

CAPP Initiatives Threaten American-Style Democracy

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November 2, voters in Pleasanton, Livermore and San Ramon rejected ballot measures that would have put land use decisions in the hands of the voters rather than their elected officials. These nationally watched initiatives, had they passed, would have threatened our representative form of government by changing land use decisions from a representative governmental function to a direct democratic vote.

The battle to preserve representative government is by no means over. Future CAPP initiatives have been proposed in Danville, Dublin, Clayton and the unincorporated areas of Alameda and Contra Costa Counties. However, the defeat of the initiatives on this year's ballots has given our elected representatives an opportunity to act to restore the public's faith in representative democracy. Hopefully, they will take advantage of this situation.

CAPP Initiatives

These anti-growth initiatives were formulated by a grassroots organization that called itself the Citizens Alliance for Public Planning (CAPP). The CAPP initiatives require that housing developments that contain more than a minimum number of units, involve conversion of open space to development or result in increases in residential density must be approved by a direct, popular election after they have gone through the traditional entitlement process and have been approved by local government. The CAPP initiatives are written to act as automatic referendums on development that falls within their scope.

CAPP Debate

The problems that the CAPP initiatives seek to solve are easily identifiable: ineffective regional planning, suburban sprawl, traffic congestion and loss of agricultural land and natural habitats. Backers of the initiatives argue that government cannot be trusted to carry out the voters' wishes. They claim that these measures were needed because government had ignored their concerns over growth and left the voters with no choice but to step in and take direct control.

Opponents argue that the CAPP initiatives would not solve these problems. They point out that the initiatives would allow voters with a personal interest in limiting development and no planning experience to make decisions that require professional expertise. What is needed, say opponents, is "smart growth" and systematic regional planning.

Debates about how to solve these problems will continue in the future. However, the importance and intensity of this struggle should not obscure the fact that something is at stake with these CAPP initiatives that is even more important than the serious problems CAPP raises and seeks to address. That something is our basic form of government.

American Style Representative Democracy American government was designed to be and has operated as a representative democracy for more than 200 years. The Constitution provides that the federal government shall operate as a representative democracy and guarantees this form of government to every state (Article IV, Section 4). The CAPP initiatives seek to change an important political function from representative democracy to direct democracy.

The leaders of our Constitutional Convention had a profound knowledge of history and the theories of government. Our Founding Fathers carefully considered and then rejected direct democracy. They created representative democracy, which is a unique and innovative contribution of America to the science of government. The operations of the government are in the hands of representatives of the people. These representatives are controlled by the people because they are subject to popular election. If people do not like what government is doing, they can replace their representatives.

Time has demonstrated how wise the Founding Fathers were. The fact that our representative form of government has stood the test of time so well is perhaps its greatest endorsement and should make us extremely reluctant to change it.

The Founding Fathers believed that representative democracy would rescue direct democracy from the incurable difficulties of factionalism, self-interest and oppressive majorities. They believed that representative democracy would dampen factionalism and self-interest. They regarded representation as a filter that would soften the edge of factional politics at all levels. They believed that the plurality of factions would mean that each representative would have to tread carefully between the factions if he or she is to be elected, and there would be so many factions represented that no one faction would predominate. In a representative democracy, each faction comes to realize that it must bargain and compromise with the rest. Representative democracy is intended to control the effects of faction by requiring every faction, no matter how large, to deal with and accommodate others.

The Founding Fathers also believed that representative government would aid the problem of oppressive majorities. In a representative form of government, the fear is that popular majorities will demand oppressive measures and that their elected representatives will carry out their wishes. The American system is designed to make it very difficult for an opinion, even a majority opinion, to acquire the force of law. The Founders thought that to "refine and enlarge the public views, by passing them through the medium of a chosen body of citizens"

would produce a "public voice" more consonant to the public good than if pronounced by people themselves.

Discontent With Representative Democracy

The CAPP initiatives are symptomatic of a disturbing discontent in this country with representative democracy. Many people in this nation are unhappy with politics at every level, and feel that representative government has failed to provide satisfactory solutions to our most serious problems. They are looking for alternatives.

One alternative is to dispense with representative democracy and let the people govern themselves directly. CAPP is based upon the premise that the problems that it seeks to cure are the result of frustration of the popular will.

All of us would agree that the political process is contaminated by arrogant elected officials, uncontrolled campaign contributions and a disproportionate influence of special interest groups. However, we must also acknowledge that a great deal of our frustration with representative democracy may come from the fact that representative democracy is intended and designed to compel all factions, including the majority, to accommodate other factions through debate, negotiations and compromise. When people argue that government ought to be responsive to the people's opinion, they usually mean their own opinion. Much of the discontent we are seeing today comes from people who are not getting their own way. However, this is not a defect. This is the way representative democracy is designed to work.

The idea of replacing representative government with direct control of government by the voters comes at a great price: the rejection of compromise, negotiation and deliberation. It produces quarreling factions. It allows selfinterests and oppressive popular majorities to rule. In short, it produces unwise decisions and ineffective government.

Other Solutions Are Needed

CAPP-type initiatives would turn the citizen's trip to the ballot box into a mini-legislative session. "Ballot box government" and "ballot box zoning" will inevitably lead to a tyranny of the majority. In the case of CAPP, it will allow those who already own homes to impose their will on those who do not. The majority will inevitably vote their own personal interests. These individual interests will conflict with regional needs and the common good. Because each community will protect what it believes to be its own interests, the CAPP initiatives will make regional planning impossible.

The defeat of the CAPP initiatives has not solved the underlying problems that spawned them. The voters are not happy with the way things are going. Unless

our representatives take affirmative action to solve these all too obvious problems, ill-conceived, experimental initiatives will continue to be submitted to the voters. As time passes and frustrations increase, there is a good chance that ill-advised measures will pass.

There are better ways to deal with the sources of our discontent that do not involve replacing or weakening our form of government. The dilemmas of our growing economy can only be solved by the state. Our elected representatives in Sacramento should focus their attention on solving the issues by implementing a rational scheme of regional planning facilitated by incentives and funding to deal with the issues of sprawl. If our present representatives don't do the job, we should replace them with people who will. Changing the form of government that has served us so well for more than 200 years is not a wise solution. It is fraught with the same dangers and disadvantages that our Founding Fathers recognized and sought to avoid by establishing a representative form of government.

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