

# Freedom and Equality: California's Delicate Balance

California is not so much poor as it is unequal.

—Robert Enoch Buck, sociologist

People in California, as everywhere else in a capitalist democracy, must continually reassess choices regarding individual freedom and social justice. *Civil liberties*, such as freedoms of speech, press, and association (which restrict government powers), may conflict with *civil rights*, which often require government protections. California's appellate courts have often been asked to rule on the rights of individuals vs. the rights of the community. Should homeless people be allowed to sleep on public streets, or does their presence create a risk for the community? In Santa Barbara and Laguna Beach, the American Civil Liberties Union has filed cases challenging those cities' antisleeping ordinances, resulting in Laguna Beach revoking its policy.<sup>1</sup> Should high school students be permitted to wear T-shirts with "offensive" language? And is it okay for a sixth-grade girl to do a class presentation about Harvey Milk, the gay San Francisco Supervisor who was assassinated in 1978? All of these issues have resulted in court decisions; in the case of the sixth grader, after the court acted, she received an apology from the school district for its violation of her freedom of speech.<sup>2</sup>

## **FREEDOM AND SOCIAL RESPONSIBILITY: JUGGLING BETWEEN EXTREMES**

In numerous areas where individual freedom (or corporate profits) may conflict with public needs, California's policies have moved from supporting maximum personal freedom to placing some limits on that freedom

in order to maximize the well-being of the larger society. Antismoking laws, helmet laws for motorcyclists and children on bicycles, and strict regulations for teen drivers all indicate the state's interest in protecting individuals from each other. In the area of personal privacy (often violated by telemarketers and other businesses), the legislature has struggled to create privacy protections as well to protect Californians from cyberstalking and identity fraud.<sup>3</sup> In the arena of environmental quality, the traditional struggle between public well-being and business profitability fluctuates between cooperative approaches and outright political battles. A cooperative effort between environmentalists and major industries led to the San Joaquin Valley Air Pollution Control District's research regarding sources of smog in the Central Valley, with an understanding that all sides would benefit from better air quality.<sup>4</sup> In a less collaborative situation, the Los Angeles Regional Water Quality Control Board denied the business community's appeals about high costs and demanded that all new building developments include plans to collect or filter rainwater so that polluted rainwater would not end up in local beaches.<sup>5</sup>

## DEBATING THE ISSUES



### FREEDOM VS. LICENSE

**Viewpoint:** Individuals should be allowed to live their lives with minimal government interference.

- The individual is the most important social actor and should have maximum power over his or her life.
- Government should not be a parent or “nanny” protecting people from their own freedom to choose.
- Laws that require people to wear helmets, use seatbelts, or drive without using a cell phone are all forms of government intrusion in private choices.

**Viewpoint:** Government should make laws to protect people, including protections they prefer not to have.

- People who don't adequately protect themselves (wearing helmets, seatbelts) may be injured and cost everyone tax dollars for their medical care.
- People don't have the right to hurt themselves and possibly others.
- Government must create laws that protect the public as a whole, even if those laws appear as limitations for individuals.

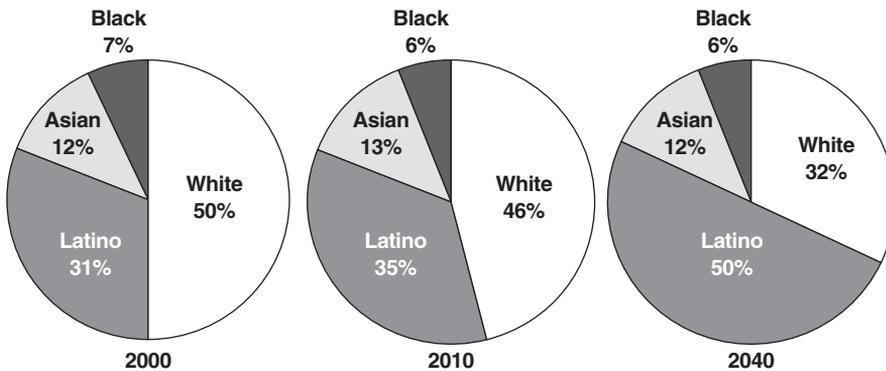
**Ask Yourself:** Which laws do you consider appropriate government involvement in personal life? Which laws are intrusive and need changing?

In another arena of personal rights, California courts have ruled that individual freedom includes the right *not* to hear a prayer at a public school graduation ceremony. In deference to the vast diversity of religious beliefs among Californians, the state Supreme Court determined that such prayers and invocations are an establishment of religion in violation of the separation of church and state. Despite this ruling, many public schools still offer prayers at football games, graduations, and other tax-sponsored events.

**EQUALITY: A CONTINUING CHALLENGE**

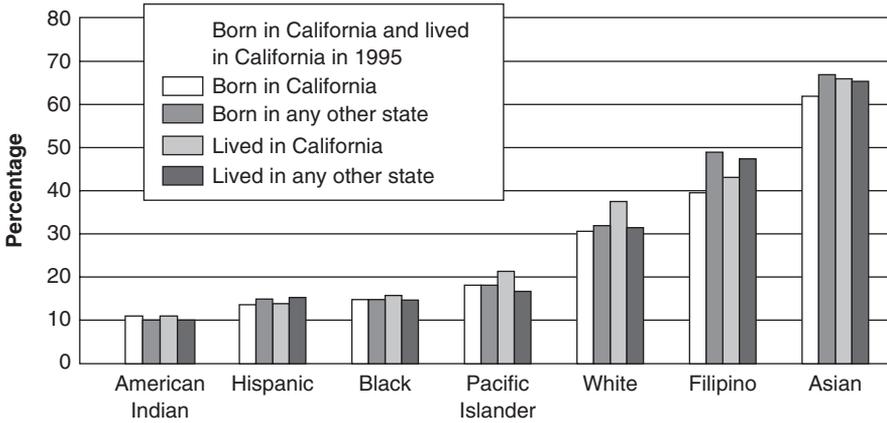
California's large gaps between wealth and poverty inevitably create vast inequality among individuals. Compounding this socioeconomic inequality, Californians have also been forced to confront a long history of inequality based on racial bigotry. Prejudicial attitudes and discriminatory behaviors are older than the state itself. Only 10 percent of the Native Californians survived the Spanish era, and the first governor after statehood called for the extermination of those who remained. When the United States defeated Mexico in 1848, California Mexicans were gradually marginalized, losing much of the political and economic power they once wielded. Soon after, in the period of economic stagnation of the 1870s, the Chinese immigrants who helped build the transcontinental railroads during the 1860s became the targets of serious forms of racism, including lynchings and the "Chinese exclusion" provision of the 1879 state constitution (which attempted to prohibit Chinese from holding many kinds of jobs). The first official apology from the State Legislature to California's Chinese American community came in 2009.<sup>6</sup>

In today's multicultural California, the issues of equity are more complex than ever. (See Figure 4.1 for California's major population



**FIGURE 4.1** Projected Ethnic Breakdown of California's Population

Source: California Department of Finance, 1998.



**FIGURE 4.2 Bachelor’s Degree Completion in California and the Rest of the United States, by Race, Ethnicity, and Nativity, Ages 25–29, 2000**

Source: Public Policy Institute of California.

groups.) Although Proposition 209 ended all forms of *affirmative action* in public education and state systems, California is far from the “color-blind” utopia to which opponents of affirmative action aspire. Wage gaps clearly divide whites and Asians from African Americans and Latinos, with whites and Asians generally earning more than African Americans and Latinos, primarily owing to the lower educational attainments of the latter two ethnic groups. (See Figure 4.2.) A vicious cycle in which lack of educational opportunities leads to continuing underemployment can extend from generation to generation.

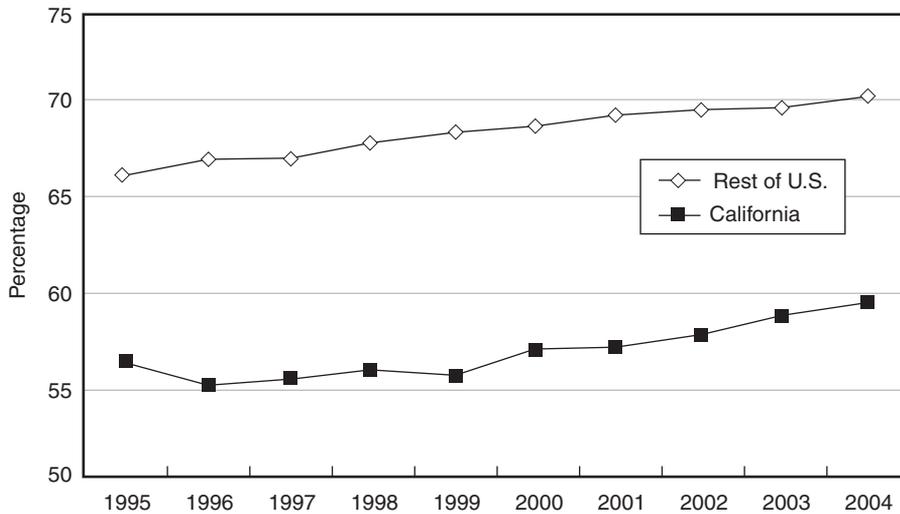
Perhaps it is the underlying economic as well as the educational gaps that add to racial and ethnic tensions. These prejudices exist not only between whites and various minorities, but among minority groups themselves. In urban school districts, high schools may be home to competing ethnic gangs whose rivalry erupts in periodic violence between some combination of Latinos, African Americans, Asians, or Middle Eastern ethnic groups. Inside California’s vast prison system, inmates of different ethnic groups were segregated to avoid racial violence until the U.S. Supreme Court declared this racial separation unconstitutional in 2005.

The conflicts among many of California’s ethnic groups reflect in part the continuing difficulties created by competition for scarce opportunities. When Governor Brown signed the California DREAM Act (2011), which allows undocumented students with strong academic records to access private scholarships for college, protests came from groups who believe that giving such help to the undocumented will shortchange citizens.

And in the world of work, especially during a recession and a tight job market, subtle limitations exist for nonwhite groups. In the highly competitive entertainment industry, despite the handful of well-known blacks and Latinos in the field, membership statistics for both the Writers Guild of America and the Screen Actors Guild indicate the difficulties people of color face in attaining stardom (or even regular work). In a very different industry, a federal judge has ordered both corporate shippers and the longshore union to pay nearly \$3 million in damages to hundreds of minorities who failed a biased employment test used to determine who could become a dockworker.<sup>7</sup>

Additional scarce opportunities for many Californians occur in the area of housing. Due to the mortgage finance collapse of recent years, and the related tsunami of foreclosures, housing costs have declined in most areas, especially in California's inland regions. However, fewer people are eligible to get loans to purchase a home, so the California dream of home ownership remains elusive (Figure 4.3). There does not appear to be any signs of a recovery in the housing market, and some demographers believe that the increase in senior citizens and decline in younger families will leave home sales in decline until perhaps 2020.<sup>8</sup>

Housing may also determine educational opportunities, because public school quality varies in different neighborhoods. Education is the key to a lifetime of increased economic opportunity. The combination of underfunded schools, overcrowding in urban areas, and *white flight* leaves many public school systems with 90 percent nonwhite students, of whom large numbers may need English-language instruction as well



**FIGURE 4.3 Homeownership Rates, 1995–2004**  
 Source: Public Policy Institute of California.

as all the core courses. While the middle class and wealthy may afford private schools, low-income families must utilize local schools or find time and resources to seek magnet or *charter school* options for their children. The Los Angeles area has the highest number of charter schools (public schools that are exempt from many state and local regulations and are supposedly more creative) in the nation, but success rates for these schools vary enormously. Test scores, graduation rates, college admission data, and other indicators of educational success are almost always lower at underfunded public schools, which are attended predominantly by Latinos and African Americans (typically from low-income families). Figure 4.2 shows Bachelor's Degree completion rates.

Even if California's youth have the qualifications to enter universities, or the motivation to attend a public two-year college (where there are no academic admission requirements), huge fee increases at the two public university systems as well as the community colleges make it harder for low-income Californians to achieve higher education. Financial aid is available, but many eligible Californians do not know how to access financial aid services.

## DIVERSITY IN REPRESENTATION: IDENTITY POLITICS IN ACTION

In a continuing American tradition, when ethnic and immigrant communities grow larger, they begin to fight for their share of political and economic power. California's growing ethnic communities have already shifted the demographic pattern: there is no longer any one majority group. By the year 2021, it is predicted that whites will make up about one-third of the population and thus will be a "minority" group, while Latinos, Asians, and blacks together will make up 60 percent (40 percent, 14 percent, and 6 percent, respectively).<sup>9</sup> However, this *demographic shift* does not automatically create an equally rapid shift in political power. Gains for underrepresented groups depend on much more than their population count. Factors that influence access to political power include their rates of voter registration and turnout, their financial ability to support candidates, and their interest in the political process. However, at current levels of voter participation and citizenship among foreign-born immigrants, it is expected that by 2040, whites will represent only 35 percent of voting-age adults but will still be 53 percent of the electorate.<sup>10</sup>

In addition to the issues of citizenship and participation in voting, another factor in political success is the use of financial resources to support candidates and influence elections. Because average household income is lower in many ethnic communities, they do not have the disposable income to support or recruit their own candidates. Coalitions of ethnic groups, including whites, have emerged as a way

**COMPARED TO CALIFORNIA****FOREIGN IMMIGRANTS, PERCENTAGE OF TOTAL POPULATION (NOT INCLUDING UNDOCUMENTED IMMIGRANTS)**

California: 28 percent

New York: 20 percent

Florida: 18 percent

Texas: 15 percent

Source: Steven A. Camarota, *Immigrants at Mid-Decade*, Center for Immigration Studies, December 2005, <http://www.cis.org/articles/2005/back1405.html>

**Think Critically:** How is California impacted by having over one-fourth of its people born in other nations? What are the positive and negative outcomes?



to promote qualified candidates from a variety of ethnic groups. In keeping with their rapidly increasing population numbers, the number of Latino and Asian American elected officials has grown, and in some communities, city council and school board members increasingly include immigrant politicians eager to be involved in their new country as elected leaders.<sup>11</sup>

One interethnic issue facing the growing number of politically active Latinos (and Asians to a lesser degree) is the high numbers of Latinos moving into formerly African American neighborhoods. Formerly black communities now often are numerically dominated by Latinos, particularly immigrant Latinos. Census data suggest that African Americans (like whites) will continue to decline numerically in proportion to the much faster-growing Latino and Asian groups; African American leaders are therefore concerned about maintaining adequate electoral representation in places like South Los Angeles and Oakland. Some black politicians have made it a point to learn Spanish as a way to improve their connections with their Latino constituents.

Providing better political representation to Latinos through language acquisition is relatively simple because most Latinos have Spanish-language origins, although they may represent 18 different nationalities. In contrast, Asian Americans represent over 30 distinct national and language origins, with the largest populations being Filipino, Chinese, Korean, and Vietnamese. Because the diversity is so enormous, there will never be precise and proportional representation for every ethnic group. Therefore, elected officials, regardless of their own background, must learn to represent everyone and not appeal to narrow ethnic concerns.

In addition to the largest ethnic and racial groups, small but active minority communities are working toward gaining a greater share of political power. Armenian Californians have seen a governor from their heritage elected, while California's growing Islamic population seeks better access to the political process, especially since negative stereotyping and hate crimes have created real fears among some Muslim communities. Native Californians, who compose over 120 tribal groups, have focused their political attention and substantial campaign contributions on issues relating to economic development on tribal land (with a heavy emphasis on building casinos) and protection of their culture. With the state's social diversity likely to continue, political leadership in the twenty-first century will be a rainbow of cultures, all of which might retain their unique identities while also working to represent all Californians.

### **SEXUAL POLITICS: SLOW CHANGE FOR THE UNDERREPRESENTED**

Women have made slow progress since the Women's Liberation movement of the 1960s raised concerns about women's equality and access to power. Although women account for 51 percent of the population, they are nowhere near holding half of the legislative seats, executive positions, judgeships, or local posts available. In one unusual exception, the state Supreme Court now has four (out of seven) women. However, the number of women in the state legislature has dropped since a peak in the 1990s, and many cities have all-male or nearly all-male city councils. Meanwhile, at the nonelected level, thousands of women who are state employees in agencies ranging from the Department of Motor Vehicles to the Employment Development Department earn only about three-fourths as much as men doing the same jobs.<sup>12</sup> In one unfortunate measure of *parity*, the number of women has increased in the state prison system, almost doubling since 1990.<sup>13</sup>

California was the first state to elect two women to the U.S. Senate, Barbara Boxer and Dianne Feinstein, and the home of the first woman Speaker of the House, Nancy Pelosi (D, San Francisco). They are joined in Washington, D.C., by 18 other women in the House of Representatives. Since there are currently no term limits for federal officials, the women in Congress may remain in office for many years. The only challenge for most of them (and for all their male colleagues) is to get reelected from a newly designed district developed under the Citizens Redistricting Commission which was created by the Voters First Act (Proposition 11-2008).

One often invisible and certainly underrepresented minority group (made up of individuals of all ethnicities) is the gay and lesbian community. At one time, openly gay politicians were rare outside of San Francisco or West Hollywood, both magnets for the homosexual population.

Now the state legislature has seven men and women in its *Gay, Lesbian, Bisexual, and Transgender (GLBT)* caucus, including Assembly Speaker John Perez, and numerous local governments have gay and lesbian elected officials. As more gays come *out of the closet* and become politically active, their clout will no doubt increase. However, the gay community has *partisan* differences, with gay Republicans fighting hard for respect in their party and gay Democrats emphasizing the supportiveness of their party's policies.

California's record of electing politicians with diverse backgrounds is certainly better than that of many other states. But perhaps it is inevitable that California will take the lead, since the demographic pattern of increasing diversity is unlikely to change, and trends suggest that the nation will gradually become more like California.

## QUESTIONS TO CONSIDER

### Using Your Text and Your Own Experiences

1. Discuss some areas where individual freedom (or free enterprise) may conflict with social needs. What is your position on these issues?
2. In what arenas are ethnic minorities underrepresented? Why do these patterns persist even though California has no majority group?
3. What can be done to balance the needs of diverse ethnic groups with the needs of California as a whole?

## ENJOYING MEDIA

### Movies to See and Web sites to Explore

Chicano/Latino Net clnet.ucr.edu  
The portal to networking in the Chicano/Chicana networks of California higher education including employment opportunities and cultural events.

University of California universityofcalifornia.edu  
The portal to the ten campuses of the University of California, the state's world renowned system of higher education.

California State University calstate.edu  
The portal to the California State University system's 23 campuses. These are the universities that train most of California's teachers, nurses, and many other professionals.

Multicultural Education library.csustan.edu/lboyer/  
multicultural/main.htm  
An introduction to the resources on the Web concerning multicultural education and diversity.

*Spanglish*, James L. Brooks, 2004

Comedy-drama about the cultural divide that occurs when a Mexican immigrant becomes housekeeper to a wealthy Jewish family in Malibu. A poignant illustration of the gaps between the haves and have-nots in California, and how human interactions can make a difference.

*Grand Canyon*, Lawrence Kasdan, 1991

A film about six diverse people living in Los Angeles during the 1990s. Shows the unlikely friendship of two men from different races and classes brought together when one finds himself in jeopardy in the other's rough neighborhood.

## **ENDNOTES**

1. ACLU/SC Sues Upscale Coastal Resort for Treating Disabled Homeless People as Outlaws, March 6, 2009. <http://www.aclu.org/disability/housing/38993prs20090306.html>.
2. California School Apologizes for Illegally Banning Sixth Grader's Presentation on Harvey Milk, June 9, 2009. <http://www.aclu.org/lgbt/youth/39803prs20090609.html>.
3. "California Laws 1999," *Los Angeles Times*, January 1, 1999, p. A3.
4. Eric Bailey, "Central Valley Looking for Ways to Fight Air Pollution," *Los Angeles Times*, June 6, 2000, p. A3.
5. Joe Mozingo, "Officials Seek to Ease Fears on Plan to Curb Storm Runoff," *Los Angeles Times*, June 9, 2000, p. B3.
6. Jessie Mangaliman, "California Apologizes for Ill Treatment, Persecution of Chinese Immigrants," *San Jose Mercury News*, July 21, 2009. [http://www.mercurynews.com/ci\\_12886337](http://www.mercurynews.com/ci_12886337).
7. Dan Weikel, "\$2.75 Million Ordered Paid to Minorities in Dockworker Case," *Los Angeles Times*, June 10, 2000, p. B1.
8. Dowell Myers and SungHo Ryu, "Aging Baby Boomers and the Generational Housing Bubble: Foresight and Mitigation of an Epic Transition," *Journal of the American Planning Association*, Vol. 74, No. 1, 2008. <http://www.tandfonline.com/doi/full/10.1080/01944360701802006>.
9. Armando Acuna, "Changes in State's Ethnic Balance Are Accelerating," *Los Angeles Times*, October 20, 1999, p. A3.
10. Jack Citrin and Benjamin Highton, "When the Sleeping Giant Is Awake," *California Journal*, Vol. 33, December 2002, p. 44.
11. Teresa Watanabe, "Chinese Take to U.S. Politics," *Los Angeles Times*, April 8, 2003, p. B1.
12. "State's Female Workers Paid Less than Men, Study Finds," *Los Angeles Times*, April 25, 1996, p. A21.
13. Jennifer Warren, "Plan Puts Female Inmates in Centers by Their Families," *Los Angeles Times*, February 11, 2006, p. A1.