest for Good Government in Los Angeles, 1890-1910," Ph. D. Thesis, Claremont: Claremont Graduate School, 1953, pp. 117-119; Fogelson, *Fragmented*, pp. 206-213; George E. Mowry's *The California Progressives* (Berkeley: University of California Press, 1951), pp. 38-49; and Tom Sitton's "Walter F. X. Parker and Machine Politics in Los Angeles, 1903-1910," Master's Thesis, Fullerton: California State University Fullerton, 1973. Opposition to the "Solid Six" came to a head in a 1904 legal advertising controversy in which the council accepted the *Times* bid even though it was not the lowest. See Carey McWilliams, *Southern California Country: An Island on the Land* (Salt Lake City: Peregrine Smith Books, 1990 [1946]), p. 281.

[9] The degree of the railroad's control is reported in Mowry, *Progressives*, pp. 10-11. He reports the 85% monopoly and the octopus image of the transportation company.

[10] It is interesting that people have consistently employed the image of the octopus as a metaphor for excessive and pervasive control; the metaphor remains resonant in the understanding of political and economic machinations in both California and the nation. From the natural world, people have borrowed the images of both the octopus's tentacles and the spider's web to describe political machines. The term political machine itself, which portrays a kind of political activity as automatic and mechanical rather than human, follows consistently along rhetorical depictions of political partisans as engines or marionettes. Charter reformers have employed invidious comparisons to analogize machine

leadership and support with mechanical or animal behavior, and then to characterize this behavior as unnatural or inappropriate. Successful reform has depended on these kinds of rhetorical characterizations to drum up support for change. For a discussion of the importance of metaphors as cognitive models central to politics, see George Lakoff's *Women, Fire, and Dangerous Things: What Categories Reveal About the Mind* (Chicago: University of Chicago Press, 1987).

[11] For details about the Southern Pacific, see Mowry, *Progressives*, pp. 10-11 and Spencer Olin's *California's Prodigal Sons; Hiram Johnson and the Progressives, 1911-1917* (Berkeley: University of California Press, 1968). For a more nuanced account of the politics of the state and the railroad's involvement, however, reading William Deverell's work is a must. See Deverell, William, *Railroad Crossing: Californians and the Railroad, 1850-1910* (Berkeley: University of California Press, 1994).

[12] Charles Dwight Willard's account of the Free Harbor Fight presents the Chamber of Commerce's view of the conflict over siting the harbor. See Willard, op. cit. For a more objective analysis, see Deverell, *Railroad*, pp. 93-122.

[13] Gregory Singleton argues, "voluntaristic businessmen [opposed] outside interference in local affairs" and the "Chamber of Commerce was becoming suspicious of corporations controlled from other areas." See Singleton, *Religion*, p. 103. He further states that the use of the recall to remove Councilman Davenport in 1904--which represented the first ever use of the recall by an American city--was easier because the council member was a Southern Pacific employee, and thus, "not a representative of the people of Los Angeles."

[14] The use of normative language here is not the author's, but fairly represents the discourse of the reformers themselves. For example, the Municipal League Bulletin would characterize its organization as "fighting successfully for decency and civic righteousness against great odds for nearly twenty-five years" with the stated goal of "fighting to bring heaven right here" rather than "wistfully looking for a soft seat in heaven." See the *Municipal League Bulletin*, Volume 2, Number 1, August 15, 1924, p. 1.

[15] Structural reform is Melvin Holli's term; see *Reform in Detroit: Hazen S. Pingree and Urban Politics*, New York: Oxford University Press, 1969. Charles Dwight Willard, a participant in the reform movement who was part of both the structural and developmental reform camps, made this diagnosis, See Willard's *The Herald's History of Los Angeles City*, Los Angeles: Kingsley-Barnes & Neuner Co., 1901, p. 353, which is cited in Hunter, *Evolution*, p. 70. Regarding the compromises made by the 1889 Charter's framers, see Chapter Four of this dissertation. People were already talking about reforming the 1889 Charter in 1890. The council called upon the city attorney to draft proposed amendments that year. Some recommendations before the council addressed the charter's failure to draw clear lines between executive and legislative responsibility: "We now have the anomaly of a Council which is both an executive and legislative body, makes laws and executes them, votes that money be expended and controls the expenditure of money. This is wrong in principle and bad in practice" ("The City Council: Important Business Transacted Yesterday*," Times*, December 23, 1890, p. 3). This complaint has been voiced consistently throughout L.A.'s history with respect to the 1925 as well as the 1889 Charter. This quotation could have as easily come from the 1990s debates that produced the 2000 Charter, as from 1890, when it was actually in the newspaper.

[16] Clodius's account of L.A. reformers during this period discusses the distinction between political and socioeconomic reformers. His socioeconomic reform contingent includes both those who wanted to use the local government to remedy socioeconomic injustice and those who favored municipal ownership of public utilities. It is inappropriate to characterize all allies of the municipal ownership cause as socialists or humanitarians. For many allies of public ownership of infrastructure who were Chamber of Commerce members, such a position was a matter of pragmatism rather than an ideological aversion to private ownership in general. See Clodius, "Quest," pp. 5-18.

[17] For this point, see Steven P. Erie's "How the Urban West Was Won: The Local State and Economic Growth in Los Angeles," *Urban Affairs Quarterly*, Volume 27, Number 4, 519-554; Abraham Hoffman, *Vision or Villainy: Origins of the Owens Valley-Los Angeles Water Controversy* (College Station, TX: Texas A&M University Press, 1981); William L. Kahrl, *Water and Power: The Conflict over Los Angeles' Water Supply in the Owens Valley* (Berkeley: University of California Press, 1982).

[18] In 1872, the vast majority of L.A. County voters and property owners were L.A. City residents, so the bond subsidy was a gift (or payoff) from the city although it took place under county auspices. For a description of the growth imperative, refer to Erie, "Urban West." For the differences between developmental and structural reformers, see James W. Ingram III, "Building the Municipal State: Coalitions and Infrastructure Development in Los Angeles, 1889-1939," unpublished paper, American Political Science Association Annual Meeting, 1994. The subsidy paid to the Southern Pacific in return for locating the railroad's southern terminal in Los Angeles was equivalent to 5% of the assessed valuation of the entire county.

[19] See "The Charter Election", *Times*, February 16, 1895, p. 9.

[20] See "VOTE NO", *Times*, February 15, 1895, p. 6.

[21] See "Letters to the Times. Lorin A. Swan", *Times*, January 18, 1897, p. 7. See also "The Charter Amendments", *Times*, January 17, 1897, p. 26.

[22] Of course, there had been two elected boards of freeholders in 1888.

[23] See the *Times*, July 8, 1898.

[24] 19093 votes were cast in the 1896 presidential election; 19666 votes were cast in the 1900 presidential election; assuming steady population change, this means that if there were a presidential election in 1898, 19380 votes would have been cast. In this period of California history, voter turnout was usually over 70% in presidential elections. This means that there would have been 27686 registered voters in 1898. Only 27771 votes were cast in the 1898 Board of Freeholders election, even though each voter was to cast 15 votes over 15 candidates. This means that 27771/15 or 1851 voters probably turned out. 1851/27686 is 7%. The *Times* noted on July 9, 1898 that it was "one of the most quiet elections ever held in the city. Except at the polling places, there was no indication that such an election was in progress, and generally there was but little interest in it. The vote was light in all the wards."

[25] The number may even be higher, too, because C. D. Willard's list is incomplete. For example, John R. Haynes was a member of the Free Harbor League, but did not appear among the list of members that Willard compiled. See Willard's *The Free Harbor Contest at Los Angeles; An Account of the Long Fight Waged by the People of Southern California to Secure a Harbor Located at a Point Open to Competition*, Los Angeles: Kingsley-Barnes & Neuner, 1899. For the connection between the Los Angeles Progressives and the Free Harbor Fight, see Curtis Grassman's 1973 article in the *Southern California Quarterly*, "The Los Angeles Free Harbor and the Creation of a Progressive Coalition," Volume 55, Number 1, Winter 1973.

[26] See *The Devil's Dictionary* by Ambrose Bierce, New York: Dover Publications, 1958. Bierce continues the definition, noting that politics is the "conduct of public affairs for private advantage," p. 101. It was not only General Motors' CEOs that seem to have believed that what was good for their company was good for the nation.

[27] See Mowry's classic account, *The California Progressives*.

[28] The ecological regressions of the 1898 Charter placed support for that document at 100% among native whites of native parentage, and 0% among first and second-generation immigrants. These regressions also would predict that Democrats gave no support to the Charter, while Republicans were nearly unanimous in supporting it. The R-square from the WLS performed on this election ranged from .49 to .93, with t-tests indicating significance at the .05 level. The only problem with these findings is that Los Angeles consisted of so small a number of demographic units that the R-squares may be artificially elevated.

[29] See "New Charter Election," *Times*, May 27, 1900, p. IV1.

[30] "Held a Lively Session," *Times*, March 18, 1898, p. 8.

[31] See John Bollens' essay offering "A History of Charter Reform Efforts," in Town Hall's *A Study of the Los Angeles City Charter*, p. 45.

[32] Charles Crocker said: "If this be the spirit in which Los Angeles proposes to deal with the railroad upon which this town's very vitality must depend, *I will make the grass to grow in the streets of your city!*" The emphasis is in the original text. See Maurice H. and Marco R. Newmark , editors, *Sixty*

Years in Southern California, 1853-1913: Containing the Reminiscences of Harris Newmark, 4th edition (Los Angeles: Dawson's Book Shop, 1984), pp. 505-506.

[33] See "Street Railway Franchises in the New Charter", *Times*, October 5, 1898, p. 8.

[34] See *Blanchard v. Hartwell*, 131 Cal. 263; 63 Pac. 349 (1900)

[35] "The City Must Wait for Charter Changes," *Times*, February 3, 1901, p. B10.

[36] See Winston W. Crouch, "John Randolph Haynes and His Work for Direct Government," in the *National Municipal Review*, Volume XXVII, Number 9, September, 1938, pp.2-3. See p. 25 of *The Recall of Public Officers: A Study of the Operation of the Recall in California*, written by Frederick L. Bird and Frances M. Ryan, New York: MacMillan Co., 1930.

[37] The voters amended the state constitution in 1901, making two changes in the local charter change process. First, voters reduced the margin required for charter amendments from 60% to a simple majority. Second, the constitutional amendment permitted the public to request charter amendments or a new charter by a petition of 15% of the voters. See *Statutes of California*, Extra Session of the 33rd Legislature (Sacramento: A. J. Johnston, Superintendent of State Printing, 1900), [S.C.A. No. 6, passed March 8, 1901]; the 34th Session of the Legislature were printed in the same volume as the Extra Session of the 33rd Legislature.

[38]See the letter to the Los Angeles City Council with which the Board of Water Commissioners commenced its *First Annual Report*, published on November 30, 1902. The letter also gives a brief history of the city's claims of ownership of water rights, and the response in the state's courts to its claims. The Board communicates its desire to follow civil service principles, but characterizes its employment of former Water company employees such as William Mulholland and Fred Eaton as having been made "in the best interest of the Department *alone*" (emphasis in original).

[39] See the *Charter of the City of Los Angeles, As Adopted January, 1889 And Amended January, 1903*, Los Angeles: Southern California Printing Co., 1903, Articles XVIII, XXIII, sections 91, 107, 114, 120, and 60 respectively (hereinafter, *1903 Charter*. Note that a two-thirds margin was required of "the qualified electors," not just of those who turned out to vote. This could mean that an election with insufficient turnout could achieve near unanimity in favor of selling the water rights, without any effect. Refer closely to section 191 of *1903 Charter*. The alteration of section 120 cleared up the *1889 Charter* anomaly regarding who was to appoint the Health Board.

[40] Refer to sections 4-5, 198a-c, and 223 of the *1903 Charter*. Strategically speaking, reducing the Board of Education's members to 7 had two dimensions. First, this made it necessary to turn away from ward selection. Second, reformers thought electing fewer officials would increase the accountability of those who were elected.

[41] The "kumbac", "kersmash" and the "kibosh" were the names given to the initiative, referendum and recall in a satirical *Times* article from October 9, 1910. The article was entitled, "The Recall in Prehistoric Arizona," and is cited in Clodius, "Quest," p. 13, footnote 15.

[42] Justice McFarland's dissenting opinion in the California Supreme Court case of *In Re Andrew Pfahler*, on Habeas Corpus (150 Cal. 71; 88 P. 270) would note that "the provision is violative of that part of the constitution of the United States which declares that 'Congress shall guarantee in each state a republican form of government.'" McFarland would state: "I cannot refrain from expressing regret at the apparent readiness of many of the people of this state to abandon prominent features of our American system of government -- the wisest and best system ever yet devised and put into successful operation."

[43] See the *Times*, "City Charter Framers Dine," April 4, 1902. See also Winston W. Crouch, "John Randolph Haynes and His Work for Direct Government," in the *National Municipal Review*, Volume XXVII, Number 9, September, 1938, pp. 2-3.

[44] The pragmatism of Haynes as a reformer is reminiscent of Robert Caro's description of former New York City Governor Al Smith: "even when Smith took up the banner of the reformers, he never put down the mace of the professional politician." See The Power Broker, p. 126. For the story on Haynes and direct democracy, refer to the *Times*, "City Charter Framers Dine," April 4, 1902. See also Winston W. Crouch, "John Randolph Haynes and His Work for Direct Government," in the *National Municipal Review*, Volume XXVII, Number 9, September, 1938, pp. 2-3.

[45] See Bird and Ryan, 28-9, and the *Times* , April 4, 1902 and July 6, 1902.
[46] See Bird, p. 30. See Municipal League Pamphlet, UCLA Haynes Papers, Box 102, Los Angeles-Charter-1902.
[47] Roll-off refers to the number of voters who register to vote in an election, and then show up to cast a ballot, but fail to register an affirmative or negative on a question posed within the ballot. It may be accounted for by ignorance of an issue, absence of an opinion on an otherwise understood measure, an objection to the issue being posed to voters, or simple voter error.
[48] Bridges would have a more difficult time accounting for the reformers' support for direct democracy, but could easily discount it as ideology and as primarily a tool of the upper class. Samuel Hays made this basic argument in his study of municipal reform and the gospel of efficiency. See Morning Glories, as well as Hays' classic article.
[49] Refer to *Charter of the City of Los Angeles, As Adopted January, 1889, Amended January, 1903 And Amended January, 1905*, Los Angeles: Out West Co. Printers, 1905, Article XIV (especially section 145), Article XIX, sections 5, 207, 255, and section 2, subdivision 25. The city's elections were moved from the first Monday in December of even-numbered years to the first Tuesday in December of odd-numbered years, so that they did not correspond to state and federal elections. One might argue that this was an intentional reduction of the size of the electorate to enhance the power of the reformers themselves. See Amy Bridges, *Morning Glories: Municipal Reform in the Southwest*, Princeton: Princeton University Press, 1997.
[50] See Tom Sitton's "Walter F. X. Parker." Herrin's remark about reform is in Mowry, *Progressives*, p. 15.
[51] One of the 1906 amendments increased the City Engineer's salary to $5000 per year. The Mayor and the City Health Officer, at $3600 annually, were paid less than this officer.
[52] See *Charter of the City of Los Angeles, As Adopted January, 1889, Amended January, 1903, Amended January, 1905, And Amended February, 1907*, Los Angeles: Parker & Stone, Co., 1907, sections 65, 146 1/2, 151, 237 1/2, 239. For the losing 1906 charter amendments, refer to the *Haynes Papers*, Boxes 102-103. The railroad machine's two amendments were also on the ballot in 1909 and were again defeated. Note that the amendment raising the City Engineer and Public Works Secretary's salaries also increased the mayor's pay.
[53] Several questionnaires and letters of inquiry inhabit some of the folders in the near 500 boxes of the Haynes Papers.
[54] Haynes served on L.A.'s 1900, 1912, 1915 and 1924 Boards of Freeholders that were each charged with drafting new charters for the city. He was President of the 1915 body and Vice-President of the 1924 board, though he dominated both, judging from the minutes of their progress. Only the 1924 Board succeeded in achieving voter passage, due to the perceived radical nature of the proposals in that they pursued fundamental reforms. He also served on the 1911 Charter Revision Committee that submitted a wholesale revision of the city charter to the electorate, which approved their proposed changes.
[55]This is from a letter Haynes wrote in 1906, defending the civil service exemption charter amendment that the city needed to pass in order to complete the Owens Aqueduct within budget. HP, Box 101.
[56]1909 charter, section 239.
[57] See Tom Sitton's excellent essay on the streetcar fender fight.
[58] *Los Angeles Examiner*, October 2, 1906.
[59] See *Charter of the City of Los Angeles, As Adopted January, 1889, Amended January, 1903, Amended January, 1905, Amended February, 1907 And Amended February, 1909*, Los Angeles: Parker & Stone, Co., 1909 (hereinafter, *1909 Charter*), sections 146 1/4, 150, section 2, subdivisions 7, 7a-c and 27. See the LACA Charters collection, as well as the *Haynes Papers*, Boxes 102-3 for the unsuccessful 1909 amendments.
[60]This is Article 1, Section 3 of the association's bylaws. This pamphlet appears in Box 129 of the HP. It is not dated, but the wording indicates that it appears before the August 1909 consolidations of Wilmington and San Pedro with Los Angeles. It refers to "[b]ringing the navigable waters of the Pacific within the Los Angeles city limits" as a future goal and its membership list includes, *ex officio*,

the Presidents of the San Pedro and Wilmington Chambers of Commerce. The fact that "Mayor A.C. Harper" is listed among the members indicates that the pamphlet cannot have appeared after March of 1909 when Harper was induced to resign. The pamphlet must post-date the Shoestring annexation of November 1906 because Harper was elected mayor at the general municipal election in December 1906. In all probability the pamphlet appeared in 1907, when Harper designated a charter amendments commission and was still in the good graces of the Progressives.

[61] For the blow-by-blow account of the battle over public power, see Nelson Van Valen's *Power Politics in Los Angeles*.

[62] The History of Los Angeles City Charter: an Address by John R. Haynes addressed before the students of the University of Southern California, November 19, 1909: available in Haynes Papers, Box 103.

[63] Six months later, Wilmington, San Pedro and Los Angeles went to the polls and consummated the bargain in consolidation elections. The 1909 charter amendment showed Los Angeles's commitment, which it fulfilled by voting harbor bonds in 1910. For details of the Harbor deal, see Richard W. Barsness, "The Maritime Development of San Pedro Bay, California, 1821-1921," Ph. D. Thesis, Minneapolis: University of Minnesota, 1963. Refer to 1889 Charter, as amended to 1909, Article XXV. For an analysis of the boroughs concept within a broader historical perspective, see Ingram, "L.A.'s Long Platonic Affair with Neighborhood Councils," *Times*, November 2, 1997, p. M6. The city tried to give the harbor area the promised boroughs, even securing a state constitutional amendment allowing them in 1911, but was halted from living up to this promise by the city attorney and council in the 1917 *Crose v City of Los Angeles* case. A 1922 state constitutional amendment apparently cleared up the issue raised in Crose, but the boroughs authorized later in the 1925 Charter were still never permitted to materialize. Compare Section 8 of the 1906, 1911, 1914 and 1922 editions of the California Constitution.

[64] The author argued in a panel that the secession efforts of 2002 should be understood as a municipal divorce. This marital analogy is in line with the position of Tom McClintock, who preferred the term detachment over secession when he claimed, "People are seceding from L.A. every day—they're moving." McClintock preferred the term in part for public relations reasons. The term didn't "have the Civil War connotations that secession does". McClintock saw L.A. "an anomaly that should never have happened, a modern-day empire meant to go the way of all empires that outgrow reasonable parameters." He quoted from memory "huge, flaming-meteor chunks of the Declaration of Independence" in his interview with Dennis Love. See "If at first you don't secede," *The Buzz*, January 1998, pp. 32-33. To extend the marriage metaphor, the 1909 agreement to give the cities of San Pedro and Wilmington borough status and harbor improvements was a prenuptial agreement.

[65] The wholesale failure of the 1909 Charter amendments related to salaries may have been caused by the many competing financial responsibilities the city faced when building its infrastructure. The Los Angeles Aqueduct, in particular, may have caused the voters' fiscal conservatism. As Erie notes in "Urban West" the aqueduct bonds had consumed the remainder of the city's debt limit in 1907. For the minor sops to the council, see the *1909 Charter*, amended to 1909, sections 32, 36a-g, and 58.

[66] See Sitton, "Walter F. X. Parker," pp. 26-28.

[67] See *1909 Charter*, sections 3-4, Article XIX, sections 206-l and 207. See Mowry, *Progressives*, pp. 11 ff., for a discussion of the role of Meyer Lissner, a Los Angeles municipal reformer who drafted major portions of Hiram Johnson's legislative program. Lissner helped to make such L.A. charter innovations as local nonpartisanship and direct legislation California law, extending them to all cities in the Golden state.

[68] The History of Los Angeles City Charter: an Address by John R. Haynes addressed before the students of the University of Southern California, November 19, 1909: available in Haynes Papers, Box 103.

[69] See Steven Skowronek's *Building a New American State* for a discussion of the transformation of the U.S. from a regime of courts and parties to one of interest groups and bureaucratic agencies.

[70] See Meyer Lissner, "Lissner Makes Address to City Clubs, 1909 City Club Meeting.

[71] Charles D. Willard made this characterization in a letter he wrote to his sister, Sarah W. Hiestand. Willard wrote on November 12, 1909: "This is the culmination of a long fight. It smashes a big hole in the Southern Pacific Machine here and opens the way for a cleanup all over the state. And it isn't any sudden or accidental wave of reform—it is a veritable reform machine—a perfect model of its kind—built up slowly with a vast amount of general public education. Also we hoisted our system of government as we went along and when we carried a point we nailed it down. 'Quorum magna pars fui…' as you know." This quotation appears on p. 458 of Clodius.

[72] Social reform calls to mind the great ending line of Jean Jacques Rousseau's treatise, *A Discourse on Inequality*: "…for it is manifestly contrary to the law of nature, however defined…that a handful of people should gorge themselves with superfluities while the hungry multitude goes in want of necessities." See Part II, last paragraph.

[73] On the city's interest in anti-saloon measures, see Dana Bartlett's *The Better City*, p. 52. See also Peter H. Odegard, *Pressure Politics, the Story of the Anti-Saloon League* (New York: Columbia University Press, 1928); Gilman Marston Ostrander, *The Prohibition Movement in California, 1848-1933* (Berkeley: University of California Press, 1957).

[74] See Joseph Gerald Woods' classic doctoral thesis on "The Progressives and the Police."

[75] The *Times* used the term "crazy-quilt" to characterize the charter on March 5, 1911. See *Charter of the City of Los Angeles, As Adopted January, 1889, Amended January, 1903, Amended January, 1905, Amended February, 1907, Amended February, 1909 And Amended March 1911*, Los Angeles: Parker & Stone, Co., 1911 (hereinafter, *1911 Charter*), sections 2 (50), 223, 262, and Articles XVI and XVIII.

[76] The Municipal League would argue in its *Bulletin* a decade later that the reason the reactionary Merchants and Manufacturers Association began supporting such a pro-labor idea was that the public safety employees had withdrawn from the American Federation of Labor at the request of these open shop forces. As part of this bargain, the legendary M&M also supported higher wages for firemen and policemen, such that "no other city in this country pays its Police and Firemen so much." See "Organized Hold Ups and Police Pensions," *Municipal League Bulletin*, Volume 10, Number 3, May 31, 1926, pp. 1, 3.

[77] Many are unaware that, despite the fact that the modern city resembles an object lesson in the failure to plan, "Los Angeles was the first city in the United States to attempt zoning or districting on a broad scale….In 1909, Los Angeles enacted an ordinance establishing certain industrial districts and the following year zoned most of the remaining city as residence districts. These ordinances, separating the city into two major types of areas, were chiefly for the purpose of keeping out of residential neighborhoods." See Mel Scott, *Metropolitan Los Angeles: One Community*, Los Angeles: Haynes Foundation, 1949, p. 86. In 1904, moreover, L.A. voters had balloted on four slaughterhouse ordinances to determine where in the city these undesirable land uses might be located.

[78] In participating in the charter reform process in 1997-2000, the author found that most Angelenos and their officials were ignorant of the appointive recall although it has been part of the city charter for going on nine decades. They did not realize that the instrument could have been used to remove Chief of Police Darryl Gates after the Rodney King beating and the city's attempt to respond to chronic police misconduct. Judge Sohigian's decision in *Gates v Board of Police Commissioners* need not have been the last word on the issue until the 1992 passage of Charter Amendment F. See *1911 Charter*, sections 2 (44-45), 36i, 198p, 30a, 36h, and Article XV.

[79] See *1911 Charter*, Articles XXVI, XXVII, section 57a. The one exception to the provisions for citizen commissions can be seen in the case of the Health Department. The 1911 charter amendments replaced the five-member board managing the department with a single commissioner. According to Marvin Abrahams, the best source of information on Los Angeles's system of boards of commissioners, this move "was the only instance" of its kind in L.A.'s history and "was not to be copied in any future changes." See Abrahams, Marvin, "Functioning of Boards and Commissions in the Los Angeles City Government," Ph.D. Thesis, Los Angeles: University of California, Los Angeles, 1967, pp. 16-17. Actually, the same thing happened a few years later at the Board of Motion Picture Censors, which was a seven-member commission from 1911-1916, and was thereafter reconstituted as a one-person board. See Municipal Reference Library, *Chronological Record of Los Angeles City Officials, 1850-1938.*

Alphabetical Index Indicating Name, Office and Term of Service from July 1, 1850 to March 1, 1938, Los Angeles: Los Angeles Public Library, 1938; Municipal Reference Library, *Chronological Record of Los Angeles city officials, 1850-1938*, 2 volumes (Compiled from the minutes of the City Council), Los Angeles: Los Angeles Public Library, 1938. Both are located at LACA.

[80] See *1911 Charter*, sections 4-5.

[81] See Thomas R. Pegram, *Partisans and Progressives: Private Interest and Public Policy in Illinois, 1870-1922*, p. 95. Pegram writes, "By the late 1880s, municipal reformers across the country were turning from the mugwumpish reliance on 'good men' and putting new emphasis on rebuilding the structure of city government."

[82] Reformers were able to propose a new charter because a 1906 state constitutional amendment had expressly provided that cities might replace their entire charters rather than being stuck with amending the same charter incessantly. This was an important point: a new charter that the city had drafted in 1900 was not sent to voters because the state constitution's language then required three-fifths margins for approving charter amendments and only simple majorities for ratifying new charters. A judge ruled that L.A.'s new charter could not be sent to voters because it would amend the existing document by simple majority rather than a three-fifths margin. See *Blanchard v Hartwell* (131 Cal 263).

[83] Abrahams, "Functioning," pp. 18-25. See also *Haynes Papers*, Box 103-4 for a detailed scrapbook on the 1912 charter and some material from the charter drafting and campaign.

[84] The author has not yet been able to determine the difference between the successful and unsuccessful council service amendments. It is clear that the successful measure passed by the same two-to-one margin by which the unsuccessful measure failed, so clearly the supporters of each opposed the alternative. For the Harbor Department details, see *Charter of the City of Los Angeles, As Adopted January, 1889, Amended January, 1903, Amended January, 1905, Amended February, 1907, Amended February, 1909, Amended March 1911 And Amended April, 1913*, Los Angeles: Parker & Stone, Co., 1913 (hereinafter, *1913 Charter*), Article XVI.

[85] This amendment would prove a mixed blessing for municipal ownership supporters. They had achieved their greatest influence between 1911 and 1913, establishing the municipal newspaper after the 1911 charter amendment authorizing such an institution. Moreover, in early 1913, the council utilized its authority under the 1911 charter amendment to create a municipal market to bypass middleman retailers and grocers in early 1913 (the municipal market would not be abolished until 1920). But one of the 1913 charter amendments abolished the municipal newspaper expressly, and forbade one in future. The other 1913 charter amendment regarding municipal business provided that the city would "not engage in any purely commercial or industrial enterprise not now engaged in by the city" unless voters approved doing so in an election. See section 2, clause 30 of the *1913 Charter*. These two amendments would prevent the further spread of "municipal socialism."

[86] Compare sections 44-45 of the *1911 Charter* and the *1913 Charter*. Note the tendency to move sections from ordinances to charter provisions. The Police and Fire Department thus inaugurated the pension detail-loaded charter of today. See *1913 Charter*, sections 2 (50), 198p, 4-5, 206b. Unlike the Commission plan's provisions, the 1913 charter amendment specifically forbade council members from taking administrative control over the functions on which they were assigned to investigate and make policy recommendations; however, there is a fine line between administration and policy. The amendment attempted to incorporate some of the benefits of the 1912 charter proposal that had been defeated. The 1925 Charter retained these 1913 provisions for supervision of administration of the city's business by committees headed by one of the council's members, and they persist in slightly modified form in the 2000 Charter. See section 11a of the *1913 Charter*.

[87] San Fernando Mission Land Company and Los Angeles Suburban Homes Company are the two syndicates implicated in the *Chinatown* land piracy that Sherman is supposed to have used his insider information to exploit what Mulholland called, after single-taxer Henry George "the unearned increment."

[88] See the *Haynes Papers*, Boxes 103-104 for a scrapbook with details concerning the 1916 Charter. Abrahams "Functioning" (pp. 25-30) is also instructive in this regard.

[89] See *Times*, "Want No Power Lines in Parks, October 4, 1916, p. II6.

[90] See *Times*, "The Charter Amendments", October 11, 1916, p. II4.
[91] See *Times*, "Many City Propositions", October 27, 1918, p. II1.
[92] See either the 1919 Los Angeles Charter or the 1919 Statutes of California for the 1918 amendments.
[93] See *Times*, "City Attorney Speaks", November 3, 1918, p. II8.
[94] See *Times*, Many City Propositions, October 27, 1918, p. II1 (emphasis in original).
[95] See *W. W. Mines v. R. F. Del Valle et al.* (201 Cal. 273), June 1, 1927.
[96] See *Times*, "Propositions Affect City", November 3, 1918, p. II7.
[97] See *Times*, "Voters Clutch Purse Strings", November 5, 1920, p. II1.
[98] See *Times*, "Analysis of Thirteen Charter Amendments", October 31, 1920, p. II1.
[99] See *Times*, "Analysis of Thirteen Charter Amendments", October 31, 1920, p. II1 (emphasis in original).
[100] See *Times*, "Analysis of Thirteen Charter Amendments", October 31, 1920, p. II1.
[101] See *Times*, "Analysis of Thirteen Charter Amendments", October 31, 1920, p. II1.
[102] See *Times*, "Who Shall Draft Municipal Constitution[?]", April 29, 1923, p. II2.
[103] See *Times*, "Who Shall Draft Municipal Constitution[?]", April 29, 1923, p. II2.
[104] See *Times*, "Election Results", May 3, 1923, p. II4.
[105] Ronald Ketcham, *Voting on Charter Amendments in Los Angeles*, Studies in Local Government, No. 3 (Los Angeles: UCLA Bureau of Governmental Research, 1940), p. 6.
[106] See Ketcham, pp. 17-18.
[107] See Theodore J. Lowi, "Machine Politics—Old and New" *The Public Interest*, Volume 9, Fall 1967, pp. 83-92.
[108] A Board of Freeholders was elected to propose a new charter in 1900, but California's Supreme Court ruled that cities could only amend and not replace their existing charters, due to the conflict between the 3/5 margin required for charter amendments versus the simple majority needed to approve charters drafted by boards of freeholders. Constitutional change rescinded this loophole in the law a few years later.
[109] The council refused to call an election on 10 amendments proposed by a charter revision committee in 1914. One of these amendments would have transformed L.A. into a council-manager city if it had been placed on the ballot and approved by a majority of voters.
[110] In 1916, four charter amendments were placed on the ballot along with a proposed new charter. These amendments would only apply if the charter they were intended to amend passed along with them. One of the proposed amendments would have created district elections, and it achieved a majority. However, since the 1916 proposed charter failed of passage, so also did this amendment to the document.

Chapter Four: A Tale of Three Charters—The Making of the 1925 Charter

> "A splendid fight has been waged against the charter by an organized opposition comprising public-spirited citizens in all walks of life, irrespective of party affiliation."
>
> --The *Times*, editorializing on the campaign against the proposed 1912 Charter.[1]

> "The Board of Freeholders...do not claim the final draft to be in any sense perfect--in fact, so long as the City of Los Angeles continues to grow so rapidly that conditions change from year to year and almost from month to month, no charter can be considered anything more than a temporary adjustment to fit, as far as possible, conditions existing at the time of adoption...."
>
> --John R. Haynes, President of the 1916 Board of Freeholders, commenting on the board's proposed new charter.[2]

> "I am in favor of the adoption of the new city charter. While it is far from perfect, it is much better than our present charter, and makes possible modern business methods in our municipal procedure."
>
> --Mayor George Cryer, speaking on behalf of passage of the 1925 Charter in California's 1924 presidential primary election.[3]

> "The city's activities should not be hampered by a village viewpoint. Los Angeles will be the biggest city in the United States and certain of her functions simply cannot be administered by private capital,--the harbor, the bureau of power and light, and ultimately the telephone and transportation systems,--and no want to power to that end should hamstring the new charter."
>
> --George Mills, letter to John R. Haynes, May 11, 1923.[4]

After several successful charter amendment elections, John R. Haynes and his fellow reformers worried that all of their hard work could be rendered useless by a

charter change countering theirs. This problem was all the more worrisome because the charter had become very patch-covered, and the ambiguity that could arise from patches might lead to misinterpretation that would render charter terms ineffective. These patches proliferated as reactionary anti-reform organizations had begun to learn the charter change game. Haynes and his allies on the various reform organizations sought a new charter to secure their handiwork. They tried twice and failed, submitting proposed new charters in 1912 and 1916, only to see those documents crash and burn after they had expended tremendous efforts on drafting and campaigning for them.

In 1923, Haynes and the others who had sought a new charter played try-try again, and began their third drive for a new charter in little over a decade. This time, they were successful, and the voters adopted their handiwork by one of the largest margins ever achieved by a charter change. Only two precincts out of the nearly one-thousand that participated gave the charter less than a majority; most gave it between two-thirds and three-fourths margins in a massive display of public confidence in the document. After witnessing defeats by a three-to-one margin in 1912 and a two-to-one margin in 1916, Haynes would see his 1925 Charter sail to a nearly 90% victory in an election unclouded by any opposition group.

How did the reformers lose their winning ways that led one of their members to conclude that by 1909 they had assembled “a veritable reform machine”? Why was the public so united in opposition to the 1912 Charter, which the National Municipal League had aided in drafting and viewed as a model for the nation’s big cities? Why

did the reformers bicker over the terms of the 1916 Charter, and end up placing their charter proposal on the ballot along with four instant amendments to the document? How did Haynes manage to get elected to the Freeholders; Board that drafted the 1925 Charter, despite opposition by the groups that formed the winning slate? How did Haynes work with and manipulate enough of his rivals on the Board to draft a charter building the state-centered reform regime that the 1925 Charter created? How did the document become so popular in comparison with previous new charter proposals?

This tale of three charters also provides the answers to other questions about the city's labor-management environment. How did millionaire Socialist John R. Haynes and the reactionary *Times* publisher Harry Chandler overcome their disagreements and settle on a charter that both parties could support? How did the 1925 Charter create the powerful proprietary departments that would develop the city's physical infrastructure into a strong magnet attracting growth to both city and region? How did the city enact a brand new charter and yet continue provisions that had been in the document in 1889 and even as early as 1873? How did the achievement of a new charter recapitulate the political struggles that rocked the city with a bomb blast at the *Times* building, yet resolve the conflicts between that anti-labor newspaper and the city's Central Labor Council? The political economy of charter change provides the only compelling answer to these interwoven questions.

"Big Tent" Charters: Haynes and his supporters needed to learn the lesson that the 1889 Charter framers had when the public rejected their first charter proposal. Compromise is even more critical in the construction of a new charter than in the

coalition for a charter amendment. A charter amendment is just a patch, an incremental change to a document that otherwise represents the *status quo*. Yet an entirely new charter is a whole new ball game. To secure approval of a brand new charter, a commission must convince all of the voters, clubs and associations whose interests were vested in the existing charter that the new document has not repealed the rules that were important to them. Moreover, reformers must convince entrenched civic interest groups that have been given a foothold in the state's machinery that the new document would not endanger their hard-won charter gains.

The above quotations from Mills, the *Times* and Mayor George Cryer reflect the politics of the three charters on which the voters balloted from 1912-1924. Haynes would serve as Vice-President of the 1923 Board of Freeholders a few years after making these comments about the charter his 1916 Board had drafted. After Mayor Cryer's cautious endorsement, Haynes' 1923 charter proposal would be passed by the voters in 1924, take effect in 1925, and provide for Los Angeles's governance for the next seventy-five years. Yet the 1925 Charter represented the culmination of a couple of decades of work by Haynes and his fellow charter reformers. In fact, the 1889 Charter had been obsolete for years, and reformers had begun the efforts to create a new document within a decade of its ratification. No one had succeeded in selling the public on a new charter, and the patches on the revised 1889 Charter were larger than the original whole cloth of the document.

By enhancing mayoral authority and institutionalizing the board system that developed over the years, the 1925 Charter would sap further strength from the

council. In 1923, a broad consensus emerged behind the perception that L.A. would require a new charter in order to rationalize its business. The council's members could not foresee further diminution of their authority; after all, they saw their increasing inefficacy as the charter's main defect.[5] The 1925 Charter framers would ultimately succeed in persuading Angelenos that their new document was acceptable, but it took fifteen years. In the end, their new charter would cement in place the various structural, social, moral and developmental reforms that charter reformers had convinced the public to ratify from 1902 to 1909.

The Big Chill: this tale of three charters begins at the end: the breakdown of the harmonious coalition between the various wings of Los Angeles' reform movement. It starts as a tale of two mayoral elections, which are eerily reminiscent of Karl Marx's comment on tragedy and farce. Marx began *The Eighteenth Brumaire of Louis Napoleon* with one of the best opening lines in Western literature: "Hegel remarks somewhere that all great world-historic facts and personages appear, so to speak, twice. He forgot to add: the first time as tragedy, the second time as farce." Los Angeles' 1911 and 1913 mayoral elections, which smashed the coalition between the left- and right-wing elements of the city's reform, demonstrates that Marx's sentiments on history's mordant sense of humor apply as much to municipal elections as to national counter-revolutions.

In March 1911, the charter reformers had achieved a stunning victory, securing nearly every one of their amendments. This event proved the culmination of several years of success in the city's political arena. In 1904, the reformers had used the recall

to push an alleged machine candidate from the council. Two years later, the nonpartisan movement managed to elect many of their candidates to office. The Nonpartisans lost only the race for the Mayor's office; three years later, the local branch of the Lincoln-Roosevelt League ousted this Mayor through the threat of a recall. In 1909, the reformers took all of the city offices from the mayor on down. A member of the successful reform movement would boast that he and his colleagues had created a "veritable reform machine".[6]

Yet the celebrations would prove short-lived. In 1911, the consensus between the various members of the reform coalition began to fray. The advocates of public ownership had backed the 1902, 1904, 1906, 1909 and 1911 charter changes, but had been disappointed by the reform candidates elected to office. Former County Supervisor George Alexander, the Good Government Organization's mayoral candidate, had disappointed some of the more liberal reformers by appointing only one union man to the city commissions he was responsible for staffing.[7] This Fire Commissioner would resign in protest when the Mayor signed and enforced an anti-picketing ordinance targeted at making it more difficult for union organizers to compromise L.A.'s status as the citadel of the open shop, the standard-bearer of industrial freedom. The more liberal members of the reform coalition split from George Alexander in the 1911 mayoral primary, backing Socialist Job Harriman.

The Socialists did an amazing job of organization at the 1911 municipal primary, nearly pulling off a surprise victory and winning all of the city's contested offices outright. They had caught both the more conservative reformers and the Old

Guard off guard. With a few more votes, they could have taken all of the executive offices, as well as the seats on both the City Council and the Board of Education. After this close shave, the reform and Old Guard factions would bury the hatchet and create a fusion campaign to re-elect George Alexander to office. In the municipal general election, both the fusion and the Socialist groups marshaled their forces in a particularly unpredictable plebiscite. This battle between left and right featured a new element: woman suffrage. L.A. was the first city in which California's newly enfranchised women were eligible to participate, and this 1911 runoff provided a trial-by-fire of the noble experiment. Women had not been allowed to vote in October's surprising primary, and many saw their votes in the contest of Harriman versus Alexander as a test of the wisdom of granting the ballot to the fairer sex.[8]

Unfortunately for the Socialists, the timing of the general municipal election could not have been more problematic. Socialist candidate Harriman was an attorney, and was defending the McNamara Brothers on charges that they had bombed the *Los Angeles Times* Building, killing twenty workers. One of the other lawyers for the McNamaras was Clarence Darrow, who convinced his clients to plead guilty rather than face the death penalty. The confession appears to some historians to have sunk Harriman's candidacy. However, it is just as possible that the fusion of the Old Guard with the more conservative reform elements possessed an adequate number of votes. Given the combined strength of the two groups, and the more vigorous efforts they made to maximize their turnout, they were able to win the plebiscite.

Some scholars have blamed the failure of Socialism on the conservative character of the women's vote. However, the fact is that if one compares the map of precincts for the primary and general elections in terms of their support for Harriman in both contests, it becomes clear that the voters did not change their minds. Virtually every precinct that supported Harriman in the primary would support him in the runoff. The difference is that all of the anti-Harriman precincts were now united behind one candidate, and aware of how close they had come to losing the city outright in the primary contest.

In any event, the fusion campaign around the reform Mayor was successful, but the one-two punch of labor radicalism and the blurring of the distinction between the Old Guard and Goo Goos damaged the reform coalition itself. Just as the decline of the Soviet Union ended both the Cold War and U.S. hegemony, success in the 1911 election weakened the reform coalition. The warm relations between Regular and Progressive Republicans proved deleterious to the reform leaders' ability to maintain their movement (an analogous situation is that nothing would probably damage the National Rifle Association so much as an end to all forms of gun control). As early as spring 1913, the charter amendment election would demonstrate the breakup of the reform movement. Most of the more conservative structural and developmental reformers united with the Old Guard to form the Municipal Charter Conference. The Socialists and Public Ownership advocates would assemble the rival People's Charter Conference. The public approved a charter amendment that would effectively recall

the Alexander administration two-and-a-half years before the end of the members' intended terms.[9]

The 1913 primary and general municipal elections would serve as a replay of the 1911 plebiscites, but with a twist. The regular Republicans, the reformers and the Socialists would again back their own candidates. This time, the Socialist and the regular Republican would win the primary, and the fusion campaign stood behind the Old Guard mayoral candidate. If the 1911 election had been a tragedy for reform, breaking the previously strong and even machine-like consensus in the movement, the effort to elect reformer John Shenk in the 1913 election was farcical. Mayor Rose's election would signal the end of the reform trend that the city had begun in 1902. The most solid reform constituency in the city was now in the civil service.[10] It would take another decade to elect a mayoral candidate committed to the cause of reform, and George Cryer would disappoint many with his feeble leadership skills.

Origins of the 1912 Charter

The effort to draft and pass the 1912 Charter occurred in the middle of the tumultuous environment seen in city politics between the 1909, 1911 and 1913 elections. In fact, that charter had first been proposed in the State of the City Address that Mayor Alexander delivered after scoring his victory in the recall-driven elections of 1909. On January 4, 1910, Mayor George Alexander delivered his first state of the city address, and one of the goals he set forth for the city was creation of a new city charter enacting the commission plan. The conventional wisdom among American reformers held that commission government would improve urban life. In the wake of

the devastating hurricane of 1901, the citizens of Galveston, Texas had used this form of government to rebuild their destroyed city. Other cities around the country, most notably Des Moines, Iowa, found the Galveston plan impressive for its results, and mimicked it in their governance. In recommending that the city adopt the commission plan, Mayor Alexander was actually favoring the weakening of the mayor's office.

The commission plan would replace the mayor-council form of government with a commission, whose members would act collectively as a legislature and individually as executives. Thus, Alexander had in effect recommended alteration of both the mayor's office, as well as those of Council members. Yet the City Council appointed a 1910 Charter Revision Commission (1910 CRC) as per the Mayor' request within six weeks. The CRC consisted of seven members: James A. Anderson, Frank G. Finlayson, William B. Mathews, Leslie R. Hewitt, John R. Haynes, Charles Wellborn, and Lewis R. Work. The committee selected E.O. Edgerton as Secretary. The commission was a blue ribbon panel of the very same reformers who had changed the city's government over the past ten years with their services in amending charters and sitting on the boards and commissions they had created.[11] In fact, the 1910 CRC represented well the type of commission government the city had long experienced: rule by lay boards of commissioners overseeing the city's administrative departments.

For instance, Anderson had served on the 1898 to 1900 Board of Freeholders, and on the Board of Public Works from 1904 to 1909 at the sufferance of Mayor Harper (the person who the reformers had pushed out of office through threat of recall and public exposure in the newspaper through pictures of Harper with multiple

prostitutes). Finlayson had served on the 1902 Charter Revision Commission, and had cooperated with John R. Haynes to put direct democracy on the ballot. Mathews had served as City Attorney from 1900 to 1906, and had written the 1902, 1904, and 1906 charter amendments in this capacity; he was on the Charter Revision Committee of 1906 to 1909, and thus played a role in drafting the 1909 charter amendments as well.

Hewitt was the current City Attorney (elected on the non-partisan independent ticket in 1906) who had rendered the opinion favorable to the recall of Harper and election of Alexander. John R. Haynes had been a member of the Board of Freeholders in 1900, led the city in the 1902, 1904, 1906 and 1909 charter amendments, and was currently president of the Civil Service Commission.[12] Charles Wellborn was a member of the Police Commission from 1909 until 1913. Lewis R. Works was a Public Utilities Commissioner from 1909 to 1913. Finally, E.O. Edgerton had been Secretary of the 1909 Recall Campaign Committee that replaced Harper with Alexander as mayor. He was also the current secretary of the Municipal League, and was considered the tenth member of the Goo Goo City Council (he would later serve on a Charter Revision Commission in his own right).[13]

This commission began revising immediately, but the question of whether to revise the charter by patchwork or reconstitution immediately came to the fore.[14] On February 27, 1910, the City Council told the 1910 CRC to revise by charter amendment to avoid the necessity of electing a new Board of Freeholders. The 1910 CRC, however, wanted to enact the commission plan of government, and was worried that the commission form was such a radical change that it would require a new Board

of Freeholders to write a new charter. By the next month, others were concerned that the 1910 CRC's fears were well founded. To change the city's form of government from mayor-council to the commission plan might be a job best undertaken by a full-fledged Board of Freeholders.[15]

The 1910 CRC ultimately decided its members' status as appointees granted them inadequate legitimacy to propose such a fundamental alteration in the form of government. The body abandoned the commission plan and followed the directions of the City Council to "prepare milder amendments". Haynes and Finlayson were disappointed, but thought a new Board of Freeholders should propose the commission plan.[16] The 1910 CRC proposed 15 charter amendments, which the Council sent on to the voters. Three of the Council's nine members—Gregory, Stewart, and Washburn—still opposed the 1910 CRC's work and protested in the press.[17] At the March 1911 election the public approved almost all of the 1910 CRC's amendments, including two which made overtures toward commission government.

After the success of the 1911 charter amendment election, the city's conservatives and socialists called for a new charter. Even the *Times*, which had often balked at charter change, complained about the crazy quilt the city's charter had become. The progressives agreed that L.A. needed a new organic law. A few days after the 1911 charter amendment election, Meyer Lissner and Mayor George Alexander asked the city council to appropriate $5000 to pay for expert consultants from the National Municipal League (NML) who could assist in drafting a new charter. In February of 1912, the City Council appointed yet another Charter Revision

Committee (1912 CRC), which was comprised of 15 members this time. The City Council charged them to work with the NML to write a new charter.[18] Haynes was selected chairman of this 1912 CRC, which immediately called for the election of a Board of Freeholders. On May 25, the election occurred and Haynes was elected president of the board at its first meeting.[19]

The 1912 CRC included a star-studded cast of the "Our Set" reformer clique: George Baker Anderson, James Archibald Anderson, Walter Bordwell, Harley W. Brundige, William F. Bryant, Hamilton H. Cotton, Mrs. R.L. Craig, E.O. Edgerton, John R. Haynes, Charles Edwin Locke, Jacob M. Schneider, Joseph Scott, Evelyn Stoddart, Charles Wellborn and W.R. Williams. George B. Anderson was serving as Mayor's Clerk at this point. James A. Anderson was a well-respected reformer who had served on the 1910 CRC. Walter Bordwell was Superior Court judge who had upheld the recall of Harper in 1909, but allowed the Socialists to place Wheeler on the ballot.[20] E.O. Edgerton had served as Secretary of the 1910 CRC and as a member of the City Planning Commission from 1909 to 1911. John R. Haynes' reform credentials were beyond dispute; of course, he had also been a member of the 1910 CRC. Joseph Scott served on the Board of Education from 1904 to 1915, and as president of that Board from 1906 to 1913. Charles Wellborn and Lewis R. Works had both served in various capacities for the Alexander administration and been members of the 1910 CRC.

On May 28, 1912, voters marched to the polls to cast their ballots for the fifteen freeholders. The problem with the balloting was that there was only one ticket

in the field. Unlike the charter framers who had been elected in 1888 (first and second Freeholders' boards), 1898 and 1900, this particular board faced no competition. Although the spirited fights in the election of the first 1888 Board, as well as the 1898 and 1900 boards had proven controversial, at least the members of these boards could legitimately state that they had been chosen in a competitive election.

The Freeholders election of 1912 offered the voters only one ticket, giving voters no real choice in the matter. This may have been one of the reasons for the difficulties the 1912 Board of Freeholders would face in attempting to sell their completed charter to the public. The rough-and-tumble of electoral politics can assist candidates in selling their policies in the political arena upon their selection.[21] The electoral survival of the fittest means that those who are politically strongest survive, and what is true of candidates may also be true of their policies. In 1912, the fifteen Freeholders were essentially chosen by the City Council; the public merely ratified the Council's selections.

The 1912 Board of Freeholders carried over seven of the 1912 CRC appointees and included two members of the 1910 CRC: H. Stanley Benedict, Frederick William Braun, Harley W. Brundige, William F. Bryant, Hamilton H. Cotton, President John R. Haynes, William G. Hutchison, Meyer Lissner, Professor Charles Edwin Locke, Charles A. Parmelee, Dr. Cecil Edward Reynolds, Vice-President Joseph Scott, Charles Wellborn, Frederick C. Wheeler and Lewis R. Works. The Freeholders employed John J. Hamilton as their Secretary. Brundige, Bryant, Cotton, Haynes, Locke, Scott, and Wellborn had served on the 1912 CRC. Haynes and Works had also

served on the 1910 CRC. Braun had been a member of the Harbor Commission from 1906 to 1909. Lissner held appointed office as a Public Utilities Commissioner from 1909 to 1911. Socialist Fred Wheeler had run against Mayor George Alexander in the Recall campaign of 1909, and served on the Public Utilities Commission from 1911 to 1913.[22] Fred Wheeler received the highest number of votes of any Freeholder, while John R. Haynes was the second most popular candidate (3% less than Wheeler). Freeholder Meyer Lissner would receive the fewest votes, nearly 10% less than Wheeler. Electors were eligible to cast votes for all fifteen Freeholders, and consequently the disparity in the vote counts reveals that not all the candidates were equally acceptable to the public.

Not only did this Board of Freeholders represent a selection of the city's elite reformers, but it also contained five of the city's most prominent and conservative businessmen. One of these was Freeholder Braun.[23] Yet not all of the candidates were mossbacks. Wheeler led the city's Socialist party's mayoral campaigns in 1900 and 1909, and the Union Labor Party had sought to nominate Haynes for mayor in 1902; moreover, Haynes enjoyed a good reputation among labor unions.[24] Lissner and Brundige were the leaders of the reform movement which *Times* publisher Harrison Gray Otis had accused of running a political machine. In sum, it appears that the City Council's picks for the elected charter commission represented a cross-section of Conservatives, Progressives, and Socialists. True to their mandate, these Freeholders would propose the commission form of government for the city in the 1912 charter.

Although about 250 cities in the United States had adopted the commission form of government, Los Angeles was the first city of over 200,000 people that proposed to adopt the relatively new form of government. The National Municipal League looked on the Los Angeles experiment with great excitement, and held its 18th annual convention in L.A. The NML noted in one of its journals that:

> For the first time in the history of the organization the meeting place was west of the Rocky Mountains, for the first time enfranchised women took an active part in the debates, and for the first time, (and this phenomenon is particularly noteworthy) a committee of freeholders entrusted with the framing of a charter for an American municipality deliberately invited delegates, members of the National Municipal League, to give expert criticism on the result of their labors.[25]

The League praised the 1912 Charter proposal; its experts declared it "to be in some respects the best yet devised".[26] Their excitement was due to the fact that

> Under the terms of this charter the city is given the broadest grant of powers for the taking over and running of municipal enterprises of any city in the world. It provides that Los Angeles may acquire and run any kind of business, precisely like an individual firm or corporation. The charter specifically states that the city may operate stadiums, theatres, public forums, fountains, dairies, creameries, milk stations, butter and cheese factories, banks, savings depositories, pawn shops, loan agencies, bureaus of funeral supplies, bake shops and department stores.[27]

The League also expressed approval of the Civil Service powers in the new charter, and the fact that under the document Los Angeles was to be "the first municipality to have a public defender".[28] The League approved the charter's brevity, and commended the proposal's provisions for an administrative code that voters would be able to change, while the charter itself was not to be amended without the consent of the legislature.[29]

The Content of the 1912 Charter

The framers of the proposed 1912 Charter favored the Galveston Plan, but realized that commission government had never been attempted in a city as large as Los Angeles. Consequently, they recommended that the commission include seven members rather than the five prescribed by the prototype.[30] Under the commission plan of governance, a commission acts as the city's legislature; upon adjourning as a collective policy-making body, the individual commissioners become the executives implementing their commission's policies. This form of government lacks the separation of powers that is typical of the mayor-council system, because the same people act as both legislators and executives. Although the commission plan did not authorize anyone to veto its policies, it would often include a weak and largely ceremonial mayor. Typically, the mayor would serve as Commissioner of Public Safety, but would hold no greater legitimacy than his or her colleagues, since all commissioners were elected at large.

The Commission FOG: Los Angeles' version of the commission plan included an elected Controller and a seven-member Board of Education, and all officers were to be elected for staggered, four-year terms. In order to accomplish the staggering, the Mayor, three commissioners and four members of the Board of Education would be chosen at one even-year election, while the Controller, three commissioners and Board of Education members would be elected at the next. The 1912 proposed Charter also included several appointed officers. The City Attorney, City Prosecutor, Public Defender, City Treasurer, City Engineer, Chief Engineer of

Water Works, Chief Electrical Engineer and City Clerk were all to be appointed. The City Attorney, City Treasurer and City Clerk who had been elected under the terms of the 1889 Charter would lose this status.

Moreover, the process of appointment would make these appointees part of the merit system. The Mayor would appoint these officers with Commission confirmation, but could only choose appointees from the eligible civil service list. The proposed charter specified that the appointing authority (Mayor and Commission majority) would be responsible for all removals, but that these decisions were subject to review by the Civil Service Board. This appointment process could be altered by ordinance, but only if the ordinance had been approved at a plebiscite. In fact, the charter required the passage of an ordinance by both commission and public in order to establish a process by which to appoint the city's juridical officers, the police judges.[31]

The 1912 Charter proposal would have provided for the appointment of four boards. Of course, the Civil Service Board would first need to be established, so that all other appointed positions could be filled. This board was to consist of five members, appointed by the Mayor and confirmed by a majority vote of the Commission. These officers would serve six-year, staggered terms, which meant that this board might enjoy more continuity than the Mayor and Commission. Civil Service Board members could only be removed by an ordinance approved by at least six of the Commission's seven members. In order to insulate this body from partisan politics, the charter proposal required that no more than three of the Board's belong to

the same political party. The Civil Service Board would not only control the employment of city workers, but would act as an Efficiency Bureau working to improve city operations. In order to insure that the city would fund the Civil Service Board's work as both municipal employment agency and efficiency bureau, the Charter mandated that a specified portion of the city's taxes be allocated to support it.

The proposed 1912 Charter also called for the creation of three other boards, responsible for the Municipal Newspaper and Municipal Art, as well as City Planning. The Municipal Newspaper Board would consist of three members, and would continue to operate as prescribed under the city's 1911 ordinance. That ordinance was set in place by the terms of the 1912 Charter proposal, and could only be amended or repealed by a vote of the people.[32] The Municipal Art Board would consist of nine members, including the Mayor, two head officials of the Department of Public Works to be named by the Commissioner of Public Works, and five citizens appointed by the Mayor and confirmed by a Commission majority. The Mayor was to appoint citizens "known to him as having special knowledge or skill in the fine or the applied arts." The Commissioner of Public Works was expressly forbidden from membership on the Board, because "and in all matters within the cognizance of the board pertaining to a particular department of the city government, the Commissioner at the head of such department shall not as a member of said board."[33] Consequently, it is impossible to ascertain who was supposed to serve as the Board's ninth member. Finally, the 1912 Charter proposal called for a City Planning Board, which the Commission and Mayor were to establish by ordinance.

In addition to its sixteen elected officials, eight appointed officials and four boards, the 1912 Charter proposal listed eight departments into which the city's business would be divided. The Mayor was to head the Department of Public Safety, the Controller the Department of Audit and Control, and the other six Commissioners would lead the remaining departments. Public Utilities, Public Works, Harbors & Transportation, Finance and Public Welfare would be headed by whichever Commissioner the Mayor thought best suited to manage them. Moreover, the Mayor could reassign Commissioners, and redistribute any other municipal duties between them. The Commission as a body would create offices, boards and employed positions, as well as provide supervision of the management of each Commissioner. The Commission would meet daily, with the Mayor serving as its presiding officer but exercising no veto. Most of the Commission's ordinances required a four-vote majority to enact. All Commissioners were forbidden from serving in any office filled by the Commission, as well as from holding any outside employment.

Other structural reforms: Reformers thought the change in form of government they had recommended was an important advance. Mayor Alexander and his predecessors had complained about the absence of clear lines of authority and responsibility under the 1889 Charter. The patchwork of charter amendments passed between 1902 and 1911 did not mitigate this problem. Charter amendments may actually create a new problem for every problem they fix; this is why the patched charters often contain such phrases as: "notwithstanding any other section to the contrary, this section shall establish the process for…". For instance, the appointive

recall that the 1911 charter reformers had persuaded the voters to enact was fatally flawed. One of the changes proposed in the 1912 Charter draft was intended to repair the appointive recall.[34]

The 1912 Charter was to have strengthened civil service by requiring that all appointed officials would be selected from Civil Service lists. As is common in civil service charter changes, this process would have grandfathered in current city employees for six months. However, this strengthening of Civil Service was one of the provisions that the local papers and anti-charter forces saw as most problematic. The 1912 Charter proposal retained existing provisions that mandated public bidding of contracts and prohibited conflict of interest. In addition, the proposal included current provisions for city-county consolidation. The measure would have supplemented the direct democracy provisions by ensuring that only voters could repeal their own initiatives, by providing for an advisory referendum, and by subjecting the issuance of franchises, rights or privileges to the compulsory referendum.

Budgeting was yet another area in which the 1912 Charter proposed to forward the cause of structural reform. "The annual budget of the city shall be prepared by or under the direction of the Commission. It shall set forth the probable revenues of the city from every source in detail, and shall include detailed statements of the contemplated expenditures of the city and each of its offices, departments and bureaus."[35] The budget was to be more than a guideline, but was to be enforced on the department heads. Each department head would hold authority to "control and

order, subject to the provisions of this charter for the payment of money from the City Treasury, the expenditures of the money at any time to the credit of the department in accordance with budget provisions, or the provisions of appropriations made subsequent to the adoption of the budget."[36] The New York Bureau of Municipal Research had established this innovation, and promoted it successfully to the state and nation. Los Angeles was one of the U.S.'s first cities to accept the budgeting process as an important mechanism of accountability.[37]

The 1912 Charter proposed an extensive system of borough government. A public referendum was to be held over an ordinance establishing a process for creating boroughs. The boroughs would hold eminent domain authority independent of the city's control; this authority could be employed "for any and all objects and purposes for which such borough is authorized to acquire property."[38] The boroughs would be allowed to levy and collect taxes on real and personal property within the borough, up to the value of 75 cents on every $100 of taxable property (not including borough debt, which could raise the tax limit further). Further provisions regarding finance granted boroughs the right to "[t]o incur indebtedness, by the issuance of bonds, for any purposes for which the borough is authorized to provide, or for carrying out any of the powers possessed by the borough, or for extending to, into or through such borough, any water, lighting or power system, or other public utility, owned or operated by the City of Los Angeles". The borough's debt, however, would not be allowed to exceed "ten per cent of the assessed value of all the real and personal property of such borough".[39]

The 1912 Charter's framers wanted to empower boroughs to improve their own streets, maintain borough-level fire and police departments, exercise the city's police powers, make violation of their ordinances a misdemeanor, hold borough elections, and elect and appoint their own officers. This enfranchisement would give the boroughs power within their own bounds that were analogous to those proposed for the city. In terms of regulatory authority, the boroughs were to be granted power to license and regulate business conducted within their boundaries. The boroughs were to exercise proprietary authority as well, acquiring their own property, establishing public park playgrounds, erecting and maintaining borough buildings and taking care of waste disposal. The charter proposal contained an express elastic clause providing boroughs with a mandate:

> To provide by purchase, lease, condemnation or otherwise, and to establish, own, equip, maintain, conduct and operate, parks, playgrounds, and any and all buildings, establishments, institutions and places, which are necessary or convenient for the transaction of the business of the borough, or for promoting the health, morals, education or welfare of the inhabitants, or for their amusement, recreation, entertainment or benefit.[40]

The city had failed to live up to its 1909 promise to the harbor that the former residents of the cities of San Pedro and Wilmington would enjoy a modicum of home rule after consolidation with the city. With the 1912 Charter proposal's borough provisions, the reformers attempted to make good on their commitments to the residents of the harbor area.

Social Reform

The three major kinds of social reform are regulatory, planning and welfarist. Regulatory reforms limit and constrain the actions of marketplace actors, to ameliorate the externalities they create. Planning reforms constrain the spatial dimensions of the land use decisions of private actors in terms of their real property. Welfarist reforms provide direct assistance, helping city residents with their financial needs, and even city workers with pensions. The most difficult of these reform subtypes to define is regulatory reform. If business regulation is aimed at promoting growth rather than alleviating externalities, would that actually be a case of developmental reform? If the motivations behind the city's municipal ownership movement included the desire to provide low cost energy to the less fortunate, an aspiration of John R. Haynes, then should the LADWP be considered as a social reform institution instead of a developmental reform-oriented agency? This is an important question, and the answer is that for most LADWP supporters the point was growth, not charity.

It is the halcyon of developmental reform to provide public ownership where there is a natural monopoly and competition and regulation are unable to ensure efficiency. For the city to take over a functioning public utility where competition and regulation can ensure efficiency and prevent monopoly might indicate that something other than economic growth is the goal. The difference between them for L.A.'s developmental reformers was admirably expressed by George Dunlop, who wrote in a textbook that "too much public ownership" should be avoided: "Although public ownership, in a democracy, has a useful, if limited, place in the field of local public

utilities—natural monopolies where wide open competition is out of place—public ownership is almost certain to be out of place in the fields of competition with ordinary private businesses of a non-monopolistic character—businesses that are subject to the law of competition."[41]

Regulatory reforms: the 1912 Charter proposal granted the city "sanitary law" authority, empowering it to ensure food safety, regulate building safety and businesses in general, and to provide animal control.[42] The Charter proposed extensive authority for the city's Health Department, equipping it with authority to make health regulations outside city boundaries.[43] The Board of Freeholders sought to greatly expand the city's ability to enter new lines of enterprise, cementing in place the Municipal News that the 1911 Charter had permitted and the public had authorized by referendum. Yet the city could have done much more than publish a newspaper under the 1912 Charter.[44] First, the city would be allowed to own stock in any public utility providing service in the city.[45] Second, the charter proposal would have extended the municipality's ownership to cover "public forums…stadiums, theaters…fountains…bakeries, dairies, creameries, milk plants, butter and cheese factories and dairy products distributing stations…house courts…sanatoria…storage and transfer system, banks, saving depositories, pawn-shops, loan agencies…bureaus of funeral supplies and plants for the manufacture thereof…sewage farms, drains, and any other works or plants, within or without the city, for the disposition of sewage or storm waters of the city…."[46]

The 1911 Charter had permitted the city to provide public utility service outside city limits in order to supply others with surplus water, gas and electricity. The 1912 proposal would now allow the city to provide transportation, communication, telephone service, terminal facilities, light, heat, refrigeration, storage, "or any other public service" outside the city's limits.[47] Los Angeles would even have held power to exceed the debt limit to acquire utilities to provide no-residents of the city with these services.[48] L.A. could also exceed its debt limit in order to purchase utilities deemed by State Railroad Commission to be self-sustaining. This would have allowed the city to purchase an electric distribution system.[49] Finally, the 1912 Charter proposal would have protected all utilities from alienation except by two-thirds vote of the public.[50]

Welfarist reforms: the amelioration of capitalism's social ills typically included an element of subsidy. This particular part of social reform was not a strong suit of the proposed 1912 Charter. Had the city followed up on some of the public powers granted by the document in terms of municipal lodgings, however, a substantial welfare component could eventually have resulted from adoption of the 1912 Charter. But there were a few portions of the proposal that did take on these matters. The document authorized the city "to provide for, and to supervise the efforts of private charities towards, the care of the sick, the aged, the indigent and the helpless, and to provide an adequate pension system."[51] The idea of providing pensions to the poor was one that well ahead of the times. At this point, the United States government had paid veterans' pensions to Civil War soldiers and sailors (only

the Blue, and not the Gray), and some states had created Mothers' Pension Programs, yet the New Deal was still two decades away.[52] The 1912 Charter proposal even prescribed compassionate treatment of prisoners; rather than using them on an unpaid chain gang, L.A. would be required to compensate prisoners for the compulsory work they performed for the city.[53]

The 1912 Charter would also pave the way for expansion of the city's nascent pension system for its own workers. The document authorized the city:

> To provide relief, health, life insurance and pension funds for disabled members and employees of the police department and of the fire department and for persons employed in other departments, and for the payment of pensions to widows and children of members and employees of such departments who shall have died from bodily injuries received in the performance of their duties.[54]

The 1911 Charter Amendment had only permitted pensions to be paid to firefighters and police officers. The framers of the 1912 Charter proposed that any department's disabled workers be given relief, health and life insurance and pensions. If they were to die in the line of duty, then their widows and children would be given pensions. The 1912 Charter was more generous to all city workers than the previous charter had even been exclusively to public safety workers. With the failure of the 1912 Charter, it would take the city a quarter-century longer to offer this again (1937).

Planning reforms: the 1912 Charter proposal included several provisions enhancing the city's planning authority. First, the document authorized the zoning of the city into industrial and residential districts. Although the standard texts on American urban politics usually credit New York City with having invented zoning, Los Angeles used this innovation over a decade prior to the Big Apple. The 1912

Charter would have clearly spelled out the commission's power to do what its Council had first done in a 1908 ordinance.[55] The 1912 Charter would also retain the 150-foot building height limit established by the 1911 Charter amendment. The document also provided for fire districts and regulation of billboards. The regulation of billboards and abatement of the nuisance they can represent is an issue that many cities have difficulty addressing to this day. The 1912 Charter would have provided the wherewithal to manage this problem. Finally, the Commission was charged with creating a City Planning Commission using its ordinance powers.[56]

Developmental Reform

The 1912 Charter's framers did not want the city to be hamstrung by lack of authority, and consequently included in the document four separate elastic clauses. It is not clear whether these would have been legal, because this was prior to the 1914 California Constitutional amendment that ceased the requirement that cities spell out all powers to be exercised in a long laundry list.[57] Just in case, the Freeholders did provide the city with express powers in the document. The proposal continued to claim the city's title in the river and its bed, and forbade conveyance of the city's water rights to anyone.[58] Existing charter language permitted sale of water and river rights with a two-thirds public approval; the 1912 Charter would have made this illegal with any majority.[59] Extensive public ownership rights were assured to the city, as well as control of streets and the power to force railroads to alter grades at crossings. The city promotional campaigns that were a private prerogative of the Chamber of Commerce would join the arsenal of municipally held tools to bring

growth. Even the sewage treatment plant at Hyperion would be authorized under the 1912 Charter's terms.[60]

The 1912 Charter proposal would have extended the city's harbor-related authority.[61] However, just as in the case of water rights, the new charter would have placed limits on the city's ability to transfer its property. The document provided that 10,000 linear feet of harbor "is hereby forever reserved for public purposes" Under the 1913 Charter, the city could transfer this harbor space with approval by two-thirds of the public. Instead, the 1912 Charter would have limited transfer of this land to ownership or control of the state or the nation. Even this decision would still require a majority vote by the public.[62] Yet the city's authority to undertake debt for harbor-related purposes would have been enhanced. Although the 1912 Charter Proposal set the debt limit at 3% of assessed valuation, this limitation did not cover wharves, docks, piers, warehouses, waterfront utilities, harbor improvements, water, gas, electric light and power works or plants, railways, telephone and telegraph systems or "any revenue producing public utility". For these activities, the proposed 1912 Charter raised the city's debt ceiling to 12% of assessed valuation.[63] Finally, the proposed 1912 Charter included extensive provisions for public ownership of public utilities, which could as easily be used to expand the city's Harbor, Water and Power programs as they could to lower the costs of utility services.

Moral Reform

Some of the residents of the areas surrounding Los Angeles had used their authority under the California Progressives' Local Option law to restrict alcohol. The

framers of the 1912 Charter wanted to allow these areas to retain these restrictions even if they were annexed to or consolidated with the City of Los Angeles. Consequently, they included language in the 1912 Charter proposal indicating that if these areas had already established alcohol restrictions in their charters, they would remain in effect after the areas became part of the city. Therefore, their charter "provisions restricting, prohibiting or regulating the sale, distribution or giving away of spirituous, malt, vinous or alcoholic liquors, within the boundaries of such city or town…shall, upon such consolidation or annexation becoming effective, continue in full force and effect".[64]

The Board of Freeholders also drafted language concerning the liquor question within the city's limits. The city would be able to grant the permits necessary to engage in selling liquor, and revoke these permits if the businesses using them were "conducted in an illegal, disorderly or improper manner." In addition, the moral reformers of 1912 granted the city power to "license, regulate, restrain, suppress, or prohibit any or all…dance halls or academies, public billiard or pool halls or tables, bowling and tenpin alleys, boxing contests, sparring or other exhibitions, shows, circuses, games and amusements."[65]

The association between public dancing and vice led moral reformers to regulate and sometimes close down locations where such activities occurred. Yet the charter framers did not want to leave it to chance that gambling and vice would run rampant in the city, so they authorized the city to "repress and prohibit prize-fighting, gambling, prostitutes, or indecency, and forbid the sale or exhibition of goods offered

for sale contrary to law or deleterious to public morals."[66] Because public amusements such as billiards, bowling and boxing were often the locus around which gambling could be found, these activities also came in for special attention by those concerned with public morality. Along with the alcohol-related provisions covered earlier, this shows that the 1912 Charter Proposal had scored the moral reform hat trick, addressing vice, liquor and gambling.

The 1912 Charter proposal gave the city broad latitude to "regulate or prohibit the operation of manufactories, businesses, occupations, things, acts or conduct dangerous or offensive to public health, morals, safety or comfort."[67] Of course, defining the things that were dangerous or offensive to public morality would be left to the city's officials. The 1912 Charter proposal also permitted the city to exercise jurisdiction outside city limits "in order to control or prohibit unwholesome, immoral or offensive businesses or establishments".[68] The 1912 Charter Proposal also dealt with the Progressives' interest in animals. Although one portion of the document had established authority to provide animal control, a separate section would prohibit animal cruelty.[69]

Support for the 1912 Charter Proposal

The freeholders, civic organizations, and a few small papers supported the commission charter. The charter framers "maintained an extensive series of speaking engagements and undertook what could be described as an excellent program of public enlightenment and relations". The *Tribune* and the *Express* supported it, but the *Examiner* and *Times*, which were the city's "two most powerful papers," opposed it.[70]

Both the *Record* and the *Herald* also opposed the charter.[71] Only the Progressives and their papers supported the plan to give the city a commission form of government.

The *Express* and the *Tribune* were owned by E.T. Earl and were at the center of the Progressive vanguard, so these two newspapers' vigorous support of the charter is not surprising. The *Times* was the city's Republican anti-union paper and fervently opposed the charter, alleging it would create a new machine. The *Herald* and the *Examiner* were the city's Democratic newspapers, but the former was more popular among Democratic businessmen while Democratic workers favored the latter. Both consistently opposed the charter in their coverage. Even the *Record*, which was the daily read by the most leftist elements in the city, joined the chorus of opposition to the charter.[72] Despite the fact that the Board of Freeholders had included both conservatives and Socialists, and the members had endorsed the document unanimously, neither big business nor the working class supported the charter.[73]

The *Times* waged a ferocious campaign against "the new charter's despotic power", which its editors saw as crowning "the Lissner-Brundige-Eddie Ring".[74] Brundige worked as the editor for the *Express*, while Guy Eddie was currently serving as City Prosecutor in Alexander's reform administration.[75] The *Times* occasionally altered the names of the alleged ring-leader, charging the "Lissner-Haynes-Eddie ring" with attempting to "build up a political machine that would take a century to wreck".[76] In the Sunday edition of the *Times*, the editors claimed that the new charter would "increase the cost of living in Los Angeles." The *Times*' publisher denounced the charter not only in the editorial section of the paper but also in the national news

section, the front page of the Editorial section, and on the front page of the business section. The newspaper characterized the charter as Socialist and dangerous to property owners because of the unlimited taxation it would allow.[77]

The *Times* repeatedly raised attention to the fact that a number of the Freeholders either were Socialists or Socialist sympathizers. The newspaper called Meyer Lissner an "eminent boss and crusader for the Good Government machine," Haynes a "professional faddist," Locke a "Socialist and champion of the I.W.W.'s," Brundige a "bosom crony" of moral censor Earl, Wheeler a "rabid Socialist and perpetual candidate for public office".[78] The *Times*' coverage contended that the fact that Bryant was from Montana and that Works was Guy Eddie's attorney represented important reasons for rejecting the charter signed by the Freeholders.[79]

According to the *Times,* these men "took the heavy roles in the weaving of the finely spun document" and "the Guy Eddie crowd and the Socialists absolutely controlled the charter framing and it is their dangerous instrument"[80] By laying the blame for the proposed charter at the feet of particular Freeholders, the *Times* exonerated the "five conservative businessmen of the standing of F.W. Braun" who unanimously signed the charter and an accompanying press release "in which they expressed the conviction unqualifiedly and unreservedly that the proposed charter marked a decided advance upon the old charter and urged the people of Los Angeles to adopt it".[81]

For the *Times*, Lissner and Eddie's purpose for the charter was "creating a powerful political engine that would keep the reins of the municipal government in

their hands for all time to come." The *Times* pointed out that "A splendid fight has been waged against the charter by an organized opposition comprising public-spirited citizens in all walks of life, irrespective of party affiliation". Then the newspaper quoted letters from "the wheel horses in the real progressive life of the city" denouncing the charter. It is particularly noteworthy that the *Times* used the discourse that reformers had used to amend charters and elect their candidates in the past. The paper's editors pointed out their nonpartisanship in such phrases as "irrespective of party affiliation", and discursively opposed this to the Socialist party connections of some of the Freeholders. They used the argument that the general public from "all walks of life" opposed the special interests of politicians. The newspapers depicted the battle as one of the "real progressive" versus the "Lissner machine" and their "ring" "after power and money".[82]

The *Times* printed letters from a number of people, including a "leading physician and public-spirited citizen," "the President of the State Realty Federation and prominent realty dealer," a "leading attorney and chairman of the Republican Club of Los Angeles," a banker, the "ex-president of the Bar Association," the attorney leading the Anti-Charter League. The upshot of the fears these writes expressed was that a majority of four commissioners could rule the city and that it was thus "undemocratic"; that it represented "a radical departure," was "hastily constructed, radical and unsuited." The ex-president of the Bar stated that since he hadn't seen the charter he did not know what it contained; it must therefore be "secret" and unacceptable. One of the writers even claimed the charter could not be overturned

except by a two-thirds vote once it was enacted by a simple majority, a charge someone repeated to Haynes later. This claim was false, as it would have violated state constitutional provisions for charter change.[83]

On November 30, 1912, Meyer Lissner participated in a debate on the charter; his opponent was Will D. Gould. Lissner argued the charter proposal established responsibility, which was much needed, while Gould argued that it instead created a monarchy. Gould stated "that the distinguishing mark between the free man and the slave is the ballot, and remember that there will be little hope of amendment when four men have control of our city government and of thousands of its employees". The *Times* did not quote Lissner, but ridiculed his arguments and called forth the image of a "solid four".[84]

On the following evening, John R. Haynes debated attorney Gesner Williams in a contest at Labor Temple. In its coverage, the *Times* portrayed Haynes as "defender of the establishment of an oligarchy in Los Angeles." Haynes "apologized for the late appearance of the printed copies of the charter and for its deplorable printing. This he said is the fault of Council and the City Clerk." Haynes attacked Williams as a tool of the "special interests" and "mossbacks" who were the charter's only enemies. Williams countered that the only special interests opposing the charter were "the taxpayers who were protecting their homes and firesides".[85] The charter's special interests were those who had joined Lissner in supporting "centralized government" along with "a sop to the Socialists".[86] Williams admitted that the Federated Improvement Association had requested him to examine the charter, but

claimed he had not been paid for his time. Williams' examination gave him pause when he reviewed the proposal civil service provisions declaring that: "All positions in the city service holding positions made appointive by this charter at the time it goes into effect, shall be deemed to have passed the civil service examinations and shall be on probation for six months".[87] Based on the biased coverage of the debates provided by the *Times* and *Examiner*, one would have to assume that Lissner and Haynes lost both debates.[88]

One of the reasons for the difficulties of the 1912 Charter was that the not all the reformers supported it. Joseph Call, who was a prominent Progressive and a leader of the Voters League, would oppose the charter publicly in an article the *Times* published on December 1, 1912. Call's letter would be endorsed by a list of prominent businessmen; the endorsers included Orra Monnette, a future member of the 1923 Board of Freeholders. Those who opposed the 1912 Charter could take advantage of this split in the reform ranks. In fact, the *Examiner* called for reviving the Citizens' Committee that had prevented the election of Job Harriman in the 1911 mayoral race. The newspaper termed this committee "the only local non-partisan organization that Los Angeles has seen in years".[89] The *Examiner* stated that the Committee was "composed of men in all walks of life, of all shades of political opinion, of all classes of business men, of all kinds of professional men and of good women as well". Considering the danger posed by the 1912 Charter proposal, the *Examiner* recommended solidarity among "Democrats, Republicans, Socialists or 'Prohibitionists'". The editors of the *Examiner* requested that the Realty Board "prove

again its determination to keep the banner of Los Angeles flying at the forefront of American municipal progress".[90]

Machine or Reform Charter: the anti-charter forces tapped into the anti-machine rhetoric that the reformers had originally monopolized. For example, the *Times* published a political cartoon depicting Lissner and a crony trying to place a ball-and-chain on a woman identified as "free Los Angeles." The ball and chain were to hold the city by means of a "Lissner collar." In the campaign against the Southern Pacific, the Octopus had been the most commonly used symbol of the railroad's machine, but the collar served as the second most popular metaphor. The reformers had used depictions of the SP collar in their political cartoons as a way to symbolize the machine's control of politicians.[91]

The *Times* would draw an implicit analogy between the 1912 Charter supporters and the advocates of machine rule. In an article covering a full third of the front page of the business section, the newspaper published an essay on "Why the new charter should be defeated." The essay claimed that the charter would promote "Tammany ring government." According to the author, the "Big Four" commission majority would lead an army of "8000 office-holders" to "perpetuate ring control." The name "Big Four" was the name usually applied in the state to the owners of the Southern Pacific Railroad—Stanford, Huntington, Crocker, and Hopkins. The essay claimed that the "machine will hold sway, through the 'Solid Four,' over all departments of the city government and no man's property or liberty will be safe from their reprisals." The Solid Four imagery hearkened back to the 1904 recall, when the

City Council's 'Solid Six' had awarded the *Times* a printing contract although it was not the lowest bidder. The article termed the charter a "dangerous attack on property interests" and an example of "Socialism of the Job Harriman stripe". This rhetoric would conjure up the specter of the *Times* building bombing and Harriman's campaign. The *Times* pulled out all stops, branding the charter a tax-raising, Socialistic machine-maker, and a menace to the city in general.[92]

The *Examiner* also employed the reform discourse to tar the 1912 charter with the brush of machine politics. In its coverage of the Haynes-Williams debate, the paper used "'Solid 4' or 'Solid 6'?" as one of its subtitles. The newspaper repeated charges that the charter would "concentrate too much power in the hands of too few individuals and thereby enable them to build up a greater political machine than Los Angeles ever had".[93] Even the *Herald* would hop on this bandwagon, characterizing charter supporters as "a clique of cunning politicians" whose goal was to "perpetuate a machine which would put the city more firmly in their grip".[94]

The *Express* struck back in kind, depicting the charter's opponents as "Special Privilege and Private Interest". The newspaper stated that the charter was "Opposed by every privilege-seeking corporation, opposed by every enemy of popular government; distorted, misrepresented and maligned by conscienceless agencies that serve the interests while they pretend to serve the people". Earl's paper contended the charter's rivals were "led by interests that have selfish reason to fear any extension of the powers of the people" because "the power of the corporations to exploit the people is reduced". The *Express* recalled the "history of exploitation" by "favor-seeking

corporations and their allies" and saw in the enmity to the 1912 Charter the same motives that led the Espee to counter previous attempts at reform.[95]

On December 4, 1912, the *Times* pointed out that the charter lost in its supporters' own precinct. Even the precinct where supporters Guy Eddie, Mayor Alexander, and Freeholders John R. Haynes, Meyer Lissner and Harley W. Brundige (also editor of the *Express*) resided had rejected the document. Thus, even the "Goo-Goo Strongholds" participated in the charter's defeat. This highlights the close proximity in residency of both progressives and reactionaries. Not all of the newspapers were certain that the charter proposal would fail. Whether out of real concern or out of a desire to scare its readers to the polls, the *Herald* stated that "Political forecasters declare the light vote may result in the charter being adopted". The light vote was seen as "encouraging" to the charter's framers. However, the L.A. Realty Board, the Federated Improvement Association, and the Personal and Real Property Owners League had opposed the charter. The only pro-business group that did not fight the charter proposal vigorously was the Chamber of Commerce, which only took a mild stand against it.[96]

The 1912 Charter had far too few allies. Although Reynold E. Blight, a prominent churchman and the minister of the Los Angeles Fellowship supported the document, he was one of the few prominent people outside the Freeholders board who seems to have done so.[97] In fact, some of the opposition forces formed an Anti-Charter League merely for the purpose of bashing the document.[98] One might suspect that enmity to the charter draft among elite groups would mean support from the

masses. This was not the case. Neither the labor movement nor the Socialist Party endorsed the 1912 Charter proposal. The *Herald* noted "the overwhelming vote cast against it in all the Socialist precincts". [99]

It was only in the strongest Goo Goo precincts that the proposed charter showed any strength, and even in these areas the proposal garnered only lukewarm support. *Herald* owner Thomas E. Gibbon had been one of the leaders of the Free Harbor Fight, but he did not back the new charter. The reform elements that did favor the document apparently made some effort. The *Times* claimed that charter forces had spent "over $20,000 in desperate efforts to shove it through". The newspaper would report gleefully: "Despite twenty automobiles, hundreds of paid workers and tons of literature, extolling the alleged virtues of the proposed charter the voters of Los Angeles went to the polls and smashed it to a pulp".[100] The work of the pro-charter forces may have been a case of too little, too late: "Political observers this morning in analyzing the returns declared that proponents of the charter had turned out almost their full strength, while the stay at homes consisted for the most part of those either opposed or indifferent to the passage of the measure".[101] The *Tribune* noted that the opposition to the charter was general, and "not confined to any particular section of the city or class of the population".[102]

An ecological regression of the results for the 1912 Proposed Charter shows that the charter only received a majority among those who could afford to send their children to college. The more education parents could give their children, the more likely they were to support the charter. The proposal did better among the native

whites of native parentage, although still not receiving a majority; the document was opposed by wards with large numbers of foreign-born whites and native whites of foreign parentage.[103] Of course, the H*erald* did not favor the proposed 1912 Charter, but the newspaper seems to have offered an unbiased assessment in noting in the headline to one of its post-election analyses: "Labor vote heavily against new charter."[104]

It is possible to derive a more detailed understanding of the vote on the 1912 Charter proposal by correlating support for the document with voting behavior in the 1913 primary and general elections. The mayor's race in the 1913 primary election had pitted a Socialist against both a progressive and an independent conservative. Despite his failure in 1911 at the hands of the progressive-conservative fusion, Job Harriman again campaigned to become L.A.'s mayor. He missed a spot in the runoff by less than 1% of the vote (.7%). Instead, the 1913 general election would be a showdown between conservatives and progressives. Because the voting precincts for the 1912 Charter election and the 1913 municipal contests were virtually the same, it was possible to correlate support for the candidates and the proposed charter. The OLS regression indicated that 49% of those who voted for the progressive candidate in the primary had voted for the charter proposal, while only 15% of the socialists and 4% of the conservatives had done so. Similarly, 52% of those who supported the progressive candidate in the general election but only 16% of those who voted for the conservative election victor would ballot in favor of the proposed charter.[105] The

1912 Charter was not popular among those who voted for the Socialist or the conservative, and received only tepid support from progressives.

There is no free lunch, not even in the saloon: one of the puzzles surrounding the 1912 Charter election is how the document managed to alienate so many. Los Angeles County managed to ratify a charter the very same year, making it the first home rule county in the state and the nation at large. The commission plan had been partially written into the existing charter through two 1911 charter amendments, so it would have been difficult to anticipate opposition to the remainder of the Galveston Plan, especially as the plan had been modified to account for L.A.'s size.[106] It is possible that the provisions for public ownership, which were farther reaching than any previously adopted, were part of the problem. Yet if this had been the case, then one would think that the Socialists who favored municipal ownership would have been more supportive. None of the newspapers appears to have noticed how radical the 1912 Charter was in terms of public ownership. There was only one other measure on the same ballot with the proposed 1912 city charter: a referendum on an ordinance banning free lunches in saloons.

In his post-mortem of the 1912 election, Freeholder Haynes argued that the liquor men held the free lunches in saloons measure against the new charter and made special efforts to defeat both. Haynes wrote: "The figures of the vote are very instructive and show that the coupling of the two were matters had much to do with the defeat of the charter."[107] He may very well have been right. The *Times* tied the free lunches in saloons measure to the charter in both its editorials and cartoons. To

some degree, it seems fair to have made such an association between the two votes. Section 5 of the 1912 Proposed Charter allowed annexed territories to maintain their liquor regulations. This was to allow new additions to the city to retain their saloon and liquor control. As Barsness noted in his history of the harbor, L.A. leaders enticed San Pedro and Wilmington to consolidate with L.A. in 1909; one of the key promises that had been instrumental was that the city could provide moral reform. Section 28 of the 1912 Charter proposal established more rigorous provisions regarding liquor licenses and permits. The 1912 Charter dealt with liquor control issues as much as the referendum did, so that it may have seemed natural to consider the two ballot measures in tandem.

The measure regarding free lunches in saloons was a referendum, and the people overturned the City Council decision to end free lunches in saloons by ordinance. As unpopular as the 1912 Charter was, the Council's ban on free lunches in saloons was even more unacceptable to the voters. An OLS regression of support for the two measures reveals that 80% of those favoring the prohibition of enjoyment of food with liquor also supported the charter proposal. Yet only 70% of the charter supporters balloted favorably on the free lunch referendum.[108] Most moral reformers supported the structural reform, but not all structural reformers supported the moral reform. There was close correlation between support for both proposals, and neither ballot item received one-third of the vote, but moral reform garnered a slightly smaller coalition than structural reform. The association between the 1912 Charter and the Free Lunches in Saloons referendum did not redound to the former's benefit.

Haynes also pointed out that the City Council was not entirely in favor of a form of government which would end their positions, and thus they printed the charter poorly. John J. Hamilton argued in his post-mortem that the people were not given sufficient aid in understanding the charter. Hamilton and Haynes were not just indulging in sour grapes rationalization. Haynes had made the same point prior to the election. In his pre-election debate with Haynes, Gesner Williams had pointed out to the audience that the charter "has been dumped upon you without any time to study the question, because you could not get hold of copies of the charter until within the last few days".[109] Haynes apologized for the lateness and the poor printing of the document, blaming them on the City Council and the City Clerk.[110]

The City Council had allocated funds to publish the charter, but it was printed on the back and front of a newspaper sheet, in small type.[111] Board of Freeholders Secretary John J. Hamilton suggested that this printing malfunction was no accident in his post-mortem on the charter that the *Express* published on December 4, 1912. Hamilton argued that:

> The people defeated the charter because they were not given time and opportunity to study and understand it. Its supporters urged that it be indexed, printed in large type, in pamphlet form and distributed in time to give the voters a chance to understand its provisions.
>
> Its enemies at the city hall had it printed in small type, in very inconvenient form and distributed too late for thorough examination by the voters. The people properly resented this shabby treatment and either refrained from voting or cast a majority of their ballots on the protest side.

Hamilton wrote that the next board could address the complaints of "the enemies of good government" as well as the criticisms of "the honest opponents". The editor of the *Express* proved less restrained in his comments, accusing "certain newspapers which deliberately misrepresented the new charter and caused its defeat".[112] The newspaper claimed that the defeat of the new charter was "a step backward" for Los Angeles as a "distinctly...progressive city".[113]

The *Times* characterized the large anti-charter vote as "a surprise even to the leading business and professional men who fought the vicious document during the strenuous pre-election days. The anti-charter leaders were in some doubt as to the ultimate outcome".[114] The *Times* editors celebrated the "rout" of the "Goo-Goo Gangsters," marking it as the "bolt out of the blue" and the "deathknell of the Goo-Goo outfit". Even the precincts where many Bull Moosers and Good Government voters resided had repudiated the charter with their ballots.[115]

The *Herald* stated that "it was admitted in the fight by those who had been active in the fight for and against...that had the vote been heavier the defeat of the charter...would have been all the greater". The progressives must have counted on the low turnout that they had seen in the 1909 and 1911 charter amendment elections. The *Herald* also stated that "[p]olitical observers analyzing the electoral returns this morning declared that proponents of the charter turned out almost their full strength, while the stay at homes consisted for the most part of those either opposed or were indifferent to the measure". The newspaper noted that "in pre-election statements both sides declared the outcome depended on the way the women voted" but "the election

brought out but a very small proportion of female voters". According to the *Herald*, the "apathy of the fair sex toward the election" was "one of the most noticeable features of the balloting".[116]

The *Times* noted on December 4, 1912 that "two out of each five male electors did their duty at the polls and but one woman out of nine exercised the privilege for which they fought so earnestly a year ago." A bivariate regression of support for the 1912 Charter proposal indicates that women were almost six times more likely to vote for the document than men.[117] The correlation of gender with progressivism is not surprising. After all, it was the California Progressives, led by Angeleno Meyer Lissner after the election of Governor Hiram Johnson and his first legislature, who pushed for woman suffrage.

The Progressives seem to have expected that the women would follow them into the vanguard of reform. After all, they had fought against the San Francisco politicians who did not favor the woman's vote because of female support for prohibitionist measures. The 1912 Board of Freeholders featured a woman among its members: Mrs. R.L. Craig. Craig was the first woman included in a Los Angeles charter commission, just as the Progressives placed Angeleno Katherine P. Edson on the state Labor Commission. Women seemed to have reciprocated Progressive support for woman suffrage, but in the 1912 Charter election, their voting participation could not overcome all of the opposition. It is probable that the reform camp's women were no more avid about the 1912 Charter than its men. As the *Herald* stated: "Only

in the strong Good Government precincts did the measure show any strength at all, and in but a very few precincts in these districts was the vote favorable to it."[118]

The 1916 Charter

Despite the failure of the 1912 charter, a general consensus existed in favor of a new charter. Mayor Alexander complained about the buck-passing under the 1889 charter, and the "overlapping authority" it created between Mayor and Council.[119] Haynes undertook new reform efforts and the 1913 charter amendments were a product of his efforts and those of the Municipal Conference Committee.[120] The voters faced 18 amendments in the election, and generally ratified those supported by the Progressives. But many were unsatisfied with merely patching the old charter, and the pressure for a new charter was unrelenting. In 1914, Haynes chaired another charter amendment committee, which proposed the city manager form of government as a solution to the overlapping of executive and legislative functions in the city and concomitant impossibility of placing blame for inaction. The City Council refused to submit the battery of amendments including the council-manager FOG to the voters. Yet another new Haynes committee continued pressuring the City Council until its members scheduled an election to select a charter commission.

The Freeholders would communicate the need for a new city charter in their official minutes: "This Board of Freeholders was elected in recognition of the fact that the charter under which the city has been operating for the past twenty-five years, during which time Los Angeles has increased from a city of 50,000 to one of more than 500,000, has been outgrown, the numerous charter amendments having destroyed

all semblance of unity." With the massive annexations of territory to the city, as well as its growth through attracting population, Angelenos found that the charter had become obsolete.[121]

The 1915 Freeholders: on May 28, 1915, the voters again trooped off to the polls to choose a Board of Freeholders. This time, the Council did not arbitrarily place a single group of 15 Freeholders on the ballot for public ratification, but rather allowed a primary so that the voters would have more choice in the matter. The 1915 Board of Freeholders included former city officials; William C. Mushet had served both as City Auditor and as a member of the Charter Revision Commission from 1906 to 1909. Previously, Mushet had been elected on the Democratic Non-Partisan Ticket in 1906; in the 1909 mayoral primary he split the 1909 Republican vote with George Smith, effectively aiding the Goo Goos in electing Alexander.

The Freeholders also included Harry Andrews, D. Joseph Coyne, George W. Downing, William H. Harrison, Raymond W. Heffelfinger, and John S. Mitchell, none of whom had previously held elected office. Freeholder George H. Dunlop had been the last Mayor of Hollywood before that city surrendered its status as a municipal corporation and consolidated with Los Angeles in 1910. Dunlop had served on the Municipal Newspaper Commission from 1909 to 1913 and on the Municipal Annexation Commission from 1913 to 1915. Professor Charles Edwin Locke reprised his role from the 1912 Board of Freeholders by serving on the 1915 Board; Locke had been a member of the 1911 CRC. Of course, the redoubtable John R. Haynes would again be a Freeholder.

Thomas E. Gibbon, the former *Herald* owner and Free Harbor Fight leader served on the board; he had also been a Police Commissioner from 1896 to 1898 and a Harbor Commissioner from 1906 to 1913. Samuel C. Graham, the chair of the 1909 Recall Campaign Committee, was on the board; he had served on the Police Commission from 1906 to 1909 and as a Public Service Commissioner from 1911 to 1915. Graham had also been a member of John R. Haynes' 1913 People's Charter Conference that wrote the 1913 amendments, a former Good Government Organization President, and namesake of the Graham Plan which countered the Mulholland Plan for distribution of the aqueduct water.[122]

Board member William M. Humphreys had served on the Park Commission from 1904 to 1909, the Board of Public Works from 1906 to 1913, and the City Planning Commission from 1909 to 1911. Charter commissioner Dr. Milbank Johnson, had served on the Board of Health from 1902 to 1904 and on the Municipal Charities Commission from 1911 to 1917. Finally, Freeholder Haines W, Reed had been a councilman from 1911 to 1915; he had been elected as a candidate of Haynes' and Earl's People's Campaign Conference.[123] Seward C. Simons would fill the Secretaryship of the Board.

At least five of the Freeholders represented the leftist side of the city's political reform movement. Downing was a prominent Socialist, Reed and Bryant had both been People's Conference Committee Council candidates, and George Dunlop and Haynes leaned leftward in their reform aspirations. Scott was a more moderate reformer, and had run on the Municipal Conference Committee ticket for the Board of

Education.[124] According to a historian who had the opportunity to interview a few of the surviving Freeholders, John R. Haynes and George Dunlop were the most important members of the 1916 Board.[125] The Board of Freeholders completed their charter draft and filed it with the City Council on December 8, 1915. However, this was too late for an election in 1915, so the vote was put off until June 1916.

The Contents of the 1916 Charter

The 1916 Charter would have retained the basic mayor-council system, complete with all three branches of government. In terms of the executive branch, the document followed the precedent of the 1889 Charter and the California Constitution, establishing a plural executive. The voters would elect a Mayor, a City Attorney, a City Controller and a City Prosecutor. The 1916 Charter retained the separation of the city's civil litigation and criminal prosecution functions that had existed since 1911, yet made the City Prosecutor and elected rather than appointed official. Yet another important change to this plural executive would be the proposed reduction in size to only four elected officers. This innovation followed the Progressive Era preference for a short ballot with fewer elected officials.

In terms of the judicial branch, the 1916 Charter continued to authorize the public to elect municipal court judges. Until the California legislature reorganized the court system in the 1920s, it was typical for city charters to lay out the details for electing the city's judiciary. In terms of the legislative branch, the 1916 Charter maintained the system for electing the city's two policy-making bodies. The City Council would remain a 9-member body, elected at-large, as was established in 1909,

and would remain constrained in terms of acting under conflicts of interest, as was the case since 1904 (Section 19). The Board of Education would continue to include seven members elected by the entire city, as had been the case since 1903.

The framers of the 1916 Charter would propose keeping much of the city's form of government at the status quo. One significant change was the lengthening of terms of office from two years to four years, but the city's elections would occur every two years, electing half of the government in one election and the other half in the next. The 1916 Charter made the Clerk an appointee rather than an elected official. Likewise, the City Superintendent of Schools, the Commissioners and Directors of all Departments would be appointed. The Board of Education would appoint the schools chief to a four-year term with a "for cause" standard of removal.

Otherwise, the city's appointment process gave the Mayor authority to appoint and remove, subject to Council confirmation of both decisions. The Chiefs of Divisions would be appointed by the Department Director or by their managing Commissions. The only variation upon this was that for appointing the Fire and Police Chiefs, the Director of Public Safety could appoint anyone from within these respective departments without civil service input, but needed to use the civil service system to appoint anyone outside the departments.

Six departments were headed by directors: Finance, Harbor, Public Safety, Public Service, Public Utilities and Public Works. The other six departments were to be headed by Commissions: Civil Service, Library, Municipal Art, Parks, Public Welfare and Recreation. The elected City Controller would oversee the Department of

Finance. The formerly elected Assessor and Treasurer would be appointed division chiefs under the Department of Finance. The structure of the 12 departments and 21 divisions resembled nothing so much as the Chandlerian model of the modern multidivisional business corporation.[126] The staff and line agencies were carefully separated so as to create a rational and businesslike structure. The 1916 Charter retained the grouping of administrative departments into Council committees, so as to retain the 1911 Charter amendment structure which had copied the commission plan.[127] The system also accorded investigative authority to the Mayor, Controller, Clerk, Council, Department Directors and Commission Presidents.[128]

Structural Reform: the 1916 Charter proposed strengthening the city's merit system. First, the Civil Service Department could not allow political solicitation.[129] Second, the Board of Education was to set up its own merit system.[130] Third, the Charter aimed to standardize salaries through an Advisory Board, which was to include all of the elected executives, the six Department Directors and the Presidents or Vice-Presidents of the six managing Commissions. This board would meet monthly to create regulations and salaries schedules of all departments for submission to the Council. This would attempt to create rational order, as well as ensure that there would be no disparity between departmental personnel. This would likely have been assisted by the charter proposal's Bureau of Efficiency.[131] Yet not only the integrity of the city's workforce would be targeted by the 1916 Charter framers; they also sought to insure the contracting process would be protected. The new charter

mandated that any contracts awarded in violation of the authorized bidding process be voided.[132]

The 1915 Board of Freeholders sought to make an enormous improvement to the city's financial processes. Of course, the election of the City Controller would provide a check on mayoral authority, as many of the other members of the plural executive would become appointees. More importantly, the charter framers brought state-of-the-art budgeting procedures to their charter proposal. The charter proposal required the city to create an annual budget, put together by a Committee of Estimate consisting of the Mayor, Controller and Council President.[133] The articulated budget process also included a Mayoral line-item veto.[134] The process mandated greatly resembles the one that the New York Bureau of Municipal Research recommended, and ended up setting up for New York and the nation as a whole.[135]

Boroughs would be entitled to a share of the taxes, licenses, fines and departmental receipts collected within their boundaries. Boroughs were to have their own DPW and taxing power, but an area could not become a borough unless its geography put it in certain areas or it became part of the city at specified times. The way the language was drafted, the Harbor and San Fernando Valley could have formed boroughs, but Hollywood and some of the Westside would not have been allowed to do so. This is because boroughs were forbidden in areas north of Manchester Avenue, unless they had become part of the city after January 1, 1915.[136] The boroughs could have elected boards, holding regulatory and prohibitory power, as well as authority over streets and public improvements. The boroughs would have

some discretion over city funds spent within their boundaries: "The Council may grant further financial support to any borough or Borough Department of Public Works shall not be required to expend its borough fund for the purposes for which the fund is apportioned in the same proportions that the City Department of Public Works expends its corresponding funds, but each Borough Board may apportion the borough funds to the various branches of municipal government and work conducted by said borough as in the judgment of the Borough Board, the needs of the borough most require."

The proposed charter also contained special provisions for agricultural boroughs, which were probably tailored to areas like the San Fernando Valley: "Should the Council determine that the territory within any borough is essentially agricultural and not urban, then the Council shall designate such borough as an agricultural borough, and a portion of the annual taxes paid by such borough for the general municipal purposes of the city, exclusive of bond fund taxes, shall be expended for such purposes as the special needs of the borough requires, as hereinafter set forth, and not necessarily for the same purposes or in the same proportions as the corresponding taxes of the urban sections of the city are expended." The boroughs would not be treated with one-size-fits-all government, but rather could acquire city assistance more appropriate to the special needs of their citizens.

Some other structural reforms seemed important to the Freeholders, but the Board could not achieve consensus on them. Therefore, they placed four alternatives on the ballot, to allow the public whether to adopt these reforms. Alternative 1 would

have created Business Manager of Departments, but not allowed that officer to be identical to a City Manager. This is because this manager would not control civil service, library, parks, playgrounds, public welfare or any department under an elected official. [137] Alternative 2 would have given all elected officers two-year terms rather than four years. Alternative 3 would have restored the city's 9 council districts, and provided that districts contain equal voters, be contiguous and compact, following natural or street boundaries.[138] Alternative 4 would have created a PR council, with participation by groups. The Freeholders asked the public to reach a consensus on some difficult issues that even its own members could not agree.[139]

Social Reform: the 1916 charter proposal established a Division of Employment in the Department of Public Welfare; the Chief of the Division would head the Free Employment Office. The document also mandated a Division of Legal Aid, which would be headed by the City Public Defender. The Department also included a Division of Humane Treatment of Animals and a Division of Research and Social Benefit, designed to research "into the causes of poverty". Finally, there was a Division of Housing, indicating the reformers' early interest in shelter for the less fortunate.

The Department of Civil Service was required to use "lists of the Municipal Free Employment Bureau" in order to fill the city's needs for unskilled labor (Section 143). The department would grant civil service credits for the veterans of the Civil War, the Spanish-American War, the Philippine Insurrection and the China Relief Expedition. However, the veteran would only be chosen if he had received the same

score as the other candidate; it could be used only to break a tie (Section 144). The 1916 Charter did not include the extensive provisions for the purchase and operation of public utilities that the 1912 Charter had contained. However, the charter document would have rescinded the public's 1913 vote to abolish the municipal newspaper.

The 1916 Charter Proposal did not include the extensive authority for public ownership of municipal businesses that the 1912 Charter had allowed. The document would not have allowed the city to enter practically any enterprise that L.A.'s leaders took a fancy to operating. The public's tolerance for city entry into novel areas had been tested by the brief experiment with the Municipal Newspaper. The *Times* savaged the public periodical during its entire existence. Perhaps the *Times'* opposition sprung from fear of competition with a city-subsidized entity, or it may have derived from the editors' and publishers' legitimate concern about public ownership of a media outlet. A look at the Soviet Union's Pravda could allow a present-day observer to sympathize with the issues the *Times* raised on this score.[140] The voters had ultimately abolished the municipal newspaper with a 1913 charter amendment. That amendment would forbid the city from ever repeating this experiment without public approval. Although the 1915 Freeholders did not include the language of the anti-Municipal Newspaper amendment, the Board got the message, and did not so radically extend the city's powers to accomplish social reform as the 1912 Freeholders had tried to do.

Moral Reform: the 1916 Proposed Charter continued in effect the Department of Municipal Art. The Commission managing this Department would

have control of "all paintings, mural decorations, inscriptions, stained glass, statues, bas-reliefs and other sculptures, monuments, fountains, arches, gates, lighting fixtures and other structures and accessories of a permanent character intended for ornament or commemoration." Without majority approval by the Commission, none of these could "be erected or placed in or upon, or allowed to extend in, over or upon any municipal building, street, avenue, highway, stream, lake, square, park or other public place or ground belonging to or under the control of the City of Los Angeles." The Commission could even "require a complete model of the proposed work of art to be submitted" before allowing it to be commenced. This would allow the Municipal Art Commission to censor any artwork deemed inappropriate.[141]

If the Municipal Art Department might use its authority to remove temptations to vice, other institution created by the charter proposal would allow control of liquor. The charter proposal would have established an Excise Board, consisting of the Mayor, the Director of Public Safety and three other individuals appointed by the Mayor with Council confirmation. This board would grant liquor permits, but deny them to any business "conducted in an illegal, disorderly, or improper manner".[142] Even gambling could be addressed by the 1916 proposed Charter. The document provided the city wide latitude in terms of promoting public morality, allowing Los Angeles:

> (4) To provide, by purchase, lease, condemnation, construction, or otherwise, and to establish, own, equip, maintain, conduct and operate…any and all buildings, establishments, institutions and places, whether situated inside or outside of the city limits, which are necessary or convenient for… promoting the health, morals, education or welfare of the inhabitants of the city….

> (8) To make and enforce within its limits such local police, sanitary and other regulations as are deemed expedient to maintain the public peace, protect property, promote the public morals or to preserve the health of its inhabitants.
>
> (9) To exercise the jurisdiction outside the limits of the city, and not within the jurisdiction of another municipality, in order…to control or prohibit unwholesome, immoral or offensive businesses or establishments….
>
> (11) To suppress and prohibit prizefights, any and all forms of gambling, fraudulent devices or practices, and all games of chance and gambling houses or places; and to authorize the confiscation and destruction of all instruments used for gambling, and all articles or goods held, or kept or offered for sale, contrary to law; also to suppress and prohibit any and all obnoxious, offensive, immoral, indecent, disreputable or disorderly houses, practices or places of business.[143]

The Los Angeles Police Department would be authorized to enforce the city's ordinances, and the City Prosecutor could ensure that the city need not rely upon the County to prosecute crimes against the Progressives' sense of moral propriety.

Developmental Reform: The 1916 Charter maintained and extended the 1913 Charter's provisions for development. The charter proposal extended the public authority laundry list out to 80 subdivisions containing 9285 words. The original 1889 Charter's list of city powers had included 24 sections containing only 815 words.[144] Moreover, the 1916 Charter proposal extended the powers of the Public Service Department to provide water and power, and the Harbor Department's authority to develop the city's port.[145] Just as the 1912 Charter proposal had done, the 1916 Charter draft restrained the transfer of harbor property: "Of the water frontage of Los Angeles Harbor ten thousand (10,000) feet…is hereby forever reserved for public purposes by said city to be improved, owned, controlled, maintained and operated by said city." The charter proposal would essentially have maintained the developmental

reforms that had been brought into the city charter from 1902 to 1913, but would have helped to protect these provisions by creating a clarity absent from the patchwork that resulted from a half-dozen elections at which voters had addressed 83 amendments.

The Fate of the 1916 Proposed Charter

The proposed 1916 Charter represented far less of a break with the past than contemplated by the failed 1912 Charter proposal. The document would have continued the basic FOG with most of the same officers as was the status quo. Given the fairly modest changes proposed to the charter existing at the time, it is difficult to understand why there was so much opposition to the proposal. As journalist Reuben Borough would note in a retrospective on the 1916 charter proposal: "The charter that board drafted failed owing to the attacks of the reactionaries, but more than one-half the changes proposed have since been incorporated in the present charter."[146]

The Hearst's *Examiner* and *Herald*, and Earl's *Tribune* and *Express* all favored the 1916 charter proposal.[147] Harrison Gray Otis and Harry Chandler's *Times* opposed the new proposed charter. The anti-*Times*, pro-labor *Record* printed regular articles for and against the charter, taking no stand on the document.[148] On May 26, 1916, a reader wrote to the *Record* complaining that the charter proposal increased salaries for the elected officials rather than laborers. The editor replied that the new charter was "generally an improvement" although it "does not take care of the workers as it should have done".[149] For a pro-labor paper to make such a statement may have been the kiss of death for the charter proposal. The *Record* disapproved the document's "complexity, prolixity and obliqueness".[150]

Another letter to the editor of the *Record* took issue with the fact that only one freeholder from among the document's 13 signers lived east of Figueroa and south of Adams. This writer recommended that the people wait for "a charter that is compiled by all sections of the city" so they could get a dogcatcher east of Main Street.[151] The north and west sections of the city were wealthier than the general public, and the humbler readers of the *Record* had not failed to notice labor's absence of geographical representation in the city's leadership since the reformers had achieved power in L.A. On the day before the election, the *Record* wrote that "Were it not for the opposition of the *Times*, probably the charter would be defeated decisively, but with that inducement thrown into the balance, the charter may pass. If it does no great harm will be done; nor will much of public value be lost if it be defeated".[152]

Because the *Record* was the city's most left-leaning newspaper, its neutrality probably damaged the charter's chances for votes from labor. The Freeholders gave talks supporting the charter before various civic, fraternal and social organizations. The charter's allies also distributed pamphlets attributing opposition to the new charter to special interests and party bosses.

Building a Reform Constituency: unlike the 1912 charter proposal, the 1916 document did enjoy the support of a coalition. The Chamber of Commerce, the Realty Board, the Central Labor Council, the German-American Alliance, the Municipal League, the Union League, the Fire Underwriters' Club, the Hollywood Business Men's Club, the Los Angeles Typographical Union, the Hungarian Civic League, and the Jewish Civic League had all backed the document.[153] The 1916 Charter framers

counted four business organizations, three labor organizations, three ethnic organizations and a reform organization among the supporters of their handiwork. The Los Angeles Realty Board had opposed the 1912 charter, along with the Federated Improvement Association. The Chamber of Commerce seems to have opposed it the 1912 proposed charter, although the body appears to have remained neutral. The 1916 Charter framers brought businessmen into their coalition, although the Federated Improvement Association still opposed it.[154]

A demographic analysis of the vote for the 1916 charter indicates that the measure received lukewarm support from those native whites born of native parents, just as had the 1912 charter. The document did not garner any support among first- and second-generation immigrants. Those who sent their children through senior high school and college apparently voted for the document. Upper- and upper-middle class voters found the 1916 charter much more palatable than its 1912 counterpart. Working-class voters rejected both the 1916 charter and ballot alternative number one enacting the modified city manager FOG. However, workers strongly supported the charter alternatives creating shorter terms, as well as those providing that the Council would be elected by districts or at large. All three of these measures would likely have enhanced the representation accorded to workers, who saw few local legislators elected from their neighborhoods since the 1909 imposition of at-large Council elections. If the charter were to pass, against their votes, then they intended to benefit as well.[155]

Aside from the debate over the four alternative propositions, the reformers appear to have reunited their coalition. Fourteen of the "best known club women of the city" spoke out favoring passage of the charter, including Mrs. Shelly Tolhurst and Miss Lloy Galpin, both of whom would later play a prominent role in the campaign for the 1925 Charter.[156] An analysis of the gender patterns of the vote for the 1916 charter indicates that women were even more supportive than they had been in 1912.[157] It is clear that progressives generally supported the charter proposal, but how did it fare among Socialists and conservatives? Again, it is useful to compare voting on the 1916 charter to voting on the 1913 mayoral election. An ecological regression of support for the 1916 proposed charter upon voting for the 1913 mayoral candidates indicates that the reformers expanded support for a new charter among Socialists, but not by much.[158] In addition, the 1916 proposal outperformed the 1912 measure by 13% among conservatives, although still by far less than a majority. Most notably, the progressive forces had combined forces to support the proposal by over a three-fifths margin.

It is also important to ascertain whether the compromises that the 1915 Board of Freeholders made to secure a more popular document had weakened the core constituency for reform. A regression of support for the two charter proposals indicates virtually unanimous support for the 1916 Charter among those who had balloted favorably on the 1912 proposal. While only 68% of the pro-1916 Charter voters had supported the 1912 proposal, 93% of those who had voted for the 1912 charter would also favor the 1916 document.[159] The proponents of charter change

managed to maintain almost all of the support that the 1912 commission plan charter had achieved, while adding the approval of an additional 10% of the electorate.

Ephemeral Issues and Reform: Just as in the case of the 1912 Charter proposal, the 1916 proposal seems to have fallen victim to association with desultory matters. The 1916 Charter ballot was a crowded one, including several other measures. In addition to the charter alternatives, the voters faced decisions on whether to annex Westgate, create a municipal telephone system and repeal the two-platoon Fire Department ordinance.

The two-platoon measure appears to have been the most significant issue accompanying charter change on the ballot. The Mayor and Council had passed an ordinance moving the Fire Department to a two-platoon system in order to better conditions for the firemen. Some were angered by this change and began an initiative petition to repeal the two-platoon fire department ordinance. The firemen worked very hard to defeat the referendum that would have repealed the two-platoon system, and succeeded in retaining the gains they had won from city officials. Although the correlation is not statistically significant, it does appear that those who supported the charter proposal did not support the firemen's goals. It is very possible that the firefighters returned the favor and encouraged a blanket "no" vote in the election. The only successful measure on the ballot was the Westgate annexation, which passed with 55% of the vote. Only 43% of the voters supported the charter, 36% the City Manager alternative, 46% the two-year term alternative, 51% the district election proposal, 38%

the Proportional Representation City Council, 43% the telephone bond proposal, and 34% the Two-Platoon Fire Department repeal.[160]

The public did narrowly favor the alternative which would have provided for electing the City Council by districts. Because the voters rejected the charter itself, the district elections measure would also fail. The placement on the ballot of four alternatives gave the voters choice, but may also have created confusion. The division of the coalition among the various reforms split the charter support.

By putting alternatives 3 and 4 on the ballot, the charter framers permitted the public to vote for specific measures, but the demographic analysis reveals that those who wanted proportional representation and district representation did not want the charter itself. Had the Board of Freeholders put these items within the proposed charter, they might have coerced the public into a compromise. If they wanted district or PR elections for the Council, then they would have to accept the whole document. By making these separate items, the Freeholders gave the public the appearance of having their cake and eating it, too. Unfortunately, the voters may not have appreciated that if they voted for the district elections alternative, but not the charter proposal to which they were attached, they would get nothing at all. The charter framers left to the public the compromise they could not arrive at themselves, and that is usually a recipe for failure. The whole point of republicanism is to allow representatives to make the compromises the public could not make in the absence of deliberations in a collective body.[161]

John R. Haynes' post-mortem blamed the failure on the two-platoon proposal. The Municipal League had sponsored the referendum to repeal the two-platoon ordinance.[162] Perhaps there were hard feelings, even though Freeholder Joseph Coyne who strongly supported the charter chaired the Citizen's Two-Platoon Committee. According to the *Examiner*:

> The firemen triumphed, apparently not only because the general sympathy of the public was with them in their fight against a return to the old one-shift system, but because they had a most effective campaign organization. At least one fireman picketed every precinct to see that no voter went to the polls unsolicited. Also it was reported that firemen had an agreement for the support of the police department. The solid police vote went for the firemen yesterday, according to this report, because the firemen had agreed reciprocally to vote solidly with the police on the latter's contemplated campaign for a general increase in pay.[163]

The fire department's organization must have been a strong one, since there were nearly 700 precincts, and the city's entire workforce consisted of only 4000 employees. On the day after the election, the *Tribune* noted that "Firemen and others favorable to the two-platoon system were busy all day in an effort to defeat the repeal of this initiative ordinance...".[164] Others involved in the 1916 election made other items their priority. The municipal ownership advocates were disappointed on the telephone bonds vote, which would have allowed a municipally owned phone system. Charles H. V. Lewis, the chairman of the Executive Committee of the People's Municipal Telephone League, promised to continue the fight.[165]

The variety of clearly associated issues as well as ephemeral matters on the ballot made for a complicated election. The *Examiner* opposed the repeal of the two-platoon Fire Department, but had supported the charter.[166] The newspaper also

favored the telephone bonds; given that it was owned by Hearst, the newspaper usually endorsed proposals for municipal ownership (6-4-16). In its ballot recommendations, the *Examiner* would back alternatives 1 and 2, but took no stand on 3 and 4.[167] The *Herald* did not take a stand on alternatives 3 and 4, but had recommended public approval of the charter and alternatives 1 and 2. The only difference between the ballot recommendations of these two democratic newspapers was that the *Herald* failed to take a position on the telephone bonds.[168] The *Tribune* favored the charter and alternatives 1 and 2, opposed 3, and took no stand on 4; this newspaper opposed telephone bonds and took no position on the two-platoon repeal.[169]

To add to the difficulties of the 1912 proposed charter, the document did not meet with approval by all of the Freeholders. Board members Mushet and Humphreys refused to sign the charter and spoke publicly against it.[170] Two days before the election, Humphreys published a letter in the *Times*, airing the Freeholders laundry for all to see: "At the fourth meeting of the Board of Freeholders it was realized that progress was impossible, there being three separate groups with absolutely divergent opinions, in addition to Dr. John R. Haynes and Dr. Milbank Johnson, and it was openly agreed that an attempt should be made to put through a programme by caucus. To that end numerous combinations were made, and by jockeying and trading the task was finally accomplished."[171]

Humphreys pointed out the political wrangling on the document, but more importantly questioned the suitability of the charter, writing that "Los Angeles is the

experimental station for all governmental fads." He also complained about the charter's obscured responsibility, with appointees selecting appointees. He tarred the 1916 Charter with the brush of the forestalled 1914 charter amendment election and the 1912 Charter proposal: "It is a singular fact that the majority of the men actively advancing the proposed new charter are the same men who two years ago tried to foist on this community a manager form of government and who four years ago attempted to give us a commission form of government, and I doubt not that the same individuals will attempt in another two years to give us some other form of government."[172]

Approval was "practically unanimous" among the other thirteen charter commissioners, but the lack of consensus on key matters had produced the four alternatives.[173] The wider community of progressives also included some dissenters. Reform Mayor George Alexander would denounce the 1916 Proposed Charter in an essay printed in the *Times* a few days before the election.[174] Even long-time developmental reformer William B. Mathews, the Special Counsel to the Water Board, would speak out against the new charter.[175] Division among the ranks did not aid the 1916 Charter framers in securing public approval of their proposal. Unity would have been critical in that particular election because of the way in which the two-platoon Fire Department repeal raised the turnout. The reformers might have been able to assemble a minimal winning coalition in a plebiscite featuring lower participation. But the other issues on the ballot ensured great interest, and the pro-charter forces possessed neither the unity nor the zeal of the firefighters.

Try, Try Again: The 1925 Charter

As before, the failure of a new charter did not end pressure for charter change. Almost four months after the balloting on the 1916 charter proposal, the city's voters participated in yet another charter change election. On October 24, 1916, the public again addressed a battery of charter amendments. The voters would amend the charter in elections held in 1918, 1920, 1922 and 1923. Despite continued success in ratifying patchwork amendments, the city's reformers were unhappy with the charter in its crazy-quilt form. All of the city's newspapers were clamoring for a new charter adequate for L.A.'s governance.[176]

In 1923, the Chamber of Commerce and the Municipal League led the charge for a new city charter. Fourteen civic organizations and clubs were represented on the Charter Study Committee that the Chamber of Commerce formed: the Automobile Club of Southern California, Chamber of Commerce, Municipal League, Bar Association, Women's City Club, Friday Morning Club, Ebell Club, Builders Exchange, Business Men's Cooperative Association, Central Labor Council, Men's City Club, Merchants and Manufacturers' Association, Los Angeles Clearinghouse Association, League for the Betterment of Public Service. The Charter Study Committee included fourteen of the fifteen freeholders that would be elected to the 1923 Board of Freeholders. Only John R. Haynes would win election to the board from a position outside of the Charter Study Committee.

Charles A. Baskerville was a member of the Municipal League, president of his own auditing company, and a former City Tax and License Collector.[177] Percy H.

Booth was a "prominent LA businessman" and a 36-year resident. E.P. Clark was a representative of the League for the Betterment of Public Service and a member of the City Planning Commission. Robert M. Clarke was the senior Vice President of the Los Angeles Bar Association, a member of the California Assembly from 1901 to 1903, a judge of the Ventura County Superior Court, and Vice-Chair of the Republican State Central Committee. John S. Horn was secretary of the Central Labor Council, but "conservative" according to the *Times*. Henry Keller was president of the conservative Automobile Club of Southern California.

William Mead was a representative of the Chamber of Commerce and president of the City Planning Commission. Orra E. Monnette was a representative of the Businessmen's Cooperative Association, a member of the Municipal Annexation Commission and Municipal Consolidation Commission, president of the Board of Library Directors, president of the Bank of America and a 12-year resident (he had opposed the proposed 1912 Charter publicly in the *Times*). Watt L. Moreland was the representative of the Merchants and Manufacturers Association, former president of the Chamber of Commerce, a successful manufacturer (owned a trucking company), and a 20-year L.A. resident. Nathan Newby was president of the City Club, a lawyer, and a 28-year city resident.

In addition to these ten men, the *Times* endorsed three women who won positions on the 1923 Board of Freeholders. Ida I. Bellows was a representative of the Los Angeles Ebell Club. Dora O. Stearns was a representative of the Woman's City Club. Josefa H. Tolhurst was the 3-time president of the Friday Morning Club, a

member of the Board of Library Directors and State Council of Defense, and president of the Woman's City Club. The only two Freeholders elected who had not been endorsed by the *Times* were Haynes and Franklin Howell. Haynes was described as a "millionaire Socialist," but his qualifications were listed: he was a member of the Board of Public Service Commissioners, 12-year member of the Board of Civil Service Commissioners, a U.C. regent, and a member of former boards of freeholders who had caused their downfall. The *Times* also opposed the election of Howell, but the article described him as a well-known engineer, former Chief Engineer of the Board of Public Utilities, a member of the Municipal League, and a Traffic Commissioner.

Most of the candidates for the 1923 Board of Freeholders could sit back and allow the Chamber of Commerce to work for their election. John R. Haynes did not enjoy that luxury, and conducted a vigorous campaign to ensure that he would be among the members of the Board. To that end, he conducted a media blitz, sought endorsements from all the groups from which he had associated over the years, and put together an impressive race for office. His years of working for power bond campaign committees had made him a master of running for office in a town without traditional political parties which could be harnessed. It is fortunate for historians that Haynes kept incredible records involving his candidacy for the Board. He even put together a detailed battle plan that he would execute artfully in his election:

> John B. Elliott:
> To send a letter signed by McAdoo, Lloy Galpin and other prominent Democrats, if he thinks it proper, to a large number of Democratic voters in Los Angeles, urging them to vote for J.R.H.

> If they will recommend the ticket for both council and freeholders so much the better.
>
> Church Federation:
> Get Stevenson, Executive Secretary, and if possible Hugh Walker the President of the Church Federation to send a letter to every minister in town urging them to vote for J.R.H.
>
> Colored People:
> See Mathews, Driver, Saunders, and Titus Alexander to arrange for a ticket for council and freeholders that will interest the colored people.
>
> School Teachers:
> Through Newton send a letter to every school teacher in Los Angeles signed by one or more members of all the opposing factions among the teachers. Letter to give platform of M.O. ticket and contain an endorsement of an entire ticket.
> ? To touch on charter provisions re school board?
> If this cannot be done send circular Haynes on Board of Freeholders.
>
> Parrott:
> If he will not work for anybody but myself, he is to put the full machine in working order for a vigorous campaign. All expenditures to be met by Parrott.[178]

Kent Kane Parrott was a reputed boss in Los Angeles politics during the 1920s. In 1923, he seems to have been at the height of his influence in local politics. Although Haynes was a reformer, he was Machiavellian in his pragmatism.[179] In order to secure his election to the 1923 Freeholders Board, Haynes pulled out all of the stops, and ran a campaign that could serve as a model for candidates in cities where interest group and media-dominated politics have replaced traditional party structures.[180]

In the end, Haynes acquired endorsements from over 31 different groups. His endorsers included the *Examiner*, *Express*, *Record* and some other small newspapers, the Municipal League, the Central Labor Council, the Civic Endeavor Association, the California Citizens Civic League, and two different municipal ownership

organizations.[181] A committee of prominent Democrats sent out postcards endorsing Haynes' candidacy, and he appears to have formed a Los Angeles County Republican Association for the purpose of backing his election. The organizations that supported Haynes' candidacy were as diverse as the American Patriotic League, the United Societies of German-American Citizens and the Steuben Society, the National Anti-Blue Law Committee, the Young Men's Afro-American League, the War Veterans League, the Young Voters' Republican League and the National Independent Spiritualists Association.

Haynes needed all the help he could get, as some of the newspapers in the campaign were accusing him of seeking a "charter which will carry all the frills of radical and experimental government." One newspaper wrote: "If Doc Haynes and his associated radicals are elected and submit the charter Los Angeles will face a menace that will endanger its future growth and prosperity. This must not happen. Los Angeles must expand and grow into the greatest city in the United States. No gang of radicals will be permitted to hamstring the forward progress of the city."[182]

John R. Haynes also tried to influence the election of other members of the Board of Freeholders. In a personal and confidential missive to the editor of the *Los Angeles Ledger*, Haynes worked to secure the Municipal League's endorsement of candidates Arthur Kennedy and Roy Malcolm over William Mead and Robert Clarke. Haynes ended the letter with the instruction: "Of course you understand that you are not to use my name in connection with any of these suggestions."[183] Clarke and Mead

became Freeholders, and the latter would insist on changing the name of the Public Service Department to the Department of Water and Power.[184]

Once he had secured his own election on the M.O. (Municipal Ownership) ticket, Freeholder Haynes worried most about his fellow charter commissioners' positions regarding the Department of Public Service. Haynes was optimistic because even though the *Times* had gotten its wish in terms of the identities of 13 of its 15 candidates, the Board of Freeholders did not oppose public power the way that newspaper's publisher traditionally had. In reviewing his own list of likely freeholders, Haynes listed six as "firm friends of the municipal power department": Howell, Haynes, Horn, Tolhurst, Baskerville, and Newby. Haynes categorized three other members—Moreland, Stearns, and Bellows—as "believed to be friendly".[185] Given that there were 15 board members, Haynes was fairly sure of a majority on public power issues. He need not worry that E.P. Clark was a member of the Peoples Economy League, whose main purpose was obstructing the Public Power League.

The people elected a board consisting of individuals who had served or would in future serve in official city positions. Charles A. Baskerville served as City Tax and License Collector from 1917 to 1919. Ida I. Bellows was a member of the Housing Commission from 1917 to 1923. E.P. Clark served as a member of the City Planning Commission from 1919 to 1925. Robert M. Clarke would later serve on the Harbor Commission from 1925 to 1929. Haynes had served several stints as a charter commissioner, as well as on the Civil Service Commission from 1902 to 1913, and as a Public Service Commissioner from 1919 to 1925. He would later serve on the Water

and Power Commission from 1925 to 1937, and as an MWD Director from 1927 to 1931 and 1935 to 1937; only Haynes' death in 1937 ended his service to the allies of public power.

John S. Horn was a Civil Service Commissioner from 1923 to 1927, and would serve on the Board of Public Works from 1925 to 1931. Howell was the Chief Engineer of the Railway Department from 1913 to 1915, Chief Engineer of the Public Utilities Commission from 1915 to 1919, and would later serve on the Water and Power Commission from 1935 to 1939. Henry Keller was a Parks Commissioner from 1913 to 1917. William Mead was a Water Commissioner from 1902 to 1909, a member of the Charter Revision Committee (1906 to 1909), a member and current (1923) president of the City Planning Commission from 1919 to 1925, and would later serve as a Municipal Housing Commissioner from 1925 to 1929. Orra E. Monnette was a member and current (1923) president of the Board of Library Directors from 1913 to 1925, a Municipal Annexation Commissioner from 1913 to 1917, a City Planning Commissioner from 1919 to 1923, and would serve as a Library Commissioner from 1925 to 1937.

Watt L. Moreland would later serve as a Director of MWD from 1927 to 1929 and as a Water and Power Commissioner from 1935 to 1939. Dora O. Stearns served as a City Planning Commissioner from 1919 to 1925. Josefa H. Tolhurst was a member of the Board of Library Directors from 1909 to 1915.[186] In sum, six members were concurrently serving on other boards and commissions, four members had previously served on other boards and commissions, two members would later serve

on city boards and commissions, and one member had been elected to a city office unrelated to charter revision. Thirteen of the 15 board members had either already served, or would later serve, the city in another capacity. Judging from their prominence in the community and endorsement by most of the city's newspapers, the board included in the main people who would not likely support fundamental change in the structure of the city government in either a radical or reactionary direction.

Not all were happy with the composition of the Board of Freeholders. A conservative columnist had argued against the selection of the "radical" Haynes and for the selection of "responsible" Judge Robert Clarke:

> Two tickets are in the field and from the thirty candidates nominated 15 will be elected to draft the charter for submission to the voters. Judge Robert M. Clarke heads one ticket and Dr. John R. Haynes leads the other. Judge Clarke stands for the construction of a sane, simple, elastic charter. Dr. Haynes stands for a charter which will carry all the frills of experimental and radical government.
>
> In other words: If Judge Clarke and his associates draft the new charter it will be a tremendous factor in the growth and upbuilding of Los Angeles. If Doc Haynes and his associated radicals are elected and submit the charter Los Angeles will face a menace that will endanger its future growth and prosperity.[187]

When both were elected, the new Freeholders would choose Clarke as the President of the Board and Haynes as their Vice President. This selection foreshadowed well the spirit of compromise within the board.

The candidates elected to the Board of Freeholders represented such a diverse mixture that no group received all of its favorites, and yet no group was entirely disappointed. Although some expressed concern about Dr. Haynes, most of the city's groups seemed happy with the board's composition. The pro-labor *Record* stated:

> The discussions are expected to be intensely interesting as all shades of progressive and conservative opinion are represented on the board.
>
> On the conservative side is E.P. Clark, of the Better America Federation, with the big property owners' viewpoint.
>
> Then there is Watt Moreland with the rather liberal employers' viewpoint.
>
> On the other side is John S. Horn, secretary of the Central Labor Council, with the Labor viewpoint.
>
> And the board includes such good progressives as Dr. John R. Haynes, Nathan Newby, Josefa Tolhurst, and Dora Stearns.
>
> Liberalism has considerably the better of it over reaction in the membership, it is thought.[188]

While the liberal *Record* was pleased with the results, the much more conservative *Times* also expressed a positive opinion as to the Board's election. Of course, the newspaper had endorsed all thirteen of the fifteen of the 15 freeholders who were elected. The only two chosen against the newspaper's recommendation were Haynes and Howell. The *Times* stated:

> Los Angeles is fortunate in having selected a Board of Freeholders in which the conservative element predominates. It is composed, for the greatest part, of men and women who are not inclined to make the city of Los Angeles an experiment station for hitherto untested political theories. A city government is a business corporation; and its affairs should be regulated with the same eye to efficiency and economy as the affairs of any private business concern.
>
> This board has been selected for the purpose of drafting a new municipal charter. The present one was originally adopted by a city less than one-tenth the size and possessing less than one-fifteenth the wealth of the present city. It has been amended rather frequently, and the amendments are plastered over it like patches, giving it a motley appearance and rendering it more cumbersome than serviceable.
>
> Most of the amendments came from a group of faddists who believed that the present method of government of modern cities is all wrong and that they possessed superior intelligence which would enable them to set the government and the people right. It is doubtful whether any of the changes they proposed made for better city government; and there is ample proof that many of them made matters worse.

> The reason why so much has been written into the charter in the past is that the faddists and the unscrupulous feared that the amendments they proposed might not prove popular and that the Council or the people might repeal them. By placing them in the charter they placed them above local control.[189]

John R Haynes had offered an accurate prediction as to the probable outcome of the Freeholders election. He had told the reporter from the *Los Angeles Chronicle* that "neither extreme radicalism on the one hand or extreme reaction upon the other will be endorsed by the people".[190]

The composition of the 1923 Board of Freeholders represented a compromise between most of the key groups in the city. The City Club President Nathan Newby was a member, as was the Municipal League's Baskerville and John R. Haynes: all three were City Club members. The Woman's City Club had two representatives. Eleven of the 15 Municipal League endorsees were elected. The groups represented among the Freeholders' membership included the so-called Better America Federation, the Merchants' and Manufacturers Association, the Central Labor Council, the Ebell Club, the Automobile Club of Southern California, the Bank of America, the Los Angeles Chamber of Commerce, the Municipal League and the Los Angeles Bar. The fact that even the traditionally anti-labor *Times* had endorsed a labor representative attests to the level of consensus on the need for charter change.

The Contents of the 1925 Charter

The Board of Freeholders drafted a charter that did not depart greatly from the status quo. This conservative choice followed the advice the Freeholders were given at an early meeting. Clarence Dykstra, one of the lecturers that the board

commissioned to assist its members in their work, warned the Freeholders against overturning measures that had been placed in the charter by a specific vote of the people. The 1916 Charter proposal had failed to respect the public wishes by removing the anti-Municipal News charter amendment that the voters had ratified only three years earlier. The Freeholders apparently heeded Dykstra's counsel, and drafted a charter that made only incremental changes upon the existing framework. Consequently, their charter mainly rationalized the 1889 Charter as amended over the years. [191]

The FOG clears: after years of debate on whether the city should adopt a commission plan or council-manager system, the Freeholders settled on retention of the mayor-council structure. The new charter did continue the use of Council committee chairs as monitors of the city's administrative departments. In addition, the document continued to use departmental general managers in the way that the council-manager advocates suggested a City Manager should operate. Yet the Freeholders did not become embroiled in debates over FOG; in fact, they left the city with the weak Mayor-strong Council form of government that it had effectively experienced since the days of Spanish rule.

The 1925 Charter honed out the rough spots and veneered over the patches many years of reform had left. In its 36 years of operation, the 1889 Charter had been amended 92 times in 17 separate elections, and the document seemed outgrown, threadbare and worn to L.A. residents.[192] Of course, the new 1923 Board of Freeholders streamlined the document, but they preserved many of its essential

features and left large portions of the old language intact. Despite keeping most of the best features of the old charter, the Board produced an elegant, streamlined, and forward-looking document. Since the Board kept reasonably good records of the process, it is easier for scholars to determine their intent than it is for any earlier city charter commission.[193]

The 1925 Charter institutionalized the shift from legislative to executive authority over city departments. The mayor received a four-year term while council members faced election every two years. Copying the 1921 federal budgetary reforms, Los Angeles adopted an executive-driven process giving the mayor and departments primary responsibility for assembling the city budget. In this change from the previous council-led appropriation process, the mayor could not only initiate the budget, but could also exercise the item veto at the end. The council also lost its purchasing powers to the Purchasing Agent and some of its remaining financial powers to the Controller. [194]

The council retained its legislative power, but was explicitly forbidden from involving itself in administrative functions. Given that most functions were delegated to administrative bodies, and the charter protected these from the council's ordinances and resolutions, the city's legislature was bereft of authority over most important city functions. The council could override the mayor's commission appointments and removals, but not substitute its own preferred appointees in place of those individuals it had rejected. Therefore, powerful commissioners ran the city's sixteen main departments, including the proprietary departments of the time--Harbor and Water and

Power (DWP). Because board members served staggered five-year terms, a one-term commissioner would serve more than twice as long as a single-term council-member. [195]

The 1925 Charter's shift of power from legislature to executives, and particularly from elected to appointed officials, put most city business in commissioners' hands. Their control over the appointment and removal of department heads extended to such a degree that they could remove these officials for mere discourtesy. Their administrative powers were extensive, especially at the proprietary departments. To understand the 1925 Charter system, visualize the U.S. Constitution and then imagine the Convention had spelled out the details of the executive branch in Article II, making the workings of the cabinet-level departments more express than implicit. The charter framers explicitly followed the federal model, but deviated from the Federalists' example by fully articulating the operations of administrative departments. [196]

The use of the federal model, with strong and independent commissions, followed the trend set by the amendments of 1902-1913. Their primary architect was John R. Haynes, who thought the commissions would shield proprietary departments--and especially DWP where he served as a commissioner before and after 1925--from hostile private utilities and their council allies. The charter established powerful boards for all city departments, partly to pay off freeholders who were more committed to Harbor or other departments than Haynes' beloved DWP. [197] In order to ensure the strength of the boards, the charter exempted most of the general managers they supervised from Civil Service. The Police and Fire Chiefs were subjected to the

merit system because the voters had placed them there with specific charter amendments.

The 1925 Charter provided for the city's economic future as projected and secured by proprietary departments. Taking advantage of the maximum indebtedness allowed under the state constitution, the 1925 Charter set the debt limit at 15% of the city's assessed valuation. Likewise, the charter specified that 80% of this borrowing could only be used for municipally owned public utilities such as the city's water, power, and harbor facilities. The 1925 Charter ensured the city's right to invest in its infrastructure, and to increase that investment over time to keep pace with growth in population and property values. Just as it had for the 1889 Charter, the Chamber of Commerce fostered the 1925 Charter and campaigned extensively for its passage. [198]

But the charter was progressive in more than economic matters, pointing the way to innovative social reforms. Freeholder William Mead fought for the Municipal Housing Commission to provide homes for the poor. Today's William Mead Homes are part of the property he bequeathed to the city for public housing upon his death. The Charter's Social Service Department, moreover, could screen and coordinate charities to assist the indigent. In terms of city workers, the charter guaranteed salaries competitive with the private sector, provided a paid vacation, and promised a city retirement system for those outside the already-covered Police and Fire Departments. The Charter gave Pension Commissioners six months to prepare a pension plan for submission to the council and voters. The pension plan could not be amended or repealed without a popular vote and could "be retroactive from the date of

the adoption of this charter." It would take L.A. until 1937 to fulfill this promise and catch up with the charter framers by ratifying this pension system—C.E.R.S. [199]

The 1925 Charter sought social progress in areas that the rest of the United States needed decades to address. For example, the charter framers authored a ballot alternative offering district elections for the council. The voters approved this amendment along with the charter, abolishing the at-large elections that courts have identified as mechanisms for systematically diluting minority votes.[200] This amendment effectively prohibited racial gerrymandering by requiring that voting districts "be composed of contiguous and compact territory and bounded by natural boundaries or street lines." The amendment also recognized the 'one person-one vote' concept long before *Baker v Carr* by requiring that the districts "comprise as nearly as practicable equal numbers of voters." In addition, the charter forbade racial, religious, and sexual discrimination in employment and compensation. These sections of the 1925 Charter anticipated the landmark 1960's era Civil Rights and Voting Rights Acts by forty years. [201]

One of the reasons that the 1923 Board of Freeholders' secured approval of their charter was that the body had cultivated this success by inviting citizens into the process and then incorporating their demands in the Charter. After hearing from concerned citizens in the San Fernando Valley and near the Los Angeles Harbor, the Freeholders included boroughs in the 1925 Charter. Once formed, advisory borough boards were supposed to have the same independence and special fund status as proprietary departments. They would be permitted to promote "local improvements

within the borough" and to "represent the municipal needs or desires of the borough before any department of the city government." Voters removed the charter provisions authorizing these borough boards in a housekeeping amendment in 1973. Otherwise, these nascent boroughs or 'neighborhood councils' might have preempted the several secession movements that besieged the city from the 1990s until the 2002 reorganization elections concerning separation of Hollywood and the San Fernando Valley from the city. Perhaps these local subgovernments could have provided a more timely response to the concerns of citizens who felt isolated from City Hall. [202]

Structural Reform: one important structural reform was the addition of the Bureau of Budget and Efficiency; this body had existed by Council ordinance only, operating from 1913 on. However, the Bureau was heavily criticized, and faced difficulty in doing its work because it was weaker than the powerful departments whose work it was to monitor.[203] Of course, the institution of the executive budget process that the 1916 Charter framers had proposed would prove another significant innovation. Yet much of the structural reform that the 1925 Charter contained was not new verbiage, and rather institutionalized in place the gains won over the years. In terms of administrative reforms, the charter retained the civil service, contract bidding, centralized purchasing and official bonding provisions that reformers had placed in the charter since 1902. In terms of electoral reform, the charter kept in place the nonpartisanship, direct primaries, time off for voting in city plebiscites and at-large elections for the Board of Education. With respect to organizational reform, the

document still contained the direct democracy provisions, with the addition of appointees to the list of officers that voters might recall.

The civil service system was strengthened by a requirement that sex would be disregarded in employment, except where the law required its consideration. Furthermore, the city would adopt equal pay for equal work: "In the employment of persons in the service of the city, where sex does not actually disqualify and where the quality and quantity of service is equal, there shall be no discrimination in selection or compensation, on account of sex."[204] The charter would also authorize the Civil Service Commission to grant veterans or their widows extra points on civil service examinations to recognize their service to their country. One might argue that this reform weakened civil service; however, it did allow the city to assess candidates for city employment in terms of intangibles that an examination might not measure. The restrictions on using race, religion or political opinions as criteria for employment were strengthened with the 1925 Charter.

One important structural reform made by the 1925 Charter vote would have been regarded as deform by some of the Freeholders. Although the Charter draft retained the at-large election of the City Council and raised the number of members from 9 to 11, the alternative proposal that the Freeholders placed on the ballot offered district elections as the method to choose the local legislature. In the language providing for district elections, the Freeholders provided for one-person, one-vote election districts, regular redistricting, and the creation of tenable districts: "Districts so formed shall comprise as nearly as practicable equal numbers of voters, as

determined by the total number of votes cast for Governor in said districts at the last preceding state election at which a governor was elected, and be composed of contiguous and compact territory and bounded by natural boundaries or street lines."[205]

Social Reform: The 1925 Charter established a Social Service Commission to assist with charitable and philanthropic efforts. The Commission held authority to:

> investigate and endorse charitable or philanthropic corporations or associations dependent upon the public appeal or general solicitations for support….enforce the ordinances of the city regulating or supervising the solicitation of money or other valuable property for charitable purposes….encourage the formation of private charities to meet needs not already provided for and to foster all worthy charitable and philanthropic enterprises….disburse all funds set apart by the city for charitable purposes….study and suggest means of improving the conditions producing the need of relief….promote cooperation among all charities in the city….receive gifts, bequests or devises to be used for charitable or philanthropic purposes and to administer any trust declared or created for any such purpose in accordance with the terms of said trust….[and] investigate misstatements, deceptions and frauds in connection with the solicitation of alms, food, clothing, money or contributions within the City of Los Angeles for charitable or philanthropic or purported charitable or philanthropic purposes….[206]

The 1925 Charter also contained provisions for establishing a Municipal Housing Commission. The Commission would be authorized to undertake debt in order to "provide by purchase, lease, condemnation, construction or otherwise, and to improve, rent, manage, sell and repurchase lands, dwellings, apartment houses, lodging houses or tenement houses, for the purpose of improving the health, safety and welfare of the inhabitants of said city, by providing homes for those who might otherwise live in the overcrowded tenements, unhealthy slums, or the most congested areas".[207] Angelenos

took on this issue in the 1925 Charter almost a decade before the Great Depression and New Deal would place it on the national agenda.

Both the Social Service and Municipal Housing Commissions evidenced the 1925 Charter's attention to welfarist reform, yet the treatment of the city's workforce would represent a greater change. First, the charter ushered the way to the creation of a pension system for all city workers. Second, the charter required that the city pay its workforce the prevailing wage.[208] Third, the charter reduced the reliance on forced labor to substitute for city workers by requiring that those performing enforced labor be paid "reasonable compensation": The net earnings of all city prisoners, based upon reasonable compensation for services performed, shall go to the support of their dependents, and if such prisoners have no dependents, such net earnings shall accumulate and be paid to them upon their discharge."[209] Fourth, the charter provided all city workers with a two-week long paid vacation.

Freeholder John Horn was most responsible for acquiring the charter's new labor-related provisions. The list of labor demands that Horn brought to the table initially included a shortened workday and workweek for city employees, as well as pensions for the entire city workforce, rather than merely the Fire and Police Departments. Horn was not able to acquire all of these goals, but insisted upon such matters as the prevailing wage. In fact, Central Labor Council representative Horn made this particular social reform the price that the Board of Freeholders' more conservative elements would have to pay in order to ratify the 1925 Charter.

Freeholder Horn corresponded with Haynes during the Board's deliberations, indicating: "I firmly believe that we must do something for the rank and file of the city employees if we expect to have their support when the charter is submitted to the voters for radification (sic)." He told Haynes that the Freeholders' refusal to adopt a pension plan had left city workers "up in arms and in an ugly frame of mind as to the merits of the charter." He wrote of the prevailing wage language, "I am firmly convinced that if this clause is inserted in the charter that we can rally all of the city employees into a campaign to have the charter adopted, irrespective of the fact that we have refused to incorporate their pension plan, and in addition, it will give me material to present to the members of the trade unions of this city as legitimate reason for the support of the new charter."

Horn warned Haynes that "if…we have the united opposition of the ten thousand or more city employees and the support that they may secure from the group I represent, I am fearful of the success of the charter." Horn cited the Board's logic: "There are some things in the old Charter that the Board thought could be improved upon, or the Charter bettered by dropping entirely. They refused to do so because it would raise serious opposition from various quarters. I believe that our failure to incorporate this section that I have proposed can be viewed in the same light." One week after Horn's letter to Haynes, the Freeholders adopted Horn's motion to insert prevailing wage terms into the charter.[210] Once Freeholder John Horn of the Central Labor Council secured the prevailing wage, and a few of labor's other reform goals

including the equal pay for equal work language, he endorsed the document and campaigned for its passage.

Other elements of social reform were given less attention. The *Examiner* would note that: "The provisions for municipal ownership in the new charter will be practically the same."[211] The 1925 Charter did not make many steps in the direction toward either planning or regulatory brands of social reform, but the document did institutionalize them in place with its language on franchises, public ownership and the City Planning Commission.

Moral Reform: the Department of Municipal Art would achieve the authority over public artwork that the 1916 Charter framers had sought. Section 165 of the 1925 Charter would require majority approval from the Board of Municipal Art Commissioners of any decision regarding the city's property in art. The board would control "all paintings, mural decorations, inscriptions, stained glass, statues, bas-reliefs and other sculptures, monuments, fountains, arches, gates, and other structures of a permanent character intended for ornament or commemoration." The city could not even accept a gift of art without the board's approval. Without the board's approval, no art could "be erected or placed in or upon, or allowed to extend over or upon any municipal building, street, avenue, park or other public place or ground belonging to or under the control of the City of Los Angeles". The board's authority extended into whether the city's existing works of art could be "removed, relocated or altered". Even private property came under the board's jurisdiction if it was on public property: "No arch, bridge, structure or approach belonging to any private individual or

corporation shall be permitted to extend over, into or upon any street, avenue, highway, park or other public place belonging to or under the control of the City of Los Angeles, unless the design and location thereof shall have first been approved by the said board as hereinbefore provided." Should the board members wish to censor artists in order to protect public sensibilities, the 1925 Charter provided wide latitude for exercise of discretion.

The 1925 Charter equipped the Civil Service Commission with authority to specify requirements for the "moral character", "health" and "habits" of city workers. Although such charter provisions might seem reactionary from the perspective of 21st Century Angelenos, the Freeholders were actually quite progressive (in terms of the contemporary use of this label) in other areas. For example, the charter created a Humane Treatment of Animals Department with power to "enforce all ordinances of the City of Los Angeles and the penal laws of the State relating to the care, treatment or impounding of dumb animals or for the prevention of cruelty to the same."[212] Animal rights advocates would certainly object to the term "dumb animals" but prevention of animal cruelty was not a retrograde goal at the time. In fact, advocates of animal rights were over time able to use the charter language to aid them in preventing the city from euthanizing the animals in the pound. In applying current standards to people from the past, one must face the very real danger that from the perspective of the future the sensibilities of the present will seem unenlightened.

Developmental reform: the 1925 Charter largely institutionalized the political infrastructure that had been established in the 1889 Charter and the

amendments made in the subsequent elections. Yet the new charter also contained some improvements. The 1925 Charter set up a standard commission and department form, so that most agencies were structured in the same way. This could serve to protect the powerful proprietary departments that were so critical to the city's physical infrastructure. Secondly, the new charter created a Department of Trusts that would assist in founding the city's future Airports Department. The 1925 Charter even made the Chamber of Commerce's President an ex officio member of the Trusts Commission.

In light of the fact that the 1925 charter merely retained most of the existing structure, one might wonder why John R. Haynes took a part in drafting and campaigning for the document. If he had not, some of his handiwork might obviously have been undone. Since the board heeded Dykstra's advice not to overturn measures placed in the charter by popular vote, the patchwork was safe.[213] But once he ensured that his handiwork had remained in place, why would Haynes work for the passage of the document which did not further his direct democracy and public ownership goals, but merely held them at the status quo? The answer probably is that he realized the patchwork method he and the other reformers had employed from 1902 to 1913 made it just as easy to undo all his charter revisions as it had been to accomplish them. By securing these provisions in the reconstituted charter, Haynes made them more secure. Although the 1925 Charter would be changed hundreds of times between 1925 and 1999, and replaced entirely in that year with a new charter, Haynes' work can still be seen in the charter today.

The Campaign for the 1924 Charter

All of the major newspapers supported the charter. This may be because most city groups had been included in the process, from the election of the Board of Freeholders to the public input that the Board took during its deliberations. The Freeholders welcomed input from all groups within the city, and received testimony both in extensive correspondence as well as testimony given live in their meetings.[214] Frank Wiggins, the President of the Chamber of Commerce, helped to orchestrate a masterful campaign for the 1925 Charter. Although Haynes had not been part of the Chamber's Charter Study Committee, Wiggins extended a hand to Haynes and asked him to aid in the campaign for the passage of the proposed charter.

The fact that the Board built a spirit of compromise into its deliberations had helped. However, behind the scenes there was still a good deal of political manipulation. John R. Haynes had seen to it that either he or his closest allies had become the chairpersons of the key committees, so that they could control the charter language of the most important sections. Eventually, some of the more conservative Freeholders apparently gave up on the goal of obstructing some of Haynes' machinations, and absented themselves from some of the most critical meetings. Yet most of this behind-the-scenes wrangling remained within the Council chambers where the meetings were held, and did not make it into the press coverage.[215]

The final document was such a compromise that papers like the arch-conservative *Times* and the socialist-labor paper, *The Citizen*, all felt they had won. Of course, compromise is part of any political process, as much with charters as less

important matters. As the *Record* stated in an editorial, the charter was "framed by a fairly representative group of citizens and represents possibly not exactly what any of them would like in its entirety but does represent a compromise of conflicting opinions merged for the common good."[216] The newspaper's editors expressed approval of the fact that: "For the first time a Charter of the City of Los Angeles will contain an article entitled 'Labor'".[217] Horn gave in on his initial charter wish list, which had included a provision for a 44-hr week and an 8-hour day. However, Horn did not need to be ashamed of his work as the Central Labor Council's representative on the Board of Freeholder, as he had won many of his goals.

Horn acquired charter language stating that: "Every person who shall have been in the service of the city, continuously, for one year, shall be allowed a vacation of two weeks on full pay, annually."[218] This was an important gain for labor, and helped to secure worker support. His "Labor" article, which was renamed "Miscellaneous" in the actual charter, included prevailing private wage for public work, a prohibition of sex discrimination, equal pay for equal work, salary standardization, an end to competition with prison labor, and removal of authority from city politicians to set wages.[219] The *Record* stated: "Mr. Horn is to be congratulated upon having succeeded in incorporating these provisions into the proposed charter. Each is sound trade union doctrine."[220] The city's police and firefighters continued in the enjoyment of their pension rights, and employees of other city departments were assured that they too would soon be given pensions.[221]

Yet even though the 1925 Charter would appease labor, the new document did not anger the *Times* or other newspapers or groups that saw organized labor as a threat to the city's industrial freedom. The *Times* supported the new charter so vigorously that the newspaper would publish a series of pro-charter press releases authored by George Dunlop. Dunlop must have relished the delicious irony; he had headed the hated *Municipal News* a decade before serving as the Secretary to the 1923 Board of Freeholders, but the Chandler's *Times* proved willing to bury the hatchet and printed Dunlop's articles on a daily basis. The various essays explained how the new charter represented an improvement on the old document.

Other newspapers that had rivaled previous attempts at charter change also hopped onto the reform bandwagon. The *Examiner* stated that "it is remarkable to consider that the new charter will contain all of the strong points of the old one, with no substantial changes in form of government or other vital points, but will be half the size." The newspaper went on to indicate: "It is the opinion of the members of the Board of Freeholders that it will not fall by the wayside as four other proposed charters did when put to the vote of the people. These other ones failed entirely because they proposed radical innovations in the form of government while the one which the present Board is drafting will propose no material changes in the present method of city government." The conventional wisdom in the campaign was that the 1925 Charter merely standardized and streamlined the old charter, but did not really change it that much.

The 1925 charter proposal would benefit from a harmonious campaign effort, but it is not clear how much of a campaign was needed. By the time the city's voters balloted on the document, it was considered common sense that it would be approved. Perhaps because the 1925 Charter mainly rationalized the 1889 Charter as amended, the document did not provoke organized opposition from any city group. The newspapers didn't even spend many column inches on the proposal, although they all had supported it both in their ballot recommendations and in favorable articles over the months prior to the vote. The Freeholders had submitted their final charter proposal on December 10, 1923, and the public had already received nearly six months of press coverage favorable to the document. Nearly all seemed to have supported the new charter as an improvement of the city's prospects for efficiency and business-like management. [222]

The Charter won nearly unanimous consent, achieving 87% approval in an election with 59% turnout, the highest rate of participation ever seen in one of L.A.'s charter change elections. The degree of consensus behind the 1925 Charter may be gauged by an examination of the precinct-level results. There were 974 precincts in the election at which voters faced the 1925 Charter. Of those 974 precincts, only two gave the charter less than majority support. 14 precincts supported the document by a majority smaller than two-thirds. 45 precincts gave the charter a margin ranging from two-thirds to three-fourths. 909 precincts favored the charter by a margin greater than three-fourths but less than unanimous. 4 precincts gave the proposed charter their unanimous support. 87% of the voters who cast a ballot on the 1925 Charter gave it

their affirmative. This result is all the more remarkable when one considers that the document went to the voters in a presidential preference primary. The election featured very high turnout by charter change standards, but the public generally applauded the work of the 1923 Board of Freeholders.

Because of the high degree of consensus behind the 1925 Charter, the demographic analysis is less instructive. While the new municipal constitution appears to have performed slightly better in areas of greater wealth, the difference in the dependent variable is miniscule.[223] The more native whites of native parentage that an Assembly District contained, the more its voters supported the 1925 Charter, but even those areas with the fewest such residents supported the charter by an 80% margin. The vote for the 1925 Charter represented a cross-class coalition in the truest sense.[224] The 1925 Charter managed to retain all of the groups that had supported the 1912 and 1916 charter proposals, but added to the size of the coalition. Less than half of the supporters of the 1925 charter had voted for the 1912 charter proposal; less than two-thirds of the supporters of the 1925 charter had favored the 1916 charter. [225]

Maximal Winning Coalition: Anthony Downs' work in the field of political science would lead one to expect something different from the 1925 Charter. The document did not represent a minimal winning coalition, but actually achieved near unanimity. This is pretty remarkable given the fact that over one hundred and twenty-five thousand voters approved the 1925 Charter. The city's reform forces had tried the minimal winning coalition route in 1912 and 1916, and did not want to see another charter proposal go down in flames.

In the campaign for the 1925 Charter, the reformers included all groups, from labor and the Socialists to the arch-conservative *Times* and the reactionary Merchants and Manufacturers Association. This big tent approach to charter reform helped them to secure their charter's ratification by an overwhelming margin. To achieve this result required compromise of some of the more radical proposals of the previous Boards of Freeholders. John R. Haynes and the more left-wing element of reform found themselves compelled to give up on further extensions of the principle of public ownership into areas such as transportation, communication and natural gas. One of Haynes' municipal ownership movement allies had corresponded with him during the Freeholders campaign, encouraging him to extend the charter's provisions in that direction in his efforts after the election: "The city's activities should not be hampered by a village viewpoint. Los Angeles will be the biggest city in the United States and certain of her functions simply cannot be administered by private capital,--the harbor, the bureau of power and light, and ultimately the telephone and transportation systems,--and no want to power to that end should hamstring the new charter."[226]

Haynes did not bring these ambitious goals to fruition in the 1925 Charter, but rather focused on maintaining the existing charter language that permitted the Public Service Department (newly re-named the Department of Water and Power by the 1925 Charter) to continue its activities in the field of public power.

Haynes and some of his fellow structural reformers also compromised on the issue of district elections. The achievement of at-large elections in 1909 had been a key reform victory, but that charter amendment had been detrimental to the

representation of the city's working class areas. In a series of charter amendment elections from 1911 up until 1924, the unrepresentative nature of the City Council's membership continued as an issue.

The framers of the 1925 Charter favored the at-large system, but agreed with Freeholder Tolhurst that the public should be allowed to choose: "The report of Committee No. 1 on Form of Government with respect to constitution of and membership in the City Council, relating to the election of councilmen, was taken up. The committee submitted a supplemental report dated October 22, 1923. A general discussion followed, participated in by a number of citizens present. Moved by Mrs. Tolhurst that the whole subject be moved back to the committee with instructions to submit two plans for the election of councilmen, one plan at large and one plan by districts."[227]

The district elections alternative would be enthusiastically endorsed by both labor organizations and improvement associations, and probably made the charter itself more acceptable to these groups.[228] Besides sacrificing the assurance that at-large elections would be maintained, the charter framers had also given up their aspirations for the commission and city manager plans of government.[229]

A Tale of Three Charters: like the successful 1889 Charter, the 1925 Charter assembled a coalition of disparate forces. The reform purists needed to compromise their principles in order to build a document that would unite a coalition large enough to ratify a charter. The logic of charter amendment elections does not seem identical to that of votes on entirely new charters. A charter amendment is an incremental

change, and it may be relatively easy to demonstrate to interested parties that the change is fairly modest. More importantly, it may not be too difficult to demonstrate to stakeholders that the charter sections they regard as critical are untouched by the proposed alteration. However, new charters are a more difficult matter.

When voters ratify an entirely new charter, it is not as simple to determine whether changes are detrimental to the things that are important to them. It might be all too easy for a body entrusted with the responsibility of charter replacement to sneak a "joker" into the language with consequences that do not become clear until it is too late. Thus, the proponents of charter replacement may need to create a maximal winning coalition. They may also be compelled to mount a campaign of public education to assure voters that the document is trustworthy. The creation of a maximal winning coalition requires many compromises, and the final document inevitably resembles the United States Senate's proverbial "Christmas tree bill", the legislation with presents under the tree for each Congress member. A successful charter proposal may require as much log-rolling and resultant earmarks as any public law.

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[1] See *Times*, December 1, 1912, clipping in Haynes Papers, Box 103.

[2] "The Proposed New City Charter for Los Angeles," typescript, UCLA *Haynes Papers*, Box 102, L.A Charter 1916 Folder, p. 1.

[3] See "This Is City Charter Day: Civic Bodies, Women's Clubs and Many Schools to Hear Discussion of Advantages," *Times*, May 1, 1924, Part II, pp. 1 and 3. The article also quoted from Council member Miles Gregory: "'While I do not agree with all of the provisions of the new city charter, yet it is such a great improvement over our present one that its adoption is imperative. I believe everyone should support it. There is no possible opportunity for district representation to carry unless the charter, which is No. 1 on the ballot, is adopted.'" The *Times* disagreed with Miles' position on district representation, yet printed his comments to attract those who were unhappy that the main charter document had provided a council elected at large.

[4] Mills was one of Haynes' allies on the ticket for the 1923 Board of Freeholders, but did not get elected. In this letter, he was communicating his sense of needed charter changes. See Haynes Papers, Box 105.

[5] The Minutes of the Board of Freeholders indicate that at their third official meeting (June 28, 1923) the Freeholders welcomed input from "civic and commercial bodies" and the "general public…through the press." However, the only officials from whom they requested suggestions were the heads of each municipal department, the four Superior Court judges who had formerly served as city attorneys and the Public Service Department's Special Counsel W.B. Matthews. However, the council president and two other council members addressed the Board at their sixth meeting (July 19, 1923). Still, these city legislators "expressed their views as individuals and not in a representative capacity." The Minutes of the 1923 Board of Freeholders may be found at LACA in the Charters Collection and in the *Haynes Papers*, Boxes 105-106.
[6] This term was used in a letter from Reformer C.D. Willard to his sister, when he was describing the victories that he and his fellow reformers had achieved in 1909. See Clodius, p. 458.
[7] To be fair, prominent labor leader Frank B. Colver would note that by appointing Ben C. Robinson of the local International Typographers Union to the Fire Commission, Mayor Alexander was doing "something that no mayor of Los Angeles before has had the wisdom to do." See pp. 473-474 of Clodius.
[8] Many post-election commentators editorialized that the women's votes against Socialism provided evidence of the wisdom of woman suffrage. See "Gender and Ideology: The Socialist Party and the Women's Vote in Los Angeles in 1911." Paper presented with Dr. Katherine Underwood (University of Wisconsin) at the 1995 Western Political Science Association Conference, Portland Oregon.
[9] Check this; some other scholars state that the term was shortened by six months, but they appear to have missed the fact that the 1911 Charter amendments granted elected officials a four-year term. By shortening the terms to two years, and moving the elections from December to June, the 1913 Charter amendments appear to have reduced the 1911 Alexander Administration from 4 years to one-and-a-half years.
[10] See Martin Schiesl's essay on "Politician in Disguise" in Ebner and Tobin.
[11] See *Herald*, February 16, 1910 for the composition of the CRC.
[12] See Tom Sitton (1992), p.78.
[13] See *Times*, February 25, 1910, for details on Edgerton.
[14] See *Times*, February 25, 1910.
[15] See *Express*, March 9, 1910.
[16] See *Herald*, March 16, 1910.
[17] See the *Times*, *Herald*, *Express* and other papers for December 1910, when the Council members aired their disagreements.
[18] See Marvin Abrahams, p. 20.
[19] See Sitton (1992), pp. 112-113.
[20] Judge Bordwell would later decide some of the most critical cases in the city's history, involving its water rights and the Tidelands Trust litigation, and in both matters served the city's long-term interest.
[21] Ironically, the logic of citizen commissions administering city departments may be the exact opposite; if the commissioners are too tied to politics, then it is difficult for them to make long-term choices to seek the city's benefit in their oversight decisions.
[22] Wheeler would later go on to serve on the City Council from 1913 to 1917 and 1919 to 1925, as well as on the Efficiency Commission from 1915 to 1917.
[23] See Haynes' post-mortem essay in HP 103.
[24] See Sitton (1992), pp. 46-7, 94-5.
[25] See Volume 28: 18, 601 of the *Survey*, one of the NML's quasi-official organs.
[26] See *Survey* 28: 26, 796.
[27] See *Survey* 28: 26, 796.
[28] See *Survey* 28: 26, 796.
[29] It is not clear, however, whether this would have passed constitutional muster. It would probably have been illegal for the city to alter the state's constitutional provisions for charter change through its city charter.

[30] According to Marvin Abrahams, a seven-member commission was proposed because Los Angeles was a large city and five commissioners would be insufficient. See Marvin Abrahams, p. 22.
[31] The police judges were part of the city's political structure, and in fact included in the 1889 and 1925 Charters. It was not until the 1920s that the State of California would provide for a municipal court system by general law.
[32] See Section 3(13) of the Proposed 1912 Charter. The Municipal Newspaper was a highly controversial matter. Consistent pressure by the Los Angeles Times would result in repeal of the entity through a 1913 Charter amendment. To this day, the L.A. Charter continues to forbid the publication of a municipal newspaper.
[33] Both of the quotations are from Section 15 of the 1912 Charter proposal. Apparently, sloppy drafting omitted the details for appointment of the Municipal Art Board member.
[34] The 1911 charter amendments had enacted the appointive recall, but it was fatally flawed. The recall petition had to be filed with signatures totaling a certain percentage of those who had elected the official, but appointed officials were not elected. Any attempt to recall an appointed official would have been impossible.
[35] See Article III, Section 31 of the 1912 Proposed Charter.
[36] See Section 53(3) of the Proposed 1912 Charter.
[37] Jonathan Kahn's wonderful book on *Budgeting Democracy* describes the historical and theoretical dimensions of the spread of the concept of the budget.
[38] See Section 53 of the Proposed 1912 Charter, which established all provisions regarding boroughs.
[39] See Section 53(20) of Proposed 1912 Charter.
[40] See Section 53(19) of Proposed 1912 Charter.
[41] Mr. Dunlop amply disclosed his views on government in his multi-volume treatise titled "The Simplification of Modern Government" published in 1937. In Volume Four, titled "Economic Regulations," Mr. Dunlop included a section titled "Avoid Too Much Public Ownership." An excerpt from his treatise said: "Although public ownership, in a democracy, has a useful, if limited, place in the field of local public utilities—natural monopolies where wide open competition is out of place—public ownership is almost certain to be out of place in the fields of competition with ordinary private businesses of a non-monopolistic character — businesses that are subject to the law of competition." Mr. Dunlop believed the role of public ownership should be limited to natural monopolies, such as water and electrical utilities. This book was published in 1937, but Dunlop had been working on it for many years. Drafts of various sections, included the section above quoted, are in the Haynes Papers. It seems that Dunlop's duties as Dr. Haynes' secretary made it impossible for him to complete his treatise until Haynes' death. Haynes' support for municipal ownership was connected to social justice. Haynes once wrote to another friend that had been a leader in California's Progressive movement: "I have but one aim and one desire, and that is to supply the small home, the little three and four room houses, with cheap power and cheap light for cooking, washing and other domestic activities; and to supply our industries, commercial houses and hotels with cheap power" (See Haynes Papers, letter from Haynes to Edward A. Dickson, July 22, 1926; Dickson co-founded the Lincoln-Roosevelt League that elected Governor Hiram Johnson in 1910). Haynes and his fellow reformers were in favor of the city owning its public utilities. Haynes adopted this goal as a member of the Union Reform League in 1898, in a period when public ownership of public utilities was a very controversial issue. He stated the importance of this issue in a 1910 speech to students at the University of Southern California: "The city by amendments adopted 1905 and 1908 has given itself power to own and operate all public utilities and natural monopolies. I could talk hours to you upon this subject alone. I will say that all over the civilized world the necessity of public ownership of public utilities is being universally recognized." (See John R. Haynes' Speech to the "Students of the University of Southern California" on February 1910, Haynes Papers, Box 102, Folder "Los Angeles – Charter – Miscellaneous 10," p. 11.) Haynes clearly identified natural monopolies and public utilities as the proper province of publicly owned enterprises. However, Haynes himself realized he was not the typical developmental reformer, and expressed no reservations with being called a "millionaire Socialist" in a biography of himself published in a pro-labor newspaper.

[42] See Article II, Sections 6(1), 6(23), 6(29), 6(39) and 6(32) of the 1912 Charter proposal.
[43] See 1912 Charter proposal; the Health Department is II.6(20), and health regulations outside the city is II.6(34).
[44] For the Municipal News authority, see 1912 Charter proposal, Article II, Section 6(13).
[45] The section that would allow the City to hold stock in any city public utility was Article II, Section 6(8).
[46] Compare Article II, Section 6(6) of the 1912 Proposed Charter to Section 2(6) of the city's 1911 Charter.
[47] Compare Article II, Section 6(41) of the 1912 Proposed Charter to Section 2(7) – (9) of the 1911 Charter.
[48] See 1912 Proposed Charter, Article II, Section 6(41)(b).
[49] See Article II, Section 6(41)(e) of the proposed 1912 Charter. This could be arguably a developmental reform, since the LADWP would later acquire the electrical distribution systems of the private electrical companies doing business in the city. Section 41 authorized the city:

> To acquire by purchase, condemnation, lease, gift, or otherwise, or to construct, extend, maintain and operate within or without the city limits, any and all plants and property necessary or convenient for furnishing the city and its inhabitants or other municipal corporations or territories outside the city, and the inhabitants thereof, with transportation, communication, telephones, telephone service or connections, terminal facilities, water, light, heat, power, refrigeration, storage, or any other public service; to sell the products or service of any such utility, and to acquire lands, rights and property necessary or convenient for furnishing such products or service; and for the purpose of such acquisition, construction, extension, maintenance, or operation of any such public utility or service, the city shall have power to do any, all, or any number of the following:
>
> (a) To acquire any such utility....
> (b) To issue, without regard to the debt limit, bonds....
> (c) To issue bonds against its general credit...
> (d) To establish special assessment districts...
> (e) [To buy back franchises]
> (f) To acquire all necessary land, rights, and property, either within or without the city limits, or both within and without such limits. [No public utility may be leased privately for more than ten years.]

[50] The rules against disposing of any publicly owned resource made doing so impossible without the consent of two-thirds of the city's qualified electorate. Section 50 of the Proposed 1912 Charter stated:

> No railroad, interurban railroad, street railway, electric road, traction road, steamship, or vessel, or other means of transportation, or telephone system, gas or electric plant or system, light or power works or plant, or any property used in connection therewith, or any public utility, now and hereafter owned or controlled by the city of Los Angeles or the right to generate power by means of any water or water right now or hereafter controlled by said city shall ever be sold, conveyed, transferred, leased, or otherwise disposed of, in whole or part, without the assent of 2/3's of the qualified voters of said city voting on the proposition at an election at which such proposition shall be lawfully submitted.

The city already held considerable powers of public ownership and operation, and this section would make alienating publicly owned utilities well nigh impossible. An analysis of the voter participation data for the city reveals that two-thirds of the city's qualified electorate never showed up at any municipal election from 1889-1934; not many presidential elections during this period could even boast such a turnout. If enough voters did turn out and participate, then they would have needed to achieve virtual unanimity in order to ratify alienation.
[51] See Article II, Section 6(21) of 1912 Charter Proposal.
[52] See Theda Skocpol, *Protecting Soldiers and Mothers* for a discussion of those welfarist efforts in which the United States was not a Johnny or even a Johnny Reb Come Lately.
[53] For the issue of prisoner compensation for work, see 1912 Proposed Charter, Article II, Section 6(30).

[54] See Article II, Section 6(37) of 1912 Charter proposal.
[55] See Article II, Section 6(25) of the 1912 Charter proposal. In 1906, Los Angeles voters would use their direct democracy authority to decide which city areas would be permissible locations for slaughterhouses. This is a very early application of city land use authority to create zones.
[56] See Article II, Sections 6(26) and (29), as well as Article III, Section 18 for these provisions of the 1912 Charter Proposal.
[57] See Proposed 1912 Charter, Article II, Sections 6(2), 6(7), 6(65) and 6(66).
[58] See Article I, Section 3, as well as Sections 47 and 48 of Proposed 1912 Charter.
[59] Compare Section 47 of the Proposed 1912 Charter to Section 191 of the 1913 Charter.
[60] For these four respective items, see Article II, Sections 6(6), 6(50)-6(62), 6(57), 6(14) and 6(18) of the 1912 Proposed Charter.
[61] See 1912 (Proposed) Charter, Article II, Sections 6(63) -6(64).
[62] Compare Article IX, Section 52 of 1912 Proposed Charter to Section 261, 1913 Charter.
[63] Section 51 of the 1912 Charter proposal.
[64] See Article I, Section 5 of Proposed 1912 Charter.
[65] See Article II, Section 6(27) of Proposed 1912 Charter.
[66] See Article II, Section 6(31) of Proposed 1912 Charter.
[67] See Article II, Section 6(25) of Proposed 1912 Charter.
[68] See Article II, Section 6(34) of Proposed 1912 Charter.
[69] See Article II, Section 6(33) of Proposed 1912 Charter.
[70] See Abrahams, p. 23; *Express*, December 4, 1912.
[71]Despite Abrahams' contention to the contrary, the *Record* opposed the charter in an editorial on 11-30-1912; the *Herald* opposed it in a November 1912 article and in the post-mortems.
[72]The *Union Labor News*, which later became the *Citizen*, was not a daily according to Stimson. See footnote below for more details.
[73]See John R. Haynes's post-mortem essay on the defeat of the charter, Haynes Papers, Box 103, December 4, 1912.
[74] See *Times*, December 2, 1912.
[75]The 1911 reorganization separated the City Attorney and Prosecutor, which were fused under the 1889 charter. The City Prosecutor was appointed by the Mayor and confirmed by the Council for a four-year term. When the 1913 charter amendment removes the Alexander administration, he also leaves office because his term is over and he is not re-appointed by the new mayor.
[76] See *Times*, December 1, 1912.
[77] See *Times*, December 1, 1912.
[78] See *Times*, December 1, 1912.
[79]Bryant may have been a leftist there; he ran as a member of the he was apparently a leftie there; he ran on the People's Conference Committee ticket in 1913 as a council candidate. Eddie had just been involved in a scandal involving making unwanted advances to women and consorting with a minor.
[80] See *Times*, December 1, 1912.
[81] See Haynes essay, Haynes Papers Box 103, December 4, 1912
[82] All quotes are from *Times*, December 1, 1912.
[83] See *Times*, December 1, 1912, Haynes Papers Box 103).
[84] See *Times*, December 1, 1912.
[85] *Los Angeles Examiner*, December 2, 1912. The Los Angeles Examiner will hereafter be abbreviated as *Examiner*.
[86] See *Examiner*, December 2, 1912; *Times*, December 2, 1912.
[87] *Examiner*, December 2, 1912.
[88] See Sitton 1992, p. 114, *Times*, December 1-2, 1912.
[89] See *Examiner*, December 1, 1912.
[90] All quotations are from *Examiner*, December 1, 1912.
[91] See *Times*, December 1, 1912.
[92] *Times*, December 1, 1912.

[93] *Examiner*, December 2, 1912.
[94] *Los Angeles Herald*, December 4, 1912. This newspaper will hereinafter be referred to as *Herald.*
[95] See *Los Angeles Express*, December 3, 1912. This newspaper will hereinafter be referred to as *Express*.
[96] All quotations from this paragraph are from *Herald*, December 3, 1912.
[97] See the *Examiner*, December 2, 1912 for Blight's endorsement.
[98] *Examiner*, November 7, 1912.
[99] *Herald*, December 4, 1912.
[100] *Times*, December 4, 1912.
[101] *Herald*, December 4, 1912.
[102] *Los Angeles Tribune*, December 4, 1912. This newspaper will hereinafter be referred to as *Tribune*.
[103]

Table 4.1: Demography and Support for the 1912 Charter

Measure	All	Native whites, native parentage	Foreign-Born whites	Second-Generation	Junior High	Senior High	College
1912 Charter	**32**	46	5	0	33	39	52

Bold-faced type indicates coefficients significant at the .05 level with strong R-squares. These OLS regressions p-values were significant at the .0001 level.

[104] *Herald*, December 4, 1912
[105]

Table 4.2: Support for the 1912 Charter and Candidates in the 1913 Mayoral Elections

Then the Precinct's support for Y is:	If 100% of a precinct's voters support X:				
	Harriman (primary)	Rose (primary)	Shenk (primary)	Rose (general)	Shenk (general)
1912 Charter	**15**	**4**	**49**	**16**	**52**

Bold-faced type indicates coefficients significant at the .05 level with strong R-squares. These OLS regressions p-values were significant at the .0001 level. In this and all subsequent tables with the format, the column represents the independent variable, and the row the dependent variable.

[106] Voters approved the principle of commission government in the 1911 election in two amendments receiving massive majorities, and later implemented one of its principles in the 1913 election (com11, off11, com13).
[107] See Haynes Papers, Box 103, letter dated December 4, 1912.
[108]

Table 4.3: Support for the 1912 Charter and the Free Lunches in Saloons Measures

Then the Precinct's support for Y is:	If 100% of a precinct's voters support X:	
	1912 Charter	Free Lunches in Saloons
1912 Charter	*	**80**
Free Lunches in Saloons	**70**	*

The R-squares for these two models are .39 and the coefficients are significant at the .0001 level.

[109] See *Examiner*, December 2, 1912.
[110] See *Times*, December 2, 1912.
[111] Box 103 of the Haynes Papers contains a copy of the document; reading it could not have been easy.
[112] See *Express*, December 4, 1912.
[113] See *Express*, December 3, 1912.
[114] See *Times*, December 4, 1912.
[115] See *Times*, December 4, 1912.
[116] See *Herald*, December 4, 1912.
[117]

Table 4.4: Support for the 1912 Charter by Gender

Measure	Men	Women
1912 Charter	**9**	**52**

Bold-faced type indicates that coefficients are significant at the .0001 level, even though the R-squares are low here.

[118] See *Herald*, December 4, 1912.
[119] See *Herald*, December 5, 1912.
[120] Sitton 1992, p. 115.
[121] See the Freeholders Minutes for 1915, located along with those for the 1912 Board, in Box 119 of the Haynes Papers. With this mandate in mind, the new Freeholders would have only 180 days after their election to draft a new constitution for the city, because this was the deadline imposed by the California Constitution. The Freeholders would finish their substantive work on November 29, 1915, while their overall deadline was December 4, 1915.
[122] Sitton 1992, p. 115.
[123] See *Times*, May 7, 1913; Sitton 1992, 118
[124] See Sitton 1992, p. 146 for Downing's leanings.
[125] See Marvin Abrahams' doctoral thesis, p. 26.
[126] See Alfred Chandler's *Strategy and Structure: Chapters in the History of the American Industrial Enterprise* (Boston: MIT Press, 1962).
[127] See Section 26 of the 1916 Proposed Charter.
[128] See Section 32 of the Proposed 1916 Charter.
[129] See Section 153 of the 1916 Proposed Charter.
[130] See Section 193 of the 1916 Proposed Charter.
[131] See Section 167 of the 1916 Proposed Charter.
[132] See Section 245 of the 1916 Proposed Charter.
[133] See Section 166 of the 1916 Proposed Charter.
[134] See Sections 196-208 of the 1916 Proposed Charter.
[135] See Kahn, *Budgeting Democracy*.
[136] See Section 274 of the 1916 Proposed Charter.
[137]The 1916 charter may have failed, but the Chief Administrative Officer that Los Angeles implemented in 1951 was a spin-off of the manager plan. See Stillman, 25.
[138] The district elections alternative was nearly word-for-word the same as the one voters would ratify in 1924, but provided for only 9 council members rather than 15.
[139] A final structural reform would have altered elections. Section 264 would have given all city employees two hours off-time to vote while at work. However, the existing charter gave that time off to all citizens working in the city, so this would actually have been a rescission of rights. Perhaps the city had difficulty in enforcing the time off for non-city employees. Compare Section 264 of the 1916 Proposed Charter to Section 206(q) of the 1909 Charter, from Amendment #4.
[140] The *Municipal News* tried hard to strike a political balance, and was required to publish political advertising by all city groups, including the Socialists. This did not endear the *Times* with the

newspaper. The Haynes Papers housed at UCLA contain extensive materials on the *Municipal News*, which were apparently collected by George Dunlop, a key member of the enterprise during its short life. Dunlop assembled scrapbooks on the controversial newspaper.

[141] See Section 157 of the Proposed 1916 Charter.

[142] See Section 174 of the Proposed 1916 Charter.

[143] See Section 2 of the 1916 Charter proposal.

[144] This was the first 1888 Charter draft, but the 1889 version is identical in terms of this section.

[145] Specifically, the Public Service sections of the 1916 Proposed Charter are 89-97 and the Harbor-related provisions are in Sections 98-116.

[146] See Reuben W. Borough's article on Dunlop in Haynes Papers, Box, 106, 1923 Freeholders folder.

[147]Gibbon owned the paper for awhile, but Hearst bought it by 1916; see page 29 of Julia Norton McCorkle's , "A History of Los Angeles Journalism," Historical Society of Southern California. Annual Publications, volume 10, 1915-16, 24-43. Also, see Sitton 1992 for the *Herald*'s ownership and positions.

[148]The *Los Angeles Record* seems pro-labor from a perusal; this is confirmed by Stimson, 120; Stimson calls the paper "consistently pro-union" and an "outstanding champion of organized labor"; it was unionized shortly after its establishment in 1895 as "the poor man's advocate" (Stimson, 176); also see McCorkle, op. cit., 29 Hearst's *Examiner* started out as pro-union, but receded over time starting in 1906, still remaining Democratic (Stimson, 273).The *Record* was "unwaveringly" pro-labor and was the only daily newspaper to support Socialist Harriman in the 1911 primary(Stimson, 271, 364) and not initially blame labor for the *Times* bombing (Stimson, 369). The newspaper will be referred to hereinafter as *Record*.

[149] *Record*, May 26, 1916.

[150] See *Record*, May 30, 1916.

[151] *Record*, June 1, 1916.

[152] *Record*, June 5, 1916.

[153] *Tribune*, June 5, 1916.

[154] *Times*, June 4, 1916.

[155]

Table 4.5: Demography and Support for the 1916 Charter and Alternatives

Measure	All	Native white, native parentage	Foreign-born white	Second Generation	Junior High	Senior High	College
1912 Charter	**32**	46	5	0	33	39	52
1916 Charter	**43**	**43**	4	**0**	48	**58**	**79**
Manager Plan	**36**	46	20	0	35	42	**53**
2-yr terms	**46**	41	**64**	**92**	44	**42**	**37**
Dist. Council	**51**	**32**	**100**	**100**	46	**37**	**16**
P.R. Council	**38**	**28**	**65**	**100**	33	**30**	**20**

Bold-faced type indicates coefficients from bivariate regressions with high R-squares and t-tests significant from .0005 to .05.

[156] *Examiner*, June 4, 1916.

157

Table 4.6: Support for the 1916 Charter by Gender

Measure	Men	Women
1912 Charter	**9**	**52**
1916 Charter	**9**	**76**

Bold-face indicates significance at .0001 level; R-squares strong for 1916, but not 1912.

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Table 4.7: Support for the 1916 Charter and Candidates in the 1913 Mayoral Elections

Then the Precinct's support for Y is:	If 100% of a precinct's voters support X:				
	Harriman (primary)	Rose (primary)	Shenk (primary)	Rose (general)	Shenk (general)
1912 Charter	**15**	**4**	**49**	**16**	**52**
1916 Charter	**18**	10	**59**	**29**	**61**

Bold-faced type indicates coefficients significant at the .05 level with strong R-squares.

159

Table 4.8: Support for the 1912 Charter and the Free Lunches in Saloons Measures

Then the Precinct's support for Y is:	If 100% of a precinct's voters support X:	
	1912 Charter	Free Lunches in Saloons
1912 Charter	*	**68**
1916 Charter	**93**	*

Bold-face indicates significance at .0001 level, as well as high R-square values.

160

Table 4.9: Support for the 1916 Charter and Other Measures in the Election

Then the Precinct's support for Y is:	If 100% of a precinct's voters support for X is:							
	1916 Chart	Alt-1	Alt-2	Alt-3	Alt-4	West	Phone Bonds	Two Platoon
1916 Charter	*****	**100**	**72**	42	**67**	**59**	46	39
Alt-1	**73**	*****	**69**	43	**65**	**47**	44	35
Alt-2	**67**	**83**	*****	**66**	**82**	46	**64**	51
Alt-3	50	62	**78**	*****	**90**	**39**	**74**	**62**
Alt-4	**57**	**72**	**75**	**67**	*****	33	**62**	**47**
Western Annex	87	88	53	34	42	*****	26	**37**
Phone Bonds	46	57	73	72	84	24	*****	62
2-Platoon	55	60	84	**96**	**96**	**41**	**100**	*****

Bold-faced type indicates coefficients that are from models with R-squares ranging from .11 to .57 and with t-tests significant at the .0001 level.

[161] During the 1999 Charter process, the author explained the logic of proposing a charter and separate alternatives to the elected L.A. charter reform commission. The author encouraged the charter commission to refrain from proposing too many ballot alternatives due to the inevitable confusion. In the end, the charter commission did offer voters two alternatives enlarging the council, and both failed. However, since the elected and appointed charter commissions had settled on one unified charter, they were able to avoid confusing the voters with multiple choices.

[162] See *Examiner*, June 4, 1916.

[163] See *Examiner*, June 7, 1916.

[164] LA only employed 4000 people in 1916, according to L.A. *Record*, April 29, 1916.

[165] See *Examiner*, June 7, 1916.

[166] See *Examiner*, June 4, 1916.

[167] See *Examiner*, June 6, 1916.

[168] See *Herald*, June 5, 1916; *Examiner*, June 6, 1916.

[169] See *Tribune*, June 6, 1916.

[170] See *Examiner*, June 4, 1916; *Times*, June 4, 1916.

[171] See *Times*, June 4, 1916.

[172] See *Times*, June 4, 1916.

[173] See *Examiner*, June 4, 1916.

[174] See *Times*, June 2, 1916.

[175] See *Times*, June 5, 1916.

[176] Mayor Cryer had called for a new charter commission shortly after his election. Finally, the Council acted unanimously on January 19, 1923 to approve a recommendation by the Public Welfare Committee for the creation of a Board of Freeholders. Nominees for the Board needed only 500 signatures, and had February and March to assemble their nominating petitions for the Board.

[177] The ballot endorsements that the *Times* provided for the Board of Freeholders race on April 29, 1923 provide a unique window on the composition of the board.

[178] See Haynes Papers, Box 106, folder: "LA-Charter-1923-Dr. Haynes."

[179] In a June 19, 1929 letter from Marshall Stimson to John R. Haynes, Stimson appears to have rebuked Haynes for his manipulation. Stimson wrote: "While I am doing this, it I only fair to state that I think that whoever is responsible for the endorsement of Mr. Bonelli and for the letters sent out by Mr. Richards, is directly responsible for the defeat of the bonds. I find that among the friends of Mr. Porter were a great many who resented the actions, discussed above, to the extent of voting against the bonds. If the Municipal Power Department is to have the confidence of the people, it must be kept out of politics. As a civil service advocate, I count on your loyal support in this matter." See Haynes Papers, Box 60, Folder entitled "Elections—1929—LA".

[180] Haynes was compelled to campaign within the political structure that he had helped to create. As Fogelson describes it, "The demise of reform notwithstanding, progressivism profoundly affected Los Angeles politics. True, it did not eradicate politics. Direct legislation became a political technique, municipal ownership a source of conflict, and civil servants a political force. But it did shift the locus of power in Los Angeles. The strong mayor, at-large council, and appointive administrators all derived their authority from citywide rather than ward constituencies. Reform destroyed the traditional devices for organizing politics too. With the parties defunct and the machine dismantled, the bosses had no way to reach the voters and no means to influence the government. Progressivism also compelled the candidates to appeal to the entire electorate, placing priority on publicity rather than familiarity and on finances instead of favors. Hence it weakened the position of local groups such as neighborhood associations, ethnic minorities, and radical activists and increased the importance of metropolitan institutions such as daily newspapers, civic clubs, business interests, and commercial organizations. Although other American cities were heading in this political direction, Los Angeles, with its overwhelming native-American majority, arrived there first." See Robert Fogelson, *Fragmented Metropolis*, p. 218.

[181] See also Sitton, *John Randolph Haynes: California Progressive* (Stanford: Stanford University Press, 1992), pp. 173-174.
[182] The material from the Freeholders campaign is included in Box 106 of the Haynes Papers. The L.A. County Republican Association appears to have been created by Haynes due to the correspondence and records of cash transfers between Haynes and the group's leader, H. W. Hover. The quotations in regard to Haynes' radical leanings are in an article from the *Los Angeles Review* dated May 10, 1923. This is also in the Freeholders file in Box 106.
[183] See Haynes Papers, Box 106, folder entitled "Elections—1923—LA, 3-20" for this letter.
[184] See the Freeholders Minutes for the meeting of November 26, 1923, p. 65.
[185] See Haynes Papers, Box 106, folder entitled "LA Charter 1923, 8-20," April 16, 1923.
[186] See *Los Angeles City Officials 1850-1933 Alphabetical Index* for this information.
[187] See *Los Angeles Review*, May 10, 1923.
[188] *See Record*, June 16, 1923.
[189] See *Times*, June 21, 1923.
[190] See *Los Angeles Chronicle*, April 25, 1923.
[191] In his July 5, 1923 address to the board, Clarence Dykstra--the chairperson of the Los Angeles City Club--cautioned the Board from overturning specific decisions by the voters in past elections. See the Minutes for that date, and Abrahams, "Functioning," p. 34. For the terms of the new organic law, see *The Charter of the City of Los Angeles In Effect July 1, 1925*, Los Angeles: Los Angeles Daily Journal, 1925 (hereinafter, *1925 Charter*). For an excellent summary of the 1925 Charter, see Steven P. Erie et al., "Intent of the 1923 Los Angeles Board of Freeholders in the Drafting of the Current Charter," *Brief of Amici Curiae Historians and Political Scientists*, ACLU Foundation of Southern California, submitted in *Board of Police Commissioner of the City of Los Angeles v. Daryl Gates, Chief of Police of the Police Department of the City of Los Angeles* (2nd Civil No. Related to 2nd Civil No. B057609; LASC Case No. BS 006789 – Hon. Ronald S. Sohigian, Judge; Court of Appeal of the State of California, Second Appellate District, Division One, June 3, 1991).
[192] See two cartoons that speak volumes. The first was from the December 12, 1909 edition of the *Times*, and showed the city charter as a patched-up tub being further repaired by a tinker. The second was in the *Times* on May 6, 1924 and represented the city as a large man having "1,000,000 population" but wearing the boy's pants of "a city of 40,000" and asked "Isn't it about time we took him out of short pants?" The cartoon also showed a "crazy-quilt overcoat" patched by 4 amendments with more fabric than the original coat. The "L.A. Voter" is depicted examining the tag for "the new charter" which is a "Municipal Business Suit Size 1,000,000." Given the connection between charters and growth in L.A., I would argue that the word "business" here also operates rhetorically to remind the electorate of the city's economic stakes in growing up politically by putting on an appropriately fitting charter.
[193] Refer to the charter drafts from the 1923 Board of Freeholders in the *Haynes Papers*, Boxes 105-106. The LACA has a more complete set of Minutes than the UCLA Haynes Collection. In order to understand the 1923 Board's progress, it is necessary to acquire a copy of the Freeholders' Minutes from LACA and bring this copy to the Haynes Collection. This still does not provide a complete picture of the process because neither LACA nor UCLA appears to possess a complete set of the 1923 Board of Freeholders' papers.
[194] See the *Haynes Papers*, Boxes 105-106; Hunter, *Evolution*, 243. See *1925 Charter*, sections 7, 343-356, 46-47, 55-56.
[195] Refer to *1925 Charter*, sections 34, 40 (4), Article VI. The 1925 Charter re-named the Department of Public Service the Department of Water and Power.
[196] See the *Haynes Papers*, Boxes 105-106. Refer also to James Q. Wilson's "Los Angeles: Pre (Civil) War," in Edward C. Banfield, *Big City Politics; A Comparative Guide to the Political Systems of Atlanta, Boston, Detroit, El Paso, Los Angeles, Miami, Philadelphia, St. Louis*, New York: Random House, 1965, 80-93. See *1925 Charter*, section 79.
[197] From 1919 until his death in 1937, Haynes would serve as a member and sometime President and Vice President on the Public Service Commission. The 1925 Charter renamed the commission and its department from "Public Service" to "Water and Power." The 1923 Board of Freeholders' Minutes

show that neither Haynes nor his department wanted a politically infelicitous name like the Department of Water and Power. In fact, Freeholder Haynes opposed the name change, but Freeholder William Mead insisted upon it. See the "Minutes of the 1923 Board of Freeholders," LACA. William Kahrl's book, *Water and Power*, plays on the pejorative quality of the name and argues along with the *Chinatown* school of historiography that LADWP's name is appropriate. See Abraham Hoffman's *Vision or Villainy* for a more objective account.

[198] In 1923, the Chamber of Commerce called for a new charter and formed a Charter Study Committee made up of citizens from different groups. Most of its members were elected to the Board of Freeholders. After the charter was written, the Chamber took an active hand in promoting it in the 1924 campaign. See *1925 Charter*, section 3(3) for debt limit.

[199] See *1925 Charter*, Articles XXI and XXV, and sections 187 and 425-426. The pension system was passed as charter amendment #1 on May 4, 1937; it became Article XXXIV of that charter and took effect on July 1, 1937.

[200] See *Thornburgh v. Gingles (478 US 30)* and the whole series of Voting Rights Act cases that have prohibited minority vote dilution. See also Abigail M. Thernstrom, *Whose Votes Count? Affirmative Action and Minority Voting Rights*, Cambridge, MA: Harvard University Press, 1987. The district council elections in the 1925 Charter were a product of compromise. On August 16, 1923, the San Pedro Chamber of Commerce asked the Freeholders for district elections. Speakers from the Associated Chambers of Commerce of the San Fernando Valley reiterated this request when they addressed the Freeholders on August 23, 1923. Exposition Boulevard and Western Avenue Improvement Association recommended a fifteen-member district council on September 27, 1923 and again on October 25, 1923. The only opposition to ward representation had come from the Sawtelle District Chamber of Commerce on October 1, 1923, but this group also wanted the borough system as had many of the other groups. On October 29, 1923, the Freeholders voted to place a district council amendment on the ballot along with the new charter proposal. See "Minutes of the Board of Freeholders," June 18, 1923 to December 10, 1923, LACA. Labor groups also appear to have favored district representation on the council. See "Labor is For District Representation," *The Los Angeles Citizen*, November 2, 1923.

[201] The prohibition of sexual discrimination in compensation, moreover, pre-figures the equal pay for equal work demands that have yet to become public policy in the United States. The early election of minorities in Los Angeles compared to other cities might not have happened if it were not for section 6 of the *1925 Charter*. See also sections 103, 109 and 424.

[202] For election results, see the City Clerk's "Election Results" of May 6, 1924. For the borough government provisions, see Article XXX of the *1925 Charter*, sections 408-409 in particular.

[203] See Hunter, 1933, on the Council ordinances regarding the Bureau--1913, 1915, and 1916. For the difficulties of the Bureau of Efficiency, it is useful to examine the career of Jesse Burks, whose career at the agency was a turbulent one.

[204] See Section 424 of the 1925 Charter.

[205] See Section 6(2)(a) of the 1925 Charter.

[206] See Section 215 of the 1925 Charter.

[207] See Section 251 of the 1925 Charter.

[208] Section 425 of the 1925 Charter stated: "In fixing the compensation to be paid to persons in the city's employ, the Council and every other authority authorized to fix salaries or wages, shall, in each instance, provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations under similar employment, in case such prevailing salary or wage can be ascertained."

[209] See Section 427 of the 1925 Charter.

[210] Horn's letter was dated November 23, 1923, and is contained in the Haynes Papers, Box 106. For the outcome of Horn's letter, see the 1923 Freeholders Minutes, November 30, 1923, p. 68.

[211] See "New Charter to Be Ready December 10," *Examiner*, November 18, 1923.

[212] See Section 155 of the 1925 Charter.

[213] In his speech on behalf of "The Proposed New City Charter for Los Angeles", John Haynes had in 1916 claimed to have "with one unimportant exception, which does not violate the general principle, all the provisions in the present charter which were placed there by separate and specific action of the people." Haynes did not clarify which was the exception, although the only one this author is aware of is the failure to include the charter amendment that abolished the *Municipal News*. The speech is in the Haynes Papers, Box 102, L.A Charter 1916 Folder, pp. 1-2, in Box 105, in a folder entitled "LA Charter 1916."
[214] At the June 28, 1923 meeting Freeholder Newby made a motion that the secretary "invite concrete suggestions in writing for the framing of the new charter" from the head of each city department, from the four Superior Court Judges who were formerly City Attorneys—Hewitt, Shenk, Stephens and Burnell, "from W. B. Mathews, special counsel to the Public Service Department", from "[a]ll civic and commercial bodies in the City of Los Angeles, especially those who recommended members of the Board of Freeholders" and from the "general public, by an invitation through the press." See the Minutes of the 1923 Board of Freeholders, June 18, 1923 to December 10, 1923. The author actually distributed copies of this excerpt from the Freeholders' Minutes to the members of the 1997-1999 appointed charter commission. The author testified to the commission that they needed to follow the precedent of the 1923 Board and elicit greater stakeholder input (in the parlance of the time) if they wanted to achieve the kind of consensus that the Freeholders had for the 1925 Charter.
[215] Freeholder Ida I. Bellows refused to sign the final document because of her strong opposition to the Municipal Housing Commission "that would have power to build and sell small homes to citizens." See "City Charter Completed," *Times*, December 11, 1923, p. II.1. Freeholders Tolhurst and Booth were unable to sign the document due to travel, but Secretary Dunlop indicated they had approved the charter.
[216] See the *Record*, November 30, 1923.
[217] See the *Record*, November 30, 1923.
[218] See Section 426 of the 1925 Charter.
[219] It is very likely that the re-naming of the "Labor" article to "Miscellaneous" occurred because of the potential opposition that the name might have inspired.
[220] See the *Record*, November 30, 1923.
[221] See Section 187 of the 1925 Charter.
[222] For descriptions of the campaign for the 1925 Charter, see Abrahams, "Functioning," pp. 30-47, Fogelson, *Fragmented*, pp. 221-222 and Tom Sitton, *John Randolph Haynes: California Progressive*, Stanford, CA: Stanford University Press, 1992, pp. 173-174.
[223]

Table 4.10: Demography and Support for the 1925 Charter and District Council

Measure	All	Native white, native parentage	Foreign-born white	Second Generation	Junior High	Senior High	College
1912 Charter	**32**	46	5	0	33	39	52
1916 Charter	**43**	**43**	4	**0**	48	**58**	**79**
Manager Plan	**36**	46	20	0	35	42	**53**
2-yr terms	**46**	41	**64**	**92**	44	**42**	**37**
Dist. Council	**51**	**32**	**100**	**100**	46	**37**	**16**
P.R. Council	**38**	**28**	**65**	**100**	33	**30**	**20**
1925 Charter	**87**	**100**	**53**	**3**	89	**94**	**100**
District Council	**62**	34	100	100	53	**40**	**5**

Bold-faced type indicates that R-squares are high, and that p-values are significant at the .05 level.

[224] Women appear also to have supported the 1925 Charter, yet the degree of consensus among voters would call this finding into question:

Table 4.11: Support for the 1916 Charter by Gender

Measure	Men	Women
1912 Charter	**9**	**52**
1916 Charter	**9**	**76**
1925 Charter	**64**	**100**

Bold-faced coefficients are all significant at the .0001 level; the R-squares for the models for 1916 and 1924 are strong, while for the 1912 model, R-square is weak.

[225] There is a correlation between support for the 1925 Charter and the votes from the 1913 elections, but this must be carefully used, given the degree of support for the document in all quarters.

Table 4.12: Support for the 1925 Charter and Candidates in the 1913 Mayoral Elections

Then the Precinct's support for Y is:	If 100% of a precinct's voters support X:				
	Harriman (primary)	Rose (primary)	Shenk (primary)	Rose (general)	Shenk (general)
1912 Charter	**15**	**4**	**49**	**16**	**52**
1916 Charter	**18**	10	**59**	**29**	**61**
1925 Charter	**69**	56	**96**	**75**	**100**

Bold-faced type indicates coefficients significant at the .05 level with strong R-squares.

This table shows that support for a new charter was expanded among both conservatives and socialists between the 1912 and 1916 charters and the 1916 and 1924 charters. Support for reform among socialist voters rose from 15% to 18% to 69%. Support for reform among conservative voters rose from 4% to 10% to 56%. Support for reform among progressive voters rose from 49% to 59% to 96%.

[226] See the letter to Haynes from George P. Mills, dated May 11, 1923; it is in Box 105 of the Haynes Papers.

[227] This is from the *Minutes of the 1923 Board of Freeholders*, which are available both at the Los Angeles City Archives and n Box 106 of the Haynes Papers.

[228] *The Citizen* pointed out labor's support for district representation in its November 2, 1923 issue.

[229] A majority of voters supported the district elections alternative, but the margin was not as great as that achieved by the charter itself. Consequently, a number of the Freeholders contended that the at-large elections established by the charter should trump the provisions of the alternative. The courts were ultimately called upon to make a decision, and held that pursuant to the California Constitution, charter change measures needed only a majority vote. However, the courts have contended in other cases that if two contrary measures are ratified at the same election, then the one with the higher vote majority prevails. The 1988 controversy over the passage of the contradictory Proposition 68 and 73 measures for campaign finance reform invoked exactly this principle. The forces in favor of retention of at-large elections had a good argument, but the judge decided for the other side.

Chapter Five: Amending the 1925 Charter, 1925-1999

> Whenever the designers of a constitutional government fail or neglect to provide within their more or less rigid structure the machinery for meeting a governmental need, that machinery tends to come into existence without regard to the dicta of law-givers or makers of constitutions.
>
> --Charles H. Garrigues, L.A. journalist, 1936.[1]

> …a multitude of charter amendments have been proposed throughout the years, often without careful study….Occasionally a bad proposal is adopted. It frequently happens that charter amendments are adopted or rejected when the vote is exceedingly light. A question that is frequently raised in the minds of voters when charter amendments are proposed is this: "What is behind this amendment? Who sponsors it?" The answer is sometimes difficult to find.
>
> --Statement from the Report of the Los Angeles Charter Revision Committee, 1940-1941. [2]

Charles Garriques was a long-time political reporter in Los Angeles, and just as his first publisher Manchester Boddy of the *Illustrated Daily News* had done, heaped scorn on L.A.'s would-be reformers. In his book on L.A., Garrigues had characterized all politics as a matter of acquiring graft, and noted that the city had a way of discovering a boss every time an election was going on. L.A.'s local version of Ambrose Bierce contended that the Angeleno pursuit of charter reform was unnecessary, as people have a way of getting things done regardless of the rules. If Garrigues perceived matters correctly, then it would be difficult to explain Los Angeles' apparent obsession with rewriting the rules of the game.[3] But his skepticism may be understandable, given that even the 1940 charter reform committee expressed frustration with the city's constitutional change process.

On July 1, 1925, the 1925 Charter became the new municipal constitution for the City of Los Angeles. After all of the effort invested in securing a new charter for the city, one might expect that the city could give charter change a rest. The election of five boards of freeholders had finally moved the city beyond the obsolete 1889 Charter.[4] The 1925 Charter had been drafted in 1923 by a charter commission elected earlier that year, approved by the public and the state legislature in 1924, and become effective in the middle of 1925. Despite having invested two-and-a-half years of effort to perfecting their new charter, the public would immediately begin amending it.

In November 1926, the voters went to the polls to decide the fate of 16 proposed charter amendments. While the document had been in effect for 16 months, not a single city official had ever been elected under the terms of the charter! The voters approved 11 changes to the 1925 Charter in the very first state general election California held after the document had become effective.[5] Some of these amendments were purely technical, but others represented substantive charter changes, such as taking authority over boiler and elevator inspectors away from the Building and Safety Commission. The Municipal League viewed this particular amendment as a change that ran exactly counter to the intent of the 1925 Charter. Contrary to the hopes of its framers, the new charter clearly had not been the last word on charter reform.[6]

How did the city's state-centered reform regime operate in the years after the 1925 Charter became effective? How would the city end up voting on over 500 charter amendments from 1926 to 1998, ratifying over 70% of these revisions? How

did certain types of reform become institutionalized with city agencies, while others were not? How did the state-centered reform agencies come to lead their own version of bureaucratic machines? Why did these agencies block new charters so effectively while they sought continuous charter amendments to alter their operations? How did society-centered reform groups so consistently fail in their attempts to bring the city a new charter? Why did society-centered reformers call for removal of their members from the commissions managing the city's departments?

Pressure for a Brand New Charter, 1926-1963

Although those who saw problems in the 1925 Charter tried to fix its flaws with incremental amendments, they were not content to confine themselves to piecemeal change. As early as 1929, before the first administration elected under the 1925 Charter would even finish its term, reformers were already advocating the pursuit of a brand new charter. In that year the Municipal League, which had avidly campaigned for the drafting and passage of the 1925 Charter, would print articles critical of the document's "glaring defects" and its "Hodgepodge" character. As the League opined, "one associates divided responsibility with inaction; useless checks with controversy; absence of firm executive control with inefficiency and extravagance; and extreme board administration with politics and waste." The Municipal League's commentators argued that L.A. should "consign the doctrine of checks and balances to the junk-heap of politics" and secure a Council-Manager charter.[7]

Five years later, calls for charter change would reach a fevered pitch among L.A.'s self-appointed civic patriots. In 1934, the Minute Men—formally known as the Minuteers Association—would again declare the city in need of comprehensive charter reform. The former presidents of the Los Angeles Junior Chamber of Commerce gave birth to the association at a meeting, and it would become a non-profit corporation in September 1932. According to the Minuteers, voter apathy had reached such a point that "at the municipal election...six per cent of the electors determined the issues...." Based on the work of its thirty-member Central Council and fifty district units, the Minuteers managed to organize a coalition of 300,000 voters. The Minuteers accused city government of both "'intolerable corruption and efficiency.'"[8]

In their assessment, the 1925 Charter had not given the city good government. Instead, the Minuteers found that Los Angeles had "[g]laringly incompetent, corrupt and wasteful municipal...government, crooked police administration, a politically-protected underworld…vice provocateurs and racketeers hobnobbing with public officials--these were some of the shocking aspects of the failure of law enforcement in Los Angeles County in the period between 1930 and 1938. Add to these the brutal beatings of citizens charged with minor causes, the demotion and breaking of honest policemen who had dared to raid protected vice, the barter and sale of civil service appointments and promotions." [9] The Minuteers so resemble the "angry young man" of literature that it is difficult not to caricature them, but they appear to have been genuinely upset with conditions they attributed to the 1925 Charter.

In the estimation of the Minuteers, fixing what was wrong with the city would require a number of fundamental changes to the city charter. The Minuteers recommended a number of charter improvements that would "fix responsibility and administrative control. Included were elimination of all boards and commissions and coordination of all city administrative functions under the Mayor through his appointment of an administrative officer charged with supervising all city administrative operations. Other recommendations called for limiting the Council to legislation and policy making, removing all administrative detail from the charter and making such detail subject to ordinance action, and bringing all departments within the Controller's financial control." The Council took no action other than filing the Minuteers' charter proposals. The L.A. District Attorney whose administration the Minuteers had castigated called L.A. "'the white spot'" because of its civic purity; he claimed Minuteers were forming "'a Nazi type of organization.'" Yet for the next 65 years, an interminable series of Los Angeles charter revision commissions and committees would echo both their diagnosis of the 1925 Charter's problems and their proposed solutions. [10]

The 1934 Council Advisory Committee: the Council may not have taken the Minuteers' recommendations seriously, but the legislative body did create a blue ribbon panel to study the 1925 Charter and recommend changes. A Council committee chairperson assembled the Council Advisory Committee (CAC), which included respected UCLA and USC professors specializing in government, law and political science. The CAC would offer a thorough and hard-hitting indictment of the

1925 Charter: "Los Angeles is frequently said to be a well administered city in spite of a charter organization which defies most of the principles of administrative organization generally accepted among technical and professional groups."[11] In effect, the CAC indicated that the city was well-run in spite of the 1925 Charter, rather than because of the document.

The remedy the CAC suggested would involve "concentration of administrative authority in the mayor…." Such an alteration would be "the next logical step in the natural unfolding of administrative history" of the city.[12] The CAC reported, "[l]ines of responsibility should run from the departments to the Mayor and from the Mayor to the Council or to the people." That this was not the way the city worked could only be accidental:

> It seems clear that it was the intention of the framers of the Charter that the Mayor should be the chief administrative and coordinating officer in the city government. But in practice it has not worked that way. The form of organization, prescribed by the Charter for administrative departments, has reduced to a minimum the control of the Mayor. No machinery for coordinating the work of the departments or for gathering information regarding departmental activities has been set up in the Mayor's office. The mere number of departments makes adequate supervision difficult. No executive cabinet exists. Definite lines of responsibility leading to the chief executive have not been established. In fact, the powers of the Mayor as "executive officer" are nominal only.

The CAC thought that fixing the city would also require "a chief administrative officer charged with the duty of supervision, direction, coordination, planning, and controlling the administrative activities." An impressive report in principle, the CAC's work made no change in practice. Once again the Council would take no action on a blueprint which represented the state of the art in terms of structuring city

governance. The voters might still have rejected these changes if they had made it to the ballot, but the municipal legislature filed them away. [13]

But the Council's negligence regarding the CAC study did not end interest in a new city charter. From 1937 to 1940, concerned citizens and city officials engaged in a spate of exploratory surveys regarding the need for a new charter. In 1937, the Council, City Attorney and L.A. Bureau of Budget and Efficiency all examined the issue, although none of these bodies proposed a comprehensive revision. In 1939, Los Angeles' Town Hall recommended a new charter be drafted in order to deal with the diffuse quality of administrative responsibility; its recommendations would greatly resemble those made by the Minuteers and the Charter Advisory Committee. Town Hall would also recommend an independent post-audit of the Controller's financial records.[14] In 1940, the Junior Chamber of Commerce's Government Affairs Committee analyzed the city charter, and echoed the recommendations of both the 1939 Town Hall and its predecessors. As usual, the Council would fail to act upon these studies' findings.

Recalling the Shaw "Machine": even the Council's persistent tabling and shelving of reform proposals did not mute the calls by some citizens for a new charter. The 1938 recall of Mayor Frank L. Shaw, whose thin brush moustache gave him an unfortunate resemblance with Adolf Hitler, revived charter reform enthusiasm by exposing the corrupt underbelly of city politics. Moreover, the recall had replaced Shaw with a new mayor who viewed reform as essential to preventing the recurrence of municipal corruption. By using the recall, which had not been successfully invoked

since 1904, the public had proved the relevance of the Charter. After all, it had permitted the citizens to make Shaw the first American Mayor to be removed through use of the recall.[15] Although the 1925 Charter had permitted Frank Shaw and his brother Joe to corrupt both the Civil Service and Police departments, the document also provided a remedy.

However, the Shaw Administration had exposed one key weakness of the 1925 Charter. The document could require the city to establish a Civil Service Department but could not force it to expend the funds necessary to administer it properly. Glenn G. Gravatt, who served as the Department's Secretary from 1927 to 1933 and as its General Manager from 1933 to 1938, complained constantly about the city's failure to fund the merit system.

> Reduced municipal revenues has, quite naturally, resulted in budget cuts. In the past couple of years, however, Civil Service has been cut more than any other department. It is not clear just why this is so. A study of budget allowances plainly indicates that the Civil Service not only was cut more than any other department, but the cut was so far out of proportion to that received by other departments that casual inquirers have been curious to know why this one department was so singled out.
>
> Citizens and taxpayers who are on the alert have asked whether there has been a deliberate attempt to throttle the merit system. Many believe that there is no surer way to paralyze the efficiency of civil service and encourage the old spoils system than to leave the city's personnel agency without sufficient funds with which to operate, thus making it easy for 'emergency' appointments to be made.[16]

Of course, Gravatt realized that the Great Depression was responsible for the city's budget woes and noted the irony of under-funding a city employment agency during the greatest employment crisis in the nation's history. He also pointed out that in "the

numerous jurisdictions over the country during the past few years budget makers have treated Civil Service Commissions like a Cinderella."[17]

Yet Gravatt apparently thought the problem was more than fiscal and would all but accuse the Shaw Administration of reducing its revenues in order to permit corruption of the city's workforce.[18] In an unprecedented change, Gravatt would conclude the Civil Service Commission's *Thirty Second Annual Report* with a section entitled "L'Envoi". In old French poetry, this term had originally been used to preface "one or more detached verses at the end of a literary composition, serving to convey the moral or to address the poem to a particular person".[19] Within the pointed postscript, Gravatt would explain at length the Civil Service Commission's budgetary woes and strongly imply that the Shaw Administration was attempting to turn the department into a patronage bureau. Gravatt lamented "the utter lack of knowledge on the part of the public", whose "apathy has not lessened our burden any".[20]

By 1935, financial straits appear to have demoralized the Civil Service Department, and its next three reports lacked the high standards of quality to which these documents had consistently adhered during the three decades of its existence. In an ironic twist, Mayor Fletcher Bowron would purge Gravatt—who appears to have tried to maintain the merit system—right along with all of the other Shaw Administration commissioners and general managers. The Department's new General Manager would be Burton Hunter, who had previously worked as an Efficiency Engineer in the Bureau of Budget and Efficiency. Hunter, whose dissertation had provided the best survey extant of the evolution of the city's municipal organization

and administrative practice from 1781 to 1933, would attempt to make practical use of his understanding of the history of L.A.'s charter.[21] Hunter's Civil Service Department would be liberated from the corrupting influence Mayor Shaw's brother Joe is alleged to have wielded, which even included distributing copies of civil service exams to potential recruits. But the fact that the public had needed to exercise the recall in order to exorcise the city of Shaw's malodorous influence made it appear to some observers that something was rotten in the city charter.

Mayor Fletcher Bowron acquired the city's top job due to the recall campaign led by such reformers as Clifford Clinton and his CIVIC (Citizens' Independent Vice Investigating Committee). Mayor Bowron, who shared so much of Clinton's idealism that he would ultimately be driven out of the Mayor's office in 1953 based on his support for public housing, sympathized with the reformers' outcry for a new charter.[22] In 1940, Bowron formed a charter commission to examine the city charter that had allowed his predecessor to ruin the city's merit system and build an organization resembling a political machine. As an added bonus, charter reform might also serve the mayor's own purposes by helping him to control the city's departments.

The 1925 Charter's provisions for such strong departments as the proprietaries—Harbor and LADWP—and those the charter guaranteed a specified share of the tax levy—Library, Parks and Playground & Recreation—made it difficult for a Mayor without a political machine to impose his will over the whole of city government.[23] Bowron did not want to preside over the weak mayor-strong council city that L.A.'s charter had historically made it. Rather, he saw himself as the ideal

person to strengthen the power of the city's executive. Perhaps influenced by his career as a judge, Bowron seems to have wanted to hold the office for life; he did not leave until pressured out by an unsuccessful recall effort and a "red scare" in the City's Housing Authority. His fifteen years of service in the Mayor's office would nearly double the longest term served by any of his predecessors. But even a long-term Mayor would have difficulty exercising authority in a city as decentralized as the 1925 Charter rendered Los Angeles. When Bowron sought charter change, he clearly aimed at dealing with the problem of LADWP. He may not have viewed the agency as the "Water and Power Machine" some had termed it, but he clearly thought its autonomy posed the threat of a rogue bureaucracy.[24]

Los Angeles Charter Revision Committee, 1940-1941: the Council would join Mayor Bowron in appointing a blue ribbon panel to review the charter in early 1940.[25] The panel was so diverse that its members could credibly claim: "This is perhaps the first time in the history of the City that a representative cross-section of citizens has been charged with the responsibility of making a comprehensive study of the entire charter." [26] The LACRC stated that

> a multitude of charter amendments have been proposed throughout the years, often without careful study, and the mortality record of these proposals has been great. Usually when a charter amendment is submitted to the electorate, unless some compelling need is made to appear, it is voted down. Occasionally a bad proposal is adopted. It frequently happens that charter amendments are adopted or rejected when the vote is exceedingly light. A question that is frequently raised in the minds of voters when charter amendments are proposed is this: "What is behind this amendment? Who sponsors it?" The answer is sometimes difficult to find.[27]

The LACRC wanted to preempt such doubts about its proposals, and made sure that its report contained complete details on the Committee's members and their representativeness.

Time considerations prevented the LACRC from proposing "an entirely new charter", as some of its members wished to do. Thus, the Committee settled on incremental enhancements designed to create "more efficient and responsible government" and "more economical government that would save hundreds of thousands of dollars to the taxpayers." LACRC recommended 22 charter amendments, several of the most "important" of which "were not approved by the Council or placed on the ballot."[28] In fact, the local legislature added many amendments drafted by Council members, and even proposed amendments that were exactly the opposite of those the committee recommended. Only half of LACRC's original proposals made it to the ballot intact.[29] LACRC contended that improvements were needed in terms of the city's pensions, taxation and proprietary departments, and called for continuation of some of its subcommittees to devote further study to these issues. However, the Council did not follow through on this request and allowed the LACRC to die without further action.[30]

The LACRC was so convinced of the need for its services that the members sent a memorandum to the Mayor and Council calling for "A PERMANENT ADVISORY CHARTER COMMITTEE". The memo suggested that the charter be amended to create such a committee, whose nine members would be appointed by the Mayor with Council confirmation. The committee would be able to address the

problem that the city had "[n]o permanent agency or machinery now set up to consider [the] problem of keeping the organic structure of [the] city under the charter abreast of needs of the city and up to date…based upon an impartial, community-wide point of view."[31] The LACRC, which stressed repeatedly its own representative quality, apparently saw itself as the model for a permanent charter commission.

The LACRC's memorandum argued further that the charter required city officers "to devote their full time and attention to the task of providing the best administration under and by virtue of the existing organic structure of the city government, leaving practically no time for consideration of the ways or means of modernizing and strengthening such structure." The memo cited a study of the charter amendments enacted between 1926 and 1939, noting that "minority, special interest, pressure groups" had put forth the "vast majority" of these alterations. The LACRC claimed that a "timely and impartial study of such proposals by an independent, unbiased, advisory group…would have kept many of such proposals off the ballot", allowing "a more proper balancing of the interests of the community as a whole against the interests of particular groups in many other of such proposals." The LACRC flattered the Council, assuring legislators that if they weren't so busy giving the city good government, then they would have had time to prevent unnecessary charter amendments. However, Mayors and Councils had submitted these amendments to the voters; none had arrived via citizen petition. If there was any blame to be placed, it lay squarely on elected officials.

Over the next decade, myriad citizen commissions would propose charter change. Most groups called for wholesale replacement of the 1925 Charter. All of the 1940s interest in charter change had not produced a new Board of Freeholders or a single new charter proposal. The city had problems which the charter did not address. Inadequate city responses to such issues as zoning, parking, traffic and subpar public facilities were driving local groups in the San Fernando Valley and Harbor areas to advocate secession from the City of Los Angeles. Mayor Bowron proposed creation of a borough system, which had been allowed under the 1925 Charter, but which the City Attorney had declared unlawful based on the *Crose v. City of Los Angeles* case. Harbor-area Assemblyman Vincent Thomas won a state constitutional change that was intended to correct the constitutional issue raised in Crose, yet no one ever submitted a borough-related charter amendment to the public, and the Council did not avail itself of the borough provisions in Article XXX of the 1925 Charter.[32]

Although Mayor Bowron did not deal effectively with the boroughs concept, one cannot assume that he did not regard improvements to the city's governance as an important goal. With over ten years of experience as Mayor, Bowron could appreciate better than anyone the difficulties of leading the city under the 1925 Charter.[33] In 1949, Bowron decided to recommence the quest for a new charter. He may have realized that this was to be his last administration, and consequently desired to make a new charter his final legacy to the city. But this theory is not entirely plausible because the public housing issue that would drive him from office in 1953 had not yet surfaced. It may be simply that Bowron perceived a new charter as an effective

instrument for altering the balance of power between his office and the city's departments, which were all-too-independent for his taste.

The 1949-1953 Little Hoover Commission

Reflecting disgust with the L.A.'s municipal constitution in the rhetoric of his era, a 1940s observer of city government would write that the Charter was "Public Enemy No. 1 in Los Angeles" because it prevented officials from accomplishing anything. In 1949, Mayor Bowron helped assemble a commission of prominent citizens—the Los Angeles Commission for Reorganization of the City Government—to study the Charter and offer improvements. The Commission worked for four years, from July 1949 to April 1953, and filed ten recommendation-filled reports. City ordinances would be sufficient to achieve some of the recommended improvements, but the voters would need to enact charter amendments to realize many of them.[34]

The City of Los Angeles would dub the 1949 charter reformers the Little Hoover Commission (LHC) because its final report of April 1953 quoted former President Herbert Hoover's Commission on Organization of the Executive Branch of the Federal Government: "Responsibility and accountability are impossible without authority—the power to direct. The exercise of authority is impossible without a clear line of command from the top to the bottom, and a return line of responsibility and accountability from the bottom to the top." The LHC stated, "[t]hese observations are equally pertinent to Los Angeles city government."[35]

The LHC, whose membership included Watt L. Moreland of the 1923 Freeholders board that had drafted the 1925 Charter, ultimately made 33

recommendations, most of which would have required charter change. For all intent and purposes, if the city had enacted its report in full Los Angeles' FOG would have been transformed to a Council-Manager system with a City Administrative Officer (CAO) acting as the City Manager. LHC recommended: 1) continuing to elect the City Attorney and Controller at-large rather than appointing them; 2) electing the Council to four-year, staggered terms; 3) relieving the Council of its quasi-administrative duties; 4) Council meetings once weekly rather than daily; 5) retention of the Mayor's veto; 6) Mayoral appointment and removal, with Council confirmation of both decisions, of all boards and commissions, the Public Defender, City Clerk and Treasurer; and, 7) Mayoral responsibility for only the planning and proprietary departments, but CAO control of all others. The first seven recommendations dealt primarily with elected officials, but provided a hint of the authority the LHC thought the CAO should hold.

The next group of LHC recommendations dealt extensively with the CAO, whose addition the LHC had secured through a charter amendment the body urged at the beginning of its work. LHC recommendations numbered 8 through 17 called for: 8) retention of the present method of selecting the CAO; 9) giving the CAO full administrative control of all departments not controlled by Mayor and Council; 10) granting the CAO power to appoint and remove all General Managers, subject to a merit system temporarily, but eventually exempted from civil service; 11) creating a Director of Public Works and relieving its Board of all administrative duties; 12) placing the Receiving Hospital under the CAO; 13) abolishing the Department of

Municipal Art and transferring its Bureau of Music to the Department of Recreation and Parks and its approval of art and architecture to the Planning Commission; 14 and 15) consolidating the city's Health Department with the County's; 16) transferring all departmental informational services and public relations functions to the CAO; and, 17) placing Purchasing and Supplies and other bureaus under the CAO. Having made the CAO a part of the city, the LHC pushed for the officer to hold adequate authority to provide efficient administration for the city.

The LHC offered its next group of eight proposals in the hope that they would help the city modernize its administrative structure. Specifically, the LHC recommended: 18 and 19) reorganization of the Civil Service Commission and creation of a Personnel Director appointed by the CAO with Mayor and Council consent; 20) placement under the CAO of staff departments such as Budgeting and Personnel, as well as Line Departments such as Building and Safety, Fire, Library, Police, Public Works and Recreation and Parks;[36] 21) transfer of all administrative duties of boards and commissions, except City Planning and the proprietary departments, to department heads; 22) employment of commissions exclusively as advisory and appeals bodies; 23) establishment of *per diem* compensation for commission and board members; 24) mandate for annual commission reports to Mayor and Council evaluating departmental programs; and, 25) creation of a single salary setting agency for all city personnel, whose recommendations would be subject to Council or proprietary department confirmation in regard to costs, but not in terms of individuals or classes. For the LHC, the 1925 Charter reflected obsolete concepts

of public administration; by replacing these, the members hoped to "enable Los Angeles to continue to be a great and well-run city."[37]

Many of the LHC's remaining eight proposals dealt with the selection, compensation and benefits of the city's elected officers and employees: 26) Annual cost-of-living adjustments for city pensions; 27 and 28) consolidation of municipal elections with state and county plebiscites, with a contract compensating the County Registrar of Voters to conduct them; 29) improved selection of LAPD Boards of Rights to ensure that discipline is impartial; 30) establishment of minimum scores on LAPD examinations; 31) extension of LAPD probationary period from six months to one year; 32) increase in elected officials' salaries; and, 33) removal of the guaranteed allotment of seven cents for the Library and 13 cents for the Recreation and Parks Department. In sum, the LHC would provide a blueprint for major charter change. City officials did not immediately place its recommendations before the voters, but would eventually do so, resulting in the ratification of many of these charter amendment suggestions over the next half-century.

Only two of the LHC's many recommendations would instantly bear fruit. LHC succeeded in convincing the public to create a CAO and to extend council terms to four years, staggering them so that members from odd-numbered districts would be elected with Mayor while the reminder of the Council was selected two years later. The city did not act on the LHC's most controversial recommendations, such as the idea that the Council should "be relieved of its quasi-administrative duties, such duties to be absorbed in the various departments concerned...."[38] The council initially tabled

this proposal, along with many other LHC recommendations, including reorganization of the Department of Public Works, a goal which even the 1999 Charter's framers would be unable to accomplish. Some of the operational changes the LHC proposed in its many reports did take effect because the new CAO made these alterations without need for further council action or charter change.[39]

Except for establishing the CAO, L.A.'s three major charter reform commissions of the 1930s through the 1950s produced very little in the way of immediate charter change. Two of the three (CAC and LHC) had proposed changes so substantial that they would have amounted to a change in FOG. Most of the charter amendments over the period had instead altered the operations of various city offices and departments. The persistent clarion calls for new charters appear to correspond closely to the rhythm of the election cycle, emerging with new mayors or campaign pledges. Acute journalist and L.A. observer Charles Harris "Brick" Garrigues once commented that one always hears about reform at election times, usually from the out group.[40] In 1934, the opponents of newly elected Mayor Shaw had called for charter reform. In 1940 to 1941, the forces that had secured Shaw's recall and Bowron's installation now pressured for Mayor Bowron's re-election and a new charter to strengthen him. In 1949, Bowron once again sought charter change to increase his control of the executive branch. Mayoral election cycles would even produce the 1961 charter reform effort, as Sam Yorty rode into office on calls for a new charter empowering the mayor.[41]

Ironically enough, candidate Yorty's assessment of the balance of power between Mayor and Council would be accurate because of post-1925 charter reform. The LHC had proposed two amendments, which once enacted, would significantly weaken the Mayor's authority. The 1951 amendment establishing the CAO had not only given that officer important budgetary powers, but had also split the officer's loyalties between the Mayor and Council. The Mayor appointed the CAO with Council consent, but only the Council could remove the officer. The Mayor could refuse to approve the rules and standards the CAO prescribed for all of the city's non-proprietary departments, but the charter authorized the CAO to take over the Mayor's former mandate to plan and direct the city's budget.[42]

The second LHC-inspired charter amendment had also diminished the Mayor's leadership capacity. In 1953, the voters weakened the Mayor with respect to the Council by giving the latter four-year terms. This represented a doubling of Council members' terms, and it equalized the executive and legislative branches' job security.[43] The Mayor could no longer out-wait a recalcitrant Council and campaign against its members to bring in a more compliant body. This "new and improved" and more independent Council would be well-positioned to exploit the CAO's divided loyalties.[44]

Mayor Yorty's call for charter reform sparked city interest and Town Hall once again instituted a study of the 1925 Charter. Appropriately enough, the Town Hall study would be funded by a grant from the Haynes Foundation which John R. Haynes and his wife Dora had created to pursue their interests in good government after their

deaths. Town Hall hired UCLA professor John Bollens to review and report on the charter. Bollens' historically-informed study suggested both incremental and radical solutions for the weaknesses of the 1925 Charter's governmental system. His incisive 1963 report drove further debate over charter changes, but as in the case of the 1939 Town Hall study, produced no tangible result in terms of charter change. The Mayor and Council did not forward any proposals for either a new charter or charter amendments to the voters in 1964. The charter amendments that the public passed in 1965 failed to implement any of the report's recommendations.

New Charters versus Charter Amendments: citizens' groups may have wanted a new charter, but city insiders may have felt safer in settling on incremental changes to the existing document. The enactment of a new charter carries the potential for creating a whole new environment for an agency or official, while a charter amendment can make incremental changes at the margins. A city agency or officer might justifiably fear the prospect of a new charter. An unsympathetic charter commission could decide that there is no reason for the charter to establish this particular entity. The new charter might abolish the institution, reduce its status from a charter-mandated to an ordinance-created body, or leave the choice of whether to establish such an agency or officer to the temporary and transient whims of elected officials. Even if the new charter continues the status of the agency or agent mandated within the charter, there is the possibility that the charter change may reduce its autonomy or its share of the city's tax levy.[45]

At minimum, a new charter promises unpredictability and instability, both of which are best avoided. All of these negative outcomes could arise through an unfriendly charter amendment, but amendments are easier to fight. Charter amendments are covered by California's single-subject requirement, meaning that all changes within a single amendment must be reasonably related to one another. The new charter is a different matter, and is the only multiple-subject item which may be lawfully submitted to voters. The framers of a new charter could assemble together enough disparate coalition partners in favor of specific changes that the document's supporters could overwhelm the objections of any single agency and its coalition. Because it is always possible to add phrases to an existing charter indicating that the charter amendment's language supersedes the old whenever they are in conflict, it is clear that there are very few charter changes which actually require a new charter.[46] Even fundamental changes in the form of government have been accomplished through amendments rather than via a new charter. Therefore, existing city officers and agencies often dismiss calls for a new charter as allowing mere cosmetic change at best, and as a dangerous attack by those ignorant of a city's institutional memory at worst.[47]

The external groups who have conducted examinations of the charter have most often recommended repealing the *status quo* by drafting a new charter, while the city's internal groups of managers and employees have traditionally favored charter amendments.[48] One of the biggest targets of complaints about the 1925 Charter would be its reliance upon the city's system of lay commissions supervising departments. It

is ironic that the citizen commissions charged with reviewing the charter have so often been enamored with professional administration concepts that they have consistently recommended abolishing L.A.'s system of citizen commissions managing executive branch agencies. Of course, the citizen commissions were in fact led by the departments they were to manage: how could amateurs sufficiently equip themselves to challenge the departments' own definitions of their professional missions? As would-be managers, the citizen commissioners usually faced insurmountable informational asymmetries that put the departments themselves in the driver's seat. The differential logic of groups reforming the city from the inside versus those doing this from the outside becomes clear from an examination of the post-1925 charter reform process.

Charter Amendments as Inside Baseball: from 1925 to 1963, voters did not ballot on a single proposal for a new charter, but they addressed a plethora of charter amendments. Unlike the amendments prior to 1925, however, the lion's share of amendments would be sent to the voters at the behest of the city's own officials and employees. In the period from 1889 to 1925, the amendments sprung from the heads and hearts of reform associations. The City Club, the Voters League, the Good Government Organization, the Women's City Club, the Ebell Club and a whole constellation of independent groups submitted proposals for changing the 1889 Charter. The city's newspapers, labor organizations, municipal ownership advocates and business associations such as the Chamber of Commerce and L.A. Realty Board would sponsor amendments or take positions on those others had initiated. John R.

Haynes claimed to have been able to put together within twenty four hours an initiative petition with sufficient valid signatures to qualify for the ballot.[49] The enthusiasm among reformers for trying new methods would spur the *Los Angeles Times* to complain of the city's predilection for adopting fads in its governance, but this spirit of voluntarism made L.A. a leader in reforming both state and nation.

After 1925, the spirit of charter reform began to change. The frequency of charter reform did not abate, but rather than coming from reform groups outside of government, charter amendments were usually forwarded by city departments, and typically made only incremental changes to the *status quo*.[50] This was the assessment offered by Ronald M. Ketcham, a close student and observer of charter change in the late 1930s who conducted extensive research into amendments to the 1925 Charter. As part of his research, Ketcham interviewed long-time L.A. City Clerk Robert Dominguez and many others on the amendments enacted from 1926 to 1939. Ketcham informants included the Assistant Director of the Bureau of Budget and Efficiency, the Librarian of the Municipal Reference Library, as well as individuals working in the offices of the City Clerk, the Fire and Police Department, and the Department of Water and Power. Based upon this extensive research, Ketcham was able to characterize the charter amendments that occurred in the city between 1925 and 1938. Ketcham noted the relative infrequency of charter change initiated by the general public or its associations.

Although Ketcham's research was apparently sponsored by the Haynes Foundation, he was brutally honest regarding the uselessness of Doctor Haynes'

beloved direct democracy reform in terms of charter change: "According to Mr. Dominguez, and his opinion is supported by others consulted, the use of circulated petitions to place proposed charter amendments on the ballot is rarely used. In fact, in only two cases, both before 1925 and prior to the adoption of the present charter, has the circulated petition been used for this purpose. This does not mean that the procedure has not been attempted, but its success has been negligible, and is really unnecessary. Mr. Dominguez' experience extends back over thirty years, so his opinion is of prime importance." Haynes may have been able to pull off the quick change by charter petition, but after Haynes' death few other could pull off such a feat.

Ketcham's interviews also enabled him to determine why so few had used the petition to bring about charter change: "Mr. Donner [the Assistant Director of the Bureau of Budget and Efficiency] asserted that civic and political groups in the city are loath to 'stick out their neck' to support any proposed charter amendment before it is actually on the ballot." Ketcham found that the more common route to the ballot taken by charter changes involved the city's own agencies: "Civic and political agencies in the city have little to do with actually instigating charter changes. Department heads and various other city officers, along with city employee groups, are the source of such change." During the period from 1902 to 1913, such city reform groups as the City Club and Municipal League sponsored the lion's share of charter amendments. Even during the period from 1916 to 1923, when voters addressed a number of charter amendments concerning the fine-tuning of city

operations, a significant number of charter change proposals landed on the agenda at the behest of citizens' groups.

Yet in the post-1925 period, the city government would become the source of charter change proposals. As Ketcham observed, "The City Controller, City Attorney, and City Clerk, as well as the City Council, suggest charter changes which experience has shown are necessary. It is out of the practical test of direct administration that charter changes appear necessary." The city's own officers found that because the city charter resembled a detailed operations manual, they needed to secure charter change in order to improve the efficiency and effectiveness of their departments' operations. Ketcham noted that the proprietary departments were particularly involved in the acquisition of improvements to their operations: "Various operating agencies, notably the Water and Power and Harbor departments, propose changes in the charter to expedite their business." Because the 1925 Charter went into great detail specifying the processes for these two enterprise agencies, the leaders of LAHD and LADWP found themselves in constant need of charter changes.

Charter Amendments and the "Water and Power Machine"

The LADWP aggressively campaigned for the charter changes needed to accomplish is mandate. With Haynes serving on the Board of Water and Power Commissioners, employees working for the Water and Power Protective League, the assistance of the best legal minds from the City Attorney's office (which allocated LADWP special counsel), and even the use of city funds to campaign for the department's measures, the LADWP would eventually be accused of running a "Water

and Power Machine". In order to win charter amendment and bond elections regularly, the LADWP had even resorted to using its city revenues: "In 1923, the Public Service Commission officially entered the bond campaign, appropriating public money for campaign expenditures."[51] In the 1927 *Mines* decision, the California State Supreme Court declared that such use of public funds was unlawful.[52] Because of this legal restriction, the employees association took over the job of campaigning for bonds and charter amendments, along with the aid of the citizen leagues sponsored by the Public Service (and later Water and Power) Commission.[53]

When the appropriation of public funds to secure bond issues and charter amendments proved illegal, LADWP found other methods for achieving its goals. The Department's activities in the 1925 Council elections offer a perfect example. After the 1925 Charter took effect, the LADWP's friends were very concerned about the political views of the first City Council that would be elected under its terms. Because the City Council held authority over water and power rates, the confirmation of commissioners' appointment and removal, approval and submission of bond issues and charter amendments to the voters, as well as taking official city positions on the Boulder Canyon (later, Hoover) Dam, it was important that the LADWP help elect a compliant local legislature.

The LADWP as an NPSG: The LADWP forces formed what was in effect a nonpartisan slating group (NPSG), and subjected potential Council nominees to a six-question loyalty oath. The detailed questionnaire asked if the candidate would favor pro-LADWP policies, vote to expand the LADWP, support the Boulder Dam, work

for a Colorado Aqueduct, vote for Swing-Johnson, and confirm only pro-municipal water and power appointees to the Water and Power Commission. After administering the LADWP litmus test, the Water and Power Protective League endorsed fourteen nominees, and voters elected thirteen of these endorsees to the city's 15-member council. Because only two of the members of the newly minted Council members had not been LADWP nominees, the local legislators were quite amenable to the wishes of the Water and Power Commission.[54]

In the eight elections held during the period from 1926 to 1937, voters would address 38 charter amendments regarding the LADWP-related sections of the 1925 Charter.[55] In this eleven-year period, the public balloted on over half of all of the LADWP amendments it would ever face during the 1925 Charter's 75-year lifespan. The LADWP only lost on 8 of its 38 proposals for charter change, although the Department may have wished to lose two more charter amendments. One 1926 charter change compelled LADWP to pay off the bonds of the municipal improvement district bonds that remote areas had been required to undertake in order to be hooked up to the city's water service.[56] A 1930 charter revision would credit the Department's bond interest to the general fund. What makes these charter amendment victories even more impressive is that the average turnout in these eight elections was just over 50%, although the participation at the critical 1934 and 1936 plebiscites was 29.3% and 17.6%, respectively.[57]

The LADWP's high rate of success in charter change was no accident. The Department continued to run campaigns that were a thing to behold. In its 1932 and

1934 campaigns for charter amendments, the LADWP's advertising emphasized that the city's power program would aid the city's economy. L.A. had been harder hit by the Great Depression than most American cities, and is estimated to have endured 25% unemployment.[58] There were people selling apples for money on most street corners (today, its oranges, peanut and grapes). The city even floated a number of bond issues to give people employment, doing at the local level what most cities only did through acceptance of national CWA, PWA and WPA programs. In this time of terrible hardship, the LADWP promised that its programs would not only help employ more people directly, but would help to restore the city's economy by expanding L.A.'s attractiveness to business. The LADWP also pointed out that by keeping the costs of electricity so low, the Department was helping the citizens survive their economic woes.

LADWP Advertising and Media Coverage: the campaign for the 1932 and 1934 charter amendments was easier due to a charter amendment that the LADWP had secured in 1930. That charter amendment gave the LADWP authority to use its revenues for advertising. The LADWP and especially its Bureau of Power and Light advertised in many city newspapers, and could use advertising revenues strategically to buy more favorable coverage of their bonds and charter amendment proposals. As the *Los Angeles Herald-Express* once observed: "All political observers know that for many years the Bureau of Power and Light, through its many ramifications, its advertising in many small newspapers and throwaways, and its influence over the thousands of employees, virtually has constituted the balance of power in municipal

elections.[59] For instance, in 1934, Haynes used LADWP advertising as an explicit *quid pro quo* in exchange for favorable coverage of his reform goals.[60] Given the fierce competition over advertising in a city with many newspapers, the LADWP's assistance could keep a publisher in business. In the era before "objective journalism" was invented, newspapers did not confine all editorializing to the opinion section.[61]

In his study of charter amending post-1925, Ketcham noted that not all amendments had come from the departments. Employee groups also accounted for a significant amount of charter changes. Yet if one assumes that employees might not seek the same goals as their departments, the LADWP would provide a rude awakening. The LADWP depended upon its employees for loyal support in the department's campaigns. The Department did an amazing job of instilling *esprit de corps* in its employees.[62] That spirit could be a great asset when the LADWP needed its employees to campaign for its charter amendments and other measures.

A 1931 incident demonstrated how committed LADWP's employees were to departmental goals. In that year, four LADWP employees were dismissed on the charges that they had destroyed "certain irreplaceable official documents belonging to the department." Haynes admitted that these files were the political campaign files of the DWP Employees' Association, and defended the four, especially Business Agent Burdett Moody. Haynes contended that the "men sought to protect the good name of the Department against evidence of political activity, which took place solely within the year 1929..."

Haynes argued that the destroyed records were obsolete, and addressed charges that these files might contain proof that employees had violated civil service regulations in their election activities. Haynes' primary defense of the four workers was that in light of the *Mines* decision, they were trying to protect the Department and the Commissioners themselves. Commissioner Haynes asserted the indispensability of these employees; these four individuals had led more than 50% of the work done in recent bond campaigns. Haynes insisted vigorously that the LADWP needed to continue Moody's employment, pointing out that the Business Agent's work had been indispensable in bringing the Goodyear Tire and Rubber Company to Los Angeles.[63]

Even when pensions and working conditions were a charter amendment issue, the LADWP could turn them into a departmental asset. Charter amendment scholar Ketcham had found that, in addition to departmental goals, charter change also targeted accomplishment of workers' aims. "Pension and retirement proposals, as well as police and fire department rights to jobs, and the inclusion of certain positions under civil service, come directly from the individual or group concerned."[64] In the years after the adoption of the 1925 Charter, amendments to the pensions and civil service systems would comprise a significant share of the total charter reform activity. The city's employees in the Police and Fire Departments were particularly active because of the separate disciplinary provisions governing their members, but workers in other departments also avidly sought charter change that would alter their working conditions and their retirements after leaving the city's service.

Public Power over Private Power: But Ketcham made an error in assuming that all pension and civil service changes would derive from employees rather than their departments. In fact, some departments sought pension and civil service changes in order to curry favor with their current and potential employees. In 1934, LADWP won ratification of a charter amendment that would permit the department to blanket all of the employees of the Los Angeles Gas & Electric Company (LAGE) into the city's civil service. Upon the Department's purchase of the company's distribution system, this amendment would retain the private power company's former employees at the same relative level of compensation and responsibility they had enjoyed at LAGE. Two years later, the LADWP secured enactment of a charter reform creating a pension program for all of its employees, whether they were initially LAGE employees or had been recruited through the city's merit system.

With these two amendments, the LADWP killed virtually all popular enmity to the city's public power program. The LADWP's leaders placed the pension amendment on the same ballot as the vote to approve the department's acquisition of the electrical distribution network of the LAGE. In conjunction with the earlier provisions that LAGE workers would be grandfathered into the merit system, this coordination of the LAGE purchase with the pension plan ended the crucial employee support that had provided LAGE and the other private power companies with precinct workers against the LADWP in power bond elections. Since the retirement plan would cover the LAGE employees if the purchase were approved, they ceased their opposition to the purchase. This tacit *quid pro quo* arrangement ended the power

company's workers' incentive to fight public power, and paid existing city power workers for their support as well.

Charter Amendment Electioneering: the LADWP's experience between 1926 and 1937 corresponds to Ketcham's observation concerning the connection between departments and charter change, and provides a more sophisticated understanding of charter change at LADWP, where labor and management shared a common interest in strengthening the department. On occasion, the LADWP's employees even made deals with those working at other departments to back each other's ballot measures. When this happened, uniformed police officers and firemen would appear at precincts all around the city drumming up support for particular items when they were off duty. City automobiles were used to carry advertising and to convey voters to the polls in some elections.[65] As Steven Erie pointed out, the city employees could account for a significant portion of the electorate, particularly in the low turnout special elections when charter amendments and bond issues were often submitted.[66]

When LADWP goals depended upon cooperation with such mildly unsavory individuals as alleged boss Kent Parrot, the proponents of public power proved their willingness to bargain with anyone.[67] Because the new charter was about to come into effect, LADWP allies viewed the 1925 Mayor's race as particularly important. Submission of charter amendments and bond issues would require the Mayor's cooperation with the Council. In addition, the chief executive would hold authority over appointing the first Board of Water and Power Commissioners with Council

confirmation. However, unlike the Council, the new Mayor would be the city's first elected official to enjoy a four-year term. L.A.'s mayors had traditionally been given the two-year term that made the city's administration resemble a game of musical chairs. Incumbent Mayor George E. Cryer was "Boss" Parrot's chosen candidate in the race. Based on Cryer's record of support for LADWP goals, Haynes backed the Mayor's re-election.[68]

It Takes a Mayor: to keep Cryer in office, Haynes used every trick he had employed to get himself elected to the Freeholders board in 1923. He conducted a media blitz, and even sponsored a smear campaign against Cryer's opponent Benjamin Bledsoe, pointing out to the city's large population of African American voters that Bledsoe was a Southerner.[69] Public Service Commissioner Haynes feared that Judge Bledsoe was an opponent of public power. Haynes wrote to Alexander MacKeigan, a public power advocate and Bledsoe supporter: "Do you know that in 1920 the man whom you are supporting published a diatribe against the Water and Power Act, calling it bolshevistic and stating that private companies could run public utilities better than cities or states? If it is bolshevistic for the state of California to have a voice in the disposal of its own water and power rights, it is equally bolshevistic for Los Angeles to have a voice in the disposal of the water and power needed by its citizens." MacKeigan disagreed with Haynes' assessment, pointing out that Cryer's work on behalf of LADWP had "been tame and negligible" and that Bledsoe would give the Power Bureau "more real active whole-hearted support…than Cryer has ever given."

MacKeigan was dismayed about Haynes' advocacy of Mayor Cryer, and wrote: "My Dear Doctor; - One thing I really regret in this campaign is the fact that you and I are not supporting the same candidate for Mayor. It is somewhat startling though to think that yourself and Mines are doing that very thing. The Chief henchman for the Gas Company is also out strong for Cryer—this I know as I see him in this office quite often. I hold no brief for Chandler…." MacKeigan alleged that Cryer had been endorsed by W. W. Mines, the person who had won the lawsuit against LADWP's use of public funds in campaigns. MacKeigan also responded to Haynes' comment that *L.A. Times* publisher "Harry Chandler is supporting, through the columns of his paper, every rotten candidate for the City Council, and is opposing every public ownership man on the ticket…." MacKeigan continued supporting Bledsoe against Cryer.[70]

Haynes could not understand MacKeigan's support for Bledsoe, the candidate of the *L.A. Times*, the newspaper which Haynes described as the "bitter enemy of the municipal power department." Haynes had written to MacKeigan, "I hope by this time that you have seen the error of your way and have decided to support the man who has loyally and unhesitatingly aided the work of the Public Service Commission…." Haynes even contributed to Cryer's campaign, giving the money to Parrot personally so that his aid would be discreet.[71] Because the 1925 Charter had so strengthened the Mayor, Haynes knew that the LADWP's interests were at stake. Boss or no boss, Haynes went with Parrot and Cryer for public power. Haynes' support for Mayor Cryer and the new City Council in this 1925 election quickly bore

fruit. Cryer and Company would appoint Haynes and other pro-public power Commissioners to the LADWP. The new Commission submitted charter amendment proposals to the Mayor and Council, who sent them on to the ballot. A full 5 of 16 amendments on the 1926 ballot would be pro-LADWP.

Godfather Haynes: In 1927, Haynes would again find himself in the Parrot camp because of the need to elect a pro-public power Council. Again, the support for candidates supporting public power would pay off for Haynes and his allies at the Water and Power Protective League (WPPL). The 1928 charter election would pay charter dividends. Seven of the twenty charter amendment proposals that the Mayor and Council sent to the ballot were pro-LADWP. One of the amendments that the public approved would credit the interest on Harbor bonds not to the Harbor Department, but to LADWP. The alliance between Haynes' LADWP with Parrot and Cryer was not something Haynes imposed on the Department. WPPL's Assistant Secretary, L. M. Story recommended that Haynes work with Parrot.

> We cannot elect without the support of Parrot and he cannot elect without us. It is imperative that we work together for this election. But he is losing his influence very fast and will not survive the City fight of 1929 unless he recovers, which I feel he cannot do. His power lies in his ability to give jobs and contracts. Civil Service and a few of the Councilmen have him blocked.
>
> Don't think that the 'wish is father to the thot.' (sic) Under our present system, political machines are a necessity and his has been an exceptionally clean one and I hope that it will live. But the foundation of all political machines is either millions of dollars or favors to hand out. Mr. Parrot has none of the former and so few of the latter that he cannot survive.
>
> No permanent machine can be formed to support an ideal. It is up to you and your associates to get together. The issue that will win the next City fight will be the special assessments. Find some good strong man for Mayor, grab this special assessment issue before the

> opposition gets it, join it with Water and Power. Work with Parrot but dont (sic) let the public know it. Cryer is dead and cannot be brot (sic) to life. Take the lead and let Parrot come in second. The public demands new styles in politics as well as in other things. They are filled up with Water and Power and will not believe our Program is in danger.
>
> I want you gentlemen to build this kind of a machine and to take charge of mine. I am an organizer, but am not a politician. I am the recruiting officer to build the army but I am not the man to direct the fight. Several months ago I told you I would build this Organization, with your help if possible, without if necessary. I am going ahead. I want your group to use the results of my efforts to the best advantage.
>
> The power my Organization will have in the next City fight will be determined by the amount of financial help we get now. One dollar now will mean more than five next year.
>
> All who have made a real investigation of my work agree it is a success and will be a real power this year. If properly directed and financed it can control the City in 1929.[72]

Haynes apparently accepted Story's ideas to some degree, because he did continue trying to work with Parrot's organization. When Story left WPPL over a personality conflict with its Secretary, Haynes supported Story's next project. Story began a small newspaper and Haynes funneled money his way in the form of LADWP advertising.[73]

Story had offered a perceptive evaluation of the 1929 plebiscite. The Cryer-Parrot alliance broke down, and the so-called boss found himself without a viable candidate and a machine "in shambles". Haynes and the WPPL cast around for a candidate to support in the Mayor's race, finally coming up with Council President William G. Bonelli. Although Haynes perceived Bonelli as "'absolutely incorruptible'", time would prove Bonelli more unscrupulous than Parrot.[74] Haynes and his pro-public power allies would go to the mat for the candidate because they

thought him the best choice for LADWP, but when candidate Porter won election instead, Haynes and his LADWP would face payback. In addition, WPPL's work for Bonelli angered other reformers because they deemed the tactics employed unethical.

Haynes received a letter regarding his 1929 activities from reformer Marshall Stimson. Stimson's reform credentials were beyond question. He had, along with friends Meyer Lissner, Russ Avery and Edward A. Dickson, formed the core of the Nonpartisan Committee of 1906.[75] Stimson would take up the mantle of Haynes' leadership of the Civil Service Commission when the good Doctor turned his attention to supporting public power. The correspondence Stimson sent Haynes appears to have been a rebuke for the LADWP politics in which Haynes was engaging. Stimson wrote: "While I am doing this, it I only fair to state that I think that whoever is responsible for the endorsement of Mr. Bonelli and for the letters sent out by Mr. Richards, is directly responsible for the defeat of the bonds. I find that among the friends of Mr. Porter were a great many who resented the actions, discussed above, to the extent of voting against the bonds. If the Municipal Power Department is to have the confidence of the people, it must be kept out of politics. As a civil service advocate, I count on your loyal support in this matter."[76] Haynes' tactics had apparently upset Stimson, who had regarded Haynes as the "godfather and inspiration" of the 1906 Nonpartisan Committee.[77]

Finding New Friends: After the Parrot machine collapsed, so also did the Water and Power Protective League. In 1931, the Municipal Light and Power Defense League (MLPDL) sprung up to take its place. In order to protect LADWP, this

organization would also need to become involved in influencing the city to elect pro-Power Bureau officials. An insider at the league would caution Haynes that "its influence and prestige ... has to a great extent been lost through its participating too openly in party politics ....the League is quite generally charged with being a Democratic 'racket.'"[78] This ally would go on to point out that the league should be beyond suspicion, like Caesar's wife, if it was to be effective.

Porter would exact revenge for the public power forces' support for his opponent in the election. During the four years of Porter's term, Haynes fought tooth and nail to block Porter's anti-LADWP agenda. Porter tried to replace pro-Power Bureau Commissioners with private power advocates on the LADWP's board. During this period, the beleaguered Bureau of Power and Light struggled just to maintain its independent existence. Porter's mayoralty cost the LADWP in terms of its charter amendment goals. Somehow, the Board managed to get some of its charter amendments onto the ballot thanks to the Council, as well as public pressure Haynes and the MLPDL placed upon the Mayor. Yet one of the charter amendments on the 1930 ballot would be costly to LADWP; the public approved a charter revision that would credit interest on DWP bonds to the general fund rather than LADWP.

Haynes and the public power forces held out until the end of Porter's mayoralty, and even threatened the Mayor with the recall at one point during his administration. When Frank Shaw was elected to the Mayor's office in 1934, the MLPDL seems to have allied with his organization. But such an alliance with the devil carried a price, because it tarnished the LADWP's image. Even Harlan Palmer,

who was a steadfast friend of the public power forces and served on the Water and Power Commission from 1929 until Mayor Porter purged him in 1931, would have to admit that "the Shaw machine has brought some vicious politics into the Department of Water and Power."[79] When voters recalled Shaw in 1938, the LADWP found itself on the wrong side of the political tracks. Fletcher Bowron insisted upon the resignations of all city commissioners, including those at LADWP, and following upon John R. Haynes death in 1937, the Bowron administration represented a one-two punch to the Department. Bowron had little tolerance for the influence that the LADWP had exercised in the city, and the days of the LADWP charter amendment and bond issue machine were numbered.

Bureaucratic Autonomy: in this less than auspicious political climate, the LADWP sought amendments that would free the Department from the need to act as a campaign organization for its charter amendment goals. In 1940, Chief Electrical Engineer Ezra Scattergood proposed a battery of charter alterations to separate his department from the city. In their own words, the Water and Power Commissioners sought by forwarding Scattergood's amendments a "[d]ivorcement of the Department of Water and Power, to a substantial degree, from the city government, thereby establishing such Department as virtually an autonomous entity." Specifically, the wish list included the following requests:

> 1. [To remove] appointing power from Mayor and approval power from Council.
> 2. [To place] duty of auditing and approving demands solely on department controller, rather than requiring approval of City Controller.

3. [To authorize] board to place surety bonds, rather than City Controller.

4. [To provide] for independent custodianship of department funds [rather than relying on City Treasurer.]

5. [The] establishment of separate legal division [rather than relying on the City Attorney.]

6. [To authorize the] department to prescribe terms and conditions of sale of real and personal property, [rather than allowing the City Council to exercise this power.]

7. [To authorize the] establishment of reserve fund without Council approval [rather than allowing it only by ordinance.]

8. [To authorize] the department to make transfer from one budget item to another without consent of Mayor [which was then required.]

9. [To provide] for the creation by the department of a Civil Service system independent of the existing Civil Service department.

10. [To authorize] Water and Power Civil Service Board to approve payrolls [rather than allowing city Civil Service Department such power.]

11. [To allow] approval of contracts by General Counsel of department rather than by City Attorney.

12. [To eliminate] provision in existing sections requiring certain contracts, where proposals have not been invited through advertising, to be approved by Council. Such contracts are: (i) Contracts covered by Letters Patent; (ii) Leasing or purchasing real property; (iii) Contracts for emergency work.

13. [To provide] for self-perpetuating board with appointments subject to approval of Mayor, and in event of his disapproval, subject to approval by board of appointment.

14. [To authorize] commissioner to vote of interest in corporation involved in transaction does not exceed 3% of outstanding stock. Under existing provisions, Commissioners disqualified from voting even though insubstantial amount of stock owned.

15. [To create] authorization of department to enter into contracts for interchange and sale of Boulder Dam energy with utilities [companies.]

16. [To authorize] board to terminate present contract for lease of power privilege...and in lieu to operate Boulder Dam Power Plant, which it is required to operate under present contract...as agent for the United States.

17. [To provide] that Council shall approve rates by resolution in lieu of ordinance, in order to prevent such action being subject to referendum....

> 18. [To provide] for interest earned by any funds under the control of the department to be credited to such funds [rather than to the General Fund of the City.]
>
> 19. [To authorize] creation of reserve fund for purpose of conserving and accumulating money which may be expended for general purposes of department. Authority now exists only for establishment of reserve funds for special purposes only.
>
> 20. [To require] transfer of 5% of gross operating revenues for each fiscal year to general fund in lieu of all other existing provisions for transfer [rather than leaving transfer amounts at board discretion.]
>
> 21. [To authorize] department to issue bonds payable solely from revenues of the department for a period not to exceed forty years [rather than 12 years (and 20 years for federal government borrowing) as presently authorized.]
>
> 22. [To provide] that commissioners shall not be liable for acts under certain conditions. Under present provisions, no immunity exists.
>
> 23. [To provide] for: (1) creation of new budget item during fiscal year; and (2) appropriations in excess of budget amounts when actual revenues exceed estimates. Under present provisions, no authority exists for such action.
>
> 24. All officers and employees of the Department of Water and Power shall be required to reside within the city [unless they reside outside the city when the amendment takes effect.][80]

This charter amendment wish list would have provided the LADWP with total independence from the city. At the same time, it would have allowed the Department to exit gracefully from city politics. The need to win elections in order to obtain authority and funding had driven the Department to become a campaign machine.[81] These amendments would have transferred power over LADWP's appointments, rates, and finances from the city government to the LADWP. Of course, the Mayor and Council did not allow these amendments to be placed on the ballot. Consequently, voters were not asked whether to create an essentially private corporation operating with all of the advantages of a public sector entity (tax-free property and bond

financing). The Mayor and Council only permitted two LADWP charter amendments on the ballot, and these were the first LADWP amendments voters had faced since Haynes' death three years earlier. Both amendments won, permitting the Department slightly more power regarding contracting, as well as the authority to sell or interchange electrical energy.

Free at Last: from 1938 to 1963, voters would only face 13 LADWP-related charter amendments. Six of these amendments concerned personnel matters, since five dealt with pension and medical benefits and one extended the retirement age for women. Three of the remaining seven charter amendments increased LADWP authority in terms of contracts, interchange or sale of electric energy and revenue bonding authority. Two of the amendments sought to limit LADWP's revenue bond authority; the first was rejected while the second passed. One amendment left the LADWP in control of its General Manager's salary by exempting the proprietary departments from an increase in the Council's authority over these matters. One amendment raised the commissioners' attendance fees for all departments, but compensated proprietary department commissioners at a higher rate. The most important charter amendments voters addressed in the ten elections at which the ballot included LADWP-related measures were the three involving revenue bond authority.[82]

On May 27, 1947 the voters granted the LADWP the authority to issue revenue bonds. This was a power that the voters would not grant the Los Angeles Harbor Department until 1959, and which they would give the Airports Department in 1963. By permitting the LADWP to finance its projects with revenue bonds, the public

would free the Department from the need to act like a Water and Power machine. The general obligation bonds that LADWP had needed for all of the infrastructural improvements the Department had constructed on behalf of the city required voter approval by a hefty two-thirds margin. To provide an idea of how large this majority is, it is important to remember that no presidential candidate has ever garnered even 62% of the nation's popular vote.[83] Although the voters would limit the LADWP's revenue bond authority with a 1956 charter amendment, they still did not require the Department to shoulder again the onerous burden of winning public approval of general obligation bonds.

Charter Amending at Other City Departments

The LADWP was not alone in seeking charter amendments to strengthen its autonomy and ability to carry out its mandate. Although few other departments would achieve the virtuoso performance of the LADWP, many would seek charter amendments to achieve their goals. The Los Angeles Harbor Department (LAHD) was one of these. Like LADWP, the LAHD was a proprietary department and needed to secure approval of general obligation bonds in the era before the voters would grant revenue bond authority. LAHD would also face the need for Mayoral appointment and Council confirmation of Commissioners friendly to the Department's long-term plans for infrastructure provision. Finally, LAHD needed Council approval of the rates it charged for harbor services, its contracts with companies leasing space at the port, and submission to voters of bond issues and charter amendments.

LAHD versus LADWP: The LAHD would seek these goals in a much less adversarial environment than the LADWP. The city's three private power companies—Pacific Light and Power, Southern California Edison and LAGE—acted as a powerful combination in opposition to the LADWP's Power Bureau. The three companies had wanted to distribute the power generated by the LADWP's Owens Valley Aqueduct rather than see the city enter competition with them for electricity customers.[84] The LAHD would not face such a strong negative constituency to its developmental reform program. Yet because the LADWP had to campaign for support, and because it had decided to hire a workforce rather than contracting for labor as LAHD did (and thus possessed no employees' association to lobby for its goals), the LADWP's Water and Power Machine won many more victories at the ballot box than LAHD. The LAHD waited 12 years to be granted the revenue bond authority that LADWP had won in 1947.

Between 1926 and 1963, the LAHD would be the subject of only 17 charter amendments. The first amendment represented a weakening of LAHD because it transferred the interest on LAHD bond funds to LADWP. The second amendment would have allowed LAHD to lease city Pier One, but voters rejected it. The third amendment allowed both LAHD and LADWP to make emergency contracts. The fourth amendment would have allowed the Harbor Commission to set rates without Council approval, but it lost. The fifth amendment would have allowed the Harbor Commission to lease property for 40 years without reappraisal, but voters disapproved it. The sixth amendment would have allowed both LAHD and LADWP to make

longer contracts without Council approval, but it failed. The seventh amendment would have allowed both LAHD and LADWP to make their own purchases, but voters rejected this change. The eighth amendment would have allowed the LAHD to extend leases from 30 years to 40 years, but the public demurred. The ninth amendment would have increased the Harbor Commission's authority over fees, but it lost.[85] From 1926 to 1941, the voters faced nine LAHD-related charter amendments, but only once acted to strengthen the Department. In that particular instance, the charter amendment also empowered the LADWP, and it is impossible to ascertain whether the public approved the amendment because of the LAHD or the LADWP or both.

Voters were more generous to LAHD with the amendments they enacted from 1942 to 1963. During this period, the electorate extended LAHD's authority over leases twice, temporary rule-making once, contracts once, franchises once, and awarded the Department revenue bonding authority. The remaining two LAHD-related charter changes affected all of the proprietary departments, allowing them to pay their commissioners higher fees and to continue controlling the salaries of their General Managers rather than letting the Council assume this power.[86] Because the LAHD employed only a few managers and a very small staff, the Department did not need charter amendments regarding employee pensions and civil service matters. A significant portion of the LADWP's post-1936 charter amending dealt with the separate pension system set up for LADWP employees.

Los Angeles Police Department: yet another city department that obsessed over the need for charter reform over the years was the LAPD. Like the LADWP, the

LAPD would be one of the first subjects on which the citizens of Los Angeles ever voted a charter amendment. Amendments regarding both the Police Commission and the Water Commission would be among the first charter amendments the public ratified in 1902. When the Water Commission became the stronger Public Service Commission in 1911, the LAPD secured charter language providing for police pensions. When the public strengthened the city's control over water rights in 1913, at the same election the LAPD won improved charter language regarding its pensions. The 1925 Charter would establish relatively similar provisions for the governance of the Police and the Water and Power Commissions, except that the Police Chief would be covered by civil service while the LADWP's General Manager would be exempt.[87]

The employees at both the LADWP and the LAPD became politically active in campaigns for their department's bond issues and charter amendments. Steven P. Erie has credited the development of charter electioneering among LAPD employees to their learning from the potent 3,000-member LADWP Employees' Association. But while the LADWP workers sought improvements in their working conditions by strengthening their Department, the Police officers instead used their collective strength to threaten their Department (and the city) with unionization. In 1922, the LAPD and L.A. Fire Department (LAFD) would use the initiative process to put a charter amendment on the ballot increasing the generosity of their pension plans. The 1925 Charter framers did not dare to alter the terms of this pension system, making the public safety departments the only ones whose employees enjoyed pensions. Because the business community wanted the LAPD's assistance with union-busting, the citadel

of the open shop became the home of one of the most generous public pensions in the country, but only for police officers and firefighters.[88]

Politicizing the Police: besides being concerned with their pensions, LAPD employees worried about their job security. The LAPD always found itself embroiled in politics because the business community depended upon the Department to preserve the open shop, enforcing what the Times called "industrial freedom". In July 1910, Mayor Alexander signed an anti-picketing ordinance targeted at preventing organized labor from protesting antiunion businesses. Labor was aghast at the measure, and it may have driven the McNamara Brothers' alleged bombing of the *Times* building three months later (if they did do it). However, union advocates could not even use the charter provisions for referendum because the ordinance was drafted in such a way as to invoke the emergency clause.[89] The rabid antiunion *Los Angeles Times* assisted the reactionary Merchants and Manufacturers' Association in pressing for the legislation, and the LAPD found itself in the uncomfortable position of enforcing an ordinance unpopular with workers. [90]

The *Times*' wanted vigorous enforcement of the anti-labor measure, and favored locking up union organizers for violating it. Because of its interest in using the police officers as union-busters, the newspaper paid close attention to the Mayor's choice of police commissions and chiefs. Up until 1925, L.A.'s Charter had always provided two year terms for all elected officials. This meant that the Mayor's office changed hands frequently. When Mayor Cryer took office in 1921, he was the city's 43rd Mayor since 1850.[91] This means that the city's average mayoralty had lasted less

than two years. High turnover in the mayor's office would mean high turnover at LAPD as well.

The Chief's office was not even created until 1876 when it replaced the City Marshal, yet by 1921 the job of L.A.'s police chief had already been held by 30 different individuals. Three chiefs had held the position for 19 of these 55 years. The inappropriately named Chief John Glass held the office longest, serving from 1889 to 1900. Charles Sebastian left the Chief's office after four years so that he could become the Mayor (in fact, he was both Mayor and Chief for over two weeks). Chief Charles Elton held the office from 1900 to 1904; the 1902 charter amendment removed the Mayor from the Police Commission in the middle of his term. The other twenty seven chiefs served a total of 36 years, making the average term 16 months. Two Chiefs, Loomis and Murray, served for a combined 56 days (25 days for the former, the month of October, 1920 for the latter). [92]

If the turnover was high in the Police Chief's office, then it would not be surprising if there was a great deal of instability among the rank and file. In 1924, the Municipal League would accuse the *Times* of manufacturing a crime wave in order to influence personnel decisions within the LAPD. On October 15, the League noted that Chief Heath had demoted George K. Home, the Chief of Detectives, transferring him from the Central office to Sawtelle. On October 17, the *Times* would charge in a front-page political cartoon that the sinister shadow of politics was menacing the Department. On October 22, the newspaper reported a "'burglary wave'". On October 24, the newspaper began a daily column displaying a clock with a table

below, showing the number of different types of crimes that had occurred within the last twenty four hours. The cartoon clock was anthropomorphized, with arms and legs making it look like a person. A caption between the clock and the table asked: "Is Los Angeles getting the police protection to which it is entitled?"[93]

The League noted that for the next few days, the column below the daily clock gave anti-Heath propaganda. On October 29, the Clock article accused Chief Heath of transferring his predecessor's most trusted aides away from the central station, and predicted more politically motivated transfers would follow. On November 10, the *Times* would charge that the city was beset by a crime wave: "Emboldened by the apparent inability of the police to check the prevalent crime wave, thugs and bandits operating in various sections of the city late Sunday night and early yesterday morning, added a series of assaults to a long list of depredations." The *Times* continued running the clock column until November 17, when it disappeared from the newspaper altogether.

The Municipal League conducted a study to determine why the clock had come and gone, finding that the incidence of crime was no different before the column was printed or after it had been removed. Moreover, the League reported data from the LAPD demonstrating that the crime in November 1924 was not statistically distinct from the same month in 1923. The only thing that had changed, the League argued, was that George Home had been restored to his post at Central Station on November 13, a few days before the clock's disappearance. Based on this evidence, the League contended that the newspaper had manufactured the "phantom political

'crime wave'": "Sometimes…the astute lay observer becomes suspicious, wondering if now and then a 'crime wave' is not manufactured to serve the ulterior purposes of some gentlemen of the press—a crime wave that doesn't at all represent a climactic movement of the underworld against the righteous and the prosperous but has its origin solely in the imagination of manipulators of publicity who want their way, and don't get it with the police department."

Police Discipline: the politics at the LAPD was not confined to the Chief of Police's station, but extended into the Department's personnel matters. As Joseph Woods' dissertation on the LAPD documented, and the above crime clock story confirms, the newspapers would name specific officers and make an issue out of their transfers, suspensions or removals. The 1925 Charter had actually created a separate disciplinary process for the city's public safety workers. However, police officers knew that the traditional micro-management of their department by the Mayor and Council could sometimes mean arbitrary treatment for officers. Thus, LAPD's employees worked to secure themselves against the instability that the revolving door of Mayors and Councils had created in terms of Police Chiefs and Commissions.

In 1929, the city elected its first Mayor under the 1925 Charter, choosing Iowan used auto parts salesman John C. Porter as L.A.'s new chief executive.[94] When Mayor Porter took office, he had to face persistent rumors that the LAPD was colluding with the underworld in the operation of a "vice machine". Robert Shuler, a radio evangelist who called himself "Fighting Bob", charged from the pulpit that the city was run by such shadowy gangland characters as Charlie Crawford. According to

Shuler, the gangsters were in cahoots with the police. Given this political climate, Mayor Porter felt compelled to do something about the problems at the LAPD. He seems to have made it his business to clean up the Department's alleged corruption.[95]

Despite the fact that the 1925 Charter's framers had deliberately established staggered terms for commissioners to immunize them from meddlesome elected officials, "Mayor Porter engineered three police board openings in just five months."[96] This action chagrined the LAPD rank and file. Under the terms of the charter, the Police Commission adjudicated the appeals of any employee or sworn officer at the Department. Moreover, it was the Police Commission rather than Civil Service Commissioners that held the final word over the fate of any of the Department's uniformed or civilian personnel whom the Chief of Police had suspended or dismissed. The Board of Police Commissioners could restore suspended officers and support staff to duty, or even reinstate them if the Chief had removed them from the force. Thus, Porter's politicization of the Police Commission might have serious consequences for any member of LAPD's workforce.[97]

Given the turnover in their elected, appointed and employed managers, LAPD personnel could not assume that they would be treated fairly. To enhance their job security, they sought charter amendments. On November 4, 1930, voters balloted on a dozen proposals for revision; one of these concerned police discipline.[98] In an election featuring 58.7% turnout, L.A.'s public safety employees secured a 65% majority for the measure that altered their disciplinary procedures. The 1930 amendment created a "Board of Inquiry" system for the Police and Fire departments.

In the event that the chief disciplined a police officer or firefighter or non-sworn member of the departments' staff, the accused held the right to appeal the chief's decision.

The use of trial boards ended the potential conflict of interest faced by Police and Fire commissions tasked with handling disciplinary appeals while simultaneously overseeing their chiefs' management of their departments. The LAPD's half of the amendment was so important that rank and file police officers who served prior to the 1999 Charter's passage actually knew the name of the specific charter section where their disciplinary process was located. Section 202 stated: "The right of any such officer or employee in the Police Department to hold his office or position is hereby declared to be a substantial right of which he shall not be deprived arbitrarily nor summarily otherwise than as herein in this Charter provided".[99]

At the Board of Inquiry convened under Section 202, the accused would "have the right to appear in person and by counsel or representative, or both". The defendant could produce witnesses and "cross-examine witnesses" by the prosecutors at the hearing. All witnesses testified under oath, with a stenographer transcribing all testimony and providing the accused with a copy. The Board would make recommendations to the Police Chief, who could "affirm, rescind or amend his order of suspension or removal" within five days. Section 202 allowed further appeals of the discipline for up to three years if an officer could show that "good cause" existed for one. Both civilian and uniformed LAPD personnel had enjoyed civil service protection since the 1902 charter revision, but the 1930 amendment enhanced it.[100]

Given their success in 1930, the LAPD employees would push for further charter changes to protect their rights to their positions. The 1934 charter amendment election would offer the police officers the perfect opportunity. On September 27, 1934 29.3% of L.A.'s registered voters would trudge to the polls to decide on 26 charter amendments. The public would enact the LAPD employees' discipline-related amendment by a paper-thin margin of 50.2%. Up-and-coming police attorney William H. Parker, who would later serve as Chief during the 1965 Watts Riots and famously blamed Councilman Tom Bradley for the uproar, would draft this charter amendment.[101] The charter change established a Board of Rights (BOR) process to replace the boards of inquiry, and provided employees' positions with protection as a "substantial property right".

The BOR system was modeled after the United States' military's rules for a special court martial. Rather than serving purely in an appeals capacity, the new BOR actually held the authority to impose the discipline. The Police Chief could only temporarily relieve an employee or officer from duty, or suspend the person for up to thirty days. Beyond that point, the BOR held jurisdiction over the trials of accused officers. Moreover, the Department had to serve process upon the accused, and at times employees seem to have evaded subpoenas to run out the clock on the one-year statute of limitations created by the BOR process.[102] If the BOR found the officer or employee innocent of all charges and reinstated him or her, up to six months of back pay could be collected by the person returned to work. A member of the LAPD workforce could not be tried for the same offense twice unless he or she requested a

rehearing. Most importantly, the amendment limited the Chief to decreasing the punishment imposed by the trial board; the revision denied the Chief authority to increase the severity of discipline.

Discipline and Punish: again in 1937, the police officers would act to alter the disciplinary process. In an election at which 36.2% of the voters participated in deciding the fate of 16 amendments, the public approved the LAPD-related charter change by a narrow 53.3% affirmative vote. The charter amendment extended to the Chief the substantial property right in his office that had earlier been granted only to regular officers. The amendment also applied the terms of Section to the Chief, with some modifications due to his own role in the process.[103] The Police Commission would act as the Chief's prosecutor, while the Civil Service Commission would serve in the trial board's quasi-judicial role. This amendment would ultimately create a chain of command so ambiguous that it was difficult to ascertain who could monitor the LAPD and its manager. In a 1990s-era case, the Superior Court Judge would become so confused about the reporting responsibilities created by the 1930s-era changes to the Charter's police discipline sections that he would erroneously overrule the Board of Police Commissioners' decision to fire the Chief of Police.[104]

To provide an idea of how different the city's charter amendment process had become from the period from 1889 to 1925, it is important to examine the public reaction to the LAPD's disciplinary revisions. According to Steven P. Erie, the 1934 charter amendment "divided the electorate with progressive reformers in opposition on the grounds that it risked insulating the police from public accountability."[105] Rather

than acting as the instrument of progressive reform, the charter amendment process could be used to promote causes at odds with the wishes of its founders. The LAPD demonstrated the flexibility of charter amendments in terms of supporting differing agendas, as well as the way in which one individual or group's reform is another's definition of deform.

During the period from 1889 to 1925, the Municipal League had been one of the city's most steadfastly pro-reform citizen groups. This group could make a legitimate claim to having served as L.A.'s vanguard of the reformatariat. Yet the League opposed the LAPD's discipline amendments: "The progressive reformers who had supported the 1925 Charter opposed the 1935 and 1937 police-engineered Charter amendments. The staunchly pro-Charter Municipal League, for example, actively opposed the 1937 Charter amendments. Concerned about an unaccountable police bureaucracy, the reform administration of Mayor Fletcher Bowron (1938-1951) proposed Charter amendments in 1941 to roll the clock back on section 202 to 1925. Council inaction, the administration's fear of appearing anti-police, and the onslaught of war stalled this reform effort."[106] Charter amendments had come full circle, serving the kind of special interests the Municipal League abhorred rather than the abstract notion of public good its members had glorified.

Police Work: Between 1926 and 1963 a total of 17 proposals to amend the LAPD sections of the 1925 Charter would make it to the ballot. Three of the amendments were the police discipline changes described above. Two other amendments would provide for the Police and Fire departments' emergency duties and

the moving of jurisdiction over their alarms out of the Department of Building and Safety's turf. The other 12 amendments all dealt with matters that concerned the employees as much as discipline—working conditions and pensions. The LAPD had led the city toward establishment of employee pensions, and would maintain that leadership role. Ten pension-related charter amendments sought to improve LAPD pension benefits, and all but three were ratified. In fact, pension amendment losses in 1939, 1953 and 1959 were effectively re-submitted to voters and passed in 1941, 1957 and 1961. Finally, voters approved two other LAPD charter amendments concerning seniority and an extension of the probationary period from six to twelve months.[107]

Table 5.1: Charter Amendments and New Charters, 1925-1999

		Charter Amendments		New Charters	
Period (5 years)	Elections in Period (N)	On the Ballot (N)	Approved by Voters (N)	On the Ballot (N)	Approved by Voters (N)
1925-1929	2	36	22	0	0
1930-1934	5	59	37	0	0
1935-1939	7	37	19	0	0
1940-1944	3	37	17	0	0
1945-1949	6	48	39	0	0
1950-1954	6	38	32	0	0
1955-1959	9	39	32	0	0
1960-1964	4	19	18	0	0
1965-1969	9	57	50	0	0
1970-1974	9	23	19	2	0
1975-1979	8	46	33	0	0
1980-1984	9	43	34	0	0
1985-1989	6	18	16	0	0
1990-1994	8	22	20	0	0
1995-1999	5	24[108]	19	1	1
1925-1999	97	545	409	3	1

Table 5.1 above provides a summary of charter amending from 1925 to 1999, and demonstrates the tangible effect of the charter amendment efforts of the LAPD, LAHD and LADWP. The work of these departments, and the very active Civil Service Department (later Personnel), helped create a tremendous amount of work for conscientious voters attempting to keep up with the ballot measures. Table 5.1 demonstrates the sheer magnitude of charter change activity that occurred from the time the city enacted to the 1925 Charter until they would replace it with a new charter in 1999:

After the 1925 Charter's implementation, voters continued to amend their organic law as frequently as they had from 1889 to 1924. Los Angeles seems to have been a city obsessed with charter perfection. Today's fitness clubs and tanning salons are just a personal manifestation of the city's culture of perfectibility. This culture can be as easily seen in the city's fine-tuning of its charter as in its citizens' quest to perfect their bodies and automobiles. Yet it is important to understand the types of charter revisions that voters adopted rather than just their sheer volume.

Trends in Charter Amending: of course, it should not be a surprise that city employees would account for many of the charter revisions in L.A. Many cities workforces care a great deal about their working conditions, and have used charter reform to improve them. Currently, the state of California's Meyers-Milias-Brown Act (MMBA) requires that city charter commissions and charter change-minded councils "meet and confer in good faith" with city employees regarding charter reform. If a charter amendment would alter the working conditions of city employees

in any way, the drafting body must negotiate with city employees. In the 1984 *Seal Beach* case, the California Supreme Court ruled three city charter amendments invalid even after the voters of Seal Beach had enacted them. The court held that even a charter city was required to meet and confer with all of the city's concerned bargaining units over employee-related charter changes before sending any revisions to the voters.[109]

Long before the state of California guaranteed city workers' rights with regard to charter change, L.A.'s employees had been vigorously pursuing enhancements to their working conditions through the charter reform process. As shown above, the LAPD worked hard to better their living conditions while on the force and during their retirement. Yet LAPD staffers were not alone in pursuing this type of amendment. Changes regarding civil service, city pensions and salaries would prove one of the most popular topics of charter amendments. Ketcham had found that charter changes regarding these matters, as well as the LAHD and LADWP, constituted the largest share of charter amendments from 1926-1940. In extending Ketcham's research up to the present, the author found that these matters remained salient in the changes from 1940 into the 1990s. However, the amendments relating to the proprietary departments would diminish in both number and significance, while employment-related amendments grew in scale and scope.

From 1926-1963, the city's electors would face charter amendments in 42 separate plebiscites, voting on over 300 separate measures and passing about two-thirds of them. The charter amendments enacted between 1926 and 1963 would most

often focus on the structure and functions of the proprietary departments: over 20% of the proposed alterations dealt with these institutions, with two-thirds of this category's measures relating to DWP alone.[110] Another 10% of the proposed charter amendments would impact the proprietary departments because they dealt with debt, fund transfers and contracting. Approximately 15% of the amendments over the years would treat civil service, 15% dealt with election matters and 10% concerned the city's three employee pension programs. Most of the other amendments handled a miscellaneous group of subjects. The mayor's powers were only affected by three amendments, and the council's powers were only directly altered once; primarily, the amendments regarding the council dealt with their districts and their salaries.[111]

From 1964 to 1999, proposed charter amendments would again fill the ballots for municipal primary and general elections, and piggy-backed on many of the state and federal plebiscites. During this period, city voters considered charter amendments in just over 50 different elections, passing 82% of the 233 proposed changes. With the improved success rate, from two-thirds success to just over 80%, it is obvious that charter amendments had become less controversial. That is probably because concerns drove charter change during this period. The proprietary departments no longer dominated all other subjects. In fact, LADWP was only the main subject of ten amendments, while only 14 alterations focused on Airports and Harbor. The subjects indicate that 32 more amendments may have been of some interest to the revenue-producing departments, but this is a far cry from the period 1926-1963.[112]

Table 5.2: Charter Amendments by Subject, 1926-1999[113]

Subjects	1926-1963	1964-1999	1926-1999
Civil Service, salaries	65	36	101
Pensions	27	51	78
LADWP	51	23	74
LAHD	17	11	28

As Table 5.2 reveals, there is an obvious difference between the kind of amendments passed from 1926-1963 and 1964-1999. Nearly twice as many amendments regarding civil service would appear in the earlier period. The earlier period would also contain half as many pension-related amendments as the later period. The LADWP would be the subject of less than half as many amendments from 1964 to 1999 as the Department had been from 1926 to 1963. There were 50% fewer LAHD amendments in the later period than the earlier period had contained. These correlations were not produced by a clever recalculation election-by-election until the author found the right mix. Mancur Olson would call that torturing the data until it confesses, and it is unethical.[114] The author found this quantitative periodization in the empirical data because he expected to find it from the qualitative change in the nature of charter reform.

From 1926 to 1963, there were four major kinds of charter reform. The first was the extension of the civil service to cover more employees, and especially those

within management. The second was the extension of employee rights, and especially pensions and discipline. The third was the articulation of departmental structures, fine-tuning the 1925 Charter as the operations manual for the city's departments. The fourth was the increase in the autonomy of the proprietary departments, with attempts to relax city control over the departments' rates, fees, contracts and other matters, but especially revenue bond authority. These four areas would account for about half of the charter change from 1926-1963.

Civil Service Extension: the trend toward extending civil service into the ranks of the General Managers had been apparent as early as the 1920s. The Fire Chief, the Police Chief and his Secretary, the City Clerk, Treasurer and Purchasing Agent would all become part of the merit system from 1920 to 1923.[115] The 1925 Charter had continued to place all of these officers under the merit system, but exempted most other department heads from civil service. In 1937, the voters ratified six different amendments extending civil service coverage to the City Engineer, the Health Officer, the General Managers of Public Utilities and Humane departments and the General Managers of all other departments, as well as extending the civil service protection granted under the 1925 Charter to the Police and Fire chiefs.

In 1953 the city would establish a civil service-exempt General Manager for the new Department of Traffic, but in 1961 a charter amendment would place the Traffic Department Engineer under civil service. In 1963, the voters would enact an amendment granting civil service protection to Health Department physicians, but this would be the last city officer blanketed into civil service. In 1965 and 1998 the voters

would pass amendments placing government employees and officers transferred to city employment under civil service, but these individuals were to be rank and file employees rather than managers. After 1963, every charter amendment affecting a city managerial position would attempt to exempt that officer from civil service protection. Beginning in the 1965 charter amendment election, the Council and Mayor submitted only those amendments that would enhance their own authority by rescinding civil service protection for management officers.

Employee Rights: the public safety workers had been the first employees to win pensions by charter amendment, and other employees sought service and protection for their golden years as well. In 1936, LADWP employees would acquire a pension plan through charter change, and all other city employees would do so in 1937. The amount of pension-related charter amendments increased over time, as did the generosity of the pension systems. In 1959, the LAPD and LAFD won a charter amendment which would increase benefits, and ensure through actuaries that the city's taxes were sufficient to ensure the pension benefits would be paid. Later that year, the public would reject two amendments providing that pensions from the LAPD, LAFD and City Employees' Retirement System (CERS) would all be adjusted for the cost of living. In 1961, the public would instead decide to grant cost-of-living-adjustments (COLAs) to these pension systems. With the adoption of COLAs, and the doubling in the number of pension and employee working conditions, it is clear that charter amending is different before and after the early 1960s.

Pensions would dominate all other charter considerations from 1964 to 1999.[116] During this period, the city's three pension systems—LADWP, Fire and Police, and the City Employee Retirement System—were the subjects of over 50 different amendments. Fire and Police pension changes were the most popular with voters as well as probably the most generous. In 1982, the city paramedics persuaded the voters to raise their pensions to police and fire levels. Civil service changes accounted for another 44 amendments, and various election details absorbed voter attention in 50 propositions. Since civil service and city pensions can both be considered as matters of special importance to city employees, it is clear that personnel matters alone account for virtually 40% of all amendments that showed up on the ballot from 1964 to 1999.

Besides pensions, the city's personnel would seek charter amendments improving their situation in terms of salaries and discipline. In 1977, the public would remedy the disparity between salaries at the proprietaries and the other city departments by establishing a single salary setting authority for the rank and file at all departments. Of course, discipline would be a major concern for all city employees, but especially for the city's public safety workers. LAFD and LAPD employees would ultimately win tremendous gains in terms of their departments' disciplinary procedures. Given the fact that they also persuaded the state of California to follow L.A.'s lead and give them a substantial property right in their positions, the sworn police officers and uniformed firefighters would ultimately win extraordinary job protection.[117]

When the Rodney King beating and subsequent civil disturbance produced the Christopher Commission's Report, the city would have to fight very hard to extend its authority over rogue officers with the 1992 charter amendment, Prop F and a series of follow-ups creating an Inspector General. In the late 1990s there was an embarrassing scandal in the city's Rampart division. The Rampart Scandal involved cases of officers routinely perjuring their testimony, planting evidence, and even stealing the drugs confiscated from crime scenes, and compensating individuals who had been railroaded into prison by officers using these methods cost the city dearly, and had to be paid out of the big tobacco revenues L.A. won from the Master Settlement Agreement. The fact that the Rampart Scandal occurred in the late 1990s, resulting in a federal judge putting the LAPD under a consent decree to compel the force to clean up its act, shows how much protection the LAPD had won through its charter amendments from 1930 onward.

Fine Tuning: A great deal of the changes to the 1925 Charter concerned changes to the document to allow city agencies to do their jobs with fewer restrictions. The charter was an operations manual to start with, and constant change was needed to move beyond outmoded ideas of public administration. Today's charter framers are wise to write such standards as GAAP and GAGAS into their organic laws. Rather than tying a city to very restrictive procedures which allow no flexibility, the GAAP merely requires that a city use Generally Accepted Accounting Principles in its financial management.

Likewise, GAGAS are Generally Accepted Government Auditing Standards. If a charter specifies that GAGAS will be used, then when the U.S. Government Accountability Office changes them to reflect new methods, such as the passage of Sarbanes-Oxley, then the city's internal and external auditors can apply the most up-to-date procedures. By assuming that everyone is corrupt and trying to tie their hands with rigid rules, the operations manual charter hamstrings all government work. Efficiency and effectiveness can be sacrificed at the altar of mind-numbing regulatory detail. Because the 1925 Charter was drafted prior to the development of GAAP and GAGAS, this was not an option for the document's framers.

Consequently, departments sought charter amendments over time to rationalize their procedures. Some of the fine-tuning amendments aided departments to increase their insulation from the elected officials, and thereby the public, but these kinds of amendments diminished over time as elected officials lost their tolerance regarding charter provisions tying their hands with regard to city departments.

Proprietary Departments: the transformation of the proprietary departments can be seen from an examination of Table One. The LADWP was the subject of 51 amendments from 1926 to 1963, but only 23 from 1964 to 1999. Even more important than the quantity of amendments regarding the LADWP is the quality of the revisions. After the 1947 revenue bonding amendment, the LADWP had passed its charter reform heyday. In fact, the LADWP would lose some of the revenue bond privileges it had gained in 1947. LAHD's charter amending described a similar trajectory to that of LADWP, but merely at a lower arc. Since LAHD had never

enjoyed as much charter reform success at LADWP, the humbling of the department would represent less of a fall from power.

The LAHD would see a decrease in its charter reform success rates. The LAHD would be the subject of far fewer amendments from 1964-1999 as it had been from 1926-1964. Moreover, the later amendments were as likely to rescind authority as they were to grant it. When the LAHD acquired the right to issue revenue bonds in 1959, the Department had reached the high-water mark of its charter revisions. The Los Angeles World Airports (LAWA) was patterned upon the LAHD and the LADWP, and the revenue bond authority that it gained in 1963 was enhanced to match the other departments by charter amendment in 1970. In sum, most of the proprietary department-related charter amendments enacted between 1926 and 1964 would clarify and increase the powers of departments. The voters become more cautious about the departments' autonomy over time, but generally approved the departments' program of continuing to improve the city's airports, harbor and water and power facilities.

Cost of Good Intentions: All of the amendments to the 1925 Charter entailed a cost, and in more than the back-breaking work of City Attorney staffers carrying around enormous 800-page annotated volumes. It is difficult to amend a charter without introducing ambiguities and inconsistencies into the document as a whole. The 1925 Charter suffered in elegance as it grew in size and complexity. With every new amendment requiring opinions to interpret, the City Attorney ended up like a Navy damage control officer trying to keep a breached ship afloat.[118]

The 1925 Charter had been elegant because, for example, it set aside Article VI for a general organization of departments. But when each department was altered over the years, inconsistencies consequently emerged in the charter's general sections. [119] Of course, despite the worries of idealistic reformers looking for an elegant charter, the document's cosmetic problems did not necessarily dictate that the charter would cause the city difficulties. However, ambiguity and inconsistency placed great responsibility upon the City Attorney and the courts to interpret the document as its framers intended. When these officials failed in their duties, as the Judge in the Daryl Gates firing did, then the charter's lack of clarity hindered its ability to protect the public from the acts of their municipal agents. Protecting the public is, after all, the whole point of a California city charter. In order to remedy the problems with an inconsistent governing structure, the public would again seek a new charter.

The Reining Commission's Charter, 1969-1971: in 1966, Mayor Yorty again took an interest in charter reform and appointed a commission to examine the charter. [120] In 1969, the Los Angeles City Charter [Reining] Commission (LARC) produced a draft charter. Their charter would have permitted the formation of neighborhood organizations with elected boards and a single appointed staffer compensated from city funds. In addition, LARC recommended the charter establish a clear separation of powers "with a strong Council as the head of the legislative branch" that was prohibited from interfering in "departmental administration." LARC wanted to clarify the mayor's position "as the chief executive of the city and the head of the executive branch" by making the executive branch "an integrated management

structure." LARC's draft charter allowed the mayor to appoint both commissions and general managers with council confirmation, and remove these executive branch officials without council action of any kind.[121]

Rather than place the LARC's proposed charter on the ballot, the council reviewed and redrafted the entire document based upon the concerns of the city attorney and the CAO.[122] The council's Charter and Administrative Code Committee held nine months of meetings and public hearings on the draft charter. The council and LARC then spent five months hammering out disputes over each section. The council's draft charter did not include several of the important recommendations made by LARC. For example, it "did not provide a separation of powers between identified branches." Additionally, in the council's charter, "no provision was made for the formation of Neighborhood organizations or boroughs." LARC did have misgivings about the changes to their charter proposal. However, they thought the fact that the council's charter proposal allowed the mayor to remove general managers meant it would still have been an improvement and "probably represented the most change that would have been approved by the City Council at the time."

In August 1970, the final draft of the new charter proposal emerged. The charter did not deal with the weakness of the mayor's office because the council had naturally opposed reducing its own power. The council's defense of turf also accounts for their shelving of LARC's proposal for an Ombudsman. The Ombudsman would have acted as intermediary between the council members' constituencies and the city bureaucracy. Like the United States Congress, the council relied on this brokerage

role to enhance their image with constituents. The council also rejected LARC's proposal to end the dual-reporting dilemma of the CAO by placing the officer clearly under the mayor in the chain of command.[123]

The council also made changes that took account of other players in the city. For example, LARC wanted to consolidate the three city pension funds. The council knew such a change would produce intense city employee opposition and destroy the charter's chances, so the council's charter proposal left the pension systems alone. But the council made a severe miscalculation in terms of the proprietary departments. LARC's draft charter had recommended only mild reforms for these institutions, but the council had other ideas. Their proposed charter gave the council power over salaries at Airports, Harbor and Water and Power Departments. The charter would also have permitted the council to require payments to the general fund from proprietary budgets, and authorized the CAO to conduct management audits of these departments for the first time. Opposition ignited to the charter at DWP, not to mention the Harbor Department. Late in 1970, the voters rejected the charter proposition. After its defeat, the Charter Commissioners blamed DWP most of all for its loss.[124] Mayor Yorty's abandonment of the charter proposal as little improvement over the *status quo* was likely also to blame for the document's failure. Following the well-established rule of Los Angeles charter reform--'If at first you don't succeed, try try again'--the council placed the 1970 charter on the ballot again in 1971. The voters again refused to enact the proposed charter.[125]

The Council Strikes Back, 1964-1999: interest in a new charter waned for the moment, and charter amending continued along its frenetic way. The council benefited most from the shifts in power that took place after 1963.[126] Based on a fragmented municipal structure, a liberal coalition on the council would turn its minimal charter authority into a governing coalition. The council perfected the district ombudsmanship system in which voters in their district could only get a response from a massive city bureaucracy by contacting their councilperson. In addition, the council took advantage of its longer terms and its ability to pressure the CAO. With a council coalition, *quid pro quo* back-scratching at city departments, and a city administrator that only the council could remove or protect, the city's legislature greatly enhanced its role.[127]

From the 1964 on, elected officials consistently sought to move power out of the hands of city commissions. They began by securing an amendment that granted to general managers authority traditionally reserved to commissioners. For example, in 1965 voters approved a charter amendment empowering general managers and reducing the boards of commissioners at six departments to advisory status. The Building and Safety, City Planning, Municipal Arts, Public Utilities and Transportation, Social Service and Traffic departments would in future be managed and controlled by a general manager.[128] Commissions would only advise their general managers and act as appellate and adjudicative bodies in certain limited circumstances.

However, empowering general managers at the expense of commissioners does not appear to have been the true priority of the elected officials proposing this charter amendment. After the amendment's passage, elected officials tried for years to increase their authority over general managers at all city departments, with both advisory and managing commissions. Elected officials attempted repeatedly to persuade voters to transfer the authority to appoint and remove departmental managers from the commissions to the mayor and council.

In 1980, voters faced an amendment creating a separate personnel system for most management executives in the city. The amendment was billed as a measure to increase the accountability of these managers to elected officials. Upon the amendment's failure, city officials would re-submit it again in 1983, 1984, 1993, and 1995. In 1983, proponents of the concept would even contend that the amendment would establish a "merit system" for top city administrators. The term "merit system" has traditionally been used to describe civil service; this amendment would take the opposite action, effectively removing managers' civil service protection. The change would also relieve them of some of their reporting responsibility vis-à-vis their commissioners. In 1995, voters supported the amendment because accountability had become the issue rather than protecting civil service and preventing corruption. The "try try again" formula paid off for elected officials.

But elected officials did not always take such an indirect route to profit from diminished commission authority. This was the case in 1977, when voters agreed to an amendment allowing the council to initiate changes in the city's General Plan,

rather than just the Planning Commission. Such was also the case in 1991, when the voters approved Prop 5, an amendment that transferred to the council wholesale the powers of boards and commissions over their departments. Prop 5 allowed the council to review and override almost any decision made by a city commission. It was somewhat surprising that voters approved Prop 5, because in 1975 the electorate had rejected a charter amendment that would have made council members eligible for appointment to offices, boards and commissions. Prop 5 would essentially bring about the same result, fundamentally re-drawing the lines between executive/administrative and legislative authority.[129]

Like their commissioners, departments would also see their independence eroded by the amendments after 1964. In 1965, for instance, voters approved an amendment allowing the mayor and council to transfer powers and duties between different departments. Only the pension, proprietary and public safety departments were accorded some protection from such transfers of their charter-mandated functions. In 1977, the electorate permitted the mayor and council to set pay rates for all city employees, disenfranchising eight separate city agencies--including especially the proprietary departments--that had previously held this power. But in the same year voters did reject two amendments that would have significantly increased the powers of elected officials at the expense of city departments. For example, one amendment voters disapproved would have taken powers from the Recreation and Parks Department and put them in the hands of the mayor and council. Another proposition would have given the mayor and council power to establish limits on

intradepartmental transfers of surplus budget funds. The failure of these two amendments temporarily upheld a modicum of authority for departments.[130]

Elected officials were obviously in consensus over the desirability of taking powers from departments and commissioners. However, the council and mayor fought each other for power as well. In 1977, the voters turned down an amendment allowing the council to reject the mayor's commission appointments by taking no action for 45 days. The amendment would have given the council a sort of pocket veto on mayoral appointees. But the voters did consent to an amendment enhancing the council's authority to block the mayor from dismissing commissioners. The voters chose to enhance the powers of the council at the expense of the executive branch. Simultaneously, they allowed more council involvement in administrative matters forbidden to legislators under the original 1925 charter. [131]

From 1964 to 1999, voters increased the accountability of departmental managers and commissioners to elected officials. They also enhanced the direct administrative authority of elected officials at the expense of appointed commissioners. If the charter reformers of 1902 were concerned with efficiency, more recent charter reformers have taken up the call of accountability. The 1902 reformers cared about accountability enough to enact direct democracy after all, but did not consider it as critical as efficiency.[132] Even more than their predecessors, recent reformers have been interested in restricting elected officials. In 1993, Los Angeles voters used the charter amendment--and, moreover, a charter amendment that emerged from the initiative process--to limit all city officials to two terms.

For many years, the charter reform debate has centered on the ultimately irreconcilable principles of democratic accountability and administrative efficiency. The 1925 charter framers solved that dilemma with citizen commissioners. But the commission system had fallen into disrepair by the 1990s. As early as 1938, Mayor Bowron had asked for and received resignations from all of his predecessor's commissioners. Bowron set a precedent and this informal practice of commissioners resigning *en masse* for a new mayor has decreased departmental independence. Some have reported that Mayor Tom Bradley took Bowron's precedent one step further and asked for signed resignations from all of his commissioners when they took office. The 1925 charter's fixed-term commission appointments gave way informally to appointments at pleasure of the mayor. [133]

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[1] Garrigues, Charles Harris, *You're Paying for It! A Guide to Graft* (New York: Funk & Wagnalls Company, 1936), p. 32.
[2] See LACRC, *Report*, p. 7.
[3] On the other hand, Garrigues possessed the perspicacity to observe a few pages later in the book that: "Under a dictatorship, nobody is free, not even the dictator…." Garrigues, 1936, p. 36. As a cub reporter, "Brick" Garrigues would work for the *L.A. Express*, then as a star reporter for the *Daily News*, moving on later to work for many years at the *L.A. Examiner*.
[4] The 1898, 1900, 1912 and 1915 Boards had all failed to bring a new charter into effect; the fifth time proved the charm with the 1923 Board of Freeholders.
[5] Technically, the 1925 Charter did provide that the next primary would occur in May 1925, followed by the general election in June. The officers chosen in these elections would be selected after the state legislature approved the charter, but before it became effective on July 1, 1925. But the municipal elections would have been held on these two days even if the voters had rejected the 1925 Charter, since the 1913 Charter had established these election days. Moreover, the voters had amended the 1925 Charter at the same election they passed it. They supported the district elections alternative, which was written as an amendment to two sections of the new charter. See *1925 Charter*, sections 6, 20 and 435, and compare the two versions of sections 6 and 20 on which voters balloted. Voter impatience with new charter documents is much clearer for the 1999 Charter. When voters went to the polls in April 2001, they nominated the first set of candidates under their new charter. Two members apiece were elected outright to the Board of Education and the council. But the voters also passed two amendments, which would become effective before these four officials would begin their terms of office, so the 1999 Charter was also amended before anyone was formally elected under its terms.
[6] The Municipal League noted that some of the 1926 charter amendments were "of a technical nature….necessary to make the charter workable, others to correct practically unavoidable oversights on the part of the freeholders who framed it." See "The 25 City Measures 1-A to 25-A Inclusive," *Municipal League of Los Angeles Bulletin*, Volume 4, Number 3, October 23, 1926, p. 3.

[7] See "Bossism in Municipal Government," *Municipal League of Los Angeles Bulletin*, Volume 6, Number 9, June 1, 1929, pp. 3-5; "The Council-Manager Government," *Municipal League of Los Angeles Bulletin*, Volume 6, Number 10, July 1, 1929, pp. 5-7.
[8] See Bollens, *Study*, p. 49. The quotations are from Guy W. Finney's *Angel City in Turmoil: A Story of the Minute Men of Los Angeles in Their War on Civic Corruption, Graft and Privilege*, Los Angeles: American Press, 1945, pp. 28 and 34, respectively.
[9] Finney, *Angel City in Turmoil*, p. 24. The entire litany of the Minuteers serves to stress the city's declining moral values due to corruption of public officials in general, but especially those responsible for overseeing law enforcement.
[10] See Bollens, *Study*, p. 49, and Finney, *Angel City in Turmoil*, p. 37 for the source of the quotations.
[11] Advisory Committee, "Report to the Legislative Committee of the Los Angeles City Council," typescript, Los Angeles, June 20, 1934, p. 2.
[12] "This committee proposes, therefore, as the next logical step in the natural unfolding of administrative history, the concentration of administrative authority in the mayor with the further development of the advisory staff idea in the form of an executive staff department." See p. 2 of the CAC's Report.
[13] Of the CAC, Bollens wrote in his Town Hall study: "Although the advisory group had been appointed by the chairman of a Council committee to aid in deciding what amendments should be considered by the voters, the Council did not place any of its proposals on the ballot in 1934 and the report went into limbo" (Bollens, p. 51). The CAC produced nothing in the end but a typescript, which remains in the city's files in the Los Angeles City Archives (LACA) which are housed in the Piper Technical Center. The LACA is such a massive collection that one visiting them is irresistibly reminded of the ending scene of *The Raiders of the Lost Ark*, where the treasure is filed away forever. This image is all the more compelling because Piper Technical Center is a squat and sprawling set of buildings that appears to be dwarfed by its own garage, and archivists bring materials in for historians from a warehouse setting, equipped with a loading dock. Because the LAPD uses the LACA, historians typically bump into officers researching old cases. The author once met an officer who admired the old leather-bound volumes of election returns and remembered when his department had kept the books in his office. It is somehow appropriate that the LAPD uses the top floor of the Piper Technical Center's garage to park some of its helicopters, and consequently the location has even made its way into movies critical of the department, such as John Badham's 1983 movie, *Blue Thunder*. Fortunately, the LACA can access historical treasures more efficiently, and both appointed and elected charter commissioners could refer to the Charter Advisory Committee's recommendations in their successful 1996-1999 quest to draft the 1999 Charter.
[14] Both the Junior Chamber of Commerce in 1940, and the Charter Revision Committee in 1940-1941 would again suggest this proposal. It even surfaced as a major bone of contention between Mayor Richard Riordan and Controller Rick Tuttle during the deliberations over the 1999 Charter. See Bollens, *Study*, pp. 53-55 for a fuller discussion of the efforts to secure a new charter between 1937 and 1941.
[15] The removal of Mayor Arthur C. Harper from office in 1909 had been accomplished through the threat of a recall. Harper did not force the reformers to make good on the threat.
[16] See Gravatt's protest on pp. 25-26 of the *Thirty Second Annual Report of the Board of Civil Service Commissioners*, (Los Angeles: City of Los Angeles, 1934), Fiscal Year 1933-1934.
[17] See p. 37 of the *Thirty Third Annual Report of the Board of Civil Service Commissioners*, (Los Angeles: City of Los Angeles, 1935), Fiscal Year 1934-1935.
[18] Gravatt wrote: "We are not popular, of course, nor can we expect to be, with that class of people who are interested only in circumventing the merit system, who like to use influence or see influence used in securing jobs and who find civil service a hindrance when they seek to satisfy their own selfish ends." See pp. 44-45 of the *Thirty Second Annual Report of the Board of Civil Service Commissioners*, (Los Angeles: City of Los Angeles, 1934), Fiscal Year 1933-1934.
[19] According to the Free Dictionary by Farlex "L'envoi" is defined as: "One or more detached verses at the end of a literary composition, serving to convey the moral, or to address the poem to a particular

person; - orig. employed in old French poetry". This information is available at url http://financial-dictionary.thefreedictionary.com/L'envoi which the author accessed on May 20, 2008. The author calls the change unprecedented based on an examination of every Annual Report the Commission issued from 1903 up to 1933. The postscript included at the end of the report violated the standard format under which the reports had been printed for three decades.

[20] See pp. 44-45 of the *Thirty Second Annual Report of the Board of Civil Service Commissioners*, (Los Angeles: City of Los Angeles, 1934), Fiscal Year 1933-1934.

[21] See Burton L. Hunter, *The Evolution of Municipal Organization and Administrative Practice in the City of Los Angeles* (Los Angeles: Parker, Stone & Baird Co., 1933). The book was originally Hunter's USC M.S. Thesis in Public Administration. The book's title page indicated Hunter's occupations, which included service as a Lecturer at USC's School of Government.

[22] For a hint of Bowron's liberalism during his recall-inspired candidacy and his early years as Mayor, see Paul Cline, "The Los Angeles Mayoralty Recall," *The Communist*, Volume 17, November 1938, pp. 1019-1027. Bowron's pro-collective bargaining stance had won him the endorsement of the C.I.O., many A.F. of L. unions, as well as the support of New Deal Democrats (Cline, p. 1023). Because the Republican Shaw Administration had so aggressively sought New Deal federal funding for Los Angeles housing and other projects, he enjoyed a great deal of support among liberals. See Tom Sitton's 1983 UCR Dissertation, "Urban Politics and Reform in New Deal Los Angeles: The Recall of Mayor Frank L. Shaw." See also Tom Sitton, "Another Generation of Urban Reformers: Los Angeles in the 1930s," *Western Historical Quarterly*, Volume 18, Number 3, July 1987, pp. 315-332. Thus, the labor backing aided Bowron in ousting Shaw. In his actual administration as Mayor, Bowron disappointed many liberals, but he did not lose all of his idealism, as is evidenced in his vigorous fight on behalf of bringing Truman's Fair Deal and Housing funds to L.A. Bowron faced an unsuccessful recall, as well as a city vote to reject the federal government's housing program. For the details of Mayor Bowron and L.A.'s local public housing "red scare" see Don Parson, "Los Angeles' 'Headline-Happy' Public Housing War," *Southern California Quarterly*, Volume 65, Number 3, Fall 1983, pp. 251–285. L.A. City Housing Authority Director Frank Wilkinson was hounded out of office by a municipal version of McCarthyism and the HUAC. Wilkinson only recently died at the age of 91 on January 2, 2006. See Rick Lyman, "Frank Wilkinson, Defiant Figure of Red Scare, Dies at 91," *The New York Times*, January 4, 2006, article accessed by the author at url http://www.nytimes.com/2006/01/04/national/04wilkinson.html on May 20, 2008. Clifton's and Clifford Clinton's chain of similar cafeterias operated successfully on a "golden rule" principle under which diners paid only what they wished, based on what they felt their food had been worth or they could afford. Clifton's Brookdale is still in business in downtown L.A., as of this writing, and the cafeteria still remembers his motto: "We pray our humble service be measured not by gold, but by the golden rule." According to their website, "Clifton's continues to practice Clifford Clinton's philosophy of treating customers as 'guests' and employess [sic] as 'associated' [sic] and still offers a guarantee of "Dine Free Unless Delighted." The author accessed them on the internet at the url http://www.cliftonscafeteria.com/pages/brookdale_home.html on May 20, 2008.

[23] At the time, the Department of Recreation and Parks had not yet been created. In 1947, the city would merge the Department of Parks with the Department of Playgrounds and Recreation. The charter amendment that accomplished the merger raised the appropriation to 13 cents on the dollar; the separate departments had received 7 cents and 4 cents individually. See Section 173 of the 1947 Charter and Sections 173 and 191 of the original 1925 Charter.

[24] For a discussion of the DWP and Mayor Bowron's relationship with its leaders, see Ostrom, *Water and Politics*. See also two of his other works, "Government and Water: A Study of the Influence of Water Upon Governmental Institutions and Practices in the Development of Los Angeles," Ph.D. thesis, U.C.L.A., 1950; *Water Supply*, (Monograph 25 of series on Metropolitan Los Angeles: a Study in Integration)**,** Los Angeles: The Haynes Foundation, 1953.

[25] This committee will be referred to herein as the LACRC. The committee was appointed by Mayor Bowron on March 28, 1940 and approved by Council on April 8, 1940. Its Vice Chairman was a prominent professor of urban politics named Frank Mann Stewart, and LACRC hired such prominent

municipal consultants and advisers as Edwin A. Cottrell, William B. Munro and John M. Pfiffner (whose son is now an expert on the American Presidency). It included old-line reformer George H. Dunlop until his death that year, respected municipal attorney James L. Beebe (the O'Melveny and Myers counsel who helped invent revenue bonding instruments), John R. Haynes' last secretary and League of Women Voters leader Anne M. Mumford and Mary J. Workman, of a prominent old-line Democrat and reform family, among such other luminaries as Meyer Lissner's old law partner Edgar W. Camp (who had helped draft some of the charter amendments as far back as 1906; see the Haynes Papers). Beebe and Cottrell would later serve the city as members of the Little Hoover Commission. The Mayor and Council equipped the committee with 46 personnel and $5,000 for two legal draftspersons (p. 7; it seems that the personnel included the appointees, though).

[26] The LACRC was not entirely fair in this assessment: a look at the composition of the 1923 Board of Freeholders shows that this body had actually broken new ground in its inclusion of three prominent club-women and the city's preeminent labor leader. For the LACRC.s findings, see Los Angeles Charter Revision Committee, *Report of Los Angeles Charter Revision Committee*, Los Angeles: City Clerk, October 1, 1941, p. 7 (available at LACA, hereinafter, LACRC, *Report*). Stewart would also have prominent experts as Edwin A. Cottrell, William B. Munro and John M. Pfiffner on staff as consultants. However, the council did refuse to spring for the $10,000 the Committee requested for legal drafting assistance, appropriating half that amount. This information is also on p. 7 of the report cited in this note.

[27] See LACRC, *Report*, p. 7.

[28] See LACRC, *Report*, p. 8.

[29] Among the changes the council made to a proposed amendment was lengthening the period in which that body could override a mayoral veto. Under the present Charter of the time, the Committee stated that: "there have been occasions when several months have passed after a veto before the Council has acted on a measure (p. 16)." The Committee suggested a 10-day period, which the council changed to sixty days in the amendment's language. The voters adopted this charter amendment. In one of the most egregious alterations of the Committee's recommendations, the council proposed amendment #19, which was the exact opposite of their proposal #9. All totaled, the council placed 26 amendments on the ballot. 10 were of the council's own construction, one was a complete substitution for the Committee's amendment (#19), 4 were committee proposals amended by council (such as mayor's veto), and only 11 Committee proposals (50% of 22) made it to the ballot without alteration by the council. See LACRC, *Report*, pp. 9-16.

[30] See LACRC, *Report*, pp. 8, 17.

[31]The city, according to LACRC, possessed: "1. No permanent agency or machinery now set up to consider problem of keeping the organic structure of city under the charter abreast of needs of the city and up to date. 2. Except for the present Charter Committee, whose work is now drawing to a close, no groups or organization, outside of the Council, exists which can view suggested changes, or originate changes, based upon an impartial, community-wide point of view." See "MEMORANDUM RE: CHARTER AMENDMENT PROPOSING A PERMANENT ADVISORY CHARTER COMMITTEE TO MAYOR AND COUNCIL" was dated October 23, 1940 (date written by hand on memo, apparently by Anne Mumford; memo's title in caps lock emphasis in original). It can be found in the Haynes Papers, Box 107, Folder entitled "LA-Charter-1940-41 Amendments (Proposed) 4-20."

[32] See *City Government for the Future: Report of the Los Angeles City Charter Commission*, July 1969, p. 24. For a brief history of the boroughs concept, see James W. Ingram III, "L.A.'s Long Platonic Affair with Neighborhood Councils," *Los Angeles Times*, November 2, 1997, p. M6. Boroughs would again be raised as a way of forestalling secession, both before and after the passage of the 1999 Charter and establishment of its Department of Neighborhood Empowerment and citywide system of neighborhood councils. The full citation on *Crose* is: *A. J. Crose v. City Council of the City of Los Angeles* (175 Cal. 774) 1917.

[33] Bowron's frank assessment of the Los Angeles Charter and its structural problems would appear in a *Los Angeles Times* article years after he left the Mayor's office. See Fletcher Bowron, "Commission

Role on City Government: The Way It Came About in Los Angeles," *Los Angeles Times*, November 26, 1967, p. P7.

[34] Civil Service Commissioner Ransom M. Callicott communicated this sentiment regarding the charter in 1949, when identifying public enemies was job one for the government. At the time, Callicot had not yet served his two terms on the council. One wonders what his observations would have been then. Cited in H. Eric Schockman, "Is Los Angeles Governable? Revisiting the City Charter," *Rethinking Los Angeles*, Thousand Oaks, CA: Sage Publications, 1996, p. 57. The charter was apparently a popular subject of Los Angeles commentators in the 1940s. Aldrich Blake characterized it as a "municipal Mulligan stew" in 1945 and stated it was a perfect example for "future generations…of what *not* to write in their basic municipal law!" See *You Wear the Big Shoe*, Aldrich Blake: Los Angeles, 1945, pp. 16-18.

[35] This quotation is from the letter the LHC's chairman wrote to the mayor and council (this letter has no page number and appears directly after the report's cover and before p. 1). See the Los Angeles Commission on Reorganization of the City Government, *Final Report to the Mayor and Council of the Los Angeles Commission on Reorganization of the City Government*, Little Hoover Commission, April 1953 (available at LACA; hereinafter, LHC, *Final*).

[36] These lists of the line and staff departments were abbreviated, and the less important agencies have not been listed. The complete list appears on p. 13 of the Final Report.

[37] April, 1953 letter from LHC introducing the Final Report.

[38] For the LHC, the council's primary duties would be: "a) Enactment of ordinances, b) Passage and policy review of the budget, c) Conducting legislative inquiry into the programs of the various departments, d) Keeping close to community needs." See LHC, *Final*, p. 6.

[39] A close student of L.A.'s history would not find the Council's decision to table the LHC's suggestions for reform of the Department of Public Works to be very surprising (Final Report, pp. 9-10). Some of the complaints about this department date back to shortly after its formation in 1904, and have re-surfaced in every decade up until the 1990s. In the author's role as participant-observer during the 1990s charter reform process, he found that these recommendations were still controversial. They were the subject of considerable debate and intra- and inter-staff intrigue at the appointed and elected commissions.

[40] In his wonderfully insightful book, Charles Harris Garrigues commented, "one does not hear of a political boss except during a reform campaign." As an L.A. journalist "who has helped to create a number of such bosses", Garrigues argued that a modern reformer could not attribute corruption to "the necessity of legitimate special interest to seek special privileges" and thus "creates the fiction of a political boss in order to provide a point on which to center his attack." This pseudo-boss "could personify governmental corruption" and "be sent to jail" while the system could not. Like Lincoln Steffens, L.A.'s Garrigues saw corruption as a systemic problem rather than an individual leader's character flaw. As a reporter for the Los Angeles Examiner for decades, Garrigues was in a position to know what he was talking about. See *You're Paying for It! A Guide to Graft*, New York, London, Funk & Wagnalls Co., 1936, pp. 28-31.

[41] See Abrahams, "Functioning," p. 60 and Bollens, *Study*, pp. 49-73.

[42] The 1925 Charter's centralized budget process headed by the mayor gave way to CAO direction due to the CAO amendment. See *1925 Charter*, as revised to 1951, section 51. See also LHC, *Final*, p. 6. The mayor could only remove the CAO with a council majority, whereas the council could remove the CAO without mayoral approval if it had a 2/3 majority. The CAO remained under this system of dual reporting until a 1995 charter amendment.

[43] Before the amendment to lengthen council terms passed in 1953, the voters rejected the concept in 1932, 1934, 1941, 1947 and 1949. The "try try again" method struck again with success in 1953. The margins of rejection had been enormous in all five elections, as can be seen by the percentages of approval in those years: 31.1%, 38.5%, 28.5%, 33.4% and 25.8%, respectively. When the voters again balloted on the amendment four years after it was defeated by a 3-1 margin, 62.2% approved the change. It is impossible to ascertain why voter opinion had changed, but Mayor Bowron's conspicuous action in terms of public housing—in which the Mayor tried to block the effect of the public's

referendum on the federal housing contract—may have increased voters' esteem for their local legislature. The Council had halted the Mayor in his course of action, and was seen by business leaders to have saved the city from a costly (to them) misstep. The downtown property owners wanted to see Bunker Hill redeveloped, but did not define redevelopment as the creation of public housing projects.

[44] See *1925 Charter*, as amended to 1953, section 7. Due to space constraints, this chapter could not hope to give the detailed history of all new charter proposals and amendments of the 1925 Charter from 1926-1969. Fortunately, such an account is available in Bollens, *Study*, pp. 49-79.

[45] The 1925 Charter guaranteed the Library, Parks and Playground & Recreation departments a specified percentage of the city's tax revenues. Library's allotment was 7 cents out of every dollar, Parks' allocation was 7 cents, and Playgrounds & Recreation was entitled to 4 cents.

[46] The phrase "notwithstanding any other provision to the contrary, this section shall cover…" is, in one form or another, a fairly common phrase in heavily amended charters. So long as the person drafting the amendment is careful, it is possible to parse sentences very carefully to ensure the proper and intended interpretation of the charter language will be clear. After drafting charter language for two cities, the author admires the work of those attorneys who have specialized in municipal law.

[47] In 2004, San Diego changed from the council-manager to the mayor-council form of government with an article tacked on to the end of the city charter with an amendment. In an interview with Robert Chase, a now-retired member of the L.A. CAO's office, the author found that Chase, a life-long employee did not have much respect for those who sought charter change because they did not understand the historical process that led the city to its amended 1997 version of the 1925 Charter. Chase and this author shared an appreciation of the way in which the old charter represented the accumulation of the city's administrative wisdom. The contempt that many charter reformers have displayed for city officers shows their lack of appreciation of the difficulty of providing an often unappreciative public with honest service. The contempt that citizens' groups often display for municipal charters, and their desire to throw existing charters out and start afresh, is reminiscent of Jefferson's comment that "a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical. Unsuccessful rebellions, indeed, generally establish the encroachments on the rights of the people which have produced them." See Thomas Jefferson's January 30th, 1787 letter to James Madison.

[48] Mayor Tom Bradley's 1991 Charter Study Group is a case in point. See Chapter Six below.

[49] According to Haynes, his group could put 5200 signatures on a referendary petition on 24 hours notice. See Curtis Grassman, "The Los Angeles Free Harbor and the Creation of a Progressive Coalition," *Southern California Quarterly*, Volume 55, Number 1, Winter 1973, p. 467, footnote 5, citing the Haynes Papers.

[50] Ronald Ketcham, "Being a Record of the Proposed Charter Amendments to the 1925 Charter of the City of Los Angeles and Including a Tabulation of Votes Cast," *Haynes Papers*, Box 107, 1937 Folder. The next few paragraphs containing quotations are drawn from this unpublished Ketcham manuscript, which appears to be the complete notes for his monograph on Voting on Charter Amendments, cited elsewhere in this thesis.

[51] Until the 1925 Charter took effect, the Water and Power Department and Commission had been called the Public Service Department and Commission. See Ostrom, 1953, 81.

[52] *W.W. Mines v R.F. Del Valle*, 201 Cal 273 (1927). The case was started in 1923 and the ruling went against the Power bureau. On appeal to the State Supreme Court, the DWP lost again in 1927. In 1930 the DWP sought a charter amendment to allow its bureaus to spend money on advertising. The amendment passed, and the DWP's power to advertise was secured; this privilege had political as well as economic benefits. As the quotation which begins this chapter suggests, "advertising in many small newspapers and throw-aways" was a method of control. In 1934, in fact, Haynes used DWP advertising as an explicit quid pro quo for favorable coverage of his reform goals. See HP Box 106.

[53] See Ostrom, 1953, 82-5; see also Haynes Papers.

[54] HP, Box 59, folder: "Elections--1925--LA--Councilman," Folder contains the Questionnaire and the election details regarding the campaign for the Council.

[55] These charter elections were 1926, 1928, 1930, 1932, 1934, 1935, 1936 and 1937. Haynes' death seems to have had an effect on the LADWP's charter change aspirations. Over half of the LADWP-related charter changes that were made from 1926-1999 were made between 1926 and 1937 (38/74).
[56] Under the Mulholland Plan of 1912, the city was encouraged to keep its surplus water for its own areas rather than marketing it to areas outside the city under the Graham Plan. Because of this, however, the LADWP did not have the revenue of outside areas and needed to require remote areas within the city to go into debt through improvement districts in order to pay the costs of connecting them to the city's water lines (See Ostrom, "Government and Water," pp. 200-217). On the other hand, the enticement of annexation in order to obtain water that the Mulholland Plan provided grew the city and thus its assessed valuation and bonded debt limit. Thus, the growth that the LADWP caused helped the department invest more in the future. Because of the debt incentive, the LADWP could not just build "white elephant" projects. If the Department did not make the city more prosperous, it could not acquire further bond issues to strengthen the infrastructure the department was creating. In the language of game theory, there was incentive compatibility was created and incentives aligned so that LADWP had to make the city stronger to get stronger itself.
[57] See below for details on why the 1934 and 1936 charter amendment elections were so critical. They persuaded private power company workers to turn their backs on the L.A.G. & E. Company and take a job with civil service protection and pension benefits.
[58] See Tom's Sitton's work on L.A. in the 1930s, as well as Leonard Leader's book, *Los Angeles and the Great Depression*.
[59] *Los Angeles Herald-Express*, July 15, 1940, cited in Ostrom (1953), p. 75.
[60] See Haynes Papers, Box 106.
[61] See Michael Schudson's *Discovering the News* for a fascinating account of the "penny press."
[62] One of the issues of the LADWP's periodical contained the following passage on

> ESPRIT DE CORPS.
>
> By this military phrase is meant the common spirit that does or should prevail among a group of persons, such as the men of a regiment, a body of officials or the employees of a concern. It implies a common sympathy, devotion and enthusiasm, and a jealous regard for the honor of the whole.
>
> It has an equivalent expression in just one word, one of the biggest words in the dictionary,--loyalty.
>
> A famous architect, on a visit to a great city, once stood in front of what was considered to be its most beautiful building. Near by, and also looking up at the building, was a man in the garb of a workingman.
>
> The architect asked the workman if he knew how long it had taken to construct the edifice. He replied, 'It took us almost four years.' Struck by the use of the word 'us', the architect asked the man why he had used it. His answer was, 'Why, I helped to mix the mortar.'
>
> The spirit of this workingman is the spirit that should actuate every worker, be his station high or low. Like him, every worker should look beyond himself and should have a lively and abiding interest in the success of his employer, or of the institution by which he is employed, and should have faith in and respect for all those associated with him.
>
> In short, he should be permeated through and through with ESPRIT DE CORPS."

See *The Intake*, Volume 1, Number 1, page 4, March 1924. This essay was featured on "The Editor's Page," and is thus likely the work of Editor Edwin F. L. Nevin.
[63] See HP, Box 124, Folder: "LA--DWP--Personnel & Efficiency Division--Moody." There are several drafts of a letter by Haynes protesting the dismissal of Moody and his three colleagues. See Ostrom, "Government and Water," p, 226 on the LADWP's 1919 success in bringing the Goodyear Tire and Rubber Company to L.A.
[64] Ronald Ketcham, "Being a Record of the Proposed Charter Amendments to the 1925 Charter of the City of Los Angeles and Including a Tabulation of Votes Cast," *Haynes Papers*, Box 107, 1937 Folder.

[65]See Ostrom, 1953, 83. The 1916 campaign regarding two-platoon fire department featured a deal between the fire and police departments and other city employees. See the *Times*, June 6, 1916.
[66]Erie (1992), p. 535.
[67] Haynes would write to Rudolph Spreckels in 1923" "Mr. Kent Kane Parrot, who was the Manager for Mayor Cryer in his campaign and who put him over successfully, has some views which I believe will be of interest to you, and am very desirous that he shall see you and have a heart to heart talk with you. Mr. Parrot is an honest friend of our water and power act and did all he possibly could to further its success." Spreckels was a wealthy and liberal San Franciscan who had spent a fortune aiding the Progressives to take the state away from the SP machine. Haynes' characterization of Parrot belies his own discretion about giving his contributions to Cryer's campaigns to anyone but Parrot himself. Haynes to Spreckels February 8, 1923 is in the Haynes Papers, Box 59, Folder entitled "Elections-1923-LA, 2-20"
[68] In backing Cryer's first run for Mayor in 1923, Haynes addressed claims that Cryer had not been aggressive in enforcing moral reform in his first term as Mayor. Haynes wrote, "Gambling and other questions, which are of undoubted importance, are nevertheless of less importance than the preservation and development of our municipal power system." This is from a letter Haynes wrote in 1923 when the *Los Angeles Times* was trying to raise the specter of a vice machine in the city in order to elect Bert Farmer over George E. Cryer. The letter is in Haynes Papers, Box 59, Folder entitled "Elections-1923-LA, 3-20" The 1923 election featured incumbent Mayor Cryer against Farmer. Cryer had first won in 1921 by defeating Meredith Snyder.
[69] In other letters, Haynes would besmirch Bledsoe as a protégé of "Harry Chandler, Henry O'Melveny, Keller, William A. Garland, Overton, and others" See Haynes to MacKeigan, April 23, 1925. See Haynes Papers, Box 59, Folder entitled "Elections-1925-LA-Mayor, 1-23".
[70] For this extraordinary exchange, see Haynes to MacKeigan, April 23, 1925 and MacKeigan to Haynes, April 28, 1925. Haynes marked his letter "Personal and Confidential". Both letters are in the Haynes Papers, Box 59, Folder entitled "Elections-1925-LA-Mayor, 1-23".
[71] See Haynes Papers, Box 59, Folder entitled "Elections-1925-LA-Haynes, 2-18".
[72]LM Story, Assistant Secretary of Los Angeles Water and Power Protective League, to Haynes, of May 4th, 1928, HP Box 140. He also tells Haynes that wants to "have a machine that will control this city in 1929. But it will be a machine of the mass and not on paper" (Story to Haynes, February 9, 1927, HP Box 140).
[73]Story went on to form a Public Service League, and start a paper called the Southwest Star. He wrote to Haynes indicating that the paper would be "closed to the Power Trust" as long as it was financially viable. On a notation to the letter, Business Agent Burdett Moody stated to Haynes on December 24, 1928 that this paper was "on our list of advertising mediums for the coming year." Apparently, Haynes took the hint and funneled some LADWP advertising his way. The personality conflict between Story and his boss did not involve tactics. After Story's departure, the Secretary also wrote letters to Haynes suggesting that the organization of the league be strengthened.
[74] See Sitton, 1992, p. 218.
[75] Another key figure in the Nonpartisan Committee had been *L.A. Express* reporter Edward A. Dickson, the man who with Chester Rowell would form the Lincoln-Roosevelt League and elect Progressive reformer Hiram Johnson to California's Governorship. Lissner had been a key leader in both L.A.'s reform movement and that of the entire state, drafting Johnson's Progressive agenda. See Sitton, 1992, pp. 66-67.
[76] See Haynes Papers, Box 60, Folder entitled "Elections—1929—LA".
[77] The quote about Haynes as a godfather is from Sitton's excellent biography of the Doctor. Given some of the tactics that Haynes employed, it seems a double entendre when Sitton terms Haynes the "Godfather of Urban Reform". It is impossible to avoid thinking of Francis Ford Coppola's movie in light of Haynes cunning leadership of the LADWP's campaign machine. Of course, no violence was involved, despite the lurid *Chinatown* stories of LADWP's activities that have made it into the popular culture. In addition, Haynes did not want to be a crime-lord, only to provide the city with cheap electricity. Reuben W. Borough's classic article on Haynes for the *Los Angeles Record* would quote the

good Doctor as saying: "My ambition and hope is to see every industry and every citizen of Los Angeles supplied with power and light at cost. I want power and light at cost not only for industry, so as to increase the growth and wealth of our whole city, but also for the sake of the small householder so that his home may be supplied at a minimum figure with electricity for cooking, washing, ironing, heating, lighting." See "Dr. Haynes Freeholder Candidate: Progressive City Charter His Aim," *L.A. Record*, April 26, 1923. The article included a picture of Haynes with the caption "Millionaire Aids People's Fight". Borough allowed Haynes to address the charge that he was a "millionaire socialist". Between Haynes' Christian socialism and Utopian hopes on the one hand, and his cunning political manipulation and business success on the other, Haynes seems to have been a Thomas More in ends, but a Niccolo Machiavelli in means: *The Prince* meets *Utopia*.

[78]McClary to Haynes, June 20, 1933. Haynes Papers, Box 155.

[79]*Hollywood Citizen News*, December 4, 1936.

[80] "Plan of Proposed Charter Amendments to Be Submitted by the Board of Water and Power Commissioners" (9-10-40). HP Box 107.

[81]The 1944 general strike by the DWP occurs because the department sees the mayor and his commission as trying to sabotage municipal ownership. In 1947, when the LADWP gets the long-term budget authority it had requested in these 1940 proposed charter amendments, the need for the Bureau of Power and Light to control local politics is mostly ended. See Ostrom, 1953, 76; Kahrl, 1982, 385.

[82] The thirteen amendments were voted in elections held in 1940 (2 amendments), 1947 (April primary), 1947 (May general), 1951, 1952, 1953 (2 amendments), 1956, 1957 (April primary; 2 amendments), 1957 (May general) and 1963.

[83] LBJ received the largest popular vote majority ever registered for a U.S. President when he beat Goldwater with just over 61% of the vote in 1964.

[84] See Nelson Van Valen's indispensable dissertation on "Power Politics in Los Angeles" for a complete summary of the city's long-running battle between the LADWP and the private power companies.

[85] The nine LAHD amendments were voted in 1928(2 amendments), 1930, 1932 (4 amendments), 1934 and 1941.

[86] The eight LAHD amendments were voted in 1945, 1947, 1949, 1953 (2 amendments), 1959, 1961 and 1963.

[87] The Los Angeles Fire Department's development paralleled that of the LAPD. The LAFD's Commission was the subject of one of the other 1902 amendments, its pension rights were also created and extended in 1911 and 1913, and the Fire Chief was also covered by civil service under the 1925 Charter. The developmental path of the LAFD greatly resembles that of the LAPD, except that the development of the latter has had to deal with more serious problems in terms of public interaction. The LAFD was seen as a victim, rather than an instigator, of the fires that were set after the Watts Riot and the post-Rodney King civil disturbance.

[88] See Erie's "History of the City Charter" that was part of the amicus brief appealing L.A. Superior Court Judge Sohigian's decision in the case where the Board of Police Commissioners fired Chief Daryl Gates after the post-King verdict experience with "Sa-i-gu." See also Gerald Woods' UCLA doctoral dissertation on "The Progressives and the Police."

[89] The direct democracy provisions of many cities and states typically exempt urgency measures from citizen referenda. See Clodius, pp. 523-524.

[90] See Grace Heilman Stimson, *Rise of the Labor Movement in Los Angeles* (Berkeley: University of California Press, 1955); Louis B. Perry and Richard S. Perry, *A history of the Los Angeles Labor Movement, 1911-1941* (Berkeley: University of California Press, 1963); Ira B. Cross, *A History of the Labor movement in California* (Berkeley: University of California Press, 1935). For the ubiquitous role of the Times in labor busting and calling on the LAPD to do likewise, see Marshall Berges, *The Life and Times of Los Angeles : a Newspaper, a Family, and a City* (New York: Atheneum, 1984); Robert Gottlieb and Irene Wolt, *Thinking Big : the Story of the Los Angeles Times, its Publishers, and Their Influence on Southern California* (New York: Putnam, 1977); William G. Bonelli, *Billion Dollar Blackjack* (Beverly Hills, CA: Civic Research Press, 1954; and Frederic Cople Jaher, *The Urban*

Establishment: Upper Strata in Boston, New York, Charleston, Chicago, and Los Angeles (Urbana: University of Illinois Press, 1982). See especially Louis Adamic's *Dynamite: the story of class violence in America*, Revised edition (Gloucester, MA: P. Smith, 1963 [c1934]). Joseph Woods' thesis examines the extensive political interference in the LAPD from the very early days of the Department.

[91] By the 1930s, the Mayor's office had changed hands so many times that George E. Cryer's eight consecutive years of service had made him the longest serving Mayor in the city's history. Cryer served from 1921-1929; the only previous Mayor who had held the office for eight years did so in three separate terms between 1896 and 1921. Meredith Pinxton (Pinky) Snyder served in 1896-1898, 1900-1904, 1919-1921, but actually netted five fewer days than Cryer.

[92] See Woods' dissertation for an account of the politics of the revolving door of police chiefs.

[93] See "The L.A. Times Clock and the Crime Wave," *Municipal League Bulletin*, Volume 2, Number 5, December 15, 1924, p. 3.

[94] Although Cryer had been elected in 1925, the charter did not take effect until July 1, 1925. Therefore, Cryer may have served his third and last term under the 1925 Charter's terms, but he was never elected under them.

[95] Bob Shuler prefigured the televangelists of the 1980s. Only in a city with people like Aimee Semple Macpherson does a minister like Shuler seem inconspicuous. Lest the reader think that the author is merely being dramatic, like L.A. itself, it is worth reviewing a sample of the Reverend's writings. See Robert Pierce (Bob) Shuler, *The Strange Death of Charlie Crawford*, (Los Angeles: The author, [1931?]).

[96] This quote is from Erie, "The History of the City Charter," p. 15. Woods (1993), p. 127 is also instructive as to the context of the removals of the three Police Commissioners.

[97] See Section 202 of the original Los Angeles Charter.

[98] There would have been thirteen measures on the ballot but the City Council removed a charter amendment dealing with public safety pensions!

[99] See 1931 Charter, Section 202. Unlike some of the military's disciplinary proceedings under the Uniform Code of Military Justice, Section 202 placed the burden on the department to prove the charges against the officer. If the defendant in a military trial pleads the defense of lack of mental responsibility, the burden of proof is on the defendant to prove such a lack. Likewise if a soldier has been AWOL for more than a specified period of time, the burden of proof is upon the accused to prove that he or she intended to return. For the LAFD, the language is virtually identical to that of the LAPD; it is in Section 135 of the 1931 Charter.

[100] The book Woods wrote from a portion of his authoritative and voluminous dissertation calls into question how effective the trial boards were, from the point of view of the accused. The Chief could merely ignore the board and impose the discipline he wanted. See Gerald Woods, *The Police in Los Angeles: Reform and Professionalization*, Garland Publishing: New York, 1993, p. 166. See also Erie, "History of the City Charter," p. 15.

[101] Parker had not been the first attorney-police officer charged with charter amendment drafting duties. Earle E. Cooke was also a lawyer and a police officer, and had drafted the 1930 amendment. Woods appears to have made an error regarding the 1930 and 1934 charter amendments, and credited to 1934 some of the innovations that had already been part of the 1930 charter change. See Woods (1993), pp. 166-167; then compare the 1930 and 1934 terms of Section 202 by consulting the *Statutes of California*, Forty-Ninth Session, pp. 2621-2625 to the *Statutes of California*, Fifty-First Session, pp. 2341-2352. Chief Parker died of a massive heart attack shortly after the Watts uprising. What many forget is that the initial confrontation between law enforcement and community members that led to the riot involved a traffic stop by a California Highway Patrol officer, not a uniformed LAPD officer. The 1992 rebellion was another story.

[102] See Woods (1993), pp. 165-166.

[103] The charter amendment is available in *The Statutes of California*, Fifty-Second Session, pp. 2859-2860.

[104] See Steven P. Erie, "Charter Meant to Rein In, Not Encourage, a Meddling Council," *Los Angeles Times*, May 21, 1991. See also "Intent of the 1923 Los Angeles Board of Freeholders in the Drafting of the Current Charter," Primary
Author in Brief of *Amici Curiae* Historians and Political Scientists, ACLU Foundation of Southern California, submitted in Gates v. Board of Police Commissioners (1991).
[105] Erie, "History of the City Charter," p. 16.
[106] Erie, "History of the City Charter," pp. 16-17.
[107] The pension wins were in 1926, 1932, 1941, 1947, 1957, 1959 (April primary) and 1961; the pension losses were in 1939, 1953 and 1959 (May general). The emergency duties amendment was passed in 1949, the alarms amendment in 1963. The change to seniority occurred in 1945, and the probationary period in 1957.
[108] One of these amendments was only voted upon by that portion of the electorate residing outside of the City of Los Angeles, but inside the Los Angeles Unified School District. This amendment was necessary to legitimize the new charter's provisions regarding education. Had these voters disapproved the amendment, the previous charter's education-related provisions would have remained law instead.
[109] Refer to *Seal Beach Police Officers Assn. v. City of Seal Beach* (1984) 36 Cal.3d 591.
[110] Except for the overall totals, the summary statistics given in this paragraph are based only upon the period from 1961 to 1998. The author intends to subtract the data from the 1963 elections from it, and add in the data from the 1999 plebiscite. However, the public only balloted on 16 charter amendments in the three elections contained within the period in question. At the 1963 primary and general elections the public voted thirteen amendments and at the 1999 general election the voters addressed the three instant amendments that were offered with the new 1999 Charter. 16 amendments would not have a statistically significant effect upon the data for over 700 total charter amendments, so the percentages would virtually identical.
[111] The most important amendment relating to the council was enacted in April 1953, when its members were given four-year terms like the city's other elected officials. The council's influence over administrative matters was greatly enhanced by this change.
[112] One of the unsuccessful proposals for change in 1998 would have given the mayor and council greater authority to transfer duties between the proprietary, pension and other departments. The DWP opposed this amendment for fear that department would be saddled with expensive responsibilities such as sewage treatment.
[113] This table cannot capture the fact that amendments from 1926 into the 1950s generally strengthened the LADWP, while those from the 1950s on weakened the department. Also, the table cannot show that while the early civil service amendments were concerned with blanketing officials in to civil service, later ones revolve around removing managers' civil service protections. Some amendments are counted twice in this table. For example, if a charter amendment dealt with the DWP's separate pension system, the amendment would be counted once for each category. If a charter amendment affected the proprietary departments in general, then it would be counted once under LADWP and again under LAHD. The table did not include a consideration of the Airports Department, as it was not part of the original 1925 Charter.
[114] See Olson's classic, *The Logic of Collective Action*.
[115] The changes happened in the 1920, 1922 and 1923 elections.
[116] Except for the overall totals, the summary statistics given in this paragraph are based only upon the period from 1961 to 1998. The author intends to subtract the data from the 1963 elections from it, and add in the data from the 1999 plebiscite. However, the public only balloted on 16 charter amendments in the three elections contained within the period in question. At the 1963 primary and general elections the public voted thirteen amendments and at the 1999 general election the voters addressed the three instant amendments that were offered with the new 1999 Charter. 16 amendments would not have a statistically significant effect upon the data for over 700 total charter amendments, so the percentages would virtually identical.
[117] Cities in California are now required to provide their uniformed public safety officers with *Skelly* hearings before they can be disciplined. As the author found from a review of the disciplinary files of

the LAPD in the 1990s, it can be very difficult to hold officers accountable for their actions. LAPD officers would commit burglaries while on duty in uniform and use their police cars to abscond with the loot, and t would still be difficult to fire them. The Christopher Commission listened to tape recordings of officers' radio dispatches in which racist epithets were common a times. One white officer who left the scene of a domestic disturbance in an African American family would describe the event as analogous to something from the movie *Gorillas in the Mist*.

[118] The L.A. City Attorney's office was called on to draft these frequent exceptions to rules of universal application in the charter. The office's phrase of choice became "notwithstanding any other section of this charter to the contrary...." The process resembled a TV episode of "I Love Lucy" in which Lucy Ricardo and Ethyl Mertz tried to hang wallpaper in a room. Working with the paste was so difficult that there were bubbles throughout each sheet of wallpaper. Each time the wacky pair deflated one bubble they unintentionally created two more to take its place.

[119] This is particularly obvious when one examines the *Annual Reports of the Board of Civil Service Commissioners* over the years, where changes have been quite frequent.

[120] Refer to Bollens' *Study* for his assessment. Abrahams, "Functioning," p. 60 evaluates Bollens' perspective.

[121] See Los Angeles City Charter Commission, *Los Angeles: City Government for the Future*, Los Angeles: Reining Commission, July 1969, pp. 4-5 and Article 4, sections 4.02 and 4.04 of enclosed charter proposal (available in LACA Council File 133666; hereinafter, LARC, *Future*).

[122] See City Administrative Officer C. Erwin Piper to City Council Charter and Administrative Code Committee, December 5, 1969, Council File 133666, LACA. Piper stated that the city attorney was "concerned" with the proposed charter's "legal problems." Piper submitted two attachments 25 pages in length, dissecting and commenting critically on the proposal. Piper recommended that the CAO and city attorney re-draft the Reining charter. According to LARC, the City Attorney presented a 134-page report that in the main raised "no questions about the legality or clarity of the provisions" of the charter proposal. LARC complained, "Many of the questions were speculative and could just as easily be raised about provisions in the existing charter. Not all of the questions raised dealt with strictly legal considerations; some of the questions involved clearly policy issues." See *Detailed Report to the Charter and Administrative Code Committee: On the Public Hearings Held by the Committee on the Report of the Los Angeles City Charter Commission*, Los Angeles: City Clerk, April 1970, p. 3, in LACA Council File 133666.

[123] The council also took a dim view of LARC's proposal to make the Controller a mayoral appointee rather than a separately elected official. This would continue to be a matter of debate even during the 1999 Charter process. See the Los Angeles City Charter Commission, *Work Still to Be Done: The Final Report of The Los Angeles City Charter Commission*, Los Angeles: Reining Commission, December 1970, pp. 22, 26, 28 (available in LACA Council File 133666; hereinafter, LARC, *Work*). See also Samuel Yorty's *Subject: Proposed City Charter*, Letter from the Mayor to the Los Angeles City Council, February 17, 1971, Council File 71-551, LACA (hereinafter, Yorty, *Subject*).

[124] See LARC, *Work*, pp. 44-45, 35, 3, 11.

[125] For evidence that the 1970 and 1971 charters are the same, and to Yorty's mind no improvement, see Yorty, *Subject*.

[126] Of course, the 1953 doubling of council terms and the 1951 empowerment of the council with respect to the CAO were charter changes that foreshadowed further council power, especially with respect to administrative affairs.

[127] See Francis M. Carney's "The Decentralized Politics of Los Angeles," *Annals of the American Academy of Political and Social Sciences*, Volume 353, 107-121; Winston W. Crouch and Beatrice Dinerman, *Southern California Metropolis: A Study in the Development of Government for a Metropolitan Area*, Berkeley: University of California Press, 1963.Crouch and Dinerman's *Southern California Metropolis*. For the importance of liberal governing coalitions in California as a whole, see Rufus P. Browning, Dale Rogers Marshall and David H. Tabb, *Protest is Not Enough: the Struggle of Blacks and Hispanics for Equality in Urban Politics*, Berkeley: University of California Press, 1984.

[128] Compare section 70 of the *1925 Charter* before and after 1965.

[129] Mayor Bradley inadvertently signed the measure sending Prop 5 to the ballot for voters because it had been placed in the wrong pile on his desk. When he attempted to rescind his action later on, the Council brought a lawsuit to stop the Mayor from keeping his commissions' powers intact. Prop 5 first surfaced in the late 1960s, as a recommendation that LARC actually made the concept Article 4.03 of its charter. LARC had gotten the idea for Prop 5 council override of commission decisions from the council, which early in 1968 forwarded a proposal by the Valleywide Better Government Committee. The proposal was one of six in Council File 121286. See LARC, *Future*, pp. 36, 40, 217 (available at LACA). The CAO criticized the idea because it would "involve the Council in matters which are simply not legislative in nature." See City Administrative Officer C. Erwin Piper to City Council Charter and Administrative Code Committee, December 5, 1969, Attachment 1, Council File 71-551, LACA. The council's proposed charter did not include provisions for Prop 5 review of commission decisions.

[130] For the terms of the interdepartmental transfer of duties, see section 32.1 of *Charter of the City of Los Angeles* (1999, as Amended Since 1925), Los Angeles: Brackett Publishing, 1999 (hereinafter, *1999 Charter*). Compare Charter section 66 of the *1925 Charter* before and after May 1977 regarding transfer of authority to set salaries.

[131] The 1925 Charter had awarded the council authority to veto commissioner dismissals by refusing the majority required for such decisions. However, this was only for charter-created commissions, and furthermore, mayors might push dismissals by offering a particularly desirable replacement for the commissioner being dismissed. The 1977 amendment gave the council a veto over dismissals of commissioners on boards created by ordinance, and required that the council vote separately on removing commissioners and appointing their replacements. Compare section 73 of the original *1925 Charter* to sections 73 and 73.1 of that document after 1977.

[132] See Samuel Hays's classic essay for this point about municipal reformers beyond Los Angeles. Hays argues that direct democracy was a tactic for reformers, more of a ploy to be used in places where the representative system had produced political outcomes to which the reformers objected. He questions their commitment to the innovation as a general principle, and contends that efficiency and the ideology of business-like government was more important to the municipal progressives. See Samuel P. Hays, "The Politics of Reform in Municipal Government in the Progressive Era," *Pacific Northwest Quarterly*, Volume 55, Number 4, pp. 157-169, 1964.

[133] As Abrahams points out, this change was not at all the intention of the framers of the 1925 charter. See Abrahams, "Functioning," pp. 110-111, 231-234. For details on the commencement of the Bowron administration, see Tom Sitton's "Urban Politics and Reform in New Deal Los Angeles: The Recall of Mayor Frank L. Shaw, Ph.D. Thesis, Riverside: University of California, Riverside, 1983.

Chapter Six: Perfecting L.A. on Just One More Take—Another Tale of Three Charters and the 1999 Charter

> Los Angeles must have a new charter designed to meet its present and future needs….Los Angeles is a unique city….Los Angeles and other parts of urban America are at a critical point in history. The much discussed urban crisis has called into question the relevance of city governments that were designed to meet nineteenth century needs….Although it shares problems and ills common to other large urban centers, Los Angeles is often cited as an exception to general rules….The city government and its charter are products of many historical elements, including political tradition, philosophy, and legal precedent. The significance of the city's history was an important factor in the Commission's work because it placed issues in perspective….Although identified as individual factors, the above positions and objectives are completely interrelated….The net effect of their influence was to (1) confirm the Commission's fundamental position that the city needs a new charter, and (2) to support the objective of developing a proposed charter without using the present one as a framework.
>
> --Introduction of Reining Commission's report, *City Government for the Future*, 1969.[1]

> There is a general acceptance of the status quo in City Hall. The Commission did receive some innovative and thoughtful suggestions from some officials. However, few officials appeared to have a conception of the city government as something greater than what it has traditionally been. As an example, several responses to the Commission's request for suggestions for improving the city government were to the effect that "everything is fine the way it is; there is no need to change anything in my office or my department, etc."
>
> --Reining Commission's final report, *Los Angeles: Work Still to Be Done*, 1970.[2]

> Los Angeles has invested tremendous time, energy and resources in the charter reform process. If this charter fails, the city will be left with the outmoded charter for a long time to come. The single question each voter must ask is whether the new charter is better

> or worse than the status quo. From this perspective, the answer is clear: Vote yes on Measure 1, for a new charter, on June 8.
>
> --Erwin Chemerinsky and Sidney M. Irmas, opinion piece favoring the 1999 Charter.[3]

> This charter is not perfect, but it's much better than the one we have, and it's the best we can get right now.
>
> --Chester R. Widom, Member of the 1997-1999 Los Angeles Elected Charter Reform Commission, speaking on the Unified Charter that would take effect in 2000.[4]

By 1969, the 1925 Charter had been patched extensively and the document was full of charter amendments. Moreover, the charter had been drafted for a city of one-million residents, and L.A. contained nearly three times that many. In order to address the old Charter's vaunted inadequacy, the Reining Commission submitted a draft charter, the first such document that any Los Angeles charter commission had completed since 1924. The document proposed a fresh start for the city's constitution. The report that included the proposed charter would explain the Commission's decision to go outside the box, rather than merely patching the old charter or streamlining it as the 1923 Freeholders had done for the amended 1889 Charter.

The 1969 Charter proposal did not make it to the ballot intact, as the Council amended it extensively before submitting it to the voters. In 1970, the electorate rejected the Council's proposed charter and the Reining Commission's members expressed frustration because all of their hard work had been for naught. The public balked at approving the Council's Charter even when the legislators made slight

revisions and resubmitted it to the voters in a lower turnout election for a second try.[5] The Commission's members would experience the same impotence that many of the city's charter reformers have felt over the years. Consequently, when interest in charter reform again landed on the agenda in the1990s, many were skeptical about the prospects for charter change.

The skepticism was well deserved. Rather than form a single appointed or elected body to propose a new charter to the city's elected officials or voters, Los Angeles simultaneously took both state-prescribed routes to charter reform and created both an appointed and an elected commission (ACC and ECC). Because one of these bodies was created by the Council, and the other resulted from an initiative petition by Mayor Richard Riordan, the prospects for charter replacement seemed dim. The Council treated ECC like an unwanted stepchild, and the ECC returned the favor by italicizing the word "elected" in their name, to emphasize invidiously their legitimacy compared to the ACC. Against all odds, the two cooperated and sent a Unified Charter to the public, which the voters approved.

How did the two commissions form the compromise both within and between their members and then win passage of the 1999 Charter? How did the two commissions break the L.A. charter reform equivalent of the Curse of the Bambino? Success in 1999 would involve breaking a spell almost as old as the one Bostonians believed responsible for the Red Sox's consistent losses to the Yankees in pennant races up until the 2004 World Series. In order to understand the 1999 Charter, one

needs to comprehend the Tale of Three Charters of the 1990s and the new Millennium that resembles the one of the Progressive Era and Roaring 20s.

Charter Reform as a Work in Progress, with Many Takes

The ratification of the 1999 Charter had been a production nearly seventy-five years in the making. Consequently, to understand why the charter commissions were able to complete the document and send it on to voters for their reviews, as well as their collective decision to buy tickets to the new future it promised at the ballot box (office), requires an appreciation of the advance work done by earlier charter commissions. Ultimately, this means being able to trace the history of the 1999 Charter all the way back to the 1850 Incorporation Act that served as the city's first special charter. The previous chapters have conveyed that story.

Secession killed the 1925 Charter: the proximate cause is tied up with what came immediately before the passage of the 1999 Charter. Raphael Sonenshein has noted the role of secession in driving the charter's passage. For him, the city was at stake, and this enabled enough parties to overcome their problems in order to draft and pass the document. Yet secession movements are almost as old as the city itself. Shortly after the Mulholland Plan's tacit enforcement would grow the city from around 108 square miles to more than quadruple that size, Angelenos became restless about the services the sprawling city could provide them.[6]

It was the resultant wanderlust in the Harbor areas and the San Fernando Valley which would spur Mayor Bowron to discuss borough proposals. Both the promise of these boroughs, and the placement of the district council election system in

the 1925 Charter had been demanded by both San Fernando Valley and Westside residents as the price of their support for the document. As far back as 1909, boroughs brought the harbor into the city, as a charter amendment providing for a borough plan delivered at least on paper the partial autonomy that the San Pedro and Wilmington residents requested as part of the deal to become part of L.A. and surrender their independence.

Yet none of the post-1925 charter secession movements had impelled the city to carry through on delivery of either a borough system or a new charter. A very serious secession movement sprung up in the San Fernando Valley prior to the Reining Charter, and their proposed document would address it with a neighborhood governing board and a Neighborman to act as liaison with the city. The Council did not fear secession enough to grant the vagabond city areas what they wanted in their proposed charter, and the document's failure to give those areas what they want, and the city's failure to pass the charter did not tear the city apart.

Rioting killed the 1925 Charter: Former California Senator Tom Hayden brought up the possible hypothesis that "the riots made me do it" in answer to this Hollywood whodunit of who killed the old 1925 Charter to make room for a new paramour in the form of the 1999 Charter. Hayden noted the role of the 1965 Watts Riots in bringing about the national Kerner Report and the local Sears Commissions to study the causes of the disturbance that the media described as a "rampage" by African Americans. Hayden traced the 1999 Charter process to the 1992 Rebellion that arose out of the initial "not guilty" verdicts of the LAPD officers tried for the

beating of motorist Rodney King.[7] The disturbing images of disproportional violence inflicted upon King brought national revulsion and immediate pressure for improving the LAPD.

The Christopher Commission's study revealed that something was rotten in the LAPD, and that it had to do with the charter. The Departmental structure that emerged from the post-1925 charter amendments had made it a rogue bureaucracy, which was relatively autonomous and unaccountable to civilian authority. The voters would enact a series of amendments prior to the 1999 Charter, and especially Prop F of 1992, which made continued corrections of the LAPD. Both the ACC and the ECC would make the issue of police discipline a major element of their work.

Yet the 1965 Watts Riots had caused as much damage as the 1992 Rebellion had. But the city still did not pass the revised Reining Charter out of some sort of fear that the city would break apart. It is interesting that Sonenshein does not address the interaction between secession and race within the charter vote. At the same time as the Harbor, San Fernando Valley and Hollywood were discussing secession, so were the residents of Southcentral. Resident of this community deliberated on whether seceding from the city was an option, and might help create a police department that would treat people in that community with greater respect, and view itself as protecting and serving people of color rather than merely Caucasians. But even though the 1999 Charter did strengthen LAPD discipline by according the Inspector General of the Department greater authority, this did not make the charter more

popular within Council Districts 8, 9 and 10, where the largest proportion of African Americans resided.

Both the LAPD-inspired troubles, as well as the unhappiness on the part of remote city residents, were part of both the Reining Commission's process as well as the 1999 Charter's social and political milieu. Was it that the San Fernando Valley was bigger in 1999 than 1970? Did the Rebellion of 1992 strike greater fear into the hearts of Angelenos than the riots of 1965 had? Or was it something else that helps to solve this conundrum of this dog that did not bark that is the failure of the Reining Commission? To answer this question requires study of the Reining Commission and its proposed charter.

The Reining Commission's Charter, 1966-1971

In 1966, Mayor Yorty again raised the issue of charter reform that he had brought to the table in his 1961 campaign for the mayorship. He appointed the Los Angeles City Charter Commission (LARC), which would be named the Reining Commission after Chair Henry Reining, Jr. Reining was a very prominent USC Dean whose career in Public Administration included accomplishments in Pakistan, Brazil, the Philippines and Iran. He served as Consultant to the U.S. Commissioner of Indian Affairs in the U.S. Interior Department. His distinguished career of public service also included a stint as Chair of the L.A. County Charter Commission 1957-1958.

Others on the eight-member Commission included Francisco Bravo, an M.D. educated at Stanford who served as Vice-Chairman; he had been a Commissioner of Health during the Bowron Administration, directed and founded the Bravo Clinic, and

chaired the Board of the Pan American National Bank of East L.A.[8] Commission member John C. Credille was a Howard University graduate, a tax counselor, attorney and real estate broker; he was a U.S. Supreme Court Bar affiliate, had been a former elementary school principal, and worked with the United Way's West Area Welfare Planning Council. Commissioner Connie Friend, a University of Minnesota social scientist, was the President of L.A.'s League of Women Voters, had served as Director of the San Fernando Valley area LWV, was an activist on education, the environment, planning and rapid transit, and had served on two committees appointed to advise California's Governor; she consulted for the U.S. Department of Justice on student unrest.

LARC member Jack K. Horton was a lawyer with an Economics degree from Stanford University; he was CEO and Chairman of the Board of Southern California Edison, Director of Lockheed Aircraft Corporation and the United California Bank, and a USC Trustee. Commissioner Yosh Inadomi was a Drake University Marketing graduate, and the President of JonSons Markets, Inc.; he served as President of the Japanese American Community Services of Southern California and the Japanese-American Optimist Club, as well as President of the Southern California Grocers' Association and as a member of the Board of Directors of the Pan American National Bank.

LARC member Harold Jaeger was a lawyer with a certificate in Industrial Relations from UCLA; he was the Business Representative of the Local #11 of the International Brotherhood of Electrical Workers, AFL-CIO, a member of Town Hall,

and a leader in several union organizations. Herbert F. Sturdy was a Yale-trained attorney (and later Trustee) who was the senior partner of Gibson, Dunn & Crutcher, a member of the boards of directors of Menasco Manufacturing, Germain's Inc. and Rohr Corporation. Credille and Sturdy died during the LARC's work, so that the LARC would only include six members by the time the body filed its report and proposed a new charter.

The LARC hired a "best and brightest" staff of consultants that included UCLA Professor John C. Bollens. Bollens would write fifteen books and numerous articles before consulting with LARC; he appears to have been the very ideal of the public intellectual, applying his understanding of state and local politics, particularly in California, to improving governmental operations. His Town Hall report of 1963 was the source of much of the historical wisdom upon which the LARC relied in its work. He assisted the LARC from the beginning of its work in informing its members, to the end in editing the LARC's report.[9] An amazing panel with an impressive staff took on the task of overcoming the institutional inertia that had prevented a new charter from being adopted for over forty years.[10]

Root-and-Branch Reform: the LARC aimed to break the anti-charter inertia by following what its members saw as a novel approach. Rather than relying upon "charter studies and proposals for specific revisions…by city officials or by outside citizen groups funded by private sources", the Commission contracted with the city and the Council appropriated funds "to finance a full time staff, consultants, associated expenses and the cost of preparing the Commission's report." City Hall provided

office space for the Commission's staff. LARC described this approach to reforming the charter as "relatively unique when compared with past charter study efforts". The Commission hoped to achieve in its assigned task by creating a modern structure for modernizing the city rather than engaging in the amateurish approach of previous efforts.[11]

In addition, the LARC developed a sophisticated work plan to structure its charter study. Rather than using the desultory approach of previous bodies and attempting to resolve individual issues, the Commission decided on "a more deliberative approach" and created a process involving four phases: 1) background study, 2) information gathering, 3) issue resolution and 4) drafting the charter and final report. The LARC's total contract period was for twenty eight months, and commenced in February 1967 with a completion date of June 1969. The four phases of the work plan overlapped, and there were adjustments "as the work progressed."[12]

In the first phase, LARC would educate itself on "city government in general and conditions in Los Angeles in particular." This might seem to have been a banal step, and yet it represented a fateful choice. Rather than looking only at Los Angeles, LARC could act as if the city had no history and that the charter could be whatever the Commissioners wanted it to be. Yet this study has shown that the city charter is deeply rooted in the contingency of the city's history. To assume that the slate is blank and all bets are off may have been unwarranted. Cities usually adopt brand new charters from scratch or make fundamental changes in FOG only when there is great need. It usually takes a crisis to spur the kind of change that LARC was inviting in

that very step. In the absence of a crisis, the usual attitude is: "if it ain't broke, don't fix it."

Yet the LARC agreed with Mayor Yorty that the problem with the old 1925 Charter was more than its extensive amendments. The city needed radical change on several fronts to take advantage of the opportunity to create a charter that conformed to at least a few of the principles of public administration. The LARC proposed a charter that would greatly strengthen the Mayor, abandoning L.A.'s traditional weak mayor-strong council system. Rather than granting executive authority to the legislative branch, and further weakening the executive by electing another executive citywide to control finances, and then placing commissions in charge of executive departments, LARC proposed a charter that matched better the public administration theories that leadership was the most important goal. In July 1969, the LARC would release its charter within a detailed report, explaining all of its deliberations and the charter language offered.

FOG Wars: although the Reining Commission did not propose that the city dispense with the basic mayor-council structure, the members saw the need for a much stronger mayor. The LARC thought the 1925 Charter gave the mayor supervisory authority but not control. Their goal was to "make the Mayor a stronger and more accountable (sic) officer".[13] In order to bring this about LARC allowed the Mayor more authority over the annual budget, capital improvement plan and intergovernmental relations. Most importantly, the LARC charter strengthened the

officer's executive authority over city administration, creating an integrated management structure.

This would occur through the charter provision that all boards of commissioners would be appointed by the Mayor with Council approval, but removed by the Mayor alone (Section 4.02). Most boards would be deprived of all management authority, and be used to hear appeals and provide regulatory action. Their decisions could all be appealed by the Council, which could overturn them by a two-thirds vote. Likewise, the Mayor would appoint the General Managers with Council confirmation, and remove these officers "in accordance with civil standards, but…exempt from civil service rules." The City Administrative Officer would also report to the Mayor, not both the Mayor and the Council. LARC recommended the charter establish a clear separation of powers "with a strong Council as the head of the legislative branch" that was prohibited from interfering in "departmental administration."[14]

LARC sought to drop the detailed operations manual model of the charter and adopt a general statement of the functions, officers and departments of the city. The proposed charter would not represent a "government by limitation" without flexibility that the old charter had become. As part of removing such details, the LARC's charter would allow the Council to organize itself, and let it meet once a week rather than daily; remove most specific details on the departments; put the departments of Library and Recreation and Parks under the Mayor and Council; and separate the CSC's rule-

making power and appeals from the management of the Personnel Department by a General Manager.[15]

Structural Reform: The LARC charter proposal contained a number of elements that were completely congruent with the city's traditions of exploring structural reform. For example, the charter contained provisions for a periodic review of charter by a citizens' panel every ten years. The LARC proposal replaced the elected Controller with a Finance Department, which would include an appointed Controller, Treasurer and Purchasing Agent. The Mayor would appoint these officers with Council confirmation, but they would serve at the pleasure of the Mayor.[16]

The Council would appoint and remove the Auditor, "subject to civil service rules." The Auditor would handle the financial post-audit that used to be done by the elected Controller. This choice seemed congruent with good management practice, which does not allow the controller to audit him or herself, as the officer did under the 1925 Charter. The charter proposal would remove some of the old charter's unnecessary financial detail, but set up a budget calendar that would allow the Mayor and Council more time to consider the budget. Finally the proposal would reduce the number of independent salary setting authorities. The Council would "adopt a pay plan for all officers and employees of the city, except for the proprietary departments.[17]

Yet another important structural reform would build upon the decision to move back to district elections for the City Council in 1925. LARC's charter proposal provided for apportionment of the Council Districts by population, and not by the

number of registered voters. According to the Commission's Report, this charter change would allow the city to follow the U.S. Supreme Court's guidelines. The charter proposal did not permit variances in population of greater than 10% and required a reapportionment every five years to remedy discrepancies in district sizes. The LARC's language did not specify any criteria for reapportionment, so that the 1925 Charter provisions for respecting the integrity of neighborhoods in redistricting would have been absent.[18]

Just as they had appeared in the 1909 charter amendment, the 1912 and 1916 charter proposals, and the 1925 Charter itself, boroughs would be part of the LARC's proposed charter. This time, however, these bodies would be reduced down to the size of a neighborhood. LARC proposed creation of the "self-defined Neighborhood Organization", the elected Neighborhood Board and the appointed Neighborman to increase participation and "provide a channel for citizen and community participation in the city government". The Board would "provide a forum for discussions" and the Neighborman would be "a liaison, a channel of communication, and a developer of mutual understanding between the Neighborhood and the city government". [19]

Social Reform: the LARC was aware that employees were sensitive to changing a charter that included their pension plans. The Charter proposal would have done two major things. First, it would have consolidate all pensions into one, and then allowed their management by a director deemed qualified by the Civil Service Commission and appointed by the Mayor. The director would be placed under a board with both rule-making and appeals authority. Second, the pension-related provisions

of the LARC proposal would be designed to protect employee pensions, but to remove the details from the Charter itself.

Removal of needless detail from the charter seemed like a decent proposal for the city, but from the point of view of employees it would be a dangerous one. Employees at the city's three pension plans had been fighting at least since 1911 to enter the wedge of pension authorization into the charter and then to leverage up these provisions' stability and generosity over time. How would they trust the removal of these pensions from the safe charter and placement elsewhere in a city code? The LARC tried to draft language that would assuage the fears of the personnel regarding their pensions, but the fact is that removal of these "unnecessary details" from the charter would allow the Mayor and Council to do by ordinance what previously only the public could do. The LARC sought to comfort the affected employee groups with language about the city's need to maintain benefit levels, and assurances that the charter transition would not affect employee rights, but employees worried about the pension language.

In addition to maintaining the employee benefits, the LARC's charter proposal aimed at improving the city's planning functions. The document sought to include social and economic development in the planning function, rather than merely physical development. The comprehensive general plan would include "development and redevelopment of the physical, economic and social resources of the city, to serve the social, economic and physical needs of the residents of the city, and to promote the public health, safety and general welfare."[20] In terms of planning, the LARC

proposed to strengthen the Planning Director, placing the officer directly under the Mayor rather than the Planning Commission.

The Planning Commission would become an advisory body, would expand to include 11 members, and would both review and recommend the General Plan. The Commission would also assign responsibility for zoning appeals to one of its committees, and the charter would no longer contain a Board of Zoning Adjustments (BZA). The Committee would have the last word on zoning appeals. Debates over variances, conditional use permits and the like made the BZA one of the busiest and most controversial agencies under the charter. LARC's decision to allow a Planning Commission committee to replace BZA would likely have been illegal. In the hearings held later on this article, a planning consultant stated that "it appeared as if the Charter Commission had failed to recognize the quasi judicial nature of zoning appeals cases and that under the proposal the appeals committee would in effect be judging its own actions."[21]

Moral Reform: the LARC's charter proposed creation of an Ombudsman, who would redress citizen grievances, make the city responsible, and deal with the issue "of communicating grievances to large, impersonal urban governments and the lack of methods for assuring appropriate redress". The officer would be appointed by the City Council to an 8-year term, qualified through civil service standards, but subject to removal by two-thirds Council vote. The Ombudsman would help citizens find out which level of government is responsible when the city is not, and ensure that

the city and its residents are provided with adequate services in areas for which the county would take responsibility, such as health.[22]

Yet another morally driven proposal favored reform to the Board of Education. The provisions would elect an 11-member Board of Education by districts with a residency requirement to appropriately represent diversity. The proposal also made the body full time and compensated members more adequately to assure this. "Although the district system of elections will present some problems and no guarantee can be made that it will provide complete representation of all segments of the community, it is definitely *more likely* to result in more adequate representation." The full-time structure would allow the board "to represent its constituencies successfully" and exercise "policy control". By paying an adequate salary, the charter would "have the additional advantage of attracting to such positions those group members who are generally less financially secure." The residency requirement could help ensure the candidate identifies with the area being represented.[23]

The LARC proposed a charter that included a full article of standards of conduct for officials, so that "city officials avoid using the powers of public office for personal gain or to provide preferential treatment for a privileged few".[24] The Charter would also deal with the lack of fair representation for the city's diverse population. Specifically, the charter proposal required that both ballots and voter materials be printed in Spanish, and in the interests of disclosure provide the occupations of candidates: "Los Angeles has the largest Spanish-speaking population of any city in the United States. This significant number of voters should not be precluded from

participating in city elections because of a language barrier."[25] Finally, the LARC charter would keep LAPD under a commission so that it could balance fighting crime with being "sensitive to the changing needs and grievances of a diverse citizenry"; the commission would also allow it "to act without political interference as it fights a rapidly increasing crime rate."[26]

Developmental Reform: the LARC claimed in the executive summary to the Commission's report to have left most of the status quo in place at the proprietary departments, merely establishing guidelines and limitations for the payments of money into the general fund by these agencies. However, it was unfortunate for LARC that this was not quite accurate. The proprietary departments of L.A. are big business. In the 1990s, they would have a larger combined budget than the city's general fund. To threaten the proprietary departments might have meant trouble back in the days of the supposed LADWP Machine. Would LARC be able to affect the proprietary departments in the 1970s, two decades after the "Water and Power machine" had retired from politics much as the SPRR Octopus's machine had when Hiram Johnson was elected Governor in 1910?

In fact, the Reining Commission proposed making some very important changes to all three of the proprietary departments. First, they removed the Harbor Department General Manager's civil service protections. Second, they removed the requirement that LADWP's General Manager be an engineer. Third, they increased the frequency of the industrial, economic and administrative survey from every ten years to every five years for both the Airports and Harbor departments due to "the

recent problems in the harbor". LARC did not alter the provisions for the decadal survey for LADWP because it was "too large and complex" to warrant such a short interval for studies.[27]

Fourth, although "the Los Angeles Department of Water and Power is the largest municipally-owned utility in the world and not comparable in terms of size with these other city utilities", the Reining Commission used Burbank and Pasadena as models for how the LADWP could transfer more money to the city. The City Council would be able to tap the proprietary departments for revenues, so long as it did not exceed the administrative costs they imposed on the city, in addition to what the department would have paid in city taxes on real and personal property if it were a private utility.[28] Lastly, the LARC charter proposal relegated the important details of the revenue bonding procedures to an Appendix. The Commission contended that the Appendix would still carry the force of charter terms, but would not need to be printed in copies for general distribution.[29]

The Reform of the Reform: rather than place the LARC's proposed charter on the ballot, the Council reviewed and redrafted the entire document based upon the concerns of the City Attorney and the CAO.[30] Council member Ed Edelman and his Charter and Administrative Code Committee held nine months of meetings and public hearings on the draft charter. The Council and LARC then spent five months hammering out disputes over each section. Still, the Council's draft charter would not include several of the important recommendations made by LARC. For example, it "did not provide a separation of powers between identified branches." Additionally,

in the Council's charter, “no provision was made for the formation of Neighborhood organizations or boroughs.” LARC did have misgivings about the changes to their charter proposal. However, members thought the fact that the Council's charter proposal allowed the mayor to remove general managers meant it would still have been an improvement and “probably represented the most change that would have been approved by the City Council at the time.”[31]

In August 1970, the final draft of the new charter proposal emerged. The charter did not deal with the weakness of the mayor's office because the council had naturally opposed reducing its own power. The Council's defense of turf also accounts for their shelving of LARC's proposal for an Ombudsman. The Ombudsman would have acted as intermediary between the Council members' constituencies and the city bureaucracy. Like the United States Congress, the Council relied on this brokerage role to provide its members with opportunities for constituency casework. The Council also rejected LARC's proposal to end the dual-reporting dilemma of the CAO by placing the officer clearly under the Mayor in the chain of command.[32]

The council also made changes that took account of other players in the city. For example, LARC wanted to consolidate the city’s three city funds. The Council knew such a change would produce intense opposition by city employees and destroy the charter's chances, so the Council's charter proposal left the pension systems alone. But the Council made a severe miscalculation in terms of the proprietary departments. LARC's draft charter had recommended some reforms for these institutions, but the Council had other ideas. Their proposed charter gave the Council power over salaries

at Airports, Harbor and Water and Power Departments. The charter would also have permitted the Council to require payments to the general fund from proprietary budgets, and authorized the CAO to conduct management audits of these departments for the first time. Opposition ignited to the charter at LADWP, not to mention the Harbor Department.

LADWP Machine Redux: late in 1970, the voters rejected the charter proposition. After its defeat, the Charter Commissioners blamed LADWP most of all for its loss.[33] Borrowing a page from the old LADWP playbook, some of the Department's current and former management employees formed Water and Power Associates to block the Council's power grab. In the LARC's final report, Commissioners would note: "As in other cases involving attempts at general governmental revision, there were in Los Angeles special interests opposed to the charter revision. In this instance, however, there emerged only one source of well financed opposition which campaigned to defeat the charter change. It was inside the city government itself." The Commission explained that the LADWP's management objected to the Council's charter, which "was understandable as the Department did have legitimate interests involved."[34]

In opposing the Council's charter, LADWP took on what appeared to be a potent coalition. The local media backed the measure, with support from newspapers: the *L.A. Times* and Community Press; TV stations such as KNXT Channel 2, KNBC Channel 4, KABC Channel 7; and radio stations--KFI, KNX, KFWB, KABC. Business, taxpayer and fraternal organizations appear to have backed the measure: the

L.A. Area Chamber of Commerce, the California Taxpayers' Association, the Property Owners Tax Association and the South Los Angeles Kiwanis Club. Reform groups such as the League of Women Voters, San Fernando Branch of the American Association of University Women lined up behind it. Even the AFL-CIO advocated the charter proposal. The pro-Charter coalition described itself in campaign literature as having won "near unanimous endorsement by business, labor and civic groups". The pro-charter propaganda described the opponents of the document as "entrenched bureaucrats".[35]

The "Yes on C" campaign accused LADWP of spreading "'no'" propaganda" and asked in commercials: "Who paid for all of those 'scare commercials'? The money came from a check off of earnings from Department of Water and Power employees. Your money was utilized to frighten you from voting long overdue charter reform." Instead of being "misled by entrenched bureaucrats", the campaign recommended: "Let the bureaucrats know you aren't falling for their campaign to protect their empire and its unreasonably high salaries and fringe benefits."[36]

LARC provided an analysis of the methods that Water and Power Associates had used to defeat the charter. "The Department exerted it opposition in the name of a citizens committee. The campaign was conducted with the theme of 'a charter hoax.' This approach was apparently effective in raising doubts and fears among the voters. It played on the confusion in the minds of many voters about the complexities of the charter. Similar campaigns of doubt raising and fear spreading have been effective in other cities and states where special interests have defeated general governmental

changes." The LARC also noted that the association that Los Angeles Forward, the organization that " was able to raise the money to sustain the Charter Commission in an effort to get charter reform on the ballot….was not able to raise the funds needed for an adequate public education campaign" for the Council charter.[37]

The LARC was moderate in its criticism of LADWP, perhaps in consideration of its recognition of the Department's importance. As a correspondent who wrote the Council after the defeat of the charter proposal would contend:

> With regard to reforming the city charter, there are two valid but opposing viewpoints: elected officials have far too little control over the city departments, yet the autonomy of the departments has made some of them the best-run government agencies in the nation. The Department of Water and Power has indeed been high-handed, but this is entirely a political issue; of more importance to its customers and the taxpayers of the city, the DWP is one of the nation's most efficient utilities—both operationally and economically. Our Fire Department is so highly regarded that, outside of the high-danger brush areas, fire insurance rates are quite reasonable. The financial success of our Department of Airports has led to an embarrassment of riches. However, a city cannot continue to operate without being governed, and many of the city departments are indeed beyond being governed by those elected to do so.

The writer went on to note that "independent departments do not respond well when their own interests conflict with the greater interests of the whole city and its people" and offer recommendations to "preserve the benefits of autonomous operation of the city departments but still bring them more under the control of the elected officials of our city".[38]

Any Port in a Storm: in fact, LADWP had not been alone in its objections to the LARC and Council charter proposals. On October 16, 1970, the Board of Harbor Commissioners wrote to the Council to indicate that the Board's members had

formally and officially cast a unanimous vote to oppose the Council charter because of the provisions "which would permit the transferring of tidelands trust funds into the City's general fund." The Board's counsel called into question the effect of the charter on "the financial stability and integrity of the Harbor Department." In addition, Edward C. Farrell, the Assistant City Attorney serving as liaison to the Harbor Commission, advised: "this office believes it would be both improper and illegal for tidelands trust monies to be transferred to the City's General Fund pursuant to a purported authorization such as Section 25.06 c.(3)."[39]

To further justify its action, the Harbor Commission cited Assemblyman Vincent Thomas' contention "that certain provisions of proposed Section 25.06 would be unlawful insofar as they would permit tidelands trust revenues to be expended for general municipal purposes." Thomas had advised the Board "that it is his further intention, assuming proposed Charter would be adopted, to have the Attorney General of the State of California take appropriate legal action to protect the interest of the people of the State of California, and to further initiate legislation to revoke the tideland grant of the City of Los Angeles and cause a state operated port to be created." The Board attached a copy of Thomas' letter to its resolution to demonstrate the seriousness of his opposition to the Charter's harbor provisions.

In his October 5, 1970 letter to the Harbor Commission, Thomas noted a threat by a Council member: "'This Council is becoming united—If the three independend (sic) departments try to defeat this Charter, we will certainly know about it. And we will still operate under the old Charter and we will clamp down on 'em in no uncertain

terms…I personally will see that every lease is questioned….'" Thomas stated that "the above language is clearly a threat against the Harbor Department and its governing body. Such high-handedness by public officials is certainly to be deplored." In the letter, Thomas made exactly the claim the Harbor Commission noted, in terms of the tidelands trust and the prospect of a "harbor under state management." Therefore, LADWP was not alone in asserting its departmental interests; the Harbor Department and its allies were active against the Council charter.

Mayoral Apathy: in summing up the failure of its charter reform effort, LARC pointed out four factors driving the defeat: 1) "general lack of awareness on the part of many people of the charter's influence on the performance of the city's government; 2) "there was no major crisis associated with city government to focus attention on the need for change and improvement"; 3) "general scarcity of funds due to tight financial conditions in the economy in general and the fact that it was an election year"; and 4) "strong opposition from the Department of Water and Power coupled with the lack of active support from the Mayor were influential in reducing financial support from the business community."[40]

As the LARC noted, Mayor Yorty's abandonment of the charter proposal as little improvement over the *status quo* was partly responsible for the document's failure. Of course, one can hardly fault Yorty for dropping the ball. His main goal in creating the LARC had been strengthening his office. Yorty had famously discussed the weakness of his office in testimony he gave before the United States Congress when called to discuss the root causes of the 1965 Watts Riots. The Mayor told

Connecticut Senator Abraham Ribicoff: "…for 5 years I have been trying to get charter amendments. Some of the cities of the country have modernized their city government, and we badly need to do it but, unfortunately, under our form of government the city council has all the power."[41] New York Senator Robert F. Kennedy would remark sarcastically that since Mayor Yorty had no responsibility for the city, then he should be able to attend all the Senate Committee's meetings. However, Yorty had been correct in pointing out that many of the city's functions were not under the mayor's direct control.

When the Council asked for Yorty's help in persuading voters to pass a new and improved version of the Council charter, the Mayor saw an opportunity to get what he had wanted all along. In a February 17, 1971 Memorandum to the Council, Yorty recommended changes to 21 sections of the Council's charter. He stated: "Almost all of the above changes are intended to establish a reasonable balance between the power of the Council and the power of the office of Mayor." Yorty indicated that "numerous sections…which give the Council the authority to act by order or resolution leave the Council with arbitrary power to completely by-pass the Chief Executive Officer (the Mayor) elected by and responsible to all of the citizens of the City. Such lop-sided Council power causes much of the illogical imbalance imbedded in the existing Charter which the Council's proposed revisions would perpetuate."

Yorty was so displeased with the Council charter that, aside from the change in the salary setting procedures for elected officials, he termed it "unsound and relatively

meaningless Charter revisions which have been so watered down from the Charter Commission's original draft that little is left of the latter." The Mayor threatened to oppose the document: "Unless the Council is willing to make some reasonable concessions to correct the glaring imbalance between the powers of the Council and those of the Office of Mayor, I will be compelled to oppose the proposed Council Charter revisions." Yorty still signed the ballot argument in favor of the Council charter when it returned to the voters' ballots in a sequel to the first flop, but his tepid support of the document appears to have injured its ability to attract campaign donors.

Try, Try Again: Following the well-established rule of Los Angeles charter reform--'If at first you don't succeed, try try again'--the council had placed the 1970 charter on the ballot again in[42] 1971. The L.A. Times again favored it, and columnist Art Sedienbaum indicated that he would vote for the measure in spite of Yorty's endorsement because "The proposed Charter may be a timid zebra, striped with compromise, but it replaces a hippopotamus, stagnant in a swamp of amendments."

The voters again refused to enact the proposed charter.[43] The Reining Commission had recommended weakening the Council, so the legislators had sent their own work to the public instead, only to fail twice. Yet for the Council, failure was success, because the status quo was the weak Mayor-strong Council system that L.A. had always employed. It was not necessary for the Council to succeed in reforming, only to frustrate the reform effort. After all, the Council could pursue its goals through incremental charter amendments and need not risk a clearing of the FOG that would restrict Council authority.

It is not possible to estimate what the public's opinion of the LARC charter proposal would have been, since important portions of that "tape" were left on the cutting room floor of the studio of City Hall. The Council did not permit the public to ballot on the Reining Commission's original charter any more than Hollywood would allow consumers to view *The Magnificent Ambersons* in the form Orson Welles intended, but the legislators did present a revised version of that document to the public audience twice. Little did voters at the 1971 election realize that it would be nearly three decades before they would have another chance to vote over a new charter proposal.

The fate of the LARC's work would disappoint the membership. The Commission had studied the city's charter history enough to appreciate the significance of their missed opportunity to secure a new city charter. Because of Bollens' work, LARC realized that the Council had prevented almost every new charter proposed over the past seven decades from ever being sent to the public.[44] In a series of charter studies beginning in the 1930s and continuing chronically over the next six decades, charter revision boards had consistently recommended adopting a new charter. The Council only allowed two charter proposals on the ballot during that period. Both of the two charters the Council did forward on to voters had resulted from the Reining Commission's work.

Yet the Council would not allow the public to vote upon the charter that LARC had actually recommended, even though the Commission taken its responsibilities very seriously and received a tremendous amount of input from stakeholders. Instead,

the Council's edited offering would little resemble the Reining Proposal. While the Reining Commission had gone outside the box and offered an entirely new charter, an amendment in the form of substitution so to speak, the Council instead released its own charter proposal. The public saw this lame attempt to jump the shark for what it was and let the Council charter die an ignominious death.

Bradley's Biracial Coalition: just two years after the second attempt to sell the public on the charter that Yorty's Commission had drafted, Mayor Yorty would no longer be in a position to worry about the city's flawed governmental structure. In 1973, one of Ed Edelman's fellow Council members would play try-try again and unseat Yorty in his second run for the Mayor's office. Mayor Tom Bradley would govern the city for twenty years. Bradley's adept management, which Raphael Sonenshein made the subject of his book *Politics in Black and White*, seems to have quelled some of the public pressure for charter replacement.

Yet even Bradley found the 1925 Charter inadequate, and came to use the extra-charter tool of the executive directive as much as his predecessor had. For example, Bradley would issue Executive Directive Number 39. This directive, which re-issued Mayor Yorty's Executive Directives 2, 4, 14 and 28 of 1972, required the proprietary departments to send all important proposals to the Mayor's office before sending them to their commissions. This included charter amendments, policy-related ordinances, revised rules, contracts and leases with policy implications, bond and debt orders, changes in rates or fees, and major organizational changes. Reportedly, Bradley had been tired of being embarrassed by the actions of the Harbor

Commission.[45] Bradley issued his latest revision of this order in 1992, only one year before retiring. If Mayor Bradley needed to take such an action after nearly two decades as mayor, then one must wonder how a shorter-term mayor could lead the city's executive branch.

A Legacy with a Leg to Stand on: by the late 1980s, the 1925 Charter had become a veritable patchwork of amendments. Like Bowron before him, Bradley began to conceive of offering the city a new charter as his legacy. With his failed 1982 and 1986 efforts at running for Governor behind him, perhaps he began to think of the mayor's office as his terminal position. In any event, he formed a Charter Study Group in 1991 and elicited charter reform ideas from city officers and departments. These agencies proposed amendments that focused on incremental fine-tuning rather than major change.[46] Ironically, the Bradley Administration had already provided the impetus for an important charter change a few months before the Charter Study Group was formed. In June of 1990, voters had established the City Ethics Commission. This commission appeared quite necessary in light of Bradley's banking practices, which had become a subject for scandal.[47]

After the ethics scandal at the end of his fifth term as mayor, Bradley decided not to contest the office in 1993. One of Bradley's commissioners, Richard J. Riordan, ran for the office as a "citizen politician" after the fashion of former California Governor Ronald Reagan. Riordan's success in creating term limits for L.A.'s elected officials foreshadowed the rest of his future relationship with the rest of city government. He proposed the term limits charter amendment, and ended up

battling city officials who even sponsored a weaker alternative to attempt to draw support from his initiative. From the beginning of his 1993 campaign for the mayor's office, Riordan called for charter reforms to improve the document and deal with the lack of accountability and efficiency in the City's system of governance. The over 400 charter amendments that the voters had enacted since the passage of the 1925 Charter had changed it from an elegant 95-page framework to a detailed 700-page operations manual.

Ostensibly, Riordan shared the difficulties of Yorty, and only Bradley would enjoy a positive working relationship with the Council in the years between 1961 and 2001. Due to the stark contrast between Bradley's ability to work with the Council, and the comparative ineptitude of his predecessor and his successor in this regard, there is a temptation to regard Yorty and Riordan as book-ends for a *magnum opus* on executive leadership in the face of formal institutional weakness.[48]

Yorty's difficulties with the Council during a twelve-year stint as Chief Executive would ultimately pale by comparison to those of Riordan. To be fair to Mayor Yorty, however, it is important to note that some of the charter changes he sought were enacted, strengthening the Mayor's office for Bradley. For example, he won firing authority over the CAO, as well as greater control over the lesser city departments placed under a general manager appointed by the mayor.[49] In addition, even Bradley found himself in need of the extra-constitutional mechanism of the executive directive.

In addition, many of the charter amendments enacted during the Bradley Administration would weaken the Mayor's office (See Chapter 5). Most prominent among these was the infamous Prop 5. Prop 5 allowed the Council to take up matters that any of the Mayor's executive boards or commissions had decided, and then repeal those decisions and replace them with the Council's own policies. The charter amendment created a period of five Council meeting days in which any action by a board could be considered by the Council. To reconsider these actions required a two-thirds Council majority. If two-thirds of the Council agreed to assert jurisdiction, then the legislature had three weeks to substitute its own decision for that made by the commission. If the Council did not make its own decision during this period, which required only a simple majority vote, then the board or commission's action became final.[50] Only board actions over which the Council already held a veto were exempt to Prop 5.

The very path which Prop 5 took into the Charter illustrates Bradley's difficulties with the Council. The measure was apparently placed in the wrong pile on Bradley's desk, among the items he was supposed to pass, as opposed to those he would veto. One allegation that the author heard from a credible source indicated that the Mayor's assistant who placed the proposed charter amendment in the wrong pile was very close to certain Council members, and did it intentionally. When Bradley realized his error, he attempted to rescind his approval, and the issue went to the courts. The judiciary ruled that Bradley could not take it back, and sent the measure on to voters, who would pass it in the 1992 election. Consequently, even Bradley's

skill as perhaps the Mayor with the best Council success in the city's history, and certainly the longest serving Mayor the city may ever have, were insufficient to prevent his office from being weakened by Council action.[51]

Mayor Tom Bradley used his remarkable coalition-building skills to become mayor, and then put those skills to use in leading a Council coalition that enhanced his formal authority with considerable informal control. Those who opposed granting the Mayor's office too much power in the 1990s charter reform process frequently argued that Mayor Bradley was able to exercise greater leadership under the same charter structure under which both his predecessor Sam Yorty and his successor Richard Riordan had chafed for lack of sufficient authority. For whatever reason, when Richard Riordan succeeded Bradley in office, the clamor for a new charter would recommence. Mayor Riordan just could not get along with the other elected city officials with whom he shared responsibility for city governance. Part of this may have been that nobody could work the system as well as Bradley had, but the Council had become more restive, and had even given Bradley trouble as he moved into his last two terms.

Dick Riordan: Riordan's election as Mayor exacerbated the charter's problems as a framework for municipal governance. While Bradley had worked his way to the Mayor's office from the Council, and thus could work within the system to achieve his goals, Riordan had more adversarial relations with his elected colleagues. He seemingly fought with the Council and other city officials over everything. Unlike Bradley, who had risen to power from a position as a police officer, Riordan was a

billionaire venture capitalist with his own corporate firm, Riordan & McKinzie. Bradley was compelled to court Westside Jews and find common ground with disparate groups, while Riordan did not need to depend upon successful fundraising efforts among people very different from him in order to win the Mayor's office.

Riordan's difficulty getting along with city officials went beyond the local legislature and affected his relationship with the city's other elected and appointed executives. As a successful corporate lawyer in his own right, Riordan trusted his own legal instincts more than those of City Attorney James Hahn. He fought Hahn over the general issue of client control of litigation and settlement, as well as such specific issues as the City Attorney opinion that a charter amendment would be necessary to permit the mayor to restructure the Department of Public Works. The city was facing tough economic times, moreover, and the competition for scarce resources exposed every difficulty in meeting the city's budgetary needs. Mayor Riordan blamed the charter for many of the city's problems: 1) his inability to clean up the mess at the Department of Public Works[52]; 2) his constant battles with the council, including over the dismissal of his protégé, Michael Keeley[53]; 3) his problems in squeezing money for police out of the proprietary departments[54]; and, 4) the rising pressure for secession from the San Fernando Valley.[55]

The charter did not need any additional negative publicity. The Christopher Commission had already assigned part of the fault for the 1991 Rodney King incident to the charter's insulation of the LAPD from responsibility for police misconduct. The 1992 L.A. Riots that began in response to the "not guilty" verdicts in the first trials of

the four officers who beat King also exposed problems in the charter. When the Police Commission fired Chief Daryl Gates, the charter was so open to misinterpretation that the courts allowed the council to reinstate him. The Police Commission could not hold Gates responsible for his department's actions and inaction.[56]

Increased funding to hire police officers was at the top of Riordan's agenda when he took office. This would both offer the LAPD a carrot for improvement and satisfy many of Riordan's conservative constituents who were more sympathetic to the police than the communities they had been policing. When the mayor tried to tap into proprietary departments for police funds, he found himself opposed by the Federal Aviation Administration (FAA) at the Airports Department, the State of California at the Harbor Department and city employees at the LADWP. The FAA halted Riordan's action to pay for police with higher landing fees, and the state of California prevented transfer of tidelands-generated revenues in the Nexis lawsuit. However, the engineers and electrical workers were unable to stop the transfer of LADWP funds to the city. Although the charter alone was not sufficient protection for these proprietary departments, the document was the first place people turned to try to protect the proprietary departments from raiding. However, the weakening of charter-mandated boards after 1938 had meant fewer commissioners like John R. Haynes, who had not only helped frame charters empowering commissions, but had also faced down Mayor John Porter while serving on the Water and Power Commission.[57] Despite the charter's inability to prevent diversionary raids on the proprietary departments,

Riordan and his staff would attribute their problems in administering the city to the charter.[58]

The 1996-1999 Charter Reform Process

In 1996, Riordan became even more interested in charter reform. One reason was that he wanted to forestall secession of the San Fernando Valley, and David Fleming—a prominent Valley leader in Riordan's coalition—urged that charter reform might do the trick.[59] In addition, Riordan was already concerned about the 1997 city elections. If he did not begin to seek charter change, it might prove an ideal campaign issue for any challenger he would face in the Mayor's race.[60] The Council responded to Riordan's charter interest by forming a 21-member Appointed Charter Commission (ACC).[61] Each Council member would be authorized to select one appointee, and the Mayor, City Attorney and Controller would each pick two appointees. When Riordan refused to appoint anyone, the council president appointed two more ACC members.[62]

Riordan refused to nominate anyone, apparently fearing that his less than 10% share of the commissioners was inadequate and that the Council might not permit any significant reform when the members would enjoy the privilege of amending any proposals offered before sending them to voters. Riordan may also have worried that the Council would pull another Reining gambit anyway, and block any real reform from taking place by either tabling the ACC's proposals if any developed, or altering them at pleasure and submitting to voters whatever they wanted. That had worked in 1940 and 1949, when other charter framing bodies proposed significant change. Even

if the public were to reject merely cosmetic changes, then just as in the case of the Reining Commission the *status quo* would remain and the recalcitrant Council members would continue ruling their fifteen fiefdoms and micro-managing the city.

Riordan wanted the city's new charter commission to be elected rather than appointed. First of all, the only way the city had ever adopted a new charter was through the elected charter commission mechanism permitted by the State Constitution. Although five such boards had failed to secure new city charters, the elected 1888(II) and 1923 Freeholders drafted both of the city's two home rule charters.[63] Second, an elected charter commission would be able to submit a new charter to the voters without Council interference. The Council had managed to sabotage reform in 1934, 1940-1941, 1949-1953 and 1966-1971, not to mention a number of less prominent new charter drives. But the Council would not cooperate to form an elected board, as the California Constitution permitted.

Riordan acted vigorously to bypass the council and ACC to spur charter change. The Mayor took advantage of one of the other charter reform routes provided under the state constitution, and put together a petition drive to require formation of an elected charter commission (ECC). The city officials had not permitted the election of a charter commission in seven decades, and no one seems to have considered the initiative route. If Riordan's initiative were successful, the public would elect a fifteen-member commission to frame a new charter. Like a bubble in the tape that emerges just as one presses another air bubble down, another issue immediately arose: how to elect the commission.

***Los Anglos* de Los Angeles:** The California Constitution for election of a fifteen-member charter commission at large. Accordingly, Riordan and his allies gathered signatures on a petition calling for the election of the commission citywide. Riordan even spent $400,000 of his own money to help qualify the initiative. However, the Council tried to block submission of the issue to voters after 304,000 qualified voters had signed the petitions. The Council raised concerns about the diversity of such a panel: "the council questioned whether an at-large election would violate the Federal Voting Rights Act that ensures minorities are fairly represented. It has suggested an election by districts." Riordan then spent his own money to file a lawsuit to determine whether the Council was required to hold an election, and how the commissioners should be elected.

Litigation on the petition to create the ECC proceeded from October 1996 to February 1997. If the Mayor had not had the resources to pursue the case personally, the Council might likely have succeeded in blocking the choice of ECC members.[64] Judge Mariana R. Pfaelzer, who was the Jimmy Carter appointee that had blocked California's implementation of the anti-immigrant Proposition 187 of 1994 (the so-called "Save Our State" initiative) split the difference between the two sides, as judges are wont to do: "She gave each side a small victory, agreeing with the council majority that at-large elections would violate the federal act and also ruling that the measure should be placed on the April ballot."[65] The Judge would force the Council to submit the measure to voters, and allow the selection of the ECC by districts rather

than at large. Some Council members thought their colleagues' opposition to the ECC petition was disingenuous.

Council member Joel Wachs, who was an avid fan of the neighborhood council concept, stated: "The council is just grasping at any straw to thwart the will of the people". Wachs, whose Council deputy Greg Nelson would advocate the community panels vigorously, and eventually became the General Manager of the Department created to defend them, had voted with the Mayor and against the majority of colleagues.[66] Ironically, the Council may have actually assisted the Mayor's ECC by ensuring it greater legitimacy than it ever might have achieved if it were elected citywide, as Riordan petitions indicated. Had the ECC been elected at large, it would likely have lacked the diversity necessary to convince the public that the new Charter was worthy of voter support.

Typically, city officials elected at large are wealthier and more likely to be Anglo than the city's general population. They are rarely descriptively representative, unless some sort of slating mechanism is employed. Had the ECC been chosen by at-large elections, its charter might likely have been viewed as a Mayoral power grab by a wealthy Republican Anglo. The ballot argument against the ECC petition would explicitly raise the diversity issue: "The opposing view, signed by Ferraro, former Ethics Commission Director Ben Bycel and San Fernando Valley activist Gordon Murley as well as Bradley, calls the idea of an elected charter commission 'risky' and 'undemocratic' and pleads with voters to leave the revising to the City Council's appointed commission, 'a representative, independent group of highly qualified people

who reflect the city's geographic and ethnic diversity.'"[67] Former Mayor Bradley's opposition notwithstanding, the public approved the creation of the ECC.

It would be much less of a problem to assure diversity at the ACC. The City Attorney, Controller and Council and its President would borrow a page from the Reining Commission. Mayor Yorty's LARC of 1966 had included a Latino, and African American, a woman and a Japanese American: five of LARC's members had not been Anglo males. It is easy to assure diversity on an appointed panel because the appointing authority can select the members. Even a cursory glance at the ACC's roster by the public would indicate that the body's membership represented men and women, African Americans, Anglos, Chinese Americans, Jews, Latinos, labor organizations, reform groups, just to name a sample.

Because the ECC was selected by districts rather than at large, its membership would also be diverse. There would eventually be 18 ECC members, because three commissioners resigned. One took a position as a Trustee at Tuskegee University; unfortunately, Archie-Hudson had been the only person who was a member of both the ACC and ECC, and had campaigned indicating that she might be able to help the two commissions work together. The other member who resigned would leave to take office as a member of the California Assembly (Romero).

The ECC included five African-Americans--Archie-Hudson, Jackie Dupont-Walker, Woody Fleming, Kenneth Lombard (for a few weeks, before his appointment was ruled a conflict of interest due to his membership on the Water and Power Commission) and Ophelia McFadden. There were four Latinos on the Commission:

Marcos Castañeda, Richard Macias, Nick Pacheco and Gloria Romero. The Commission included four Jewish members: Erwin Chemerinsky, Rob Glushon, Bennett Kayser and Bill Weinberger. There were five non-Jewish Anglos on the Commission--Paula Boland, Anne Finn, Janice Hahn, Chet Widom and Dennis Zine (who would describe himself as a Lebanese Catholic). There were seven women and eleven men, one of whom served as an attorney for gay rights issues.

Ally or Opponent: the diversity of the ECC did not result from Mayor Riordan's design. Eleven of the members of the ECC had been endorsed by labor groups. Only one commissioner, Gloria Romero, was endorsed by both the Mayor and labor. Riordan would win a smashing victory for his charter reform concept, but labor would take the lion's share of the seats. Of course, the fact that the body was elected by districts and was thus much closer to descriptive representation, would mean that the ECC would hold even greater legitimacy than he expected. The result of Proposition 8 meant both victory and defeat for the Mayor's office. Although the public gave the measure a large margin, only three of the eight candidates who were elected at the primary outright had been Riordan allies. For the Mayor and his staff, the problem would become persuading ECC to adopt their perspective on needed charter changes.

After the initiative to create the ECC was ratified, the ACC began working in earnest. Before the ECC seemed likely to materialize, the ACC seemed to be moving in slow motion. When it became clear, the ACC assembled a work plan and began taking larger strides toward a reform proposal.[68] The Council might have been

perfectly happy to allow the ACC to languish on the vine without the threat of the ECC. Yet the Council need not have looked with fear upon the ECC. Given that the same labor organizations backed Council members and most of the ECC, one might have expected an entente. [69] But the Council did not appear to trust the ECC. Perhaps the fact that a number of ECC members intended to run for the very Council districts they were representing as charter commissioners could have been faulted. However, the Council members faced term limits, and two of the ECC members were Council deputies (Castaneda for Alarcon and Fleming for Walters).

Rather than taking advantage of the opportunity to work with ECC and perhaps co-opt its members, the Council treated the new commission shabbily. The council not only gave ECC grief over its public funding, it even threatened to use its charter authority to refuse to allow the commission to accept private funding and assistance. It took ECC six months to acquire suitable meeting accommodations, office space and research staff. The council argued that it had already allocated sufficient funds to ACC, and that ECC should take advantage of the former's resources. The ECC's poverty provided a perfect contrast to the well-funded ACC. A case of sibling rivalry could not have developed on more fertile soil. Within this context, the ECC would vote to call itself the *Elected* Los Angeles Charter Reform Commission, emphasizing the first word with italics to indicate, as Commissioner Janice Hahn said, that the ECC was the "real" reform commission. Against all odds, the two commissions did manage to cooperate and share some resources once ECC had secured funding.[70]

Despite its straitened circumstances, the ECC enjoyed a resource unavailable to the ACC: the right to place its proposals before the public without Council obstruction. The Mayor's office took advantage of the Council's attitudes and actions toward the ECC and wooed the members. He formed an organization and raised funds among his wealthy business comrades. Charter reform would be given most of a floor in a building on the corner of Wilshire and Bixel (Chamber of Commerce territory). The ACC had been able to take a big lead over the ECC in the tag-team charter reform race due to its earlier formation and its most-favored-commission status that the Council had granted. But there was an irony in the existence of the two charter reform commissions. They were certainly adversarial, yet once both existed they would have to work together.

Only a few Council members wanted charter reform to happen at all. Michael Feuer and Joel Wachs did not have much company in their favorable orientation toward it. Council President John Ferraro may have been just as happy to see charter reform stymied by the presence of the two opposed charter commissions. In the worst-case scenario for the status quo players, the ECC might be able to assemble a document capable of attracting sufficient public support to pass. In that event, the Council could either put the ACC's proposals on the same ballot, or make up potential charter changes of its own.

In 1912, the Council had printed the 1912 Charter as badly as possible to prevent the public from supporting charter reform. In 1916, the Freeholders had sabotaged themselves by placing a new charter on the ballot with four instant

amendments. If the Council and two competing commissions were to place a number of competing measures before the voters, it was likely that nothing would pass. Better yet, the Council could place two new charter proposals and a battery of charter amendments to the old 1925 Charter on the same ballot. The probable impact would have been passage of nothing, which may be what the Council majority wanted. When the Council's revised Reining Charter failed of passage, Council members who opposed charter change could continue their enjoyment of the status quo.

Unification: at the end of their work, both commissions agreed the City's governance system needed repair. The ACC and ECC combined and reconciled their two draft charters into a single Unified Charter proposal, shocking many acute city observers.[71] The two biggest sticking points were mayoral authority and neighborhood councils. In a January 27, 1999 memorandum to their respective commissions, ACC president George Kieffer and ECC president Erwin Chemerinsky summarized all of the agreements that had taken eight memoranda and multiple meetings of both commissions—not to mention many conferences between Kieffer and Chemerinsky—to reach. The commissions compromised on all of the issues that divided them. ECC accepted weaker neighborhood councils and a slightly weaker mayor than its members wanted, while ACC accepted a stronger mayor and neighborhood councils than its members wanted. ACC wanted 21 Council Districts, whereas ECC wanted a choice between 15 and 25. In the end, the Unified Charter would provide for 15 districts, and put options for 21 and 25 members on the ballot. [72]

Compromise was a tricky business for the two commissions. The ACC and ECC debated vigorously and the ECC nearly rejected the Unified Charter over the issue of the Mayor and Council's respective roles in appointing and removing commissioners and general managers. Yet they held together in spite of long odds, and members of both commissions campaigned together for the new charter proposal. Their opposition in the campaign came primarily from the council, which would lose the most if the Unified Charter became law. The charter proposal had faced head-on the separation of powers issue raised by every charter commission since 1925. The document also dealt with the neighborhood empowerment issue that LARC had brought back to the agenda from the 1920s. If the Unified Charter were enacted, the Council would lose power from above and below. City legislators would yield some authority to the mayor through centralization, and to neighborhood councils through decentralization.

The 1999 Charter

The Council members called on their allies in organized labor for aid, and many of the city unions that had pressured the two commissions to approve the Unified Charter would ultimately campaign against it. But the Mayor's office forgot their disappointment over the many compromises that had been made, and led an effective and well-funded campaign to secure victory for the new charter. On June 8, 1999, L.A. voters approved the work of the ACC and ECC by enacting the Unified Charter.[73] Part of the new 1999 Charter took effect immediately: the council that had

so opposed the document was required to pass ordinances to smooth its transition to full implementation with the beginning of the Fiscal Year on July 1, 2000.

FOG: the 1999 Charter retained the Mayor-Council system, but only slightly strengthened the Mayor's office. The city's traditional weak Mayor-strong Council system would give way to a more balanced relationship between the executive and the legislature, but L.A. clearly did not adopt the New York model of the Strong Mayor system. For instance, the financial and legal functions in L.A. continue on in the hands of elected plural executives, whereas in the Big Apple the Mayor appoints the heads of all departments, including these, and appointees serve at the pleasure of the Mayor. L.A. still retains the proprietary commissions that manage their powerful departments, and hire and fire their General Managers, subject to Mayor and Council oversight. Also unlike the New York model, citizen commissions continue to manage or advise most city departments.

The new city constitution made the mayor the city's CEO and took away the council's recognition as the city's "governing body."[74] The new charter would name the Mayor as the city's representative before the state and federal government, but the Mayor would act in conformance with city policy made by the Mayor and Council together. The Mayor would supervise the city's intergovernmental relations (IGR). The Mayor would also hold the power to declare local emergencies, supervise preparation for them and coordinate the city's response. The executive orders which had been common during the Yorty and Bradley administrations, when they were not clearly authorized under the 1925 Charter, would be expressly permitted as long as

they did not conflict with any ordinance or Charter section. The 1999 Charter also transferred from CAO to Mayor the power to temporarily move workers between departments. The CAO also lost to the Mayor the authority to make interdepartmental funds transfers, subject to an ordinance setting the upper limits for these transfers. Finally, the Mayor would be given help in preparing and monitoring the budget by a new executive budget division in his or her office.

The Council would lose the authority to "Prop 5" the decisions of the city's boards and commissions, and instead hold a legislative veto. The Council could only veto the actions of these bodies, rather than modifying those actions or even substituting their own policy choices for those of the commissions. If its decision had been legislatively vetoed, the board or commission over-ridden would again take jurisdiction over the matter. The Ethics Commission's decisions, as well as most of those relating to personnel or pension matters, would be exempt from the legislative veto. The Council would not need to exercise the review over planning matters, where the legislature retained final authority.[75]

The 1999 Charter would only allow the Council to disapprove the Mayor's plans for reorganization if it did so within 45 days. The new charter would allow the Council to set city policy concerning state and federal legislation, but the resolution by which this would occur was subjected to Mayoral veto and two-thirds Council override. The Council lost majority confirmation authority over the removal of most department heads, but could reinstate them by a two-thirds vote. The Council lost

authority over confirming Mayoral removal of commissioners; these became appointees at pleasure once confirmed in office by the Council.

Structural Reform: one of the major issues that the 1999 Charter dealt with concerned the issue of the way in which the City Attorney should be selected, as well as the powers that officer should hold. Riordan admired the New York model, under which the Mayor appointed the Corporation Council. However, Los Angeles had elected its City Attorney since the 1889 Charter. The election of the City Attorney seems to be a uniquely Californian innovation. In its study of City Attorneys, the ACC found that "no major U.S. city located outside California elects its City Attorney...." However, the commission did find that "four out of the five largest California cities have an elected City Attorney...." [76] Yet even in California, it is not common municipal practice to elect City Attorneys. Only 11 of the state's 478 cities elect their City Attorneys. They are Albany, Compton, Huntington Beach, Long Beach, Los Angeles, Oakland, Redondo Beach, San Bernardino, San Diego, San Francisco and San Rafael.[77] Six of the cities that do elect their City Attorneys are large by California's standards, but the other five are not.

Mayor Riordan had frequently experienced frustration in his dealings with City Attorney James Hahn, and wanted to change the structure of his office. As a lawyer, Riordan was aware of the philosophical vulnerability of the City Attorney's office. The California State Bar's Rules of Professional Conduct are very clear on such as issues as attorney-client privilege, and how an attorney is to act when representing an organizational client. But City Attorneys may find the rules difficult to apply when

they are responsible to the City and must provide officials with legal counsel: "City charters often require the city attorney and her staff of assistant city attorneys to provide legal advice and representation to the city council, the mayor, and city departments and agencies. When these government bodies have different goals for the city as a whole, a conflict of interest may occur for the city attorney. An attorney in private practice can avoid this conflict of interest situation by declining to represent a potential client if the representation would result in a conflict of interest. The city attorney usually has no such option."[78]

All attorneys must act under the Rules of Professional Conduct, and private corporations are advised by counsel, so why would the position of a government attorney be difficult? "Identifying the client of the government lawyer is a threshold issue for determining whether a conflict of interest exists. Like a private corporation, a government client is an organization, and the lawyer represents the interests of the organization as a whole. Because an organization cannot speak for itself, the lawyer takes direction from the organization's authorized representatives. A private corporation is usually easily identifiable as a discrete entity with certain constituents who are always authorized to speak for the corporation, making it fairly simple for an attorney hired by a corporation to identify her client and those individuals responsible for advancing its interests. Because of the many levels of government and changing circumstances of representation, it is often more difficult to identify the government lawyer's client with certainty. For example, the client of a federal government agency lawyer could be the federal government as a whole, the executive branch of

government, the President of the United States, the public, or the agency for which the lawyer works."[79]

If acting as a government attorney is difficult, then doing so as an elected official is even more problematic. An elected official represents the public in a different way than an attorney represents a client. Yet who is the client, which under the Rules of Professional Conduct make all decisions? Is an elected City Attorney supposed to act as a policymaker or to serve as the City's attorney? In many of California's 11 cities with elected counsel, there has been disagreement over whether this officer acts as attorney for the City as the municipal corporation, or for the City as the general public.

Matters of Privilege: The California State Bar's Rules of Professional Conduct provide clear rules for how an attorney is supposed to work when he or she represents an organization, and how to address such matters as Attorney-Client privilege and conflict of interest. The problem with the claim that the City Attorney is to represent the general public is that the people do not speak with one voice. How does one know what the public wants in any given situation? Consequently, an attorney who sees him or herself in this manner acts as both the attorney and the client. How would one know what the public wants, outside of one's own subjective understanding? The responsibility of the attorney to conform his or her actions with the client's right to make decisions is a bedrock principle of our legal system, and protects both the attorney and the client.

The Mayor's office thought the 1999 Charter should clearly state that the civil client is the municipal corporation, and should establish a process to designate which officers are to make client decisions in the control and settlement of litigation. The Mayor contended that the civil and criminal functions of the City Attorney's office should at minimum be separated so that the elected officer could handle criminal functions like a county district attorney, and the civil litigation could be handled by an appointee. The Mayor also contended that the 1999 Charter should create a process to resolve whether outside legal counsel should be retained in the event that the City Attorney could not represent a City entity due to a conflict of interest, or that a city agency needed to hire a "hot litigator" to assist on issues on which the City Attorney's office held no expertise.

Although City Attorney Hahn may have been philosophically vulnerable, his office was not politically vulnerable. His sister Janice Hahn (who is now a Council member) served on the ECC, and was an effective advocate for retaining both his office's method of selection and prerogatives. In addition, Hahn assigned capable staff to assist both commissions, which proved helpful to his cause. The City Attorney's liaisons provided the commissions with counsel, but they were also charged with ensuring that the commissions followed the city's legal procedures. For example, the City Attorney was to monitor compliance with California's Brown Act, which requires that public bodies charged with decision-making and even advisory responsibilities must hold their meetings in public and provide the public with advance notice of meetings.

Compliance with the Brown Act often proved difficult at ECC. The City Attorney's office often allowed certain meetings to be termed "special meetings," meaning that they were only required to be noticed 24 hours in advance rather than the standard 72 hours provided by law. From the author's recollection, the City Attorney's office only stopped one meeting from being held due to inadequate notification. The author's Task Force on the City Attorney's Office was meeting to discuss key issues regarding the City Attorney, such as whether the officer should be made an appointee and the authority of the office reduced, and the City Attorney's liaison called the meeting off due to the ECC's failure to provide 72 hours notice. Most other task force meetings were not held to the 72 hour standard; this meeting was. An ECC staffer with a law degree and connections within that office later alleged to the author that the City Attorney could not arrange for their best staffers to show up and take on the Mayor's attorneys, and hence called the meeting off.

Attorney Wars: the Task Force on the City Attorney's Office included most of the ECC members who were lawyers, and the battles over this issue involved the most horse-trading and negotiation outside of the meetings of any issue except mayoral appointment of commissions and general managers, and the cluster of issues around the LAPD. ECC staff would be asked by the Task Force chair to prepare reports, investigate issues and draft language, only to find that ECC members outside of the Task Force had negotiated alternate language between the Mayor and City Attorney's offices. Even for an insider, it was difficult to know what was really going on behind the scenes. The Brown Act forbade commissioners from making phone

calls to a majority of their fellow commissioners, defining such behavior as a "serial meeting." Yet it was clear from an insider's point of view that not everything was transparent to public view.

In the end, the Mayor would lose most of his goals regarding the City Attorney's Office, and be forced to settle on incremental reforms. The 1999 Charter continued to allow the City Attorney to litigate on behalf of the people both for criminal matters, as well as civil matters where the Mayor, Council or relevant board have given their approval. The Charter slightly clarified the difficult situation faced by elected city attorneys, caught in a bind over which representation they are doing.[80] New charter Section 272 defined the client as "the municipal corporation, the City of Los Angeles" and only allowed the City Attorney to "initiate civil litigation on behalf of the City when requested to do so by the authority having control over the litigation". The City Attorney would "manage all litigation of the City, subject to client direction in accordance with this section, and subject to the City Attorney's duty to act in the best interests of the City and to conform to professional and ethical obligations. In the course of litigation, client decisions, including a decision to initiate litigation, shall be made by the Mayor, the Council, or boards of commissioners in accordance with this section."

The Council, the Mayor and the boards of the Ethics Commission, the three proprietary departments and the three pension funds were all authorized to "make client decisions in litigation involving matters over which the Charter" gave them responsibility. The City Attorney would be granted "authority to make the

determination regarding who is authorized to make client decisions on behalf of the City in accordance with the principles of this section and accepted principles of representation of municipal entities." Settlement of litigation would also authorize the client to make important decisions. For example, the boards that were designated as clients would "have the authority to approve or reject settlement of litigation exclusively involving the policies and funds over which the Charter gives those boards control."

Litigation involving the Mayor or Council as the client was handled differently. If the damages to be paid were only monetary, then there would be three kinds of settlement control. For very small amounts, the Council could authorize the Mayor, and the Mayor could delegate to the City Attorney of desirable to handle settlements. For larger amounts, a settlement board including the Mayor, Council President and City Attorney or their designees, would make decisions. For amounts above the level prescribed for the claims board, the process of control of settlement would be done through the ordinance and resolution process, with a Mayoral veto and a two-thirds Council override. Litigation that involved more than money would be handled in the same manner, as these were tantamount to policy decisions.[81]

The final City Attorney-related structural reform concerned the employment of legal counsel from outside the City Attorney's office. The boards who were authorized to act as the client would be allowed to hire outside counsel "only upon written approval of the Council and the City Attorney, and consistent with budgetary appropriations."[82] This was of great importance to the proprietary departments, which

found occasionally that even though there were nearly 400 attorneys working on the staff of the City Attorney, it would sometimes be desirable to retain outside legal counsel. In one of the supreme ironies of the 1999 Charter's process, City Attorney Hahn would in 2001 win election as the city's next Mayor, and then had to face some of the same issues that Riordan had in terms of the Mayor-City Attorney relationship.

Natural Boundaries: the 1999 Charter would address L.A.'s difficult politics of redistricting. One of the complaints made by San Fernando Valley residents was that the city drew too many "over-the-hill" districts. Rather than maximizing the Valley's influence by fitting as many districts as possible within it, the city had drawn lines that often combined Valley and non-Valley communities. Consequently, the Council members for those districts would be pulled different ways by the various neighborhoods they represented. Because the city held over 3.5 million residents, and they were represented by a mere 15 Council members, representation would always be an issue at the neighborhood level. But the feeling by many Valley people that Council members should not represent areas with conflicting interests drove interest in redistricting. It might actually be better if districts did cross lines, so as to make members think beyond the most parochial concerns, but that possibility was not acceptable to the potential secessionists on the commissions and in the neighborhoods.

In order to deal with this problem, the 1999 Charter established advisory redistricting commissions for the Council and for LAUSD's Board of Education. If the Council's 15 members were challenged with an impossible task, then clearly the school board faced an even more Sisyphean chore. The LAUSD was larger than the

City of Los Angeles, serving nearly four million residents and 750,000 students. Yet there were only seven members on the Board of Education, and under the terms each was paid $24,000 annually. In order to ease the work of the city's two policy-making boards, the 1999 Charter's framers attempted to provide them with more feasible districts. The Redistricting Commissions would act under the following mandate: "All districts shall be drawn in conformance with requirements of state and federal law and, to the extent feasible, shall keep neighborhoods and communities intact, utilize natural boundaries or street lines, and be geographically compact." For the school board, the district lines were also to "conform to high school attendance zones".[83]

Neighborhood Empowerment: One of the most important elements of the 1999 Charter was the participatory democracy achieved through a new system of neighborhood councils (NCs). The framers of the 1999 Charter hoped to "promote more citizen participation in government and make government more responsive to local needs". These NCs would be part of "a citywide system" and be assisted by a Department of Neighborhood Empowerment (DONE). The NCs would "include representatives of the many diverse interests in communities and…have an advisory role on issues of concern to the neighborhood." The NCs would elect or select their officers, not be themselves elected. The activists had wanted elected and decisional NCs rather than appointed and advisory bodies. Yet one problem with electing NCs was that the ACC and ECC wanted to include all stakeholders, but non-citizens would not be allowed to vote if the NCs' members were elected city officials.[84]

DONE was required to prepare a plan to assure that the NCs materialized rather than merely existing only on the pages of the Charter, as had the boroughs of 1909-1924 and the Advisory Borough Boards of 1925-1973. The Plan was required to make the NCs available to all parts of the city, so no one would be left without one, but also to identify "boundaries that do not divide communities". Given parochialism so great that San Fernando Valley residents had fought over where to locate the signs indicating where West Hills ended and Canoga Park began, this was an important point.[85] DONE would be led by a seven-member board, appointed by the mayor "from diverse geographic areas" and removed by the same provisions as most other commissioners.

The 1999 Charter required that: "The Department of Neighborhood Empowerment shall develop a Plan for a citywide system of neighborhood councils". In drafting the Plan, DONE was to take "public input" in the formulation of the Plan. The Plan would contain regulations to "establish the method by which boundaries of neighborhood councils will be determined. The system for determining boundaries shall maintain neighborhood boundaries to the maximum extent feasible, and may consider community planning district boundaries where appropriate." "The Regulations must ensure that all areas of the City are given an equal opportunity to form neighborhood councils", "establish the procedure and criteria for recognition or certification of neighborhood councils", "shall not restrict the method by which the members of a neighborhood council are chosen, if the process otherwise satisfies the

requirements of this Article" , "require that neighborhood councils adopt fair and open procedures for the conduct of their business."

Date Certain: the 1999 Charter framers wanted to make absolutely certain that the City Council could not block the formation of these NCs, as had happened with the boroughs. Consequently, Article IX set time limits on city action. "The Mayor and Council shall provide for the creation of the Department of Neighborhood Empowerment and appointment of the general manager within 120 days of the effective date of this Article." Yet even a General Manager might block implementation if he or she was responding to outside pressures. A number of Downtown businesses shuddered at the extra costs of business that a network of NCs could impose. While the NCs created by the 1999 Charter were appointed and advisory rather than the elected decisional NCs that most feared might be inconsequential in the long run. Once these institutions were placed in the charter, it would become impossible to predict what further charter amendments could make them over time. Some perceived the weak NCs of the 1999 Charter as only the entering wedge.

To further assuage fears that the NCs would only be temporary, and last long enough to forestall secession, the 1999 Charter protected DONE from being deprived of its mandate, except through charter change: "Notwithstanding any other provision of the Charter, the Mayor and Council shall not transfer powers, duties or functions of the Department of Neighborhood Empowerment to any other department, office or agency…during the first five years after implementation of the Plan…." The DONE

would not be subject to the Mayor's powers of reorganization. If the charter framers wanted to prevent the Reorganization of the City, which is what the Local Agency Formation Commission would call the secession vote of 2002, then DONE could not be reorganized into oblivion by a Council upset about its loss of neighborhood power to the NCs and DONE.

The 1999 Charter framers thought that time limits should not only be placed upon appointment of a General Manager, but even on the DONE's plan. "The Department of Neighborhood Empowerment shall complete development of the Plan and present the Plan and all necessary Regulations for a system of neighborhood councils to the Council and Mayor within one year of the establishment of the department and commission. The Council shall consider the Regulations, and within six months after presentation of the Plan to Council may adopt ordinances to implement the Regulations as proposed, or as modified by the Council consistent with the requirements of the Plan set forth in Section 904. If implementing ordinances are not adopted within this time period, the Regulations shall become effective, and to the extent not inconsistent with law shall be binding upon all city departments and offices." "Neighborhood councils may petition for certification or recognition in accordance with rules and procedures set forth in the Plan."

All NCs were to submit bylaws showing at minimum "the method by which their officers are chosen…neighborhood council membership will be open to everyone who lives, works or owns property in the area (stakeholders)…assurances that the members of the neighborhood council will reflect the diverse interests within their

area…a system through which the neighborhood council will communicate with stakeholders on a regular basis…a system for financial accountability of its funds; and…guarantees that all meetings will be open and public, and permit, to the extent feasible, every stakeholder to participate in the conduct of business, deliberation and decision-making." Using these guidelines, local groups would certify 88 NCs, and within a decade of DONE's creation a full 3,485,085 of the city's 3.8 million residents would live within areas included within an NC's boundaries.[86]

The DONE would be equipped with an Early Warning System, which would aid in "receiving input from neighborhood councils prior to decisions by the City Council, City Council Committees and boards and commissions. The procedures shall include, but need not be limited to, notice to neighborhood councils as soon as practical, and a reasonable opportunity to provide input before decisions are made. Notices to be provided include matters to be considered by the City Council, City Council Committees, and City boards or commissions." This system would assist NC residents in persuading City Hall to consider their needs. In addition to merely being informed by city agencies, the NCs would be able to interpellate them. NCs could "monitor the delivery of City services in their respective areas and have periodic meetings with responsible officials of City departments, subject to their reasonable availability." In order to further empower NCs, the 1999 Charter allowed the Council to "delegate its authority to neighborhood councils to hold public hearings prior to the City Council making a decision on a matter of local concern."

Show Me the Money: of course, the NCs and DONE would need a funding source to survive. Neighborhood Empowerment Guru Greg Nelson was a key advocate of strong NCs in his work as Joel Wachs' Council Deputy. Nelson may not have believed the numbers that CAO Keith Comrie generated to scare the commissions about the costs of the NCs, but Nelson knew they needed money. ECC member Bennett Kayser had led the commission's efforts on NCs, but envisioned the strong elected decisional NCs as the model. In the second phase of ECC's work, when the body moved from Committees to Task Forces, leadership of the NC-related task force would move from Kayser to Bill Weinberger. Weinberger drafted the terms of Article IX, insisting upon clear monetary provisions.

Two Sections would answer the money question in Charter Article IX. First, the NCs would be allowed to seek funds for community projects rather than facing a one-size-fits-all menu of city services: "Each neighborhood council may present to the Mayor and Council an annual list of priorities for the City budget. The Mayor shall inform certified neighborhood councils of the deadline for submission so that the input may be considered in a timely fashion." Secondly, the NCs would need a department with funds to defend them. Consequently, the Neighborhood Empowerment article specified an appropriation process: "The Mayor and Council shall appropriate funds for the Department of Neighborhood Empowerment and for the startup and functioning of neighborhood councils for the first two years after the effective date of this Article. Funds shall be appropriated into a special fund to be established by ordinance. The Mayor and Council shall thereafter appropriate funds

for the department and neighborhood councils at least one year in advance of each subsequent fiscal year." Finally, the 1999 Charter established a review process to evaluate "the efficacy of the system of neighborhood councils no later than seven years after the adoption of the Charter." A review commission would be charged with assessing the system to determine whether the innovation was working to specs.

Social Reform

The most important social reform that would be part of the 1999 Charter was the living wage. Los Angeles had already adopted a living wage ordinance (LWO) years earlier, but the new section in the charter was something special. Section 378 states: "The City shall require that a living wage be provided to the employees of those doing business with the City in a manner to be prescribed by ordinance." First, this section represented yet another L.A. reform first, making the city the first in the country to require in its Charter that the city pass a LWO. Second, the terms of the section were written to apply to all of the employees of a company doing business with the city, not just those who worked on the company's contract with the city. Of course, the Charter section did not establish an index or set of criteria to determine that the wage set by the Council would actually meet the cost of living.

Employees would not acquiesce in the passage of a new charter unless they were given something in return. They may have felt sure that the removals of some of the Charter's civil service and pension details were not injurious to them, but would be unwise to give something for nothing. The 1999 Charter carried the standard boilerplate to the effect that no one's civil service or pension status would be affected

by the charter change, but this was not a significant payoff for persuading employees not to campaign vigorously against the document.[87]

More importantly, the new document would guarantee that persons who were transferred from the exempt to the classified employees would keep "full seniority and other rights he or she would have if he or she had been under the classified civil service from the commencement of his or her city service."[88] The 1999 Charter would also accord civil service protection to medical staff. Provided that they were not managers, "physicians or psychologists [would]…be employed on probation for a period of two years" and "[u]pon successful completion of the probationary period, these employees shall be entitled to the rights and due process procedures" of the civil service.[89] However, the real *quid pro quo* seems to have been the addition of retiree members on all three of the employees' pension boards. The 1999 Charter also increased the authority of the boards of the pension and retirement systems to make investment decisions.[90]

The final significant social reform would be an amendment to the city's planning process. The city's residents in the San Fernando Valley and other areas remote from Downtown had long complained about the inaccessibility of the city's Planning Commission. Moreover, these folks felt that the Commissioners little knew or cared about the impacts of their decisions on the lives of far-flung residents of the city. Consequently, the 1999 Charter provided for Area Planning Commissions (APCs). "The Council shall adopt an ordinance creating not less than five separate bodies to be known as Area Planning Commissions. The ordinance shall establish the

boundaries of the area to be served by each Area Planning Commission, which shall be drawn so that all areas of the City are served by an Area Planning Commission". In order to assure that the APCs would be more sensitive to the needs of those interested in their actions, the new charter would make "residency in the area served by the Area Planning Commission…a qualification for appointment." The appeals from APC action would be heard by the citywide Planning Commission. Ultimately, dissatisfied residents would be provided a route for appeal to the Council itself, as that was required by California law.[91]

Moral Reform

One of the biggest problems with the 1925 Charter had been its amendments over time in the area of the LAPD. The disciplinary procedures were widely perceived to have created a Department that viewed itself as the "thin blue line" between white society and the stereotyped disorder of Southcentral. The Christopher Commission had brought some improvements in the form of 1992's Proposition F, and this foundation had been built upon with the creation of the Office of Inspector General, but much still remained to be done in this regard. Memories of Mark Fuhrman and his role in the O.J. Simpson investigation were very fresh when the two charter commissions took on this subject.

In an article for the *Los Angeles Times Magazine*, Inspector General Katherine Mader publicly drew attention to the fact that the LAPD was not allowing her to do her job. To the staff of the ECC, she alleged that letters left in her whistleblowers' mailbox were fingerprinted by the Chief of Police's staff to determine who was

snitching on the Department. Ordinarily, this would have seemed like paranoid nonsense, but given a Department history that included car bombing of an investigator probing the LAPD during the Shaw Administration, anything seemed possible. When it turned out that pro-Police Chief propaganda anonymously sent to ECC had been franked by the law firm at which the President of the Police Commission worked, staffers were willing to suspend disbelief at the prospect of other shenanigans.

LAPD Blues: the ECC's Executive Director was very concerned that the commission's report on the structure of LAPD management would be biased in favor of one side or another of the controversy. Consequently, he went through the report with its co-author (the author of this dissertation) to ensure that not a single word, comma or period would unfairly portray the Chief of Police, the Police Commission and its Executive Director (the appropriately named Joe Gunn). Ultimately, at the meeting where the report was publicly discussed, both the LAPD brass and the ACLU would laud the ECC for having assembled such an objective assessment of the Department's Charter structure.

The ECC members were concerned with the LAPD, and set themselves the task of improving this Department. The opportunity for improvement was real, given that the ECC President Chemerinsky was a leader in the local ACLU, ECC member Dennis Zine was one of the Directors of the Los Angeles Police Protective League (LAPPL), and ECC member Marcos Castaneda was a 14th District Council Deputy ambitious to bring a true civilian police review board to L.A. to improve the LAPD's treatment of people of color. Unfortunately, ephemeral events would intervene.

Dennis Zine would be accused of sexual harassment by two women working at LAPD, and Marcos Castaneda would be apprehended by the LAPD, allegedly in the middle of receiving fellatio from a prostitute one day over her eighteenth birthday.[92] The review of police discipline sputtered with these events.

In the end, the charter commissions would have to settle for minimal enhancements to the LAPD's structure and its disciplinary procedures. Section 573 of the 1999 Charter states: "The Inspector General shall report to the Board of Police Commissioners and shall have the same access to Police Department information as the Board of Police Commissioners. The Inspector General shall have the power and duty to…audit, investigate and oversee the Police Department's handling of complaints of misconduct by police officers and civilian employees and perform other duties as may be assigned by the board…conduct any audit or investigation requested by majority vote of the board…initiate any investigation or audit of the Police Department without prior authorization of the Board of Police Commissioners, subject to the authority of the board by majority vote to direct the Inspector General not to commence or continue an investigation or audit…keep the board informed of the status of all pending investigations and audits; and…appoint, discharge, discipline, transfer and issue instructions to employees under his or her direction." The revisions to the LAPD were too late to prevent the Rampart Scandal, which would blow up two years later, revealing the troubles at the Department and costing the city a chunk of its Master Settlement Agreement tobacco money to remedy with innocents who were imprisoned based on alleged cases of perjury by LAPD's finest.

One of the few changes that the 1999 Charter would make regarding the LAPD was allowing its employees and those at LAFD to have their domestic partner treated as a "'qualified surviving spouse' for purposes of the Fire and Police Pension Plans". Yet this principle had become part of the charter through an amendment a few years earlier, so this change merely retained this language in the new and improved form.[93] The 1999 Charter would also respect L.A.'s diversity in terms of appointments, of course including the Police Commission as a special case. In making any commission appointments, the: "appointing authority shall strive to make his or her overall appointments to appointed boards, commissions or advisory bodies established by the Charter or ordinance reflect the diversity of the City, including, but not limited to, communities of interest, neighborhoods, ethnicity, race, gender, age and sexual orientation."[94]

Representing Diversity: drafting an organic law for a city whose diversity has made it an ethnic laboratory—an experiment in whether a multicultural republic can fulfill its promises to all of its citizens—the framers of the 1999 Charter would carefully address the crying need to take L.A.'s diversity into account. As the constitution of a city, the charter represents the constitutive rules, indicating who belongs and what that belonging means. To show its appreciation of this fact, the charter framers included two separate clauses prohibiting discrimination. The first of these non-discrimination clauses dealt with employment: "In the employment of persons in the service of the City, there shall be no discrimination in selection or

compensation on account of race, religion, national origin, ancestry, sex, sexual orientation, age, disability, or marital status."[95]

The second non-discrimination clause extended the domestic partner spousal benefits that public safety workers already held to all of the city's pension and retirement systems: "Notwithstanding any other provision of the Charter, the City shall not discriminate in the provision of employee benefits between employees with spouses and employees with domestic partners. The Council shall adopt ordinances to implement this provision."[96] Spousal benefits for domestic partners have been incorporated into the charter language of several cities, and have brought even more conflict to the charter reform process. One of the roads not taken in the 1999 Charter concerned reproductive rights. When the ECC's President attempted to introduce that subject into charter reform, worrying that the U.S. Supreme Court's interpretation of state's rights would eventually place the abortion issue in the hands of state and local officials to address in light of their own "community standards," the ECC experienced protests by the Right to Life movement, bearing giant pictures of aborted fetuses.[97]

While they were unwilling to delve further into the issue of partial birth abortion, the charter commissions did address issues of great sensitivity to other groups. The charter commissions viewed some departments as better established by ordinance and left out of the charter where the temporary sensibilities of city residents would be written into the document on a long-term basis. Thus, the 1999 Charter omitted to mention four departments: Animal Regulations, Building and Safety,

Cultural Affairs and Transportation. Three of these departments had been in the charter, and the fourth (Cultural Affairs) had been an ordinance-created department.

Animal rights activists have long been concerned with the way in which the Los Angeles Department of Animal Regulations implements its policies on animal control, especially in terms of euthanizing displaced animal companions. Building and Safety is a Department whose mandate has been of particular importance to the city's less fortunate residents, who have been subjected to substandard housing by exploitative slumlords. Cultural Affairs is a department of special significance to under-represented and disenfranchised groups within the city. Transportation is also a Department whose importance to Los Angeles is obvious. Yet the omission of these departments from the charter did not mean that they were insignificant, or that they should be abolished. It only meant that such flexibility would be needed to handle these matters with sensitivity and perspicacity that they were better left to ordinance, which Section 115 of the 1999 Charter did.

Conduct Matters: one of the important things to understand about charter reform is that transitory issues are brought onto the agenda and into the charter through mere contingency. When Council member Mike Hernandez pleaded no contest to drug charges in the mid-1990s, L.A residents were scandalized. The Council had procedures for censuring members, but they could not be applied if a legislator had pled no contest to charges. Even though this incident was a bolt of lightning out of the sky, and providing for it in the charter would be analogous to closing the corral gate after the horse had run off, the charter commissions felt the

need to fix the problem. The 1999 Charter would be offered to voters with a code of conduct and censure for elected officeholders: "All elected officials of the City are expected to conform to the highest standards of personal and professional conduct." The Council could vote by two-thirds majority to censure any Council member guilty of a "gross failure to meet such high standards".[98]

Other details would also be added to the charter, making it resemble even more an operations manual than an elegant constitution. The city included standards for delivery of services: "Every City office and department, and every City official and employee, is expected to perform their functions with diligence and dedication on behalf of the people of the City of Los Angeles. In the delivery of City services and in the performance of its tasks, the government shall endeavor to perform at the highest levels of achievement including efficiency, accessibility, accountability, quality, use of technologically advanced methods, and responsiveness to public concerns within budgetary limitations. Every analysis and review of the performance of the government and its officers shall seek to ascertain whether these high standards are being met, and if not, shall recommend methods of improvement."[99] These standards would be hortatory rather than mandatory, and were opposed by ECC staffer Steven Presberg as inappropriate, but charter framers kept them in the document.

Yet another example of material that advocates of the elegant constitutional model would have omitted from the 1999 Charter was the item of joint labor-management partnerships. The ECC found about these in its research on the Department of Public Works (DPW). The DPW had found that when the

Department's workers were asked by their managers to submit suggestions for efficiency, several of the DPW's functions increased greatly in productivity, enabling the Sanitation Department to offer service at lowest than private companies. The 1999 Charter required the city to "encourage" these partnerships so as "to set goals, encourage agreements, solve problems, create incentives for outstanding individual or team performance and encourage flexibility and innovation. Collective bargaining and discipline shall not be within the jurisdiction of these partnerships."[100]

Developmental Reform

The 1999 Charter would largely retain the developmental reforms that had built the city under the terms of its 1873, 1889 and 1925 charters. The charter commissions would make only a few changes to the proprietary departments, and they would actually restrict these "magic agencies" that had been responsible for the city's growth. First, the 1999 Charter required that: "Every two years, in conjunction with submittal of its annual budget, each Proprietary Department shall submit a debt accountability and major capital improvement plan to the Mayor, Council and Controller."[101] This item had become part of the agenda due to a report released during the charter reform process by Controller Rick Tuttle. He noted that under the Riordan Administration, the city had assumed an unsafe level of city debt. With this charter section, the commissions hoped that the city would be able to rein in spending.

The other four sections concerning the proprietary departments would require that the proprietary commissions pay greater attention to the neighborhoods that faced the greatest levels of externalities due to the departments' operations. Consequently,

the Airport Commission would be expanded from five members to a seven-member panel. The Charter would require that at "least one member shall reside within the area surrounding Los Angeles International Airport and at least one member shall reside within the area surrounding Van Nuys Airport".[102] A similar innovation would occur in terms of the Harbor Commission. Section 650 of the 1999 Charter mandated that one of the five Commissioners reside "within the area surrounding the Harbor District".[103]

Continuity between the old and new charters

The 1999 Charter introduced such important and potentially decentralizing innovations as Area Planning Commissions and Neighborhood Councils, but also showed remarkable continuity with past charters. The same basic mayor-council system Los Angeles has had since 1812 remains in place today. Commission plan principles persist in the council's division of city business into functions supervised by each member in his or her capacity as a committee chairperson. Council manager concepts survive in both departmental chief executive officers and the CAO's successor, the Office of Administrative and Research Services (OARS).[104] Los Angeles never met a charter it didn't like, so its voters have managed to incorporate concepts from every model charter for which reformers over the years have proselytized. Over a century of amendments and a couple of new charters have resulted in an organic law including some of the language from 1889 and organization that dates back even further. Indeed, the city today has a mayor and a 15-member council elected by districts, just as it did in 1878.

Charter reformers also sought to make the document more elegant, removing some of its mind-numbing detail to make it more like a constitution and less like an operations manual. Therefore, the details of some departments were moved to ordinance; furthermore, competitive bidding details became part of the Administrative Code; some of the details on elections and pensions were also moved into city ordinances. Yet most of the details on all of these remained in the charter. For cosmetic purposes, the charter was divided into two parts, with the civil service and pensions provisions in the second volume. In practice, this means the staff of the City Attorney will just have to carry two small volumes now rather than one large tome.[105]

Following the historical trend in ways they were possibly unaware, 1999 Charter proponents proclaimed: "THE PROPOSED NEW CHARTER IS MUCH BETTER THAN THE EXISTING CHARTER." This is not the same as claiming to have drafted the perfect local constitution. It is similar to touting a product as "new and improved," but also implies that the existing charter was so problematic that anything might be an improvement. Representation was a major selling point for proponents of the 1999 Charter. Its supporters contended the document would provide residents with "a bigger voice in how their communities are represented, governed, and developed." [106]

Secession Insurance: Representation was an important issue to community groups and leaders who were advocating secession. The NCs, APCs and the enhanced redistricting process were all offered to these groups, and touted in the ballot arguments as well, as examples of how the new charter would improve representation.

All of these innovations were supported by most of the Harbor area and San Fernando Valley leaders who participated in charter reform. Many of these leaders endorsed the charter, and stated that the charter should be passed for these improvements alone, even if they continued to work for secession of their communities from the city.[107]

The 1999 Charter also promised representational gains that would especially benefit community leaders from the Harbor and Westchester areas. Both regions had expressed interest in secession because they felt having the ports in their communities meant they were called on to make the greatest sacrifices to the needs of the whole city. To ensure port commissioners would manage the city's ports with greater sensitivity to the externalities these infrastructural assets impose disproportionately upon their immediate neighbors, the charter had granted representation on the proprietary commissions. As a further sop to the neighbors of the city's ports, both port police agencies were to remain separate from LAPD control. This was an important win for Harbor businesses and a loss for Chief Parks, who requested unification of city policing to create "One City, One Department."[108]

Checks and Balances: Yet proponents of the new charter would trumpet its many other virtues: specifically, its maintenance of the more desirable features of the old charter. They claimed the new charter would make government "more accountable while preserving checks and balances…." Every charter reform commission convened since 1925 has decried the lack of executive branch accountability to the mayor. Many of the 1999 Charter framers were likewise convinced that it was necessary to strengthen the mayor to make it possible for voters

to hold their government accountable. However, the charter commissioners also thought it was vital to maintain checks and balances, both to prevent a municipal dictatorship and to assuage the voters' concerns that they might concentrate too much power in too few hands. The decision on how to fix the Prop 5 problem encapsulated this dilemma for charter framers.[109]

The review and overrule of commission decisions, which has been called Prop 5 since its addition to the charter, was an important center of charter reform debate. Mayor Riordan, and even Mayor Bradley who accidentally permitted the measure to be placed on the ballot, had protested Prop 5 since its ratification by the electorate. When Bradley and his staff tried to retract the measure, they were unsuccessful.[110] Prop 5 was one of the most controversial issues charter reformers faced; the very name had become shorthand among discontented city government observers for the problem of council micro-management under the 1999 Charter.

The substitution of the legislative veto for Prop 5 would restore some of the authority of the executive branch.[111] The new charter struck the same balance between council oversight and council micro-management of city boards and departments with regard to long-term contracts. The council could reject these contracts proposed by boards, but not modify them to suit its own preferences.[112] Some hoped that this alteration would ultimately work like a developmental reform, making it easier for Los Angeles' Harbor to compete with its neighbor, the Port of Long Beach. Because the new charter preserved the council's ability to block board decisions, its framers could argue that it preserved the city's checks and balances

system. At the same time, charter allies could contend they improved governmental efficiency and preserved the advantages of the board system.[113]

Charter commissioners were very concerned with the issue of retaining the city's checks and balances. In terms of areas where the mayor had asked greater authority—such as control of litigation, IGR leadership, emergency power, executive orders, temporary transfers of budgetary funds and personnel, and control over commissioners and general managers of city departments—the mayor's office secured considerable change, but not nearly as much as they wanted. The commissioners tried to enhance accountability in all of these areas, but to establish a clear check on mayoral authority. The charter would enable the mayor to remove commissioners without council approval, but would protect Ethics and Police commissioners with special provisions. The new charter would improve the position of the mayor relative to other city officers and departments in virtually every area requested, but not as much as the mayor wanted, and always subject to checks so that the banner of accountability would not justify establishment of a dictatorship.[114]

In order to assure these checks, the new charter instituted innovations suggested by other city officers besides the mayor. For example, Controller Rick Tuttle requested and the 1999 Charter would require that the Controller's office issue debt impact statements and monitor city debt. The new charter also required the controller to audit departments under new and more stringent terms than previously, and required this officer to conduct performance audits of the city's departments. The 1999 Charter had provided for management audits by the CAO, but that officer had

not been allocated adequate funding to undertake these audits, and arguably was not insulated from mayoral pressure sufficiently to do them properly. As a separately elected officer not subject to removal by the mayor and council, the controller could actually audit executive branch departments independently.[115]

The checks and balances issue was so important that the proponents of the new charter made their third line argument on the same issue. They claimed, "The new Charter preserves what is best about the current Charter." As an example, they cited the charter's maintenance of an "elected City Attorney" as an "independent legal voice." To counter the CAO, who had denounced their charter because it abolished his position, they pointed to OARS. OARS was intended to serve as an "independent, professional office of administration to provide impartial information and analysis." They pointed out the document's continuation of the city's civil service and retirement systems. Based on these virtues, the authors of the ballot argument favoring adoption of the 1999 Charter encouraged voters to: "Join the broad alliance for charter reform and vote yes for the reform charter."[116]

Charter Reform Potpourri: The 1999 Charter made so many important innovations that the ballot arguments were not permitted by law to include enough words to cover all of them.[117] These improvements were desultory in that they were fixes to particular problems that had arisen under the previous charter. For example, in order to deal with the issue of whether the Board of Public Works could effectively manage its department, the new charter established a general manager.[118] As

indicated above in the section on social reform, the new charter compensated city unions for their active participation in the process.[119]

Despite its many innovations and improvements on the old document, the 1999 Charter did not represent the last word in Los Angeles charter reform. Since voters ratified the new municipal constitution, they have approved all five of the charter amendments they have seen in three subsequent elections. Unsurprisingly enough, three of the amendments addressed public safety pension details and a fourth altered police disciplinary procedures. Charter amendments of this type have been frequent visitors, perennially filling L.A. ballots. The fifth of these amendments to the new charter was also typical: it fine-tuned the charter incrementally while altering the city's elections schedule for the tenth time since 1889.[120]

Charter Reform Issues: a few issues have emerged repeatedly throughout the history of Los Angeles charter reform. Some of them date back to the debates at the United States' 1787 Constitutional Convention. How should the executive and legislative branches be balanced?[121] Should democracy be representative or direct? Other issues L.A.'s charter reformers have addressed concern questions that have challenged Americans since the Progressive Era. How do we balance bureaucracy and democracy? Should constitutional change be easy or difficult? Los Angeles charter reformers have faced these issues many times, and their answers have not been simple. Rather than choosing between direct, participatory and representative forms of democracy, the 1999 Charter includes all three.[122]

In the most recent charter, the city maintained its unique system of mayor, council and citizen commissions. The new charter also retained the city's plural executive, with separately elected mayor, city attorney and controller. The Unified Charter preserved the mayor-commission-general manager-department chain of command. Finally, the 1999 Charter continues to resemble a detailed operations manual more than the general statement of principles we expect a constitution to be.[123] Charter framers did not deal with the inherent conflict between administrative efficiency and democratic accountability. The watchwords of the reform process, as expressed in a meeting in his district by Commissioner Rob Glushon, were flexibility, efficiency, accountability and responsiveness.[124] But despite his background as a Transportation Department commissioner for the city, and a very successful land use attorney, Commissioner Glushon seemed as unaware as most of his fellow commissioners of the tradeoffs between flexibility and efficiency, on the one hand, and accountability and responsiveness, on the other.[125]

The discourse of checks and balances was hegemonic, and commissioners tapped into it when they were arguing for weakening the checks that were causing micro-management. As commissioners themselves, the charter framers once again needed to address the function of city commissions. Are they for representation or administration? Over the years, citizen commission after citizen commission has recommended getting rid of administrative citizen commissions. Can citizen commissions hold bureaucratic departments full of experts accountable? If citizen commissions are to ensure representation, are they sufficient? If the new

neighborhood councils enhance representation, are citizen commissioners even necessary?

Democratic dilemmas: the dilemmas of representative democracy, which were debated at the Constitutional Convention and explored in the *Federalist* Papers, also drove the conflict over council size. What role in representation should council members play? Should there be more council members?[126] African American commissioner Woody Fleming compared the dilemma he faced on supporting a larger council to the Missouri Compromise. At least it meant there were some free states, but it also meant there were slave states. Establishing more council districts would raise the probability that African Americans would still be able elect some council members in the future when Latinos achieved the political power their numbers provided. However, these African American council members would have less power because the council would divide power over more members. The question of council size overlaps into the question of neighborhood councils, boroughs and area planning commissions because the underlying issue concerns representation and democracy. Should the city prefer direct, participatory or representative democracy? How should public input be registered, articulated and accommodated in a local government of, by and for the people?[127]

In each round of reform, charter reformers have expressed a desire to drop the details from the document. But this has been easier said than done, and consequently major portions of every old charter have been carried over into "new and improved" charters. Every new charter effort has wanted to change the charter from an

operations manual to a concise framework outlining clear procedures for governance. Ultimately, each has continued the old rules, even if this has meant placing them in a second charter volume to create the illusion of elegance. The 1999 Charter's framers never heard the advice given to the board that drafted the 1925 Charter: that they should retain those charter features specifically approved by the public. But their political instincts and compromise process meant that they did just that. Therefore, they ended up preserving much of the messy detail that voters had put into the charter over the previous seven decades. The 1999 Charter would reprise parts of the 1925 Charter and the amendments from 1926-1998, just as the 1925 Charter echoed the 1889 Charter and the amendments from 1902-1923.

Discontinuous Change or Not

In explaining the need for a Constitution, James Madison once wrote that "if men were angels, no government would be necessary."[128] For the City of the Angels, it seems that no government is good enough. A look at over a century and a half of charter reform makes it clear that Los Angeles is obsessed with fine-tuning its local constitution. Yet there may be limits on what any structure can do. In drafting the 1999 Charter, both appointed and elected commissioners hoped that the document could hold the city together when secession movements were threatening to rip it apart. Raphael Sonenshein has argued, in fact, that the 1999 Charter held the city together. His contention is that the city was "at stake," and the threat of secession made it possible to break L.A.'s charter reform equivalent of the Curse of Bambino and enact the 1999 Charter.

Ironically, because Sonenshein was the Executive Director of the ACC, some of the actions by the ECC confirm his views. In presenting their new charter proposal to the city in a news conference, ECC members wore three-cornered hats to draw symbolic parallels between themselves and the founders of the United States. Months before, they had even held a citywide Constitutional Convention.[129] But was the 1999 Charter actually revolutionary? Did it represent a fundamental break with the past, a discontinuous change?

An analysis of the summary of the 1999 Charter that was placed in the ballot book for voters can give an idea of the degree to which the document retained the features of the old Charter. More than any other verb, the summary contains the word "retains". There are 38 separate charter items that the analysis identified as having been retained. The verb "adds" showed up 34 times in the ballot, most of which were over small changes. There were 23 other verbs describing the changes the charter would make. The verb "changes" was used five times. The words "authorizes", "increases", "moves" and "transfers" would each be employed four times. The verb "removes" was used once, as was the verb "replaces". The latter merely indicated the decision to put the charter in two volumes rather than one. What is most striking from this examination of the summary is how very small the substantive changes were.[130]

Mixed Emotions: The achievement of the ACC and ECC in arriving at a Unified Charter and securing ratification of the document meant mixed emotions for some ECC members. On the one hand, they had succeeded where 75 years of charter reformers had failed. On the other, the charter proposal that they had endorsed and

campaigned for the public to ratify was not the elegant, federal model charter that many members saw themselves as providing for the city. Architect Chet Widom indicated that he would have liked to give the city a constitution that resembled the one the Founders of the United States had drafted, with simplicity and elegance.

Instead, the new charter would be released in two volumes to make it appear through this artificial liposuction that the document had lost weight. In fact, most of the pension, civil service and other details that rendered the 1925 Charter as flabby as a faded celebrity performer found their way word-for-word into the new charter. Instead of a lean, mean governing machine, the city would continue to operate under a detailed operations manual, from which no interest group fat had been pared. The ACC and ECC put the charter in a girdle, did a quick facelift and slapped on a lot of makeup, and rolled it out onto the carpet like an aged Hollywood siren.

That should be no surprise for those who have learned of the history of the charter reform process in Los Angeles. Just as the movie business continues to slap together the same basic plots and make potboilers featuring new stars playing in the same old roles, the new charter needed to take care of business. The Los Angeles Charter became a beefy document doing the heavy lifting of building a city by building its infrastructure. The detailed provisions regarding revenue bonds and water rights helped put the city together, and it would cut into the city's muscle and sinew, not its fat and cellulite, to do plastic surgery on that organic law's tissue. The extensive pension and civil service provisions for workers were the price of admission.

While it is true that a more elegant charter might ease the city's business by removing all of the provisions that hamstrung efficient operations, it is also correct that not a word of the charter is there by accident. The charter amendments that have stacked the deck in favor of particular coalitions over time remain for all to see. Nothing so reveals the political plate tectonics of L.A.'s interest group constellation as the charter amendments that have been accumulated sedimentarily over so many years. If a Heinrich Schliemann were to excavate the political history of L.A. to find the Trojan (and Bruin) roots, then he could do much worse than to start with the city charter and the layers of politics that it contains. The city's layers of charter amendments contain the fossils of political movements long gone.

In the 1940s, the city passed charter amendments forbidding individuals who had advocated sedition from working for the city, as it had made it unlawful for the city to hire undocumented workers on public works in 1926. In 1967, the city would pass a charter amendment to restore the service credit of Japanese Americans who had been interned during the Second World War. In 1920, after the shooting had ended in the war to end all wars, the city granted veterans credit on their civil service examinations. The city came close to including provisions against employing Chinese in the 1889 Charter, but did not do so because it was unnecessary to do so because of state law.[131]

Echoes from the Past: given that the charter has been built over time, it is not surprising to hear the same issues echoing over the years. In the 1990s, Mayor Riordan would seek to expand city revenue by using the proprietary departments as

cash cows. He was blocked from selling the LADWP off to Duke Energy only by the aggressive efforts of L.A.'s Chief Legislative Analyst (at this writing, LADWP's General Manager).

Likewise, Riordan's efforts to use the airport were blocked by FAA action. Moreover, the Nexis litigation blocked his attempt to use the Harbor Department to enhance revenues to the Police Department; the Mayor's action would have violated the Tidelands Trust Act. The same issues had emerged in charter reform back when the issue was public versus private ownership, and whether to use the proprietary departments to improve the city's infrastructure or pay for other city services and provide tax relief. Of course, the Prop 13 problem of revenues would not arise until post-1978, restricting municipal autonomy and making the choices between Police and other services and maintenance of infrastructure a thornier problem.

Charter reform is reminiscent of the wise words of Yogi Berra, "It's Déjà vu all over again." Thus, Erwin Chemerinsky and Chet Widom would repeat what earlier elected charter commissioners William H. Workman and John R. Haynes had written and said in 1888 and 1924, when working to secure the city's two home rule charters. Although both ECC members were from opposite camps, Commission Chair Erwin Chemerinsky and Commissioner Chet Widom would agree that the Unified Charter they sent to voters in 1999 was not a perfect document, but would agree that it was such an improvement over the inadequate and outdated "old 1925 Charter" that the change was worthwhile.

Yet the 1999 Charter would not pursue an easy path, and would build upon the charter reform efforts of many previous charter reform efforts, benefitting from the institutional memory of those charter change drives, both consciously and un. Only someone with historical amnesia would fail to see the way in which the charter reform of 1999 built upon the work of many previous reform commissions since 1888. Each of the new charters has contained language from its predecessor, from the state-provided incorporation act that would serve as the 1873 Charter to the 1889 and 1925 home rule charters. Charter reform has been an eternal work in progress, and each reform effort has, whether wittingly or not, relied upon the previous spadework. This is even true of unsuccessful charter proposals. It is difficult to understand the 1999 Charter without a comprehension of the work of the 1969-1970 Reining Commission.

Reining in the Charter: The ACC and the ECC had learned the lessons of LARC: you don't sound the alarm unless there is an emergency. By deciding that instead of examining only those issues in the charter that really needed fixing, the LARC opened the door for radical reform. Despite traditional complaints of the *Times* about the city's professional faddists, the city has never really been into radical reform. Even path-breaking amendments have taken place within the context of the otherwise intact structure of a consistent charter environment. The reform groups of the Progressive Era occasionally scored surprising victories with important reforms, but whenever they tried to throw out the baby with the bathwater and change everything, they failed.

LARC was interested in changing FOG, because they thought as the Mayor did that the structure of L.A. government made no sense. To ask amateur commissions to administer complex departments, to accord authority over executive departments to the legislature, to create a dual reporting structure, to write detailed operations into a document that is supposed to be a constitution and stand the test of time due to its flexibility: all of these make no sense as far as good public administration theory goes. But whatever works is what works, as Pope essentially wrote and Hamilton would quote.[132] A city has a culture and a structure, and they evolve together. To borrow some other city's structure and dump one's own entirely might take place if there happens to be a crisis. The Galveston Plan emerged from the impact of the most lethal hurricane in U.S. history. The adoption of the Manager plan in Dayton followed upon crisis. There is almost an organic fit between the history of a city and the charter structure and political culture that it develops. They go together and are inextricably intertwined.

There is a long-standing debate within political science and public administration that addresses the issue of whether good government is about good structure or good people. If you put good people in a bad structure, can they make it work? If you put bad people in a good structure, can they destroy things? Or does structure inherently attract certain kinds of people as the Founders of the U.S. seemed to argue? Did Washington make the Presidency great, or did the Presidency make Washington great? Would Washington have refused to serve as President if the structure only allowed him to act as a potted plant or an ornament on the ship of state?

Would Lincoln not have sought to fulfill his ambition in the Presidency, where he could preserve the Union and satisfy the eagles and lions of his ambitions if that office were a humbler post?[133]

If you create an office that will not allow the person who holds it to do anything, then will you attract good people? If you create such low-paying offices that the only reason anyone would want them is the opportunities for honest and dishonest graft that they provide, then is raising the low salary sufficient to attract the right people? These questions may be unanswerable, or they may have different answers in different cities. But they are wrapped up within the culture of a place as much as within its structure. There are cities where people seek to win offices when they carry little pay and meager power, but offer a chance to serve. There are other cities where offices carry tremendous power and pay lavish salaries, yet one sees the worst elbowing out the best to win the people's approval and take the helm.

One-size-fits-all: One cannot really create a one-size-fits-all model charter and drop that system in any given city and expect all to work out well. The city has a history, and it sets limits and opens up possibilities for what charter reformers can accomplish. Both the LARC and its proposed charter had a more properly organized and modern and businesslike structure than the whole city. But rationalization was not what the city was ready for. Ironically, in the fight between the ECC and the ACC, the two commissions replicated the problems of the city itself and in overcoming their problems provided a path for the city itself to follow. The ECC featured fifteen independently elected commissioners representing the Council Districts for which

some members would later legislate. Each commissioner had his or her own agenda, and fought his or fellows over issues and even staff work. The ECC's Executive Director and Policy Director would act like the Council's Chief Legislative Analyst and the CAO, vying for control over the staff and how it should serve the fifteen policy makers.

Ironically enough, the ACC that the Mayor had opposed resembled the Mayor's office. Under the leadership of ACC President and Executive Director Raphe Sonenshein, the ACC would follow an outwardly more harmonious path. The author of this study received an up-close look at the internal relations of the ACC's staff by working closely with them. One ACC staffer had an agenda that was not coherent with the goals of that commission, and had to be reined in when attempting to push for a reform that ACC saw as too radical (abolition of the Board of Public Works). Yet such conflicts have historically appeared within the staffs of Mayor's office. The difference between the ACC and the ECC was that the former did not have to deal with the competing agendas of fifteen elected officials, with ambitions in many cases to become Council members. Commissioners Hahn, Kayser, Pacheco and Zine would seek Council office, and all but Kayser would become Council members for the districts they represented on ECC.

In order to overcome the internal conflicts on the ACC and especially the ECC, the two charter commissions learned to compromise. The two commissions used that method to arrive at a Unified Charter. By resolving all of the differences between the two commissions, Presidents Chemerinsky and Kieffer were also resolving most of the

battles over what the new charter should be. The compromises they forged would create a document that was not anyone's dream of the elegant charter, but also did not make many groups so upset that they would do absolutely anything to defeat it. They avoided the specter of the LADWP's anti-charter campaign that had rendered the Reining Commission's work unacceptable to the public.

In the process of seeking the compromise, the two commissions ended up replicating the city's compromise-oriented political process that the decentralized 1925 Charter had mandated. It should not be surprising that the commissions therefore produced a charter that was not dissimilar from its predecessor. Like the 1925 Charter framers, the 1999 Charter commissions would abandon the most radical charter reform goals and end up with a document that merely streamlined the previous charter and rationalized it with subsequent amendments. Just as the 1923 Freeholders had, the 1999 charter commissioners would provide for neighborhood governance to appease wayward city residents. Just as the 1923 Freeholders' instrument had done, the 1999 Charter would be accompanied on the ballot with alternative measures offering voters different options for electing the Council. These Council amendments were in 1924 and 1999 more popular with the restive denizens of outlying areas.

It Takes a Department: the counter-argument that Sonenshein would offer is the Neighborhood Councils. The 1999 Charter would finally bring to fruition the community representation promises that all previous charter framers had failed to accomplish in reality, even if they did so in theory within their charters. If Sonenshein was right, and the 1999 Charter was truly a major accomplishment, then it was

because the commissions learned one lesson from studying the history of the L.A. Charter: it takes a department. Sonenshein contends that the NCs were a major advance and really did mean that a crisis situation had changed the charter reform game and impelled the city to improve a new charter.

Yet there had been neighborhood governance institutions in the charter from 1909-1973, until they had been erased by a housekeeping amendment. Why were they never implemented? Some have argued that they were unconstitutional, and a reading of the fundamentally flawed *Crose* case indicates they were. But the 1925 Charter's framers fixed them so they would be legal. In the 1950s the state constitution was changed so that they would clearly be legal, yet no one followed up. Again in the late 1960s when they might have addressed the problems of the CVCC secession movement in the Valley, a City Attorney argued baselessly that they were illegal. When they were removed from the charter, it became a moot point. Why were these NCs or boroughs never pursued?

The boroughs never materialized because they always took Council approval to pursue, and the Council was unwilling to yield its power over local representation to anyone else, be it borough or Neighborman or even an Ombudsman they could appoint. In 1999, the Charter created a department, called DONE appropriately enough, because the Council's local representative monopoly was done, the neighborhoods would be empowered, and a department would accomplish it. If there is any lesson about how to institutionalize a particular brand of reform that L.A. offers,

it is that a department must be built into the charter to pursue it, rather than depending upon the whims of a scandal-driven reform culture.

The consistent advocacy necessary to push a certain type of reform takes a charter-mandated department, better yet with guaranteed funding to avoid the problems the Civil Service Department during the Shaw Administration. The proprietary departments, Library and Recreation and Parks held their own against reformers who wanted to take away their autonomy because of their money and personnel. Alliances with powerful employee unions that marshaled public support saved the LAFD, the LAPD and the LADWP. An ordinance department without a sure supply of funding cannot keep up; the 1999 Charter guarantees funding for DONE and thus NCs are protected. Recently, the LADWP was challenged by NCs and the NCs won! There is a real irony here, a kind of "if you can't beat them, join them" lesson. The neighborhood activists had long complained about the remote bureaucracies of Downtown, yet they would finally get what they wanted by getting a department built into that bureaucracy Downtown.

Transparent Reform: although the charter commissioners would do a PR event in tri-cornered hats to compare itself to the constitution and Declaration of Independence signers, there was really nothing very revolutionary about the 1999 Charter. Some might even compare the document to a rearranging the deck chairs on the Titanic ship of state. But that would be unfair. The Unified Charter represented a major accomplishment in pulling off the same feat the 1925 Charter framers had.

It is not easy to reform a charter in the harsh light of media scrutiny and political attention. The framers of the U.S. Constitution purposely kept their proceedings private. In fact, pursuant to Madison's promise to his fellow Constitution framers, he kept his *Notes on the Constitution* private until he died, whereupon all members of the Constitutional Convention had expired. With such comments by the Founders as Colonel George Mason's observation that it would be as appropriate to ask a blind man a trial of colors as to allow the public to select the President, it is probable that the discretion of the framers permitted their success.

Yet charter framers today must act under the harsh scrutiny of TV cameras and local journalists. The George M. Brown Open Meetings Act requires that charter commissioners conduct their meetings in public places, noticing the public within 72 hours of upcoming meetings and providing detailed agendas of items to be discussed and deliberated. Moreover, the special "meet and confer" requirements of the Meyers-Milias-Brown Act mean that the group most affected by charter change, city workers, must be given special access to charter commissions which must negotiate in "good faith" with municipal employees or face the possibility their work will be overthrown by a court challenge.[134]

How much can we expect of our local and national charters? If the founders had been correct about the necessity of the U.S. Constitution to unite the new nation, no mere document would have been sufficient to hold the country together.[135] A piece of paper can only do so much. Is a city charter enough to hold the wayward residents of L.A. together? If it was truly necessary, as many of the framers of the 1999 Charter

believed, was it sufficient? Even after the 2002 defeats of the Hollywood and San Fernando Valley secessionists, it remains to be seen whether the 1999 Charter will hold L.A. together. After all, a majority of valley voters approved secession, and who knows whether secessionists might use the "try try again" formula as successfully as charter reformers have? All that is certain is that after five more amendments to the latest charter, the fine-tuning continues. Angelenos keep on working to create the perfect charter for a city as imperfect as any other we humans have built.[136] Should we expect anything less in the city of the angels?

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[1] See pp. 1-2 of the Reining Commission's report for the passages given serially here.
[2] See p. 7 of the Commission's final report for the passage quoted here. It is important to note that the Charter that the City Council sent to the public took account of both the Council's needs and their skepticism of the Reining Charter's workability and prospects for approval, and the voters rejected a document that little resembled the Reining Commission's proposal.
[3] Erwin Chemerinsky and Sydney M. Irmas, "Requiem for Reform; This New Constitution for Los Angeles Would Provide a Blueprint for Quality Living into the 21st Century," Los Angeles *Daily News*, Valley Edition, May 23, 1999, p. V.1.
[4] This statement occurred at the last meeting of the Los Angeles Elected Charter Reform Commission on February 27, 1999. The statement is on the videotapes of the Commission meetings, available at LACA. Erwin Chemerinsky, the chairperson of the Commission, would express an even more reserved judgment of the new charter: "'I don't like the package,' Chemerinsky said bluntly, 'but I'm going to support it and urge you to support it.'" See "Charter Groups Compromise; Reform: Panelists Reject Idea of Empowering Mayor to Fire Department Heads, But Win Riordan's Support," Times, January 21, 1999, p. B1. Likewise, the Times conveyed similar sentiments from George Kieffer, the chair of the appointed Los Angeles Charter Reform Commission that also approved the charter: "This new, unified charter reflects our best thinking," Kieffer said, stressing that the document was a compromise and thus demanded sacrifices on all sides. "Everyone had to be prepared to give something up. And in the end, everyone has." See Jim Newton, "Panels Deliver Compromise Charter Plan to City Council," Times, February 4, 1999, p. B1.
[5] The turnout at the November 3, 1970 Charter election was 75.33%, while the turnout at the May 25, 1971 election on the Council Charter was 45.39%. See LACA Box B-216 Reports on registration and vote.
[6] See Ostrom, "Government and Water". The city was 107.62 square miles at the last pre-Mulholland Plan annexation of Arroyo Seco, and would be 441.23 square miles in size after annexing Wiseburn, the last area brought into the city before the MWD was formed. See the map of annexations and consolidations in Ostrom, p. 196.
[7] Former Senator Hayden gave testimony to this effect in both oral and written form before the ECC; full citation forthcoming. Hayden had run against the Mayor on the charter reform issue in 1997, and lost.

[8] Mayor Sam Yorty did not intentionally create a commission with an even number of members, which might have made votes on key matters difficult. The Commission originally included nine members, the last being Albert Zoraster. The Commission's report indicates that Zoraster "was a member of the Commission from December 1966 to March 1968 when he resigned for personal reasons." See *City Government for the Future*, p. iii. According to the California State University, Northridge's Oviatt Library's Urban Archives Center, which maintains Zoraster's papers:

> As a resident of the San Fernando Valley from 1920 to the mid-1970s, Albert Zoraster devoted much of his life to improving the quality of services in the community, particularly in the areas of transportation and municipal services. An active committee volunteer, Mr. Zoraster worked with the Los Angeles City Board of Education, the Mayor's Valley Transportation Committee, Los Angeles City Department of Airports, Valley Presbyterian Hospital and California State University, Northridge. From 1954 to 1975, he served as the director of the West Van Nuys Chamber of Commerce, and served as president of the organization from 1958-1959, again from 1962-1963 and again in 1965. Mr. Zoraster was also actively involved with California State University, Northridge, serving as president of the CSUN Presidents Club from 1971-1973, a member and trustee of the CSUN Foundation in 1973-1974, and a member of the CSUN Advisory Club from 1973-1975. Some of his contributions to CSUN include the establishment of the Zoraster Pioneer Scholarship Fund and the Zoraster Endowment for Adaptive Physical Education, as well as a number of monetary donations to CSUN's Urban Archives Center. Mr. Zoraster was a member and leader of several Valley rotary clubs and chambers of commerce including the Van Nuys Rotary Club which he was a charter member of from 1954-1975, and the Van Nuys Chamber of Commerce which he was a member of from 1928-1975. He also served on many advisory committees for the improvement of the Valley, most notably, the Industrial Association of the San Fernando Valley [now the Valley Industry and Commerce Association]. He received various civic awards, including the prestigious Fernando Award in 1975 for his philanthropy. Zoraster continued to donate his time to Valley causes throughout his retirement until his death after a long battle with cancer in April 1995.

See the url at http://library.csun.edu/Collections/SCA/UAC/DFG/az.html accessed by the author on May 26, 2008. It is unclear why Zoraster resigned. It may have been his health or possibly early involvement with the late 1960s and early 1970s Valley Secession movement.

[9] See Los Angeles City Charter Commission, *Los Angeles: City Government for the Future*, Los Angeles: Reining Commission, July 1969, (available in LACA Council File 133666; hereinafter, LARC, *Future*). There is a short biography of Bollens on pp. 207-208. However, the terse description of Bollens' experience provided in the report's appendices does not even attempt to list his contributions to the literature on urban governance.

[10] Refer to Bollens' *Study* for his assessment. Abrahams, "Functioning," p. 60 evaluates Bollens' perspective.

[11] See LARC, *Future*, p. 202.

[12] See LARC, *Future*, p. 202.

[13] See LARC, *Future*, p. 5.

[14] See LARC, *Future*, pp. 4-5 and Article 4, sections 4.02, 4.03 and 4.04 of enclosed charter proposal.

[15] See LARC, *Future*, p. 3.

[16] See Section 1.17 for the decadal commission and Article 7 for the financial structure.

[17] See Sections 2.30, 7.06 and Section 6.06, respectively.

[18] See LARC, *Future*, p. 19.

[19] See LARC, *Future*, pp. 25- 27; See LARC Charter Article 9 for details; note that 1999 Charter's DONE was also Article IX!

[20] See Section 8.07.

[21] See Article 8. Today it would be unlawful for anybody other than the Council to act as the court of last resort on a matter of an appeal in regard to planning and zoning today. The author is not certain whether this was permissible under the Health and Safety Code at the time. The consultant was Gordon

Whitnall, and his comments are in Los Angeles City Charter Commission, *Work Still to Be Done: The Final Report of The Los Angeles City Charter Commission*, Los Angeles: Reining Commission, December 1970, p. 137 (available in LACA Council File 133666; hereinafter, LARC, *Work*).
[22] See LARC, Future, p. 27, as well as Sections 2.40, 2.41 and 2.42.
[23] See LARC, p. 74; the quotation with emphasis has that emphasis in original; see also Sections 10.25-10.31
[24] See LARC, *Future*, p. 30; Article 11.
[25] See LARC, *Future*, p. 20; Section 10.08
[26] See LARC, *Future*, p. 7; Sections 4.10 – 4.12.
[27] See LARC, *Future*, p. 42.
[28] See Section 5.08; LARC, *Future*, pp. 43, 104.
[29] See LARC, *Future*, p. 42.
[30] The reform of the reform is what some of the ICMA have come to call the abandonment of the Council-manager system in favor of a strong Mayor-council system. For the purposes of this section, it means the Council's alteration of the Reining proposal, especially to restore the Council's power that LARC recommended giving to the Mayor. For the CAO's memo, see City Administrative Officer C. Erwin Piper to City Council Charter and Administrative Code Committee, December 5, 1969, Council File 133666, LACA. Piper stated that the city attorney was "concerned" with the proposed charter's "legal problems." Piper submitted two attachments 25 pages in length, dissecting and commenting critically on the proposal. Piper recommended that the CAO and city attorney re-draft the Reining charter. According to LARC, the City Attorney presented a 134-page report that in the main raised "no questions about the legality or clarity of the provisions" of the charter proposal. LARC complained, "Many of the questions were speculative and could just as easily be raised about provisions in the existing charter. Not all of the questions raised dealt with strictly legal considerations; some of the questions involved clearly policy issues." See *Detailed Report to the Charter and Administrative Code Committee: On the Public Hearings Held by the Committee on the Report of the Los Angeles City Charter Commission*, Los Angeles: City Clerk, April 1970, p. 3, in LACA Council File 133666. The LARC's statements about the CAO's hatchet job indicated that it "included considerable constructive material", but that the voluminous memo also addressed "policy questions". The LARC separated "legal questions" which were legitimately raised from "policy issues" that the Commission clearly viewed as beyond the CAO's purview. See LARC, *Future*, pp. 3-4.
[31] See p. 16 of LARC, *Work*, among other places.
[32] The council also took a dim view of LARC's proposal to make the Controller a mayoral appointee rather than a separately elected official. This would continue to be a matter of debate even during the 1999 Charter process. See LARC, *Work,* pp. 22, 26, 28). See also Samuel Yorty's *Subject: Proposed City Charter*, Letter from the Mayor to the Los Angeles City Council, February 17, 1971, Council File 71-551, LACA (hereinafter, Yorty, *Subject*). Casework is from David Mayhew's classic, *Congress: The Electoral Connection.*
[33] See LARC, *Work*, pp. 44-45, 35, 3, 11.
[34] See LARC, *Work*, p. 11.
[35] This was in a political advertisement published in the *Times* on November 3, 1970.
[36] Times Political Advertisement, November 3, 1970.
[37] See LARC, *Work*, pp. 10-11.
[38] See David Ross's March 4, 1971 letter to the Council, located in LACA, Council File 71-551.
[39] See the Board's resolution, Thomas letter and Farrell's memo in LACA's Council File 133666, Sup. #10.
[40] See LARC, *Work*, p. 12.
[41] For the quotation from Mayor Yorty, see page 774 of Federal Role in Urban Affairs: Hearings Before the Subcommittee on Executive Reorganization of the Committee on Government Operations, Eighty-Ninth Congress, Second Session, August 22 and 23, 1966, Part 3 (Washington, D.C.: United States Government Printing Office, 1966). See p. 777 for exchanges between Mayor Yorty and Senator Kennedy.

[42] See Art Seidenbaum, "ABC Primer for Elections," *L.A. Times*, May 24, 1971
[43] For evidence that the 1970 and 1971 charters are the same, and to Yorty's mind no improvement, see Yorty, *Subject*.
[44] From 1898-1970, the only entirely new charters to go to the public would do so in 1898, 1912, 1916, 1925, 1970 and 1971. The last of these was just a re-run, another Hollywood staple. Of course, 1925 would be the only document that was not a (ballot) box office flop.
[45] Interview with Ed Farrell, long-time City Attorney liaison to Harbor Department and LADWP, July 12, 1999
[46] See Charter Study Group to Mayor Tom Bradley, April 19, 1991, "Recommendations Regarding Activities of the Ad Hoc Commission on Charter Reform," LACA. The Group sent out a Study Group inquiry to collect input. There were replies from the offices of the City Attorney and City Clerk, the Department of Public Works' bureaus of Contract Administration, Engineering (4 memos), Sanitation and Street Lighting, and the departments of Animal Regulation, Building & Safety, Fire, General Services, Library, Pensions, Planning (2 memos), Police, Transportation and Water & Power. All of these offices gave input recommending very specific and narrow changes targeted only at improving their own operations. Even though the Charter Study Group recommended a fully funded and staffed effort taking up to 36 months, as well as a "thorough and complete Charter review", they thought that any changes should be embodied in charter amendments "rather than forcing acceptance or rejection of an entire package of unrelated proposals" (p. 4 of the referenced memorandum).
[47] For the Bradley ethics scandal and the Ethics Commission that resulted, see Los Angeles City Attorney James K. Hahn, *Report to the People of Los Angeles, in the Matter of Mayor Tom Bradley*, Los Angeles, 1989; Los Angeles Commission to Draft an Ethics Code for Los Angeles City Government*, Ethics and Excellence in Government: Final Report and Recommendations of the Commission to Draft an Ethics Code for Los Angeles City Government*, Los Angeles, 1989. In Volume 2 of Hahn's report, Bradley is quoted characterizing his outside employment as "an error in judgment" (p. 689). Hahn's office did not find grounds for prosecuting Bradley, but did state: "It is not enough to merely follow the rules, or avoid breaking the law. Public officials must avoid even the appearance of a conflict of interest in the performance of their duties. This the Mayor clearly failed to do" (p. 691). The Ethics Commission has enforced this type of standard insofar as its authority allows. For example, the author was unable to accept an honorarium from the *Times* for an opinion piece co-authored during his employment as an ECC staffer. Such compensation might have been interpreted as a violation of California's post-Prop 112 conflict of interest law. The Ethics Commission required ACC and ECC staffers to submit Form 400 paperwork along with their commissioners to ensure proper enforcement of the state's Political Reform Act. In terms of Mayor Bradley's motives for attempting to initiate charter change, it is possible that that the Ethics Commission may be responsible. See "Ethics Commission Call for Charter Reform," unpublished manuscript, in possession of author.
[48] For Bradley's successes in the role of leader as coalition-builder, see Raphael Sonenshein's *Politics in Black and White: Race and Politics in Los Angeles*, Princeton: Princeton University Press, 1994. James Svara's work on "facilitative leadership", in which mayors are able to lead collaboratively although they govern under weak mayor systems, could use Mayor Bradley as an archetype. Svara has written a number of books on this subject, such as *Official Leadership in the City: Patterns of Conflict and Cooperation*, Oxford: Oxford University Press, 1990.
[49] See Chapter 5 for these amendments. In addition, as the Rand Report noted, mayors had informally won the power to appoint and remove commissioners by requesting commissioners to resign *en masse* at the beginning of their first term, and controlled through the duration of their terms as commissioners by requesting them to submit signed resignations upon acceptance of their appointments as commissioners. See p. 80 of McCarthy, Erie, Reichardt and Ingram.
[50] "Sec. 32.3. Commission and Board Actions – City Council Review.
Notwithstanding any other provisions of this Charter, actions of commissions and boards shall become final at the expiration of the next five (5) meeting days of the City Council during which the Council has convened in regular session, unless City Council acts within that time by two-thirds vote to bring such commission or board action before it for consideration and for whatever action, if any, it deems

appropriate, except that as to any action of the Board of Police Commissioners regarding the removal of the Chief of Police, the time period within which the Council may act before the action of such Board shall become final shall be ten (10) meeting days during which the Council has convened in regular session. If the Council asserts such jurisdiction, said commission or board will immediately transmit such action to the City Clerk for review by the Council and the particular action of the board or commission shall not be deemed final or approved. The City Clerk, upon receipt of such action, shall place the action on the next available Council agenda in accordance with applicable State law and Council Rules. If the Council asserts such jurisdiction over the action, it shall have the same authority to act on the matter as that originally held by the board or commission, but it must then act and make a final decision on the matter before the expiration of the next twenty-one (21) calendar days from voting to bring the matter before it, or the action of the commission or board shall become final.
This section shall not apply to actions by any commission or board required to be referred for approval to, or appealable to, the Council pursuant to other provisions of this Charter, or any ordinance or statute, in effect prior to February 13, 1992. (Sec. Amended, 1992.)"

[51] Given that the city's elected officials are now term-limited, there will be no further five-term Mayors with 20 years of service as L.A.'s Chief Executive, unless of course the Charter changes again. Term limits were slightly relaxed in a 2007 charter amendment.

[52] The confinement of council action to approval of a study was widely perceived as a setback. "Riordan's efforts to disband the Board of Public Works flopped last year." See Jean Merl, "The Mayor's Midterm Exam; How Far Has Richard Riordan Moved the City Since he Became Mayor? An Evaluation of L.A. Inc. After Two Years," *Los Angeles Times Magazine*, June 11, 1995, p. 8. Yet Riordan's office tried to put the best face upon things while biding their time. The office assumed the end game of BPW elimination was possible. "It was nothing personal, but when Los Angeles Mayor Richard Riordan appointed Jill (J.P.) Ellman to the powerful Board of Public Works two years ago, he told her he wanted to eventually put her out of work. Riordan took office in 1993, promising to end the full-time panel in order to save money and reduce City Hall bureaucracy. He appointed Ellman to the post only long enough to work herself out of a job. "It's always difficult to ask commissioners to put themselves out of business," said Mike Keeley, Riordan's chief operating officer. "J.P. has done an extraordinary job through the thicket of problems. Despite such praise, the job remains in limbo. A private consultant hired to analyze the feasibility of eliminating the board as part of a larger consolidation effort is expected to complete a study by September. Riordan and the council will consider the study's findings before making the final decision. Ellman and the board were originally assigned to put together a plan to eliminate itself. But before the panel completed its assignment, Riordan and a council committee on reorganization decided to hire the private consultant to complete the job. Keeley said the assignment was turned over to a private firm because they felt the city needed an outsider's perspective. 'The whole idea was to go outside of ourselves,' he said. In the meantime, the board has made efforts to meet the mayor's promise to cut red tape and save money. For example, units overseeing recycling have been merged into the sanitation department, and toxic waste has been combined with the environmental affairs department. The board eliminated its public information bureau, leaving to Ellman the duties of acting as department spokeswoman. Still, Ellman tactfully declines to second-guess the mayor's efforts to eliminate the entire board, saying she will go quietly if that's the decision." See Hugo Martin, "Juggler of Public Works: Jill (J.P.) Ellman Presides Over a Board Preparing to Be Trashed," *Times*, August 12, 1995, p. B-1. To the council's chagrin, the consulting firm agreed with the mayor's perspective: "A private consulting firm Wednesday recommended a sweeping overhaul of the city of Los Angeles Public Works Department, including replacing its full-time governing board with a part-time policy-setting commission similar to those advising other city departments. The recommendation--included in a report by Capital Partnerships that was requested by a special City Council committee--came a year and a half after the council rebuffed Mayor Richard Riordan's efforts to disband the Board of Public Works." See Jean Merl, "Overhaul of Public Works Agency Urged," *Times*, October 19, 1995, p. B-3. In the end, the council even ignored the consultants' report. Then Riordan conceived a plan to create a general manager for DPW. "In a move to reorganize one of the city's largest and most cumbersome departments, Los Angeles Mayor

Richard Riordan plans to install a general manager to head the powerful Board of Public Works, officials said Tuesday….But unlike most city's departments, the Public Works Department does not have a general manager to oversee its day-to-day operations….J. P. Ellman, president of the board, told the City Council's Budget and Finance Committee on Tuesday that Riordan will propose the change in his upcoming annual budget report. But she said it was unclear to her what powers or duties the general manager would have. What is clear, Ellman said, is that Riordan sees the move as a way to gradually do away with the board. Riordan's first attempt to eliminate the board was rebuffed by the City Council, which wanted to study the proposal further. One of the concerns raised was that a general manager of such a huge department would not be as responsive to citizens' complaints as an appointed board. After Riordan's proposal was rejected, the council decided that the entire department--not just its governing board--needed an overhaul. In response, the council established an ad hoc committee to restructure the department and awarded a $208,000 consulting contract to a private firm to find ways to streamline the department…..Under Riordan's proposal, the city would seek out a person with the qualifications to run the Public Works Department on a day-to-day basis as well as someone who could pursue Riordan's plan to eliminate the board….Riordan would appoint the person to the panel and instruct the board members to vote the general manager into the president's post…." See Hugo Martin, "Riordan Seeks Czar for Public Works," *Times*, April 3, 1996, p. B-3. In the end, the City Attorney nixed the proposal for a GM for DPW that would replace the BPW. Such a change would require charter amendment.

[53] For Keeley crisis, see For the troubles with Michael Keeley, see Kenneth J. Garcia "Scandal, Secession and Squabbling: L.A.'s Mayor Smiles at Trouble," *The San Francisco Chronicle*, May 16, 1996, p. A1; Xandra Kayden, "The State; When a Deputy Mayor May Be as Crucial as The Mayor," *Times,* April 28, 1996, p. 6; Jean Merl , "Riordan Intends to Stick to His Key Goals; Government: As the Mayor Enters the Final Year of His Term, He Still Seeks More Police. He Says He's Making Progress in His Relations with the City Council," *Times,* July 1, 1996, p. B-1; Raphael J. Sonenshein, "Perspective On Los Angeles; Riordan Is His Own Worst Enemy; The Mayor and the Public Will Be Losers If He Doesn't Stop Trying to Run City Hall as a Private Firm, With Him as CEO," *Times,* April 26, 1996, p. 9. The straw that broke the camel's back with regard to Keeley was when he allegedly faxed confidential documents to lawyers against the city, not realizing that his fax number would be on them when they were submitted to court. See Jean Merl and Jodi Wilgoren, "Top Mayoral Aide Gets Vote of No Confidence; Politics: Council Acts Despite Keeley's Apology for Leaking Papers. Members Vow to Exclude Engineer of Budget Plan from Talks," *Times,* April 24, 1996, p. 1.

[54] For proprietary department funds issue, see below footnote with article by Leon Furgatch.

[55] Obviously, there are an amazing number of articles on secession. One of the best gives the comparison of Riordan's secession-prone L.A. to Humpty-Dumpty. See Kenneth J. Garcia, "Sprawling L.A. Finds its Mayor Full of Faults," *The San Francisco Chronicle*, May 18, 1996, p. F22. Garcia wrote: "Hayden, who is running for re-election in the Senate but is seriously considering challenging Riordan, said that the mayor has not addressed critical needs such as regional transportation and neighborhood services.

'Los Angeles under Dick Riordan is a Humpty-Dumpty that fell off the wall and is lying in pieces,' Hayden said. 'We are living in a ruptured power structure. We shouldn't be worrying about how many trees we trim but how we control the growth of the neighborhoods and the city.'"

[56] For Haynes' concern with insulating city commissions from excessive meddling by elected officials, see Steven P. Erie, "Charter Meant to Rein in, Not Encourage, a Meddling Council," *Times*, May 21, 1991, p. B7. It is more than coincidence that the diminution of commission authority throughout the city generally in 1938--and especially Mayor Bowron's attempt to rein in the LADWP specifically--followed Haynes' death in 1937.

[57] See Leon Furgatch, "City's Quest for DWP Dollars Could Backfire; Mayor Believes Efficiency Can Eliminate Waste. But Transferring Savings to the Police Makes the Effort a Rationale For Robbing Peter to Pay Paul," *Times*, August 21, 1994, p. B17. Furgatch, who had worked before retirement as a manager of community relations and educational services for LADWP, wrote: "It is obvious that Mayor Richard Riordan is achieving some success in his efforts to extract money from the Los Angeles

Department of Water and Power to fulfill his campaign pledge to hire more police officers. However, in doing so, the mayor has triggered a lawsuit that could not only foil this effort but also threaten the multimillion-dollar contributions the DWP makes to the city annually....In addition, the DWP has been able to contribute 5% of its gross revenues to the city's general fund and still maintain the competitive edge....The charter allows for such a contribution if the funds are 'surplus.' The city budgets for this money and would be in trouble without it. In 1994 it amounts to $122 million....The International Brotherhood of Electrical Workers, which represents the largest group of employees, is suing the city. The suit challenges the annual 5% transfer, the anticipated pension fund transfer and the recent transfer of $78 million to the city from the sale of surplus real estate and power plant fuel oil that the DWP had been holding for emergencies." For IBEW Local #18 and the Engineers and Architects Association's lawsuit, see James Rainey, "Unions Sue Over Shift of DWP Revenues; Budget: City Electrical Workers and Engineers File Legal Action, Saying the Transfer to Cover Police Costs Will Use Up Money Needed for Repairs," *Times*, July 2, 1994, p. B1.

[58] Riordan was so successful at attributing to his problems managing the city to the charter that the L.A. Times was willing to make the case. See James Flanigan, "L.A.'s New Budget: A Critical Juncture for Riordan and City," *Times*, May 3, 1995, p. D1. Flanigan justified the need for a new city charter as an aid to Riordan in making the c more competitive: "And competition, to provide public services at an economic cost and to attract private business, is coming to governments nationwide as well. That's why Riordan won the right to fire department heads in an April ballot on charter reform and why there will be further efforts to give Los Angeles' mayor authority comparable to mayors in Chicago, New York and other cities. But Riordan doesn't have that authority yet, which is why reform of the bureaucracy proceeds slowly."

[59] See Nancy Hill-Holtzmann, "New City Charter Advocated as Alternative to Valley Secession," *Times*, June 7, 1996, pp. B1, B10. Interestingly enough, the *Times* printed the article on page A1 in the paper's Valley edition. The article quoted David Fleming as stating, "The new charter cannot be viewed as a product of insiders." Fleming thought "a new charter might well address the Valley's complaints without secession."

[60] His general election opponent Tom Hayden would indeed raise the issue of charter reform as a campaign plank, calling for charter reform to empower neighborhoods in summer 1996:

> The debate divides into two camps, the 'centralizers' versus the 'secessionists.' It is time for a third, reformist voice, that of the modern village, which proposes that big cities should be decentralized so neighborhoods have more power in pursuing a better quality of life….The centralizers believe that big is beautiful: big government, big business, big labor. They say the San Fernando Valley was annexed in 1913 and should stay that way. The centralizer mentality also invites the abuse of power. It is rooted in faceless, unaccountable and sometimes corrupt corporate and government bureaucracies. It is easier for the centralizer to construct skyscrapers than communities. …Centralizers are threatened by any sign of a genuine neighborhood voice….I would prefer one Los Angeles, reformed and renewed, to two cities dominated by the same kind of corporate growth agendas and bureaucracy we suffer today. The alternative is to decentralize power throughout Los Angeles to neighborhood levels. This means democratically elected neighborhood representatives taking part in decisions concerning zoning, growth and the environment….Real reform should be proposed as a charter amendment in 1997.

See Tom Hayden, "California Commentary: A Great City Is Responsive to Its Citizens; Keep Los Angeles Intact, but Give Neighborhood Representatives a Voice in the Decision-making," *Times,* June 10, 1996, p. B-5. Consequently, Hayden dismissed Mayor Riordan's charter reform effort as an attempt to steal this issue, and to do so in the exact opposite direction from what was needed: "State Sen. Tom Hayden (D-Los Angeles), who is expected to run against Riordan in April, said the judge's ruling enhances the mayor's 'electoral strategy' of painting himself as a candidate of reform. 'His idea of charter reform is to increase the power of the mayor at the expense of neighborhoods,' Hayden charged. 'From the point of view of the citizens, the whole thing is fraught with problems. It'd be better [to put a reform measure on the ballot] in June, because people would have more time to find out what's going

on'" (Jodi Wilgoren, "Judge Calls for April Election on Charter," *Times*, December 27, 1996, p. B-1). Yet Riordan's push to elect a charter commission ultimately worked to remove the charter reform card from Hayden's hand. In fact, Mayor Riordan's charter commission would be authorized in the same primary election at which he and Hayden received the most votes. Some of the commissioners were elected outright at the primary, whereas others joined the mayoral candidates in run-offs at the general election and were thus selected with Mayor Riordan in June.

[61] The appointed charter commission took on the name Los Angeles Charter Reform Commission, but for clarity and convenience it is easier to call the body ACC. The author was involved as an observer and sometime participant and speaker at the ACC full commission and study group meetings from June 7, 1997 to the end of January 1998. The author reported on these meetings to Water & Power Associates, a group concerned that charter reform not damage the city's interests by weakening LADWP. The group played a key role in advising the ACC and the ECC during the charter reform process. For the ACC's formation, see Hugo Martin, "Charter Reform Advisory Panel Gets Council OK," *Times*, September 11, 1996, pp. B1, B10.

[62] For a brief history of the council's consistent sabotage of reform proposals by appointed charter commissions, see James W. Ingram III, "L.A. Council Has History of Stifling Charter Reform," Los Angeles *Daily News*, April 8, 1997, Daily Opinions section, p. 13. For Ferraro's appointment of the last two ACC slots, see Patrick McGreevy, "Ferraro Fills Reform Commission: Councilman Acts in Mayor's Absence," Los Angeles *Daily News*, October 12, 1996, pp. 1, 11.

[63] The first 1888, 1898, 1900, 1912 and 1916 Boards of Freeholders had all failed to secure a new constitution, but the second 1888 and the 1925 freeholders had written the 1889 and 1925 charters.

[64] The *Times* and the Los Angeles *Daily News* covered the struggle. For the best articles on the important steps in the process, see Hugo Martin, "4 Council Members Assail Riordan Tactic on Charter Reform," *Times*, September 12, 1996, pp. B3, B10; Hugo Martin, "City Divided in Efforts to Fix Charter," *Times*, October 5, 1996, pp. B1, B8; "End the Game of Chicken on Charter Reform," *Times*, October 9, 1996, p. B8; Hugo Martin, "Riordan's Petitions Appear to Fall Short," *Times*, December 4, 1996, pp. B1, B3; Hugo Martin, "Riordan Drive to Change Charter Hangs in Limbo," *Times*, December 17, 1996, p. B3; Hugo Martin, "Riordan Petitions Certified," *Times*, December 21, 1996, pp. B1, B8; Jodi Wilgoren, "Judge Calls for April Election on Charter," *Times*, January 8, 1997, pp. B1, B10; Hugo Martin, "City Reform Panel to Go on Ballot," *Times*, January 11, 1997, p. B1; "L.A. Charter Reform Panels: Two is One Too Many," *Times*, January 19, 1997, p. M4; Linda Griego and Joseph D. Mandel (Two Members of ACC), "A Classic Los Angeles Power Struggle," *Times*, January 27, 1997, p. B8; Jean Merl, "Council Approves Wording for Ballot," *Times*, February 8, 1997, pp. B1, B3; Xandra Kayden, "People Are Back in the Equation," *Times*, April 10, 1997, p. B10. Reporter Patrick McGreevy covered the process for the Los Angeles *Daily News* until moving over to work for the *Times*. For his perspective on the charter reform process, see back issues of both papers from 1996-1999.

[65] Hugo Martin, "Vote Puts Initiative on Hold; Reform: City Council will not place Riordan measure on ballot unless judge issues order," *Times*, January 8, 1997, p. 3.

[66] Hugo Martin, "Vote Puts Initiative on Hold; Reform: City Council will not place Riordan measure on ballot unless judge issues order," *Times*, January 8, 1997, p. 3.

[67] Jodi Wilgoren, "Judge Calls for April Election on Charter," *Times*, December 27, 1996, p. B-1.

[68] The level of competition between the commissions can perhaps be gauged from the fact that ACC did not hold its first public meeting until nearly nine months after being created. When the ACC did finally meet, the body did so less than two weeks before the June general election at which the seven remaining members of the ECC would be chosen in the runoff. It seemed clear to observers present at the first few meetings of the ACC that the ECC's imminent existence had started a fire under the council and ACC. See Hugo Martin, "Charter Panel Holds First Public Meeting," *Times*, May 29, 1997, p. B4.

[69] The body did not call itself the Elected Charter Commission. Because the ACC had started work first, its members had already taken the name, "Los Angeles Charter Reform Commission." When the elected commissioners took office months later, they voted to call themselves the "Los Angeles *Elected* Charter Reform Commission." They even italicized the word "elected" on their stationery for

emphasis. Commissioner Janice Hahn joked in the July 27, 1997 meeting where they took on this name that they were the city's only "*real*" reform commission. For Riordan's failure to elect his candidates to the ECC, see Patrick McGreevy, "Union Candidates Grab 4 More Seats," Los Angeles *Daily News*, June 4, 1997, p. 12; "L.A. Charter Reform Panels: A Formidable Job Begins," *Times*, June 8, 1997, p. M4. The author attended and participated in ECC meetings from July 7, 1997 as part of volunteer assistance to the Water & Power Associates. In late 1997, the author was asked to participate in an ECC retreat and to deliver a lecture on charter reform history to commissioners. In January 1998, the author was hired as a Researcher for ECC, and led staff of ECC's Committee on Improving the Delivery of City Services. In March 1998, the author was promoted to Associate Policy Analyst, and worked in this capacity leading Task Forces on City Attorney, Civil Service, Education, Police and Fire Department issues until the passage of the new charter in June 1999. The author drafted these sections of the ECC's proposed charter subject to direction by Policy Analyst Steve Presberg, and served with Policy Analyst Shauna Clark in final editing of the charter the voters enacted.

[70] For the difficulties the Council gave the ECC over funding, see Ted Rohrlich, "Riordan's Charter Panel Left in Limbo; Politics: The Reform Commission Is Hampered by a Tug of War Between a Mayor Who Has Provided Less Money Than Promised and a Council That Won't Release Funds," *Times*, August 27, 1997, pp. B1, B3; "Chilling L.A.'s Charter Reform: City Council Turns Tight-Fisted in Dealing with Elected Commission," *Times*, September 5, 1997, p. B8; Ted Rohrlich, "Mayor Vows to Aid Panel on Charter; Politics: Council Had Barred Funds Without Donors' Names; Riordan Releases Identities of Some Contributors," *Times*, September 12, 1997, pp. B1, B5; Ted Rohrlich, "Funding for Charter Panel Gets Key OK; Government: Council Board Breaks Stalemate, Approving $350,000 for Elected Reform Committee," *Times*, September 20, 1997, pp. B1, B3. Given this environment, many were surprised when the commissions came to an agreement on dividing the cost of a focus group-level analysis of the city's opinion on the issue of neighborhood councils. See Fairbanks, Maslin, Maullin & Associates, "Los Angeles City Charter Reform Focus Groups: Summary Report, March-April 1998," Santa Monica, 1998 (LACA).

[71] The very names of the commissions, and especially the spirit of invidious comparison in which the latter was named, reveal the level of hostility between the two commissions. That these commissions overcame this spirit of contention astonished most observers of the process. Staff members working for the ACC and the ECC cooperated with each other on a number of items. However, the primary draftspersons for the two commissions disagreed vehemently on a number of issues, and this may explain why Presidents Chemerinsky and Kieffer chose to hold their compromise sessions in the absence of staff assistance. Refer to an L.A. Times Letter to the Editor submitted by retired L.A. Council member Joy Picus: "Can we create the equivalent of a Nobel Prize for George Kieffer and Erwin Chemerinsky, who appear to have brought order out of chaos as they wrestled with charter reform? Submerging their egos, exercising extraordinary negotiating skills, using humor and suppressing anger, they are giving the citizens of Los Angeles their best opportunity to update and modernize an archaic City Charter. It is a remarkable achievement." See "Re 'Charter Groups Compromise,' Jan. 21," *Times*, January 31, 1999, p. B8. See also an L.A. Times editorial on the compromise: "Against long odds, leaders from the two commissions rewriting Los Angeles' charter cleared the path Wednesday for a single, compromise proposal to go before city voters in June." See "Charter: Don't Let It Slip Away Series: Charter Reform: Why It Matters," *Times*, January 22, 1999, p. B10.

[72] The control of litigation by mayor, council and city attorney was also an issue. For the blow-by-blow changes, one must see the memoranda from Erwin Chemerinsky and George Kieffer to their commissions. The dates are December 2, 9, 16, 18 and 28, 1998, as well as January 12, 18, 21 and 27, 1999. They are available at LACA. The scholar should refer to ACC and ECC's meeting minutes and videotapes for the dates when these memoranda were debated and decided to recreate the flavor of the meetings. The conflicts were very real, and at one point ECC nearly voted to shelve the Unified Charter completely due to the issue of neighborhood councils.

[73] According to rumors at the time, one member of ECC was even punished by his law firm for voting to weaken the mayor's office in regard to the commissioner and general manager appointment and

removal provisions. In behind-the-scenes events that were never published in the newspapers, the ECC nearly broke up over this issue. The author and other staff members and ECC members knew of these occurrences only because of their personal involvement. The turnout in the charter election was not impressive, although it was typical for city elections without the mayor's office on the ballot. See Steven P. Erie and James W. Ingram III, "L.A.'s Apathy Toward New Charter Defies History, Other City's Views," *Times*, Sunday Opinion section, June 6, 1999, p. M1.

[74] The 1999 Charter was silent on the Governing Body issue, a bone of contention that had seriously divided the two commissions. It was important because California law specifically authorizes a city's governing body to make certain important decisions on taxing, spending and land use. The fact that the previous charter had termed the council the "governing body" weakened the mayor's office in these and other areas. By remaining silent on this issue, the 1999 Charter does not deprive the mayor of authority on these issues. The issue so divided the ACC and ECC that it caused the breakup of an early Joint Conference Committee that attempted to iron out the differences between the ACC and ECC charters as they were being drafted. Because the Joint Conference Committee had dissolved, the ACC and ECC presidents had to resolve all of these conflicts later to assemble the Unified Charter.

[75] See Section 245 of the 1999 Charter.

[76] Both quotes are from Los Angeles City, Charter Reform Commission, *Reforming the Los Angeles City Charter: Road to Decision*, 1997, p. A3.

[77] Oakland became the 11th city with an elected City Attorney in 2000. See the California League of Cities for this information: www.cacities.org accessed on August 24, 2007.

[78] See Heather Kimmel, "Solutions to the City Attorney's Charter-Imposed Conflict of Interest Problem," *Ohio State Law Journal*, Volume 66, pp. 1075-1104, 2005; quotation from p. 1075.

[79] The quoted passage is from Kimmel, op. cit., p. 1079. Kimmel is not alone in identifying the potential problems faced by governmental attorneys. The League of California Cities has taken on this thorny issue and has been working on an ethical code for city attorneys. (See Ethical Principles for City Attorneys, Adopted October 6, 2005, City Attorneys Department Business Session, at the following URL, accessed by the author on August 22, 2007: www.cacities.org/resource_files/24175.Code%20of%20Ethics%20Final.doc .) That code states: "The role of the city attorney and the client city varies. Some city attorneys are full-time public employees appointed by a city council; some are members of a private law firm, who serve under contract at the pleasure of a city council. A few are directly elected by the voters; some are governed by a charter. When reflecting on the following principles, the city attorney should take these variations into account."

[80] An elected official represents his or her constituents. An attorney represents his or her clients. These two forms are potentially in conflict because of the issue of client control. The Rules of Professional Conduct require attorneys to conform their representation to the principal of client control. But an elected city attorney has as his or her client "the people." How does one know what the people want? The elected city attorney is in a position to serve the client as he defines the client's wishes. The 1999 Charter dealt with this thorny problem that besets appointed municipal attorneys to some degree, but truly places their elected counterparts in a double bind.

[81] See 1999 Charter, Section 273.

[82] See 1999 Charter, Section 275.

[83] See Section 204(d) ; Section 802(d).

[84] The quotations from this entire section on DONE and NCs are all from 1999 Charter, Article IX.

[85] See Mike Davis' account of Joy Picus' story in *City of Quartz* for the West Hills-Canoga Park dispute.

[86] Three of the total 91 NCs ever certified have actually been de-certified. The average NC's territory includes 38,298 residents. See Department of Neighborhood Empowerment, *Neighborhood Council Status Report*, Revised Date: April 9, 2008, p. 10, which the author accessed at the DONE url on May 28, 2008: http://www.lacityneighborhoods.com/page2.cfm?doc=certification_report accessed on May 28, 2008.

[87] Section 113 guaranteed that the charter's passage would not negatively affect any employees' status. Section 117 provided that "Changes in the civil service discipline provisions of Section 1016 shall not

affect any proceeding or action that has been commenced prior to the Operative Date of this Charter." To have affected an ongoing action in any way would amount to ex post facto change and would in any event be unconstitutional. ECC member Dennis Zine would change his mind about the Unified Charter under pressure from the Council. The Police Department's sworn officers whom he represented at the L.A. Police Protective League (LAPPL) knew that if they did not stand with the Council against the 1999 Charter, then the Council would punish their union during the meet-and-confer process on renewing the LAPD rank and file's Memoranda of Understanding (MOUs). But Zine indicated that the LAPPL did not campaign actively against the 1999 Charter, as it could have. The police sat on their hands and tolerated passage of the charter, as he contended other city employee unions had done under pressure from the Council.

[88] See Section 116(a)(c) of the 1999 Charter.

[89] See Section 1040 of the 1999 Charter.

[90] See 1999 Charter, Section 118a(4); Section 118a(5); and Section 118a(6).

[91] See Section 552. See also Sections 245(e) and 118(a)(1). Chet Widom was very involved in the improvements to the planning process. He understood the emotional involvement of people caught in this process. Top attorneys in this arena in the late 1990s could charge their clients to the tune of $400 per each billable hour.

[92] Zine would tell one staffer that the reason why Chief Parks raised the trumped-up charges of harassment was to prevent him from revealing his inside information regarding the Rampart Scandal. If that information had become public during the charter reform process, then that might have allowed a full-scale review of the LAPD.

[93] See 1999 Charter, Section 1214(a).

[94] See 1999 Charter, Section 501(a).

[95] See 1999 Charter, Section 104(i).

[96] See 1999 Charter, Section 1024.

[97] The U.S. Supreme Court has ruled that community standards are important in determining what constitutes pornographic material.

[98] See 1999 Charter, Section 209.

[99] See 1999 Charter, Section 103.

[100] See 1999 Charter, Section 234.

[101] See 1999 Charter, Section 610.

[102] See 1999 Charter, Section 630.

[103] Sections 118(a)(2) and Section 118(a)(3) required the city to pass ordinances defining the areas around the two airports and the harbor.

[104] The conversion of the CAO's office into the Office of Administrative and Research Services made for a wonderful acronym. Members of the ECC staff would joke that when we started working for the city, it was "up the creek without a paddle" and we had given it OARS! The OARS name would not last. On July 3, 2001, the Council changed OARS' name back to CAO. See Council File 00-1700. This information is also in the 2006 version of Los Angeles City Clerk, "Your Government at a Glance: Facts About the City of Los Angeles," 2006. See url http://cityclerk.lacity.org/cps/pdf/govtglnc.pdf accessed by the author on May 28, 2008.

[105] A number of ECC members admired the elegance of the United States Constitution, and wanted to put the charter on a diet so that it could meet the svelte standard that model establishes. Chester "Chet" Widom was one such ECC member, and for him the ideal of the charter as a clear and concise statement was like a Holy Grail that kept him working through many trying debates and struggles over the 1999 Charter. He once communicated to the author that it was only a historical perspective on charter framers as people involved in a long-term quest to improve the city that helped him to maintain his commitment over this trying time. Perhaps because he was an architect by trade, the symmetry of a more concise charter seems to have driven him. He was disappointed in some ways when charter reform meant making such miscellaneous improvements as creating longer probationary periods for new employees. Of course, to anyone interested in constitution making as a grander task, then such matters would seem like trivia. But the city employees who depend on such details to establish their

working conditions do not regard these as *Jeopardy!* questions, and their unions work hard to ensure that these hard-won gains remain in the charter where they are protected from the ordinances of any temporary mayor or council. For charter purists who wanted to make the document more like a constitution, the charter's division into two volumes was a cosmetic rather than substantive change. To carry the analogy with perfect fitness, it would be analogous to performing liposuction on the thighs and using the fat to inflate the lips instead. Commissioner Widom was willing to accept the compromise of a heavier and more detailed charter for the improvements in its fitness he and his fellow charter reformers had accomplished, as his words quoted at the beginning of this chapter indicate. For the specific changes referenced in this paragraph, see *1999 Charter*, Articles V and XI, as well as sections 371a and 412.

[106] The "all-caps" emphasis is in the original. See *Official Sample Ballot and Voter Information Pamphlet*, "Argument in Favor of Proposed Charter Measure 1," Los Angeles: Los Angeles City Clerk Election Division, June 8, 1999, pp. 34-35 (hereinafter, *Official Sample Ball*ot).

[107] For all of these points, see *Official Sample Ballot*, p. 34; *1999 Charter*, Article IX and sections 552; 802b, 802d and 204c.

[108] For all of these points, see *Official Sample Ballot*, p. 34; *1999 Charter*, sections 630, 636, 650 and 657.

[109] *Official Sample Ballot*, p. 34.

[110] It was called "Prop 5" because that was the ballot designation for the 1991 measure creating section 32.3 of the *1999 Charter*. There were a number of rumors about Prop 5 during the charter process, including one indicating that a Bradley aide favorably disposed to the council placed the measure authorizing a vote on the Prop 5 charter amendment in a specific pile on the mayor's desk. The pile was composed solely of items the mayor had already approved, and that were merely awaiting the mayor's signature for formal passage. See Schockman, "Governable," p. 73.

[111] Compare section 32.3 of the *1999 Charter* to *1999 Charter*, section 245.

[112] Compare *1999 Charter*, section 373 to *1999 Charter*, section 390.

[113] Charter reformers were told that boards were in the charter to allow their commissioners to serve as representatives of the community and to allow the city a mechanism to bring needed assets to city administration. The city might need commissioners' acumen in some profession or skill in securing some city goal, such as consumer or environmental protection. See "The History of Boards in Los Angeles," ACC publication, at LACA.

[114] For these charter terms, refer to *1999 Charter*, sections 272-3, 231h, 254, 231i, 231j, 341, 233, 502d, 700e, 502a, 700b, 508, 604a, 275, 311b, 1001.

[115] After a 1995 charter amendment removed council protection of the CAO, and easing the officer's removal by the mayor with council approval regardless of civil service status, the CAO had less ability to perform management audits. The office no longer possessed sufficient independence. See *1999 Charter*, sections 325, 261j, 261e, 261k, 300, 300b.

[116] CAO Keith Comrie was a vocal opponent of the 1999 Charter. At a post-charter passage party at the ECC office, a staff member had posted a note on his door referring to both the opposition of the CAO's office and the debate between the ACC and ECC over whether the council should be designated as the governing body. These were such contentious issues between the two commissions that the ECC draftsperson had characterized himself as a caped crusader off to deal with these questions wherever they arose. This staffer had come to the ECC from New York City along with the ECC's Executive Director. Both had been accused by the CAO of trying to impose on L.A. the New York model. CAO Comrie would in the end retract some of his misgivings on the charter after the compromise package emerged. "The draft charter also is supported by City Administrative Officer Keith Comrie, who spent months fiercely criticizing the elected commission's approach but said he was encouraged by many of the compromises reached in recent weeks. 'These are very sound decisions," he said. "This will result in better representation, and it keeps the appropriate checks and balances in government.'" See Jim Newton, "Panels Deliver Compromise Charter Plan to City Council," *Times*, February 4, 1999, p. B1. For the sentence quoted in the paragraph, see *Official Sample Ballot*, p. 35.

[117] Addressing a frequent complaint of city candidates, the charter would allow voters to sign more than one nominating petition. This was important to elections, but how would they have included all of these details in the ballot description?
[118] The Public Works commissioners are members of the city's only paid professional board. They are charged with overseeing a department, which has seven separate bureaus under its control. The argument for the board's maintenance in this form has centered on the issue of awarding city contracts.
[119] The most active city union throughout the process was the Service Employees International Union Local #347, led indefatigably and effectively by Julie Butcher. Other city unions clearly "free-rode" on Butcher's efforts, and did not involve themselves until she practically dragged them into the process. Without her efforts, the unions would have had very little influence over the final product, even though California's Meyers-Milias-Brown Act requires that bodies amending or framing charters "meet and confer" with city union representatives. See *People ex rel. Seal Beach Police Officers Assn. v. City of Seal Beach*, 36 Cal.3d 591 [1984]. In this case, the courts threw out a charter amendment after the electorate had already granted it their approval. The court held, "the city council of a charter city must comply with the Meyers-Milias-Brown Act's...'meet-and-confer' requirement...before it proposes an amendment to the city charter concerning the terms and conditions of public employment" (see p. 594).
[120] The city passed charter amendments changing the dates of city elections in 1904, 1909, 1911, 1913, 1934, 1945, 1978, 1979, 1987 and 2002. The 1889 Charter provided municipal elections would be held on the first Monday in December of even-numbered years. In 1904, the city moved general elections to the first Tuesday in December of odd-numbered years. This move to odd-numbered years has remained the only constant in city election scheduling since (and should be assumed to apply for every election date listed in the remainder of this footnote). In 1909, the city added a primary election to its regular calendar, to be held on the second Wednesday in November starting later that year. In 1911, the city moved its primary and general elections to the last Tuesday in October and the first Tuesday in December. In 1913, the city moved both the primary and general elections to the first Tuesdays in May and June, respectively. The 1925 Charter retained these election days. In 1934, the city changed the primary and general elections to the first Tuesdays in April and May, respectively. In 1945, the city moved its general elections to the last Tuesday in May. In 1978, the city moved the general elections to the first Tuesday in June. In 1979, the city moved primary elections to the second Tuesday in April. In 1987, the city moved general elections to the first Tuesday after the first Monday in June. The 1999 Charter retained these election days. In 2002, the city moved the primary to the first Tuesday after the first Monday in March, and the general election to the third Tuesday in May.
[121] The charter commissions debated representation vigorously. One of the most exciting meetings was one in which it was revealed to ECC members that some staffers had been mapping out potential council sizes and districts. Although these maps were merely tentative, the ECC wanted to see them immediately, and were angry that staff had done this at one committee's request. The comparative smallness of the council, and thus the large number of people represented by each council member, were frequently the subject of debate. The reason was that L.A.'s city council was one of the smallest in the country. The other top two cities in size, New York City and Chicago, had 51 and 50 members on their councils. It was difficult to debate the subject from L.A.'s perspective, because the standard texts did not accurately tell the story of how the city ended up with 15 council members. Burton Hunter's otherwise wonderful history of the administrative practices of L.A. also gets it wrong, in stating that there were 10 council members from 1868-1878. In reality, the city had 10 council members from 1868-1873, but 12 council members from 1874-1878. The 1850 Charter provided a 7-member council elected by 7 wards (effective 1850-1868). An 1868 amendment provided for a 10-member council elected from 3 wards, with 3 members each from the 1st and 2nd wards and 4 from the 3rd ward (1868-1874). An 1873 amendment established a 12-member council elected from 3 wards, with 4 members per ward (1874-1878). The new charter drafted for L.A. by the state in 1876, and implemented in 1878, set up a 15-member council elected from 5 wards, with 3 members per ward. The 1889 Charter instituted a 9-member council elected from 9 wards (1889-1909). A 1909 amendment made the council an at-large body (1909-1925). The 1925 Charter would have given the city an 11-member council elected at-large, but the voters approved an amendment enacting a district election system to choose a

15-member council. Despite efforts to increase the number of council members to 17 in 1970, the 15-member district council is still in place. The rejection of two proposals to increase council size in 1999 left the city with the same council size it had since 1925. Consequently, L.A. has a 15-member council today with around 3.8 million residents just as it did nearly 125 years ago, when the city's population was about 10,000. Each council member now represents over 250,000 residents, almost 400 times more than in 1878. The failure to increase council size to improve representation has likely resulted in pressures for boroughs and for secession. However, all attempts to alter this system have failed. The city has often flirted with but never adopted council elections employing P.R. or mixing district and at-large members.

[122] The mayor-council system is an example of representative democracy. The initiative, referendum and recall give citizens direct democracy. The new neighborhood councils represent one form of participatory democracy.

[123] Refer to Kevin F. McCarthy, Steven P. Erie, Robert E. Reichardt with James W. Ingram III, *Meeting the Challenge of Charter Reform*, Santa Monica: RAND, 1998 [Prepared for the L.A. Business Advisors], pp. 15-16.

[124] Commissioner Glushon made this statement in his opening remarks at the March 9, 1998 ECC meeting in his district. The minutes and videotapes are available at LACA.

[125] For the zero-sum relationship between individual responsiveness and collective responsibility, see Gary C. Jacobson, *The Politics of Congressional Elections*, Boston: Little, Brown, 1983, pp. 189-191. Since Jacobson focuses on the legislative branch as critical to this tradeoff, those who favor mayoral and executive-centered city charters can look to his findings on the U.S. Congress for support. For the potential zero-sum relationship between democratic accountability and administrative efficiency, I am indebted to Victor V. Magagna. Magagna points to this tradeoff in his essay, "Representing Efficiency: Corporatism and Democratic Theory," *Review of Politics*, Volume 50, Summer 1988, pp. 420-444, and has further elaborated on it in conversations with the author.

[126] The issue of Council size and districts was one of the most controversial addressed by ECC. When the ECC was deliberating this question, a movie entitled *Godzilla* was in theaters, and posters all over the city were promoting the film by asking "Does Size Matter?" The ECC wanted to use a sexy and topical subject for our meeting, so a staffer appropriated the catchphrase and used it to headline meeting notices. At the meeting, ECC members became very heated over the issue of an appropriate Council size and the boundary lines of specific districts, from which some members might campaign in future. An Assistant City Attorney who was amused at the proceedings would answer the question posed by the flyer: "size always matters when you're getting screwed."

[127] L.A. voters turned down opportunities to increase the size of the council in 1913, 1922 (twice, one to 12 and the other to 15, from 9 at the time), 1970, 1985, and 1999 (twice, one proposal to 21 members, the other to 25). Angelenos voted unsuccessfully for district elections in 1916, 1918, twice in 1922 (one proposal for a 12-member council and the other for 15 members), and finally received a 15-member district-elected council in 1925. L.A. voters approved an at-large system in 1909, rejected a mixed system with 15 members elected by districts and 6 at-large in 1913, and lost the 11-member at-large council in the 1925 charter when the district elections option simultaneously passed, albeit by a smaller margin. In 1928, Angelenos rejected an amendment proposal to nominate council members by districts and elect them at large; San Diego voters elected their council that way for many years up until the 1980s. Angelenos turned down a Proportional Representation election system for the council in 1913, 1916 and 1922. Council re-districting has also been an important concern: it was the subject of unsuccessful amendments in 1906, and successful ones in 1951, 1971 and 1983. The 1999 Charter could have been instantly amended by voters to make the council a 21 or 25-member body, but the voters rejected both of these amendments.

[128] See the *Federalist*, paper # 51, any edition.

[129] Of course, the location chosen for this convention further symbolized the discontents of Harbor, Hollywood and San Fernando Valley secessionists: it was held downtown at the Los Angeles Convention Center. If Angelenos were angels, no charter would be necessary.

[130] The ballot explanation stated: "Replaces the current one-volume Charter with two volumes. Volume One contains the provisions on how the City is governed. Volume Two contains the rules on civil service, pensions and retirement"; "Removes many details on the structure of City departments and governmental procedures, leaving these details to be set by ordinance."

[131] But charter framers made it clear to public and Council that if the Workingmen's Party 's 1879 Constitution had not already provided for this issue, and the state legislature followed up by passing laws, then they would have placed such a proscription in the charter's text. Article XIX, Section 3 of the 1879 Constitution stated: "No Chinese shall be employed on any state, county, municipal, or other public work, except in punishment for crime." The State's electoral law stated: "No native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privilege of an elector." See California's *Codes and Statutes Continued in Force*, 1886, Chapter II, Section 1084

[132] Federalist #68, cited above in the overall study.

[133] Lincoln stated,

> The question then, is, can that gratification be found in supporting and maintaining an edifice that has been erected by others? Most certainly it cannot. Many great and good men sufficiently qualified for any task they should undertake, may ever be found, whose ambition would inspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair; *but such belong not to the family of the lion, or the tribe of the eagle.* What! think you these places would satisfy an Alexander, a Caesar, or a Napoleon?--Never! Towering genius disdains a beaten path. It seeks regions hitherto unexplored.--It sees *no distinction* in adding story to story, upon the monuments of fame, erected to the memory of others. It *denies* that it is glory enough to serve under any chief. It *scorns* to tread in the footsteps of *any* predecessor, however illustrious. It thirsts and burns for distinction; and, if possible, it will have it, whether at the expense of emancipating slaves, or enslaving freemen. Is it unreasonable then to expect, that some man possessed of the loftiest genius, coupled with ambition sufficient to push it to its utmost stretch, will at some time, spring up among us? And when such a one does, it will require the people to be united with each other, attached to the government and laws, and generally intelligent, to successfully frustrate his designs.
>
> Distinction will be his paramount object, and although he would as willingly, perhaps more so, acquire it by doing good as harm; yet, that opportunity being past, and nothing left to be done in the way of building up, he would set boldly to the task of pulling down.
>
> Here, then, is a probable case, highly dangerous, and such a one as could not have well existed heretofore.

See Abraham Lincoln, *The Perpetuation of Our Political Institutions: Address Before the Young Men's Lyceum of Springfield, Illinois*, January 27, 1838. See url http://showcase.netins.net/web/creative/lincoln/speeches/lyceum.htm accessed on May 26, 2008.

[134] *Seal Beach* case, cited above.

[135] See Louis Hartz's great treatise, *The Liberal Tradition in America; An Interpretation of American Political Thought Since the Revolution*, New York: Harcourt, Brace, 1955, pp. 85-86. He writes, "Would the American Constitution have been able to survive in any nation save one characterized by so much of the mutual dependence'…found here? For the solution the constitutionalists offered to the frightful conflicts they imagined was a complicated system of checks and balances which it is reasonable to argue only a highly united nation could make work at all. Delay and deliberate confusion in government become intolerable in communities where men have decisive social programs that they want to implement. Thus a hidden and happy accident has lain at the bottom of the American constitutional experience. The Founding Fathers devised a scheme to deal with conflict that could only survive in a land of solidarity. The truth is, their conclusions were 'right' only because their premises were wrong." Of course, the U.S. Constitution was unable to prevent the American Civil War; it took the force of arms to bring the secessionists back into the Union. Only the sword preserved the work of the founders' pens.

[136] See James W. Ingram III, “Building the Perfect Charter for the Imperfect City,” unpublished manuscript, 2007.

Chapter Seven: Building Cities by Building City Charters

> That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that *Governments long established should not be changed for light and transient causes;* and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed.
>
> --Thomas Jefferson, Declaration of Independence, July 4, 1776.[1]

> The process of election affords a moral certainty, that the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications….It will not be too strong to say, that there will be a constant probability of seeing the station filled by characters pre-eminent for ability and virtue. And this will be thought no inconsiderable recommendation of the Constitution, by those who are able to estimate the share which the executive in every government must necessarily have in its good or ill administration. Though we cannot acquiesce in the political heresy of the poet who says: "For forms of government let fools contest That which is best administered is best," yet we may safely pronounce, that *the true test of a good government is its aptitude and tendency to produce a good administration.*
>
> --Alexander Hamilton, *Federalist # 68*, March 14, 1788.[2]

In the Declaration of Independence, Jefferson evinced a desire for greater stability in government, belying his statement elsewhere that a little rebellion was occasionally a good thing. Hamilton also displayed a bit more ambivalence toward the importance of FOG than elsewhere in his writings. If the authorship of these two quotations were reversed, then they would make more sense in terms of our

understanding of the authors. The fact that both of these texts were public declarations of collective sentiment may account for their variance from modern understandings of the writer's character.3 Yet the ambivalence of these passages regarding constitutional change, with Jefferson's cautious tone and Hamilton's skepticism, does express an American attitude about constitution: FOG matters, but results matter more. This attitude toward constitutions and FOG change is also germane to charter reform. As this dissertation has shown, cities usually do not change their charters radically.

Charter Reform as a Mid-level Game

The charter sets rules of the game that affect both economic and political games, and is itself affected by both of those games. This is the genius of the argument that Norton Long made about the local community as an ecology of games; the various economic and political games within a city may exist separately but also link up together in intentional and unintentional ways. The two may come together but do not necessarily do so. People who play roles in both games exist. Political economy offers the insight that these games are linked, and can affect each other, even when people do not see the interaction.

In charter reform, we see individuals reflecting and affecting the political economy of a community. Charter reform processes represent the crucible in which these political and economic games come together, and players display the greatest consciousness of these interactions during moments of charter change. People look, for a change, at the rules and their consequences for both political and economic

spheres. In this sense, the charter reform moment is analogous to Pocock's *Machiavellian Moment*. To understand charter reform, one must examine the games in which the players operate, economically and politically, as well as their interactive effects.

Charter reform involves the re-negotiation of the games players play, and might mean the possibility exists for discontinuous change:

> While the historical development of largely unconscious co-operation between the special games in the territorial system gets certain routine, over-all functions performed, the problem of novelty and break-down must be dealt with. Here it would seem that, as in the natural ecology, random adjustment and piecemeal innovation are the normal methods of response. The need or cramp in the system presents itself to the players of the games as an opportunity for them to exploit or a menace to be overcome. Thus a transportation crisis in, say, the threatened abandonment of commuter trains by a railroad will bring forth the players of a wide range of games who will see in the situation of opportunity for gain or loss in the outcome.[4]

The public audience creates "cross-pressure for momentary aberrancy from gamesmanship or constitutes just another hazard to be calculated in one's play". The public philosophy "indicates the existence of roles and norms of a larger, vaguer game with a relevant audience that has some sense of cricket."[5]

In a city with a tradition of developmental reform, the traditional American separation of the economic and political spheres disappears. When the charter serves as political infrastructure, there is intensive and extensive interaction between economic and political games that goes well beyond the norm. Long wrote: "In part, the separation of economics from politics eviscerates the formal theory of government of most of the substance of social action. Intervention in the really important

economic order is by way of piecemeal exception and in deviation from the supposed norm of separation of politics and economics."[6] L.A.'s developmental reform has linked the economic and political games, and the all-important imperative of supporting economic growth has set the parameters for permissible charter reform.

One would think that because constitutions usually follow revolutions that a new municipal constitution must signal that a local revolution has occurred. Yet there had been a startling amount of continuity between the various new and amended charters that have provided for Los Angeles' governance. Ostensibly, the adoption of a new charter would represent an example of discontinuous change, revealing the inherent contradictions in the *status quo*. But L.A.'s charters have not created discontinuous change, and have rather cemented or institutionalized the rules that have emerged during periods that seem to illustrate path dependency. The contours of the subterranean world become clearest to us in the moments of volcanic activity that bring that geological substratum into view.[7]

The Rules behind the Rules: A Tale of Three Charters

LA's three successful campaigns for new charters resulted in governing documents which took effect in 1889, 1925 and 2000.[8] The three charters that have provided Los Angeles' governance emerged under circumstances of crisis, campaign and compromise. These three key components have only been present at three conjunctures—1888, 1924 and 1999. The alignment of these forces has eluded would-be charter framers in other periods, such that most of the city's charter change has been accomplished with incremental charter amendments. The only exception to this

rule is that prior to California's grant of home rule to Los Angeles, the city depended upon the state legislature for both new charters and charter amendments.

From 1850 to 1889, Los Angeles would rely upon the state legislature for its charter. The state had enacted a special incorporation act for L.A., and would periodically amend it to allow the city greater leeway in its operations. The ratification of the 1879 California Constitution deprived the state legislature of authority to enact or amend special legislation for cities, and thus L.A. was forced to continue operating under its no longer flexible governance system. In 1887, California relaxed the population requirements for passage of a home rule charter, and L.A. leaders jumped into action. The city elected a Board of Freeholders at the first election at which the law permitted Los Angeles to do so.[9]

1889 Charter: the voters' passage of the 1889 Charter reveals the importance of crisis, campaign and compromise. The crisis that drove the 1889 Charter was the collapse of L.A.'s 1885-1887 real estate boom, which created a major economic upheaval. The 1889 Charter's passage also depended upon the forging of an elite compromise. The first group of charter framers wanted a five-member City Council, but those who favored the status quo, a 15 member-body elected by five districts, blocked such a change. The second charter panel compromised and created a nine-member Council elected by 9 districts. The charter framers also negotiated a number of other key compromises regarding street control.[10]

The campaign would be led by Mayor Workman and the new Chamber of Commerce. Workman was an important businessman and a key leader in efforts to

improve the city's water, harbor and transportation infrastructure. He served as the President of both the unsuccessful and the successful charter panel, and would lead the substantial public education campaign. He was also a charter member of the Chamber of Commerce, which he helped to reorganize the day before the charter election. Workman worked to draft the 1889 Charter, persuade voters to pass it, and convince the state legislature to ratify the document.[11]

1925 Charter: the first home rule charter would soon prove inadequate, as Los Angeles became in 1910 the fastest growing city in United States history. Frequent charter amendments would stretch the fabric of the 1889 Charter to fit the needs of the growing city, but the patchwork was becoming weak. Mayor Cryer had complained about the 1889 Charter since his election in 1921. In 1923, he threatened to launch a petition drive to elect a new Board of Freeholders if the Council did not do so on its own. Given a post-World War One slump in the economy, and great dissension over the LADWP's fight with private energy companies over power distribution, a crisis appeared to exist.

The public power battle had been playing out since 1910, was forwarded by charter revision with an extensive amendment in 1911, and led to three unsuccessful attempts to draft and ratify new charters during the rest of the decade. The elite compromise took the form of giving up on more radical reforms, such as commission and city manager plans—which failed in 1912, 1914 and 1916—and allowing the voters to choose a larger district-based council over the smaller at-large body the reformers wanted.

The campaign was led by John Randolph Haynes, allied with the Chamber of Commerce, without whom the long efforts at reform would likely have failed. Haynes gave the charter much needed credibility with workers and the labor movement. Although Mayor Cryer was the person who raised the issue of charter reform in his State of the City message, Cryer was not as credible with city workers, who admired Haynes' commitment to their concerns.

1999 Charter: the second home rule charter would last 75 years, but finally give way to a new constitution. The 1999 Charter was produced by an appointed commission, whose members were selected in 1996, and an elected commission, which took office in 1997. The crisis during this period was the rise of secession movements in the San Fernando Valley, Harbor and Hollywood, as well as the long term outcome of the 1992 riots. Some of the issues had been never been resolved since the 1965 Watts Riot and late 1960s Valley secession movements which had driven the nearly successful movement for the Reining Commission's charter in 1969 to 1971.

The elite compromise took the form of adopting neighborhood councils to disperse power as the stronger mayor form of government concentrated it. The decision to treat separately the issue of council enlargement compromised what many reformers wanted by allowing the voters to support the new charter but keep the council the same size. Other compromises, from living wage provisions for labor to the distinction between mayoral appointment and removal powers for proprietary department commissions, abound in the document. The campaign for the charter was

led by Mayor Riordan, who with his supporters donated massive sums of money. The Mayor also provided the leadership of the campaign at many stages. The Valley Secession groups, whose leaders like David Fleming worked closely with the Mayor in the early stages of this charter reform effort, were also a critical bloc.

Charters Matter (the charter as independent variable)

In order to build the city's economy, Los Angeles needed physical infrastructure. This required political infrastructure. Some of the political infrastructure the city needed consisted of state laws regarding annexation and consolidation of territories, allocation of tidelands, and state court decisions concerning water and harbor rights. Yet another kind of needed political infrastructure was federal, taking the form of the Colorado River Compact, funds for harbor and dam construction, as well as rights of way and FAA decisions protecting L.A.'s airport from being used as a cash cow. But these state and federal actions are not entirely under a city's control, and the best the city can do is to use its home rule authority to its advantage. The federal government's decision to back construction of the Boulder Dam during the depths of the Great Depression would be based on the LADWP's reliability and probability of repaying the FDR Administration's trust.

The type of political infrastructure over which a city has the most control is its city charter, which contains the local rules of the game. The charter does not contain the macro-level political or economic rules, but usually reflects these larger games' logic, or rules, over time. As the set of local rules, the charter may be developed to handle the needs of providing political infrastructure. In the period prior to home rule,

Los Angeles persuaded the state legislature to expand its land and water rights through changing the state incorporation act that served as the city's charter. After the city attained home rule, the voters enacted a series of amendments that would grant Los Angeles the maximum authority permitted under California law in order to develop the city's infrastructure. When California changed the Constitution in 1914 to relieve cities of the needs to create long laundry lists of powers to ensure their rights, the city's charter section on its permissible actions had swollen to over 80 subsections, many running beyond sentences and paragraphs to include pages of verbiage.

The political infrastructure created by developmental reformers prevented the use of resources to build a political machine, and instead allowed the construction of a growth machine. Because the reform institutions enabled growth, both in L.A. and elsewhere, the growth machine literature should rightly be termed "growth reform." "Growth" or developmental reform is unlike the typical negative reform that scholars usually study, in that developmental reform is also positive. These positive state bureaucracies have occasionally been called the "new machines" (Lowi), but are distinct. Positive reform forecloses the creation of political machines by monopolizing resources and entrenching allies to defend it.

Charter Matters (the charter as a dependent variable)

Other types of reform besides developmental reform can also be used to build the positive state. Social reform can be used to create welfare agencies and housing commissions.[12] Structural reform can be a key force behind personnel departments and efficiency bureaus. Moral reform can drive the formation of police departments

and censorship agencies. There are underlying rules of the game constraining the kind of rules that the charter may come to contain. For example, the easiest reforms to institutionalize are those that are proprietary rather than regulatory, and do not breach intergovernmental, church-state and public-private divides.

The reformers who can credibly claim their measures will deliver economic growth will dominate, whereas those offering proposals that manifestly threaten it are less likely to succeed. Sometimes, reformers from different traditions will coalesce together to increase their success rate. If this happens, then reforms having little to do with growth can also arise. Whatever the source, once reforms are built into the charter, then they can be very difficult to remove. An interest group politics emerges around charters, especially for those reforms that are institutionalized in the form of a department.

The interest group constellation of any city, past and present, can be seen in the charter and charter-mandated departments in that city. The charter and the departments it creates end up being a powerful force for the status quo, and new charters take a crisis to create. Even new charters may carry old charter provisions wholesale in order to be passed. The only charter change that existing departments and their constituency groups want is the incremental reform of charter amendments, giving the departments greater flexibility within the operations manual that the charter becomes.

The politics of charter amendments resembles a Downsian minimal winning coalition. New charters require a big tent, maximal winning coalition. If a new

charter makes fundamental change, it will be because of crisis, usually assisted by a strong campaign and a cross-class coalition. Fundamental changes, such as in FOG, often arose in the past through campaigns led by reform groups. More recently, mayors seeking enhanced authority have usually driven the campaigns involving adoption of the strong mayor FOG. Whether in the case of a FOG war or other charter change, the charter provides the rules of ruling. However, there are underlying political rules as to how these changes to a city charter's rules will happen. All of these battles over a principle are always conflicts over interest.

Developmental Reform and the Developmental State

Developmental reform is a far cry from the minimalist goals of the structural reformers. Rather than focusing on merely saving the taxpayers a few dollars by efficient operation of the night-watchman city, developmental reformers sought to use the public sector in creative ways, to expand the possibilities of government rather than merely to make it as penurious as possible. Robert Moses' discouragement over the structural reform efforts on which he spent his first few years in the public's service perfectly captures the narrow vision of structural reform:

> It was a period of disillusionment for me, for I worked for a time with the Mitchel administration, and the Bureau of Municipal Research. I know of nothing actually accomplished by the sterile Mitchel administration excepting Edward M. Bassett's launching of the zoning system. The zoning boat was loaded down with all kinds of junk; it had reciprocating engines instead of turbines; it made little speed, but it floated and went places. Almost all the rest of the Mitchel proposals were pipe dreams. It was an honest outfit committed to saving rubber bands, using both ends of the pencil and similar efficiency devices, and to the impossible promise of making vast physical improvements without spending more money.[13]

Moses' efforts on behalf of the transportation, parks and manifold infrastructure projects of New York would find great admirers among L.A.'s developmental reformers.[14] Although Robert Caro's unflattering portrayal of *The Power Broker* makes him a formidable figure, his accomplishments in using the state apparatus to spur development would have found respect among such L.A. developmental reformers as Bill Mulholland, Ezra Scattergood and Clarence Matson. Moses' combination of idealism and pragmatism would have allowed him to share an omelet with Dr. John R. Haynes.[15]

Although theorists of the developmental state have highlighted examples in Latin America, East Asia and Europe, they have only examined the national level. As this dissertation has shown, Los Angeles acted like a strong developmental state, albeit within the limits of the American federalism that L.A. actually turned to its advantage. The city's proprietary departments were aggressive in assuring the prosperity not only of Angelenos, but also of the larger Southern California economy. Southern California's status as the eighth largest economy in the world would not have been attained without the efforts of such LADWP officials as William Mulholland and Ezra Scattergood.[16] Without the political infrastructure created by charter reform, L.A. would never have been able to construct its world-class physical infrastructure.

Of course, not all of the city's political reform took place in the arena of charter reform. The city required an intergovernmental assist. First of all, the federal government permitted Los Angeles' goals for Owens Valley water to trump the goals of the U.S. Bureau of Reclamation. William Kahrl argued that in the "Chinatown"

rape of the Owens Valley, President Roosevelt held the victim down to permit the crime by approving the aqueduct's right of way. Moreover, federal support was needed to secure approval for the Colorado River Compact, which allowed Los Angeles and California generally to stake a claim to contested waters. Third, the United States generally approved the Tidelands Trust transfer which protected Los Angeles' control of its harbor, and the FAA shielded the Los Angeles airports from being used as a "cash cow" by the Riordan Administration in the 1990s. Finally, the ports of San Pedro Bay were made possible by federal appropriations for outer harbor breakwaters and inner harbor dredging.

The state also played a critical role in the city's developmental reform script. First, the state passed the aforementioned Tidelands Trust law in 1911, showing the way for the courts to assist L.A. in wresting control of its port from the Banning family and other port titans. Second, the state passed helpful rights-of-way laws and allowed easy annexation of territory around the city to help it grow. The state wrote a special law to allow the existing cities of San Pedro and Wilmington to dissolve their municipal corporation status so that they could be consolidated with Los Angeles. Third, the state courts accepted the pueblo water rights that Los Angeles city attorneys asserted, when there was no basis for such a right in English riparian or common law, or even in the California Doctrine's unique and ad hoc melding of adverse prescription with riparian rights. Fourth, the state provided the city with favorable special charters prior to 1879, made home rule for cities as small as L.A. available in 1887, and then rubber-stamped every charter change the city ever sent them.

However, intergovernmental assistance, which even included the Army Corps of Engineers' flood control work on the L.A. River, would not have been enough to have secured the economic growth that made the city an American Colossus. The city's charter reform efforts established the powerful proprietary departments that worked to expand the city's economy. While other cities would depend on the public authority device which Robert Moses used to such effect in New York City, Los Angeles's Progressive Era Public Service and Harbor Commissions built the extraordinary infrastructure which made a big city possible in a "least-likely" location from the standpoint of the historic factors of urban growth. These charter-ensconced water, power and harbor agencies, which proved a template for the city's aviation efforts from the 1930s onward, aided the city in becoming the center of a mega-region.

Making of a Mega-Region

Richard Florida argues that recently the most important question for Americans is *Who's Your City?* In his rediscovery of central place theory, Florida has found that some cities are more attractive places to live, and the clustering force of these places makes them capitals of the creative economy.[17] Moving a step beyond his identification of the Creative Class, which he called the most productive residents of the United States, Florida found the creative economy, centered on the mega-regions of the world. As Florida points out, mega-regions contain five to ten million people, "produce hundreds of billions—sometimes trillions—in economic output." Because they can "harness human creativity on a massive scale" these mega-regions

"are responsible for most of the world's scientific achievement and technological innovations."[18]

Los Angeles' charter was the driving force in the making of the So-Cal mega-region. By Florida's count, the So-Cal mega-region is the second largest on the west coast:

> On the west coast, we also have three substantial mega-regions. The largest, home to 21 million people and the source of $710 billion in cross-national LRP [economic activity], runs from Los Angeles through San Diego and into Tijuana, Mexico. LA boasts preeminence in film, entertainment, and popular culture. It is also a major port and a key destination for finance, banking, and technology firms. San Diego adds world-class information technology, telecommunications, and biotechnology. And Tijuana brings one of the world's largest manufacturing centers—specializing in television, electronics, and high-tech production. This is a powerful combination. The region is one of very few in the world that combines cutting-edge creativity and innovation with the ability to manufacture products in a relatively low-cost environment.[19]

The arid So-Cal mega-region depends most upon the water that Los Angeles acquired. In a wonderful example of a kind of "if you build it, he will come" culture, the city invested in water resources far beyond its residents' immediate needs. This at first took the form of the purchase of the Owens Valley's water rights and construction of an aqueduct that was an achievement for its time, then later its extension to Mono Lake.

Anticipating that these sources of water and power would be insufficient, Los Angeles reached for the Colorado River, persuading other Southern California cities to join the Metropolitan Water District, convincing other states to sign the Colorado River Compact, and cajoling the federal government to finance construction of

Boulder (later, Hoover) Dam. The city's water efforts drove creation of the California State Water Project, and its electrical energy efforts drove L.A. to build or buy electrical generation plants and transmission lines in other states. The city can burn coal in Utah's Intermountain Power Project to make electricity for L.A. The LADWP owns hydroelectric, nuclear and petroleum-fired generation plants. The Department has also developed a successful program for using renewable "green energy" sources.

Like the LADWP and the water and power network it would build, the city's harbor and airports projects were products of charter reform. The city's powerful proprietary departments held sufficient authority to make long-term investment decisions, and expended millions of dollars in federal, state and local dollars to construct a world-class port and two airports. The 1925 Charter built upon the foundations of the 1889 Charter and the series of charter amendments after 1902, and established proprietary departments which could be insulated from the electoral vicissitudes of "outrageous fortune" and plan an infrastructure capable of supporting the economy that the city's developmental reformers desired. When the voters authorized the three proprietary departments to use revenue bonds in the way that their public authority counterparts could, these magic agencies could retire almost entirely from politics.

Recently, they have had to reconsider their early retirement from the charter reform game because of the inroads into their autonomy that were made from the 1970s to the 1990s. The advocates of the proprietary departments are well aware that what charter reform wrought, it can also destroy. As former General Manager Robert

V. Phillips wrote in his aptly named essay "DWP--To Be or Not to Be": "It is my opinion that the effectiveness of the Department of Water and Power in serving the City of Los Angeles has been primarily due to its relative independence from the political world and its freedom to do its job as it thought best. Given our new vulnerability, that relative freedom and independence is already considerably compromised." Reflecting upon the woes of the agency under his tenure, Phillips attributed LADWP's success to insulation. Bob Phillips is now an active member of the Water and Power Associates, which played a vocal and participatory role in defending the LADWP during L.A.'s 1996-1999 Charter reform process. The group, consisting primarily of retirees from LADWP, defends the Department's interests, which its members view as critical to assuring the city as a whole a bright (and moist!) future.[20]

Local-level Iron Triangles?

This dissertation depicts the "new machines" that powerful charter-mandated departments could become in pursuing their goals. The kind of bureaucratic autonomy and constituency politics that such departments as LADWP and LAPD practiced might remind some of the iron triangle literature, the debates in the principal-agency literature over fire alarms and police patrols, and stacking the deck to ensure bureaucratic compliance with the wishes of the President and Congress that established an agency. Yet this dissertation does not address that debate within the literature on American Political Development. Daniel Carpenter's national-level findings are interesting, but ultimately incommensurable with the research of this

dissertation.[21] There is a very different logic in operation at the local level in terms of the operations of bureaucrats and their public masters and clients.

Unlike the U.S. Constitution, state constitutions and city charters are relatively easy to change. Rather than requiring the two-thirds and three-fourths margins that the national charter does for any changes, and placing the power of proposing and ratifying changes in the hands of representative assemblies at national and state levels, most states require fairly minimal levels of approval for state and local constitutional change. In California, the voters can propose a constitutional amendment with a petition containing the signatures of 8% of the state's registered voters from the last gubernatorial election, so long as a simple majority favors the change at the next state election. Alternatively, the state legislature can propose changes, and those are sent on to the public for simple majority enactment.[22]

Because charters are easy to amend their charters, it is not surprising that bureaucratic agencies and their allies would both seek and win alterations in their general mandate and their specific operations manuals. Federal bureaucracies do not enjoy the privilege of changing the laws and constitutions that govern them. Local-level agencies can pressure for election of new mayors and city councils, as LADWP did, and the submission and passage of charter amendments, which several of Los Angeles' departments have done over the years. City agencies could take advantage of the relatively high turnover among local elected officials, and enjoyed real informational asymmetries with respect to their elected bosses. Turnout is routinely lower in local plebiscites, and sometimes minuscule at special municipal elections; in

such a referendum, the city workforce could exercise a potent influence at the ballot box. Given that the United States' federal civilian employees consist of around 1% of the total population, and that the turnout is much higher in federal than local elections, it is difficult to imagine a federal agency becoming a ballot box machine the way that LADWP did.

Reform Types and Institutional Capacity

Not all kinds of reform are the same. For example, developmental reform is not identical in logic to structural reform. One way to illustrate this is by comparing the Civil Service Department to LADWP. Both were charter-mandated departments, both were ensconced within the charter by the city's first charter amendments in 1902, and both were products of the efficiency-based considerations of society-centered reform groups. The two would vie over time for status as the most important subject of charter amendments, with LADWP taking the lead up to the 1940s, and the Civil Service Department dominant thereafter. Yet the two departments differ greatly in terms of their ability to accomplish their mandates. The Civil Service Department would be underfunded and demoralized by corruption during the Shaw Administration, while the LADWP would be largely untouched by the Mayor and his recall.

The structure of structural reform: one of the reasons that the Civil Service Department had greater difficulty than the LADWP in institutionalizing its goals is that the former is inherently regulatory while the latter is proprietary. The LADWP is an enterprise department, and produces revenue rather than merely consuming it. The

department might face being used as a cash cow, but is a self supporting public business. The Civil Service Department, on the other hand, regulates the workforces of other departments. While it does have a permanent staff dedicated to the principles of the merit system, the lion's share of the employees over which the department exercised supervision were other departments' employees. The Civil Service Department faced the need to recruit satisfactory employees to do the work of other departments. Because of its staff versus line status, moreover, it was auxiliary. The department would never net revenue or perform its own functions, beyond assisting the city's other departments with their staffing needs.

Other types of structural reform offered no basis for institutionalization at all. The recently created Ethics Commission created the institutional wherewithal to institutionalize campaign reform, but how would one institutionalize direct democracy within the state? Like the Civil Service Department, the Bureau of Budget and Efficiency was a structural reform institution, but this agency faced the same difficulties, as its functions was merely to survey the work of other departments, and offer recommendations as to how they could improve their operations. The City Attorney and Controller's office could institutionalize reform, in its ethical and budgetary versions, yet these offices were held by elected officials. Rather than facing citizen commissioners who either adopted a long-term view or faced great informational asymmetries when they attempted to oversee their departments, departments would find that elected officials would demand results, and usually in the form of work for which a politician could claim credit for short-term achievements.

Social Reform versus Economic Growth: if structural reform faced an inhospitable structure for institutionalization, so did social reform. There were only a few social reform institutions that made their way into the charter over the years. The various housing and planning commissions that the city formed over the years all faced an uphill battle, in that they were tasked with working against the logic of free market capitalism. While it is truly ironic that L.A. would use a form of state socialism in creating publicly owned public utilities to sponsor the growth of an anti-labor economy, and that it would take the National Wagner Act to finally bring collective bargaining to the city on a large scale, it is ironically true that the city was rabidly right-wing.[23]

Although Los Angeles actually passed the first comprehensive zoning law in the country in 1908, and had in fact zoned such land uses as slaughterhouses out of certain areas of the city in 1908, the city would be a laggard in terms of planning and zoning. A 1926 charter amendment authorized the creation of a major street traffic plan, but by this time it was too late. Los Angeles had already become a microcosmic city-state version of the American car-nation. Planning and housing threatened the integuments of the city's commercial elite. Real estate development was the leading Angeleno profession going way back into the 1880s, so how could concepts such as planned development and prevention of sprawl affect the "city of homes" that such social reformers as Dana Bartlett saw the city as becoming? In following Bartlett's "ruralize the city" mandate, L.A. found itself unable to fully heed the advice of "City Beautiful" planner Charles Mulford Robinson, who authored a bold new city plan for

the city in 1907. Robinson's elements were "strung rather too loosely together to restructure an already disjointed metropolis."[24]

Even more threatening for L.A.'s privately dominated land development strategy, the 1925 Charter's provisions for a Municipal Housing Commission (MHC) would have bypassed traditional developers and real estate agents to offer housing for the city's less fortunate residents. The prospect that this public housing would compete with private sector housing efforts prevented realization of the MHC's goals, and L.A. did not witness the building of affordable housing until the federal government's PWA housing, and the military-related projects constructed to house all of the Rosie the Riveters working in the Southland's World War Two-era defense plants.[25] Even the federal government's efforts to provide affordable housing in L.A. would eventually fail, as L.A. succeeded in persuading the government to tear down all of the PWA and WWII housing, and then in the early 1950s broke its contract with the federal government, refusing to build housing projects on Bunker Hill.

Moral Reform and Progress: the city's LAPD, its appointees in the City Prosecutor and Film Censor's offices, and its Municipal Arts Commission would all provide an institutional seed for the furtherance of moral reform. Even the city schools would become a battleground between liberal clergy and professional educators, facing off with the Better America Federation. In an earlier day, the *Times* fought the schools for the privilege of propagandizing school children to inoculate them against labor with the doctrine of "industrial freedom." Yet there were two problems for those who would use city agencies to institutionalize moral reform. The

first was the church-state separation. How could the city negotiate that divide and yet still use public power to inculcate religious beliefs in its citizens? It was possible to censor public behavior and even enforce prohibition, but there were inherent limits to what a city agency could do within the parameters of the federal government's establishment and free exercise clauses.

The other obstacle for moral reformers was the fear that moral reform would scare the business from a "chemically pure" city. The voters rejected the 1905 saloons-closing initiative ordinance when the city's liquor business effectively argued that such policies were bad for the economy.

> Tens of thousands of tourists from all over the world visit us yearly. Prohibition would drive nearly all of them away. Our boasted yearly progress would lag and halt. Prohibition in Los Angeles would be putting back the hands of the clock. We are not a village, nor merely a city. Los Angeles is a metropolis, with a population ranking here with the great cities of the country and a prestige worth untold millions. Shall we throw all away our advantages by adopting a law which no great city has enacted? Shall we endeavor to force village life and customs upon half a million people, made up of men and women of all nations, from all walks of life, and of all religious beliefs?[26]

Norman Klein argues that the city's scandals of the 1920s "terrorized civic boosters…struggling to launch the All-Year-Round Club through dozens of other promotional groups like the Advertising Club of Los Angeles; and gearing up for the 1932 Olympics in L.A."[27]

Yet there was demand for the services of the city's vice trade and its speakeasies, and the city's reputation as "the white spot" could scare away business opportunities. The city largely appears to have looked the other way when LAPD vice

cops "essentially oversaw prostitution as a business."[28] Willard Huntington Wright's Mencken-like send-up of Los Angeles in *The Smart Set* may have turned off more cosmopolitan folks who might otherwise have visited just to partake of Hollywood Babylon.[29] Perhaps the city's promise of "pure faith, pure morals, pure government" would attract more Iowa picnic denizens to the "Ideal Protestant City" and "Model Christian Community," but it would not likely have attracted many conventioneers.[30]

If the most successful moral reform institutions were the LAPD and the Los Angeles schools, then the success of these institutions came at the expense of sacrificing the reform goals of the innovators who built them. The LAPD became a blunt instrument of social control, achieving pension protection for its own employees at the expense of enforcing anti-picketing ordinances, investigating potential threats on the Red Squad and the Rampart Scandal-discredited CRASH unit, and generally busting the heads of labor organizers who tried to challenge L.A.'s national reputation as the citadel of the open shop.[31] The L.A. schools would attempt to assimilate, acculturate and Americanize both children and their parents, but further moral reform goals were beyond the pale of education. The Church Federation and other organizations would play a vital role in school board elections during the 1920s, contesting the use of education to achieve other agendas than schooling.[32]

Society or State-Centered Reform

In the period from 1873 to 1923, reform in Los Angeles was largely society-centered. Amateur groups involved themselves in seeking charter reform. The League for Better City Government of 1896 and the Nonpartisan Committee of 1906

would have a great deal in common. The reformers of the Republican-leaning Municipal League and the Democratically-inclined Voters League could find common cause in their desire to improve city government. The Free Harbor League represented a broad coalition of Angelenos interested in preventing a one-railroad monopoly from squelching the city's economic progress. The variety of interests among these groups was so great that L.A.'s Women's Christian Temperance Union leader Frances E. Willard would describe her goals as "do everything reform."[33] Such reformers as Minister Dana W. Bartlett interested themselves in the whole panoply of reform possibilities, exploring the varieties of reform experience.[34]

But these amateur groups would eventually yield the mantle of reform leadership to city bureaucrats. As Martin Schiesl noted in a perceptive essay on the legacy of the 1909-1913 Alexander Administration, "progressivism did not lose its 'momentum.' True, the outside progressives had lost control of local government and remained divided over the main goals of political reform. But now the prime impetus for the renovation of administration and public programs came from reform-minded employees on various levels of local government." Schiesl described the empowerment of appointed officials with "city-wide constituencies" and their civil servants, who were able to act like "semi-administrators and semipoliticians". For him, the city moved to "an 'officially based partisanship' as opposed to the 'spoils-based partisanship' of a party-run polity."[35]

In the period from 1902 onward, society-centered reform groups would seek charter amendments, but they would over time be joined by groups within the local

state. The Civil Service Department would begin requesting charter amendments to ease their implementation of the merit system as early as 1904, the first charter amendment election after the Department had been created. The Civil Service Department would actively seek charter amendments constantly; during the 1996-1999 charter reform effort, General Manager Bill Fujioka of the Personnel Department (still led despite the name change by the Civil Service Commission) would once again request a number of charter amendments to ease his Department's work.

After the ratification of the 1925 Charter, the amendment process would become almost entirely state-centered. City departments would chronically petition for incremental changes that would make their operations more efficient. Skeptics outside the local state might view these changes as damaging to checks and balances, but did not offer counter-proposals. The society-centered reform groups largely abandoned the field of charter amendments to those with a professional stake in the process, although they would sporadically raise the cry for an entirely new charter from the sidelines. The state-centered reform constituency was as avid in pursuing charter amendments as it was in muting the volume of new charter rallies. The very departments that would laud the use of lay commissions to manage city departments were leery of entrusting the city charter to such a panel.

If it ain't broke

Because charter reform involves change in the *status quo*, the burden of proof is always placed on reformers by those voting on charter change. Consequently, the adoption of serious charter change that goes beyond the realm of incremental

patchwork requires an effective campaign. However, it is as easy to campaign against charter change as it is to campaign for it. In fact, it is easier to run a counter-campaign because of the natural conservatism of people who fear that altering the *status quo* could possibly harm their interests. Los Angeles' departments were perfectly happy to seek and to allow charter amendments, yet they did not request a new charter. Rather, the city kept on amending its existing governmental framework for almost three-fourths of a century.

The opposition to potential new charters, just as to any kind of change, has often employed the versatile slogan, "If it ain't broke, don't fix it." In the 1996-1999 Los Angeles Charter Reform effort, labor leader Julie Butcher of the SEIU Local # 347 made this statement to express her reason for opposing the creation of a new charter. The slogan can potentially be an effective argument countering alteration of the *status quo* because of the Geertzian "deep structure" of this rhetorical position.[36]

Deconstruction: the slogan is deceptively simple because of its implicit "if-then" construction and intentional use of improper grammar. If one were to render the statement properly in Standard English (SE), it would be: "If it is not broken, then do not fix it." In algebraic form suitable for use in BASIC computer programming, the equation would be: "If $x \neq y$, then $x \neq z$." Of course, the SE and algebraic renderings of the slogan would render it less effective rhetorically. The use of improper English, as in the use of "ain't" for "is not" and of "broke" for "broken", actually makes the statement more persuasive.

The reason for the persuasive quality of the slogan is that improper English usage makes it sound like folk wisdom or common sense. The expression is commonly used in reference to performing regular maintenance on an automobile or some component of a complex system. Most everyone eventually experiences the situation in which he or she fixes a problem, only to realize that there is another, which may actually be the underlying cause of the symptom just repaired but is sufficiently associated with the first repair that it seems as if fixing the first problem "caused" the second to occur. This is, of course, an example of the *post hoc ergo propter hoc* fallacy in which one mistakes a correlation for a cause-and-effect relationship.[37]

Fixing the first problem may have revealed the existence of the second problem, but is very unlikely to have caused it. Unless one breaks something else, causing Problem 2 while repairing Problem 1, then fixing Problem 1 cannot logically have caused Problem 2. But since repair and routine maintenance are both unpleasant and often time intensive and costly endeavors, one may not want to perform either task. Therefore, the slogan can be an attractive excuse for procrastination. If one performs routine maintenance or fixes small problems as they arise, the argument goes, then one can cause worse difficulties to occur. This is, of course, idiotic, but it "feels true" to one who has experienced the problem of changing an automobile battery, for example, only to find that the battery had malfunctioned due to a faulty alternator that had failed to charge the battery. However, if one does not fix the

automobile's alternator, it will quickly render the next battery as useless as its predecessor.

The problem is that the "it" in the "If it ain't broke" slogan is unidentified and perhaps unidentifiable. If one could immediately diagnose the root cause and fix it, then one would be better off. Then fixing it could never be a bad idea. But one cannot necessarily be sure that one knows what "it" is. Therefore, the logic of the slogan takes rhetorical strength from people's ordinary experiences in their daily lives.

Mixed Modification: a second rhetorical strength of the slogan is that the "it" in the subject of the statement may not be the "it" from the predicate. The slogan may instead read, in algebraic form: "If $x \neq y$, then $a \neq b$." If the car isn't broken, don't fix the alternator. If the electricity is working, then don't change the fuses in the circuit breaker even though they are supposed to be changed according to some specified maintenance schedule. The slogan might not be referring to the same object with its repeated use of the word "it". One does not have to accept a Clintonian ambiguity about the meaning of the word "is" to see that this slogan involves the problem of the misplaced modifier.[38] The same "it" may not be the referent in both the subject and predicate components of the slogan. In terms of charter reform, the slogan could have multiple meanings: "If the charter is not broken, don't fix the charter;" "If the city is not broken, then don't fix its charter."

How would we know if a charter was broken? What does a working charter look like? Even the experts on political structure do not agree on what a model charter would include. City managers have promoted manager plan charters; business people

interested in pliable government have promoted mayor-council charters. Every charter concept seems to be or have been at some time the pet idea or chosen fad of some interested party.

If it is instead the city that is broken, then it might not logically follow that charter change is desirable. Even if the people believe the city is dysfunctional, they are likely to be skeptical that charter change will actually offer any improvement. When Orange County citizens suffered the greatest municipal bankruptcy in history, due in great part to the fact their county had no charter and was instead governed according to California's general law for counties, they still refused to approve a new charter to provide for their governance. Even though their county was the only large and urban county in the state without a charter, they did not choose to draft a charter offering them greater protection. These citizens apparently distrusted charter change as much as their officials. They did alter their governance system by limiting the terms of their officials, but this did not address the problems their general law charter had created, and was arguably a change that could actually worsen their problems rather than helping![39]

For voters to overcome the logic of the anti-change slogan, they have to believe four things: first, that the charter is broken; second, that it is possible to repair the charter; third, that repairing the charter will help; and last, that the specific repair proposed for the charter is the right one. Then, they have to actually register to vote in time and participate in the election. Voter apathy has killed charters that met all four of these necessary but insufficient conditions. The reason is that the forces favoring

the *status quo* are often the most likely to actually participate in a city election. For the average voter, participation may be a collective action problem, whereas for those very interested in city structure—employees, interest groups and lobbyists, etc.—showing up may be a small price to pay in exchange for their gains. If the anti-reform slogan serves to increase voter cynicism just enough to allow interested parties to carry the election, then it can work enough to stop any change from occurring.

This deconstruction of the deep logic of the slogan "If it ain't broke, don't fix it" shows the uphill nature of the battle that reformers must fight. To overcome this kind of rhetoric can be an impossible task. Those who favored the 1999 Los Angeles Charter managed to overcome this counter-campaign rhetoric, as had the 1889 charter framers. There was no anti-charter campaign in 1924, because the 1923 Board of Freeholders had co-opted any potential opposition by putting new provisions in the charter to appease labor and other groups. These Christmas Tree packages made it less likely that any group could hold out for a better deal by awaiting a later charter commission that might give more benefits in exchange for support.

The best argument against the slogan is that if the framers of the U.S Constitution had thought this way, the Articles of Confederation would still be in place. Or that the 13 colonies would still be a part of the British Empire, for that matter. This rhetorical position underlies the constant invocation of "checks and balances" by the ECC. Their charter press conference featured commissioners sporting three-cornered hats to hammer home this theme. Those promoting change

have to argue that the change will not create Mary Shelley's Frankenstein monster through its unintended consequences.

Ironically, the city was already convinced that the government was broken by 1999. Mayor Riordan had fought the City Council and other city officials over everything since his election to office in 1993. He was already convinced the city was broken the day he took office. As evidence, one only needs to examine the term limits initiative he persuaded voters to approve shortly before being elected to the city's mayoral office. He ran for leadership of the city government by campaigning against the city government, in the mode of a Ronald Reagan-like "citizen-politician."[40] L.A. citizens were persuaded that government was broken by observing Riordan's actions and inactions in office.[41]

Break it if it isn't already: Mayor Riordan diagnosed the problem as the city's structure, as established by its charter. He persuaded others that the charter thwarted him in his efforts at effective leadership, and ran for a second term as mayor on a campaign promise to pursue charter change to fix the city. Therefore, the several years before the charter election represented a process of convincing voters the city was broken because of a dysfunctional city charter. This kind of public education is essential to answer to the slogan cautioning against repair of what is not broken. Voters were already making the necessary connections in the logical reply to the conservative, *status quo*-preserving rhetoric.

The mayor and pro-charter reform forces needed only to convince voters that the particular charter reform they were offering was appropriate to patch the problem.

Voters believed the city was so troubled that ultimately some of the electorate seemed to think that charter change could not worsen the city's problems even if it could not fix them. The city was so broken that nothing could make it any worse, so that reform was no threat, the logic appears to have gone, for these voters. Some of the San Fernando Valley residents who were extremely committed to the secession cause argued that improving L.A. was such a crying need that they should favor reform even if they would not need it to secure their own futures.

To answer the slogan of counter-reform forces, one needs to harness voter discontent, but not to so disaffect the electorate that they do not bother to show up at the polls or vote against reform in principle to show their ire. The Orange County experience with Measures T and U come to mind here, as well as with Measure A. The lesson the voters learned was not that they needed to give the county a charter, but that they should further weaken county officials by limiting their terms. The neo-populism that Terry Clark identified and that Mark Baldassare demonstrated in Orange County can aid charter reform efforts, depending on how voter distrust affects the process.

If Mayor Riordan's difficulties were not enough to persuade Los Angeles votes their city was broken, there were other things contributing to the sentiment. The city had endured two riots in its inner city areas and two secession efforts in its outskirts between the 1960's and the 1990's. Charter reformers could point to failure to adopt a new city charter 1969-1971, and the riots and secession efforts that seemed like responses to the city's unresponsive political structure. When the charter that

reformers offered in 1999 addressed neighborhood disaffection, without throwing out the baby with the bathwater through radical reform, they made a good start toward answering the "if it ain't broke" slogan.

The counteractive slogan deconstructed here has been used many times to block change to the status quo. Accordingly, the findings of this dissection of the logic of the slogan should be applicable to other events beyond the city limits of Los Angeles during the late 19th and 20th centuries. Whether it is the perennial concern with immigration reform, such as Congress addressed a few years ago, or the healthcare reform that a number of the candidates contesting the 2008 Democratic presidential nomination supported, the slogan is versatile enough to be used to block any improvement or degradation in any policy arena. All proponents of change promote their measures as reform, all those who would preserve the status quo raise the dread specter of wrecking a good thing or making a bad situation worse. For every Thomas Paine, who predicts: "From what we now see, nothing of reform in the political world ought to be held improbable" there will be an Edmund Burke to throw cold water on optimism.[42]

Crisis in Polity with Politics as Usual

In *Presidential Power*, Richard Neustadt described the President at Midcentury as facing crises in policy amid politics as usual.[43] New charters may require crisis conditions to achieve, but the process of framing them involves politics as usual. In the proceedings of the 1923 Board of Freeholders, John R. Haynes would play the game so as to assure that even when he could be named the chair of a particularly

strategic committee, one of his allies would attain the position. In this manner, her could assure his ability to make the charter what he thought it should be, and also appease the needs of labor, which were communicated to him by fellow Freeholder John S. Horn. Horn was not as influential in the Board, but Haynes knew that his support would be essential to winning labor's support for the new charter, and Haynes made sure that Horn received the changes he needed in order to bring labor on board.

Politics was also part of the 1889 Charter framing process, as the account offered above in Chapter One indicates. Workman and his colleagues had to work to ensure they would be part of a winning ticket, and that the Freeholders would represent an accurate enough cross section of the community that they could claim legitimacy in framing the first home rule charter for the city. Workman needed to ensure that he and his fellow Freeholders avoided the political pitfalls of the earlier charter draft that the first Board had submitted, only to watch the proposal go down in flames. Workman fought stand-pat city officials such as Freeman Teed, who apparently disapproved of the efforts for the new charter. Even such seemingly trivial conflicts as a controversy over which newspaper would get the right to publish the charter draft became a threat to the document's chances for adoption.

The 1999 Charter also emerged from a political process, the likely unprecedented circumstance in which two charter commissions were simultaneously authorized to revise or replace the same document. There were staff conflicts between the Administrative and Policy directors at ECC (Garfield and Schockman), between charter draftspersons at ACC and ECC (Steve Presberg and Mary Strobel), and

between ECC members. The author was at one point instructed by one Commissioner not to provide needed information to another member of the panel, and falsely accused of having done so on another occasion. One Commissioner even allowed a prospective rival at the upcoming Council elections work as a grassroots lobbyist for ECC in order to prevent the lobbyist from using the 1999 Charter as a campaign issue against the Commissioner. This meant putting money in the pocket of the rival that could be used to fund the Council campaign, but still represented a rational choice by the ECC member.

Politics does not end just because there is a crisis and charter reform is on the agenda. In fact, the stakes of the political game become greater at these times. These battles are not over ordinances, which may be enacted and repealed all of the time, but over the charter itself. Once a particular group is able to write its goals into the charter, they may stay there indefinitely. The deck can be stacked for a long time into the future by one successful charter amendment. The fact that the charter commissioners who drafted the 1889, 1925 and 1999 charters were able to overcome all of the internal politics made them much more likely to succeed in securing public approval of their charter proposals.

To borrow a phrase from the Frank Sinatra song, if the charter draft can make it there, it can make it anywhere. Any charter that managed to overcome the dissension within and between the ACC and the ECC carried a decent probability of success with the public. The two commissions encapsulated and recapitulated the conflicts within the city, and paved the way to a Unified Charter. The logic is

reminiscent of Richard Hofstadter's argument about Abraham Lincoln. Hofstadter contended that Lincoln managed to assemble in his personal development and politics a coalition by abolitionists and those who feared having African Americans as neighbors and economic competitors. Consequently, Lincoln perfectly represented the Republicans' 1860 electoral coalition.[44]

Comparative Perspective: A Look at San Diego

The great peril of this dissertation is becoming a single case study, without relevance other than as a historical curiosity. To determine whether L.A. was a great exception, a deviant case without parallel, the author became an active participant in the charter reform process of neighboring San Diego. San Diego shares the same state and regional context of Southern California, and is also part of the So-Cal mega-region. The city faces the same Prop 13-era fiscal constraints that modern Los Angeles does. The city faced the same water-based dilemmas of residency in an arid region. Like L.A., San Diego developed thousands of miles away from New York during the Atlantic Century, before people began to discuss the economic importance of the Pacific Rim. Los Angeles and San Diego competed to become the southern branch terminal of the Southern Pacific Railroad in the late 1860s. When San Diego lost this battle, it would face greater difficulty in developing its great natural harbor than L.A. did in creating an entirely artificial port.

The charter reform processes of Los Angeles and San Diego present an amazing parallel. Both cities experimented with different FOGs. San Diego actually adopted the commission and council-manager FOGs that L.A. adopted in an adapted

form. Like L.A., San Diego has recently strengthened its Mayor through use of charter reform. Rather than create an elected or appointed charter commission, San Diego relied upon committees, who recommended an amendment to alter the city' FOG with an article at the end. The voters just approved (June 3, 2008) an amendment that would allow the electorate to move permanently to the strong Mayor form it has adopted on a temporary basis; the public will vote upon the question in November 2010.

Both Los Angeles and San Diego have very small councils, whose members face the challenge of representing large constituencies. L.A.'s 15 Council members must provide representation for nearly 4 million people, while San Diego's 8 Council members struggle to represent 1.3 million residents. In New York City, the Council contains 51 members for 8 million citizens, while Chicago has 50 legislators to represent only 2 million inhabitants. Both Los Angeles and San Diego have rejected efforts to increase their Council's size, although if San Diego approves retention of the strong Mayor system in 2010, its Council will be increased to nine members to allow a two-thirds override of the Mayor's veto. Even with the increase, the city of San Diego's Council members will find that their constituencies exceed 133,000 inhabitants.

Neighborhood governance is also an issue in both L.A. and San Diego. L.A. looked at San Diego's Planning Councils during its 1996-1999 charter reform effort and active grassroots charter committee member Adrian S. Kwiatkowski wanted to return the favor and use L.A.'s new NCs as a model in 2007. The 2007 San Diego

Charter Review Committee did not go that route, but it is very likely that a future San Diego charter commission will. The same downtown versus neighborhood conflicts that were part of L.A.'s Reining Commission and 1999 Charter reform efforts are present in San Diego. If San Diego also pursues this reform, then its charter will contain the same trinity of democracy as L.A.'s, including republican, direct and participatory forms of democracy. [45]

Developmental reform was a key element of San Diego's charter reform history, just as it was in L.A. San Diegans rejected the 1929 Charter proposal for a Council-Manager FOG because the provisions drafted by the charter commission that produced it did not pay adequate attention to the issue of harbor control. Likewise, the city used its charter to attempt to secure its land and water rights just as L.A. did. San Diego has not been as successful in terms of creating powerful proprietary departments at the local level. Instead, state efforts have been more effectual in developing the city's infrastructure. For example, Jim Mills' 1962 Port District Act assisted San Diego in developing its harbor. The city has been dependent on the U.S. Navy that Los Angeles was able to evict in exchange for commercial tenants in the 1930s. Recently, the state has again stepped in to assist in terms of San Diego infrastructure, creating a regional airport authority to develop Lindbergh Field. Los Angeles used its charter to create powerful proprietary departments, unwilling to trust to any state or federal action the city's economic future.

Crisis has been a key variable in the charter reform processes of San Diego, as it was in L.A. San Diego enacted its 1931 Charter moving the city from a Mayor-

Council to the Council-Manager FOG due to the fact that the city government had built a dam in the wrong place. At one point during San Diego's 1999-2000 Charter reform process, long-time Assistant City Attorney John M. Kaheny told his fellow committee members that if they wanted their new charter proposal to be enacted, the city would need a dam built in the wrong place. He told members about the 1931 Charter, and predicted the problems that the charter proposal would face with the Mayor and Council due to the absence of a crisis. A few years later, the group would get their "dam built in the wrong place" crisis.

The city would bungle the handling of the Cedar Fire, only eight days after the city had canceled the Fire Department's helicopter program that might have saved many lives and untold millions of dollars in property damages. Three sitting Council members were charged in a scandal involving the city's no-touch rule at strip joints; one would die at the beginning of the scandal, and the other two would be forced from the city's legislature by the results of criminal litigation. The city's failure to fund its retiree pensions and health care benefits programs would finally come to haunt the city, with the bringing of an SEC Monitor to San Diego to stop the city from using fraudulent practices in reporting its CAFRs. The specter of municipal bankruptcy is still on the city's horizon, and if that should occur, then San Diego would break Orange County's 1994 record as the biggest municipal bankruptcy in U.S. history.

All of these events represented a "perfect storm," and the city's voters passed Prop. F by a razor-thin margin in the November 2004 general election. The measure created a strong Mayor system for San Diego, albeit on a trial basis. The city would,

at least temporarily, abandon the Council-Manager FOG that it had employed for over seven decades. When voters approved Proposition B in the June 3, 2008 primary, they guaranteed themselves a November 2010 date with destiny, in which the city's voters will decide to keep the strong Mayor system, or return to the city's old FOG.

Charters as Constitutions

Due to the relative ease with which voters may amend their local and state constitutions through much of the United States, one finds that this kind of amendment occurs quite frequently. As a result, these documents lack the elegance of a national charter whose terms have only been amended 27 times in 220 years. The original U.S. Constitution contained less than 5000 words, and with all amendments includes less than 7500 words. The index to the California Constitution is much longer than that, and the annotated L.A. Charter was around 800 pages when the framers of the 1999 Charter amended it. There is detail in the California Constitution regarding the age of walnut trees that remain exempt from taxation.[46] Any changes that have made it into the state constitution, like the L.A. Charter, have enjoyed great persistence once locked into these documents.

For all of the amendment activity, the 1879 California Constitution looks like a metastasized version of the state's original organic law. The 1879 Constitution continued many important provisions of its 1849 predecessor. It took a national railroad-related depression in 1878 to bring about the change to the 1879 Constitution. It took a political-economic crisis regarding the railroad to enact the direct democracy process and other major changes of the Progressive Era. It took crisis in the late 1970s

to bring about the Proposition 13 amendment to the constitution. However, the basic constitution of the state displays remarkable continuity for all of the political seismicity that drove these political changes.

The adventurous spirit of constitutional change has always shown an element of conservatism. Even the U.S. Constitution took as its point of departure the Articles of Confederation; there was amazing continuity in American constitutions and their citation of the mixed constitutional ideal of Blackstone and Montesquieu as their goal. New constitutions re-make the political order, but not from scratch; they draw from the existing documents, and seem inevitably to show continuity with the institutions of the past. Americans thought their government was more consistent with the British ideals of mixed government than the monarch-dominated Tudor polity had become, and especially than the governor-dominated colonial governments the English created in the Thirteen Colonies.[47]

Jefferson and Hamilton were as conservative of the past as they were bold in chartering a new course of the future. Jefferson called the *Federalist* "the best commentary on the principles of government which was ever written."[48] Hamilton understood Jefferson was essentially not as much of a radical as he seemed, and this is why he backed the great Democrat against the suspect Aaron Burr in the controversy over the 1800 presidential election.[49]

Jefferson encapsulated the logic of reform and continuity in a letter he wrote two years before his death: "I am certainly not an advocate for frequent and untried changes in laws and institutions….But I know also, that laws and institutions must go

hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to still wear the coat which fitted him when he was a boy, as civilized society to remain ever under the regime of their barbarous ancestors."[50]

The best political cartoon about the 1925 Charter of Los Angeles compared the document to a new suit of clothes for a man busting out of a little boy's clothing. It may seem hyperbolic to compare the City of Los Angeles and its municipal charter to the United States and its national constitution, but it bears remembering that when Los Angeles' 1999 charter framers donned tri-cornered hats to promote their constitutional handiwork, they had drafted an organic law for a city nearing 4 million in population. That is just about the same size as the population of the original United States.[51] The new set of clothes that a new constitution represents is still made of fabric. The polity does not seriously consider the nudism of anarchy when the political fabric has stretched the constitutional pattern. The new charters are made from the whole cloth of the old, so that even brand new charters still reveal the patches in the old suit. As Louis Hartz once argued, the United States is conservative, but the principles it conserves are fundamentally liberal.

The federalists were interested in state-building. They faced a polity divided between thirteen confederated governments little interested in sacrificing their autonomy. The United States Constitution never makes it clear whether the United

States is a plural or a singular noun. In the Declaration of Independence, it is clear that the states are autonomous and sovereign. But in the Constitution, there is purposeful ambivalence about whether the government is one sovereign with 13 original subject polities, or 13 polities in a federation in which each retains its sovereignty. Of course, federalism means dual sovereignty, but there is both ambiguity and ambivalence here about the plural versus singular identity of the new republic.

One of the only times Constitution refers to the United States as a singular entity is when it uses the noun "union". A union is inherently a plural noun like "marriage." There is no such thing as a union or marriage involving only one party; this is an inherently plural noun. The "union" is used this way in Article IV, Section 4 of the U.S. Constitution. The federalists realized they needed to create a new state to allow the political and economic stability they needed; the U.S. Constitution was political infrastructure. Yet they had to slowly and incrementally create the foundation, and informing the 13 states their days of independence were over would not have been prudent. Therefore, the U.S. Constitution made an attempt to shape perceptions. The United States is both the states united and the U.S. The name of the republic is used in the Constitution in a way that allows both a plural and a singular understanding of the new nation.

The United States is referred to as "them" and "their" in Article III, Section 3; and the Constitution refers to "any particular state" in Article IV, Section 3. But in Article VI, the Constitution and the laws and treaties passed in pursuance thereof are

called the "Supreme Law of the Land." Land is also a singular noun, but it is a vague one. To use the word "land" would again be to avoid the complete singularity of such a word as "nation." Article IV, Section 4 also describes the U.S. as "them", meaning the country's name could be a plural. The word "it" is never used in the Constitution to refer to the United States. Article VI referred to the preexisting polity as "the Confederation", once again a singular but inherently plural noun like union. The Declaration had made it clear that the 13 colonies were "free and independent states" while the constitution moved toward a singularity.

Under the Articles of Confederation, it had been clear that "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the Unites States, in Congress assembled." (Article II.) The Constitution shifted the understanding of sovereignty, moving the new nation subtly from a confederation of thirteen autonomous entities to a single country. However, the Constitution's framers needed to make this shift slowly and incrementally, rather than forcing the loss of independence down the throats of the states united, lest they unite to create a larger conflagration than Shays' Rebellion.

Likewise, charter framers at the local level usually need to convince the public that what they are doing is not a radical break from the past, but a next step in the right direction of the past. Even after a crisis, there is an attempt to show how the change in charter puts the polity back on the track it was going until the cataclysm occurred. This may also be seen at the national level. When President Franklin Roosevelt was

persuading the public to support the social security system, one would think that it would be easy to sell the people on a change. In what was perhaps the greatest economic crisis in modern history, one would think the old ways had been so discredited that there would be an opportunity for radical change. Yet FDR sold the program, much as he had enacted a 25% federal budget cut upon entering office in 1933, as a time-tested American concept:

> A few timid people, who fear progress, will try to give you new and strange names for what we are doing. Sometimes they will call it fascism, and sometimes communism, and sometimes regimentation, and sometimes socialism. But in so doing they are trying to make very complex and theoretical something that is really very simple and very practical. I believe that what we are doing today is a necessary fulfillment of what Americans have always been doing, a fulfillment of old and tested American ideals."[52]

There is wisdom in building the future on the past, and humans are fundamentally conservative of the past. The line about not fixing things that are not broken is a piece of lore that has allowed the building of civilizations.

Radical change is dangerous, even after a crisis. Durkheim documented the fact that the suicide rate rose in very good times as much as it had in the bad times.[53] Instability causes problems: witness the high suicide rate of those who survived Hurricane Katrina and found their lives turned upside down. If it is true that the more things change, the more they stay the same, then it is because we want them to stay the same. The reason that Martin Luther King Jr. was beloved among American whites, unlike such important figures as Malcolm X, was that Dr. King was arguing that America just needed to live up to its own ideals insofar as its citizens of color were

concerned. His "I Have a Dream" speech merely asked for the redemption of a promissory note.

Just as Lincoln could argue that the Lockian right of all persons to eat the bread earned by the sweat on their own brows was fundamental, and crossed racial lines, he could interpret the Declaration of Independence as a mandate that no one could constitute property, only possess it. The Civil War was fought to preserve the Union, and the Constitution went on, with three new amendments to the national charter. All constitutions, whether local, state or national, charter a course for the development of a polity, and they are not changed for "light and transient causes". If a single administration is unacceptable, this does not impel people to throw out the baby with the bathwater. The people make small course corrections, trim their sails, and keep the ship of state moving through the troughs and swells. The accumulation of experience that is a charter represents a ship's log book, and lays out the geography of an area so that when the ship or its fellows return to those waters, they are no longer unfamiliar and the vessel passes more smoothly through on its way to the destination.

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[1] The emphasis in the passage quoted is mine.
[2] The emphasis is again mine. Hamilton was quoting from Pope's *Essay on Man*, Epistle III, "Of the Nature and State of Man, With Respect to Society"
[3] Samuel Kernell's recent analysis of the inconsistency in the arguments offered by Madison in *Federalist* Papers #10 and 51 comes to mind in this regard. See *James Madison: The Theory and Practice of Republican Government*, edited by Samuel Kernell (Stanford: Stanford University Press, 2003), especially Kernell's Chapter 5.
[4] See Long, p. 254.
[5]See Long, p. 254.
[6] See Long, p. 255.
[7] I am indebted to Trevor Nakagawa for the importance of linking the story of L.A charter change to consideration of the problem of discontinuous change. As a political scientist, I understand the need to see how my work relates to the work of others, rather than communicating with a narrow audience composed exclusively of specialists. Victor Magagna's *Communities of Grain* points out that apparent peasant revolution actually represented rebellion by ordinary rural people committed to preserving the

autonomy of their village institutions. This book provides a lesson against assuming that violent social action cannot occur in defense of the *status quo*, rather than contra its dictates. See Victor V. Magagna, *Communities of Grain: Rural Rebellion in Comparative Perspective* (Ithaca: Cornell University Press, 1991).

[8] The 1999 Charter went into effect in two phases, the first with the Department of Neighborhood Empowerment, NCs and transitional ordinance drafting, was in 1999. The document replaced the old charter completely starting in 2000.

[9] See Glenn Dumke's *The Boom of the Eighties*, which chronicles this Southern California real estate boom, which was the major factor which raised the population of LA from 10,000 to over 50,000 residents.

[10] Fogelson's *Fragmented Metropolis* is incomparable as a resource on Los Angeles' history and political economy, but is not entirely reliable for this subject. The book inaccurately recounts the events surrounding the two charters on which voters balloted in 1888. See Ingram, "Charters: History of the City's Constitution" in the forthcoming LA History Project volume funded by the Haynes Foundation.

[11] While state ratification of charters and charter amendments would later become a mere rubber stamp exercise, such was not the case in the earlier years of California home rule for smaller cities.

[12] See Nancy Joan Weiss's book on Tammany's Murphy, *op. cit.*

[13] Robert Moses, *Working for the People: Promise and Performance in Public Service* (New York: Harper & Brothers, 1956), pp. 29-30. Cited in Kenneth Finegold's dissertation, p. 52.

[14] Appropriately enough, *Life* Magazine's pictorial on the 100 most influential people of the 20th Century included New York's Robert Moses adjacent to Los Angeles' water pioneer William Mulholland [citation forthcoming].

[15] Moses is credited with the comment that if you want to make an omelet, you need to break a few eggs. See Caro's magnificent, *The Power Broker: Robert Moses and the Fall of New York* (New York: Random House, 1975).

[16] See Stephen P. Erie, Beyond Chinatown: The Metropolitan Water District, Growth, and the Environment in Southern California (Stanford: Stanford University Press, 2006), p. 3.

[17] See Max Weber's classic study of the Occidental City: *The City*, translated and edited by Don Martindale and Gertrude Neuwirth (New York: Collier Books, 1962). See also Gideon Sjoberg, *The Pre-Industrial City: Past and Present* (New York: The Free Press, 1960), pp. 27-31; Ivan Light's review of the literature on central place theory in *Cities in World Perspective* (New York: Macmillan, 1983).

[18] See Florida, *Who's*, pp. 41-42.

[19] Richard Florida, *Who's Your City? How the Creative Economy is Making Where to Live the Most Important Decision of Your Life* (New York: Basic Books, 2008), p. 51.

[20] General Manager Bob Phillips was disgusted with the city's political interference with LADWP, and saw it as destroying the LADWP. Phillips penned the commentary on November 14, 1973. For the quoted passage, see p. 4 of the manuscript, which is in possession of the author.

[21] See Daniel P. Carpenter, *The Forging of Bureaucratic Autonomy* (Princeton: Princeton University Press, 2001). Carpenter states on p. 15, "I argue that agencies with established reputations and independent power bases can change the terms of legislative delegation. These agencies can initiate and manage programs without statutory authorization. They regularly make program innovations that elected officials did not direct them to take. At times, they can even make sustained policy choices that flout the preferences of elected officials or organized interests. Yet the dominant form of bureaucratic autonomy exists not when agencies can take any action at will but when they can change the agendas and preferences of politicians and the organized public. Political legitimacy allows agencies to change minds through experimentation, rhetoric and coalition building." Carpenter also quotes Ronald N. Johnson and Gary D. Libecap, *The Federal Civil Service System and the Problem of Bureaucracy* (Chicago: University of Chicago Press, 1994), p. 158 "showing that Congress had sufficient power to control a 'runaway' agency does not deny the existence of independent bureaucratic behavior."

[22] Two other state processes are the constitutional convention and the constitutional revision commission, but those also require a simple majority vote at the end for ratification. The legislature must propose legislative constitutional amendments by two-thirds vote of both houses; the Governor may not veto these measures.
[23] See Robert Wagner Sr.'s National Labor Relations Act. [Citation forthcoming].
[24] Mulford's plan was not released until 1909, although it had been drafted in 1907. See Jon A. Peterson, *The Birth of City Planning in the United States, 1840-1917* (Baltimore: Johns Hopkins University Press, 2003), p. 197. Peterson also discusses L.A.'s 1908 zoning plan, which divided the city into industrial and residential districts. Peterson argues that zoning is opportunistic planning, in that it is "a special-purpose idea driven by strong market forces arising outside of the planning field and not wholly congenial to it" (p. 308). On p. 310, Peterson provides the map of L.A.'s 1908 districts. Ironically, zoning would allow planning by overcoming the takings clause that prevented use of police powers without due process. For an earlier look at L.A. planning, see John W. Reps, *The Forgotten Frontier: Urban Planning in the American West before 1890* (Columbia; University of Missouri Press, 1981). Reps discusses the impact of the railroad upon the 1849 Ord and 1853 Hancock plans for L.A. See Reps, pp. 89-90.
[25] See Henry Kraus' fascinating description of life in one such defense plant community. See *In the City was a Garden: a Housing Project Chronicle* (New York: Renaissance Press, 1951).
[26] See the communication from the Los Angeles Taxpayers' League opposing the city's Gandier ordinance, which attempted to create Prohibition in L.A. before the federal government passed the Volstead Act. The letter is in Box 56 of the Haynes Papers, in the "Equal Suffrage" folder.
[27] See Norman M. Klein, *The History of Forgetting: Los Angeles and the Erasure of Memory* (London: Verso, 1997), p. 75.
[28] See Klein, p. 76. See also *Thicker 'N' Thieves*, Charles Stoker's autobiographical account of having been set up by the LAPD as a vice cop unwilling to take the payoffs of alleged prostitutes such as Brenda Allen, the Hollywood Madam of Fletcher Bowron's L.A. of the 1950s.
[29] See Willard Huntington Wright, "Los Angeles—The Chemically Pure," *The Smart Set Anthology*, edited by Burton Rascoe and Gradd Conkin (New York: 1934), p. 91. Wright authored the scathing review of Los Angeles' culture in 1913. Wright wrote that "The current belief in Los Angeles is that there is something inherently and inalienably indecent (or at least indelicate) in that segment of the day between twelve midnight and five a.m." Wright thought the city "overrun with militant moralists, connoisseurs of sin, experts on biological purity"
[30] See Gregory H. Singleton, *Religion in the City of Angels: American Protestant Culture and Urbanization, 1850-1930* (Ann Arbor: UMI Research Press, 1979), p. 83. Singleton's amazing book is based on an exhaustive study of church directories and other primary data indicating the degree to which the city's "Double Dubuque" quality arose from the numbers of voluntarist Protestants that flocked to the city from the 1880s until the 1930s.
[31] See Grace Heilman Stimson, *Rise of the Labor Movement in Los Angeles* (Berkeley: University of California Press, 1955); Louis B. Perry and Richard S. Perry, *A history of the Los Angeles Labor Movement, 1911-1941* (Berkeley: University of California Press, 1963); Ira B. Cross, *A History of the Labor movement in California* (Berkeley: University of California Press, 1935). For the ubiquitous role of the Times in labor busting and calling on the LAPD to do likewise, see Marshall Berges, *The Life and Times of Los Angeles : a Newspaper, a Family, and a City* (New York: Atheneum, 1984); Robert Gottlieb and Irene Wolt, *Thinking Big : the Story of the Los Angeles Times, its Publishers, and Their Influence on Southern California* (New York: Putnam, 1977); William G. Bonelli, *Billion Dollar Blackjack* (Beverly Hills, CA: Civic Research Press, 1954; and Frederic Cople Jaher, *The Urban Establishment: Upper Strata in Boston, New York, Charleston, Chicago, and Los Angeles* (Urbana: University of Illinois Press, 1982).
[32] See Steven J. Ross, "My America or Yours? Americanization and the Battle for the Youth of Los Angeles" in Tom Sitton and William Deverell's edited collection, Metropolis in the Making: Los Angeles in the 1920s (Berkeley: University of California Press, 2001). See also Vincent Ostrom,

"School Board Politics: an Analysis of Nonpartisanship in the Los Angeles City Board of Education," UCLA M.A. Thesis, 1945; Judith R. Raftery, *Land of Fair Promise: Politics and Reform in Los Angeles Schools, 1885-1941* (Stanford: Stanford University Press, 1992).

[33] See Richard W. Leeman's biography of Frances E. Willard, an important leader of the Women's Christian Temperance Union; it is *"Do Everything" Reform : The Oratory of Frances E. Willard* (New York: Greenwood Press, 1992).

[34] See Dana W. Bartlett, *The Better City; a Sociological Study of a Modern City* (Los Angeles: Neuner Co. Press, 1907); see also Bartlett's sequel, *The Better Country* (Boston: C. M. Clark Publishing Co., 1911).

[35] See Martin J. Schiesl, "Politicians in Disguise: The Changing Role of Public Administrators in Los Angeles, 1900-1920," in Michael H. Ebner and Eugene M. Tobin, editors, *The Age of Urban Reform: New Perspectives on the Progressive Era* (Port Washington, NY: Kennikat Press, 1977), pp. 102-116. All quotations are from p. 111.

[36] See Clifford Geertz's essay on the Balinese cockfight reprinted in his master work, *The Interpretation of Cultures: Selected Essays by Clifford Geertz* (New York: Basic Books, 1973), pp. 412-454.

[37] See David Hackett Fischer's *Historian's Fallacies* for this and other logical errors committed even by those who should know better.

[38] See Richard Lederer's *Anguished English*. This vagueness, which is often a problem in newspaper article titles or classified ads, gave *Times* columnist Steve Harvey plenty of material for his "Only in LA" essays over the years.

[39] See Mark Baldassare's book, *When Government Fails*, and especially his discussion of Measures A, T and U. The full citation is Mark Baldassare, *When Government Fails: the Orange County* Bankruptcy (Berkeley: University of California Press, 1998).

[40] One is reminded of the Members of Congress who run for Congress by running against the institution of Congress. This is a reverse version of Groucho Marxism. Rather than not wanting to belong to any club that would have them as a member, they knock the club to become a member.

[41] At one point during the charter process, the author heard Julie Butcher--the head of the Service Employees' International Union Local #347 and the labor movement's point person on charter reform--joke that the city's charter reform process was really cosmetic because the new charter was already completely drafted on Mike Keeley's computer someplace. Had this been true, the new charter would not likely have passed. The constant compromises over the document gave it the credibility to overcome the weak coalition of Council and labor unions that finally assembled to oppose it. That coalition's credibility was suspect because many of its key leaders, including Julie Butcher, had urged the commissions to adopt the compromise position represented by the unified charter in order to get the support of the unions and Council for reform. Her remark was perfect at capturing the logic of the situation, because Mike Keeley had been a Riordan assistant and protégé, whom the Council despised and managed to force out after he had allegedly committed the indiscretion of faxing internal case materials to a company whom the city was suing at the time. The rivalry between the Mayor and the Council and the City Attorney, which drove his personal call for charter reform from day one, is perfectly symbolized in her choice of Mike Keeley as the charter reform drafter. In addition, Mike Keeley was very involved in the Mayor's charter reform efforts. He led the Mayor's Prop 8 campaign, which promoted the initiative to elect a charter reform commission, and even asked the author to write an op-ed about the history of charter reform and the Council's role historically The author's essay in the *Daily News* ("L.A. Council Has History of Stifling Charter Reform," Los Angeles *Daily News*, April 8, 1997, Daily Opinions section, page 13) may have played a small role in explaining the need for ECC. Although the Mayor played a major role in initiating the charter reform process, he did not have a great deal of voice in its outcome. In pressuring for a Mayor-centered executive branch, he was echoing over six decades of complaints regarding the 1925 Charter, and even some of Mayor Cryer's laments that had driven the 1925 Charter at its inception.

[42] Compare Thomas Paine's Rights of Man, Part I, last page, to Burke's Reflections on the Revolution in France. Burke quoted Sir John Denham's poem, "Cooper's Hill," "May no such storm / Fall on our

times, where ruin must reform." Of course, Burke thought that one ought to clearly distinguish reform from revolution, whereas Paine may have regarded them as synonymous. The remainder of the paragraph quoted from Paine states: "It is an age of Revolution, in which every thing may be looked for." Burke, on the other hand, perceived reform as inherently incremental and gradual: "At once to preserve and to reform is quite another thing. When the useful parts of an old establishment are kept, and what is superadded is to be fitted to what is retained, a vigorous mind, steady, persevering attention, various powers of comparison and combination, and the resources of an understanding fruitful in expedients are to be exercised; they are to be exercised in a continued conflict with the combined force of opposite vices, with the obstinacy that rejects all improvement and the levity that is fatigued and disgusted with everything of which it is in possession. But you may object--'A process of this kind is slow. It is not fit for an assembly which glories in performing in a few months the work of ages. Such a mode of reforming, possibly, might take up many years'. Without question it might; and it ought. It is one of the excellences of a method in which time is amongst the assistants, that its operation is slow and in some cases almost imperceptible. If circumspection and caution are a part of wisdom when we work only upon inanimate matter, surely they become a part of duty, too, when the subject of our demolition and construction is not brick and timber but sentient beings, by the sudden alteration of whose state, condition, and habits multitudes may be rendered miserable." This gradualism is at some point a kind of put-up-or-shut-up position; Burke wrote, "There is something else than the mere alternative of absolute destruction or unreformed existence. Spartam nactus es; hanc exorna. This is, in my opinion, a rule of profound sense and ought never to depart from the mind of an honest reformer." Burke explicitly adopted the empiricists' position, in which one could not regard reform as an a prioristic action which might undertake intuitively. "The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught a priori. Nor is it a short experience that can instruct us in that practical science…"

[43] Richard E. Neustadt, *Presidential Power: The Politics of Leadership from FDR to Carter* (New York: Wiley, 1980).

[44] See Richard Hofstadter, *The American Political Tradition & The Men Who Made It* (New York: Vintage Books, 1974), Chapter on Abraham Lincoln. Hofstadter argues that each of his biographical subjects captured the political logic of their times in ways that make them important. Hofstadter does not make a Thomas Carlyle-style "Great Man" argument, but a comment on the way in which leaders represent the needs of their followers based on leaders' own personal life experiences. As Tolstoy indicated in *War and Peace*, Napoleon was a representative of the social forces of the French republic, not a sort of Antichrist come to bring Russia's destruction.

[45] The mayor-council system is an example of representative democracy. The initiative, referendum and recall give citizens direct democracy. The new neighborhood councils represent one form of participatory democracy.

[46] See *California Constitution*, Article XIII, Section 3(i): "The following are exempt from property taxation...Fruit and nut trees until 4 years after the season in which they were planted in orchard form and grape vines until 3 years after the season in which they were planted in vineyard form."

[47] See "The Structure of Colonial Politics" in Bernard Bailyn, *The Origins of American Politics* (New York: Vintage Books, 1970), pp. 59-105.

[48] See Richard Hofstadter, *The American Political Tradition & The Men Who Made It* (New York: Vintage Books, 1974), p. 37.

[49] Hofstadter, *American*, p. 42.

[50] Hofstadter, *American*, p. 55.

[51] According to the first census taken in 1790, three years after the long hot summer of Constitution drafting in Philly, the population of the new republic consisted of about 4 million people.

[52] See the film, "We Have a Plan," which was Volume 4 of *The Great Depression* [videorecording] / WGBH/ Boston ; a production of Blackside, Inc. in association with BBC-2 ; executive producer, Henry Hampton ; narrated by Joe Morton.

[53] Emile Durkheim, *Suicide: a Study in Sociology*, translated by John A. Spaulding and George Simpson ; edited, with an introduction by George Simpson (New York: Free Press, 1997).

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