

Minorities and Direct Legislation: Evidence from California Ballot Proposition Elections

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Critics argue that direct legislation (initiatives and referendums) allows an electoral majority to undermine the interests and rights of racial and ethnic minorities. We assess this claim by examining outcomes of direct democracy in California since 1978. Our analysis indicates that critics have overstated the detrimental effects of direct democracy. Confirming earlier critiques, we find that racial and ethnic minorities—and in particular Latinos—lose regularly on a small number of racially targeted propositions. However, these racially targeted propositions represent less than 5% of all ballot propositions. When we consider outcomes across all propositions, we find that the majority of Latino, Asian American, and African American voters were on the winning side of the vote. This remains true if we confine our analysis to propositions on which racial and ethnic minorities vote cohesively or to propositions on issues that racial and ethnic minorities say they care most about.

Introduction

One of the most important and long-standing debates about direct legislation (i.e., initiatives and referendums) concerns its consequences for minorities. Advocates of direct legislation have long asserted that initiatives and referendums are the most democratic means of enacting legislation. Populists, progressives, and others have maintained that the only way to protect voters and circumvent corrupt parties and legislatures that are beholden to special interests is through widespread mass participation in the policy-making process.

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However, opponents of initiatives and referendums argue that direct legislation lends itself to majority tyranny. The winner-take-all nature of initiatives and referendums means that in theory a slim majority of voters (i.e., 50% plus one) can pass laws that a large minority strongly opposes. This criticism dates back at least to James Madison, who lobbied vigorously and successfully against many forms of direct citizen participation, including not only direct legislation but also the direct election of U.S. Senators and the President. Madison maintained that with direct citizen involvement in government decision making, “measures are too often decided, not according to the rule of justice and the rights of the minor party but by the superior force of an interested and overbearing majority” (Hamilton, Madison, and Jay [1787–88] 1961, 77).¹

Over time, this general concern about minority interests has become more and more focused on the well-being of racial and ethnic minorities (Bell 1978; Gunn 1981). With the passage of several high-profile initiatives including California’s Proposition 187 (which denied social services to illegal immigrants and their children), Prop 209 (which eliminated affirmative action programs in public education, hiring, and contracting), and Prop 227 (which dismantled bilingual education), critics maintain that direct democracy is being used by a white majority to tyrannize a nonwhite minority (Maharidge 1996; Schrag 1998).² The harshest critics see direct legislation as “democracy’s barrier to racial equality” (Bell 1978, 1).

This debate about minority interests and direct democracy is not an idle one. More and more important policy decisions are being made through direct legislation. Nationwide, the number of initiatives has increased dramatically in recent years (Initiative and Referendum Institute 2000). The recent surge in

¹More recently, some opponents of direct legislation have made essentially the opposite argument. These observers argue that direct legislation lends itself to *minority* tyranny. They claim that direct legislation has, paradoxically, been captured by the very same sorts of “minority” interests that it was originally intended to circumvent (Berg and Holman 1987; Broder 2000). Because of the cash-intensive nature of modern direct legislation campaigns, opponents in this camp argue that certain types of minorities (i.e., those with lots of money) are now able to tyrannize over other interests—possibly minorities, possibly majorities—simply by virtue of their wealth.

²The highest profile initiatives have been in California but a number of other states have passed initiatives that in one way or another focused directly on the rights of particular racial and ethnic groups. Voters in five states in addition to California have voted on English-only initiatives. Others have passed initiatives banning affirmative action.

Critics have also begun to be more concerned about the impact of direct legislation on the gay and lesbian community as well as on Native Americans. The recent success of Proposition 22, which banned the performance and recognition of same-sex marriages in California, and anti-gay initiatives in several other states suggests some degree of intolerance on the part of the majority of voters in these states (see Gerber and Hug 2001). Recent votes on a number of issues relevant to Native American groups (including tribal gaming initiatives) have led to more mixed outcomes. Unfortunately, the sexual orientation of respondents is not available for any of the surveys we examine and the sample size for Native Americans is too small to analyze. Therefore, we are unable to examine, in any systematic fashion, how gay and lesbian voters and Native American voters have fared in direct legislation elections.

direct democracy has been so great that almost one-quarter of the state laws ever enacted by direct legislation were enacted in the 1990s (I&R Institute 2000). Moreover, spending on initiative campaigns continues to grow to record levels (Gerber 1999). As Peter Schrag has noted: “The initiative . . . has not just been integrated into the regular governmental-political system, but has begun to replace it.” (1996, 2).

In this article, we address the debate over direct democracy and minority rights by analyzing voting and outcomes across a wide range of issues addressed through direct democracy in California over the past 30 years. These analyses allow us to determine the extent to which minorities have been on the winning and losing sides of direct democracy contests. To the extent that we find large numbers of minority voters repeatedly losing in direct democracy elections, we must conclude that these voters lack the ability to protect their interests when government decisions are subject to a popular (majority) vote. To the extent that we find minority voters no more likely than whites or other voters to be on the losing side, we must conclude that evidence of the pernicious effects of direct democracy on minority rights is lacking.

We begin by looking at voting patterns across all types of propositions to see if there is a systematic bias against one or more minority groups. Here we find very little overall bias. Our analysis indicates that the majority of voters of every racial and demographic group we considered wound up on the winning side of the vote most of the time. We then restrict our focus to issues of greatest importance to racial and ethnic minority voters. Our results suggest that some of the criticisms of direct democracy have been overstated. Even on issues that Latino, African American, and Asian American voters say they care most about, they tend to win more often than they lose—although Latinos fare slightly worse than other racial or ethnic groups. Moreover, when nonwhite voters have clear preferences and vote cohesively, they tend to win even more regularly. At the same time, it is important to note that on a small number of initiatives that explicitly target racial and ethnic minorities, there is a clear bias in outcomes. On these initiatives, one racial or ethnic group—Latinos—loses regularly. We conclude by briefly examining underlying patterns in the way whites, blacks, Latinos, and Asian Americans vote that help explain why the white voting majority tends not to dominate over the non-white minority.

Existing Research

Critics of direct democracy are not without empirical support. Gamble (1997), for example, has shown that, nationwide, initiatives that restrict civil rights pass more regularly than other types of initiatives. Her results are mirrored in a number of studies of Propositions 187 and 209 in California, all of which suggest that racial antipathy and fear played a role in the white vote (Alvarez and Butterfield 2000; Cain, MacDonald, and McCue 1996; Tolbert and Hero 1996;

but see Donovan and Bowler 1998; Frey and Goette 1998; Gerber and Hug 2001).

However, one of the problems with these studies is that they typically consider the outcomes of a small number of direct legislation measures that directly target the rights of specific political minorities. We argue that this focus leads to a skewed picture of direct democracy. Most initiatives do not deal directly or explicitly with racial and ethnic minorities (Bowler, Donovan, and Tolbert 1998). Indeed, over the 30-year period we examine in California, less than 5% of all statewide initiatives focused explicitly on racial and ethnic minorities. That means that existing studies are largely ignoring the potential impact of the vast majority of direct legislation measures.

This is an important omission because ostensibly non-racial propositions can impact racial and ethnic minorities in dramatic ways. Decisions on tax policy, the environment, social policy, and a whole array of issues that are not explicitly racial do matter to the well-being of minority group members. Likewise, many initiatives disproportionately affect minorities, such as efforts to restrict new public housing projects (California's Prop 15 of 1974), curb welfare benefits (Prop 165 of 1992), impose severe penalties for repeat criminal offenders (Prop 184 of 1994), or increase punishment for gang-related activities (Prop 21 of 2000). Indeed, Prop 13 of 1978, California's famous property tax initiative, arguably did more to affect racial and ethnic minority well-being, by dramatically lowering the abilities of local jurisdictions to provide a variety of public services, than any other single initiative (Schrag 1996).

Therefore, we believe that to appreciate the consequences of direct legislation for racial and ethnic minorities, we must extend our perspective beyond the small number of policies that explicitly target minority rights. In this research, we assess how various minority groups fare across a number of different subsets of propositions. In addition to those propositions that explicitly target racial and ethnic minorities, we ask how minorities fare on *implicitly* racial issues, how they fare when they have clear preferences and vote cohesively, and more generally how they fare across the whole system of direct democracy. This, to us, seems to better capture the important question of how direct legislation affects minorities.

A second problem with much of the existing literature is that it tries to assess tyranny of the majority (or tyranny of the minority) without directly confronting the thorny question of how to measure or estimate minority interests.³ On some initiatives that directly attack minority rights, such as Prop 187 or Prop 227, such inferences seem relatively straightforward. Even on these is-

³ A still thornier question is the distinction between "interest" and "preferences." Political scientists typically think of "preferences" as political actors' short-term positions on immediate political issues, while "interests" incorporate potentially important but operationally slippery notions such as long-term tradeoffs, value judgements, etc. In this study, we deal with the less normatively charged concept of preferences.

sues, however, members of targeted minority groups are not always unified in their opposition (e.g., Prop 227 was supported by nearly 40% of Latino voters). Can it therefore be said that the majority tyrannized over this group, when the target group was itself so split between support and opposition? On other issues that affect minorities more indirectly, inferring a group's preferences becomes even more difficult.

We measure minority group preferences in a number of ways that we describe below. While not without some important limitations (we discuss many of these below as well), we believe our multiple approaches provide us with a more objective and relatively value-free baseline for assessing majority (or minority) tyranny.

Why California?

For several reasons, California provides an excellent setting for studying the impact of direct legislation on minority interests. First, California has been criticized, perhaps more than any other state, for using the initiative process to punish racial and ethnic minorities (Broder, 2000; Maharidge 1996; Schrag 1998). As Dale Maharidge has claimed, "California is leading the nation in the revolt" against minorities (1996, 7). Thus, if the initiative process lends itself to tyranny of the majority, evidence of these effects can probably be found in California. Second, California's initiative process seems to set the trend for much of the rest of the country. Almost immediately after Prop 13 passed in California, 37 other states reduced property taxes, 28 cut income taxes, and 13 restricted sales tax collections (Magleby 1994). In the 8 months after California's Prop 209 was proposed, 20 states moved on bills or resolutions to limit affirmative action, with 15 of them copying California's Civil Rights Initiative word for word (Maharidge 1996). Third, California has recently become a majority-minority state (Campbell 1996): racial and ethnic minority groups now outnumber non-Hispanic whites in the state. Thus, California's racial makeup today mirrors the projected makeup of the whole country in the middle of the twenty-first century. For all of these reasons, California is likely to be a harbinger of things to come in the rest of the country. At the same time, however, we should also clearly state that the results of our research cannot be taken as representative of other states at this time.

Data and Methods

The primary data for this study are a series of 17 *Los Angeles Times* exit polls taken during primary and general elections between 1978 and 2000. The *Times* exit polls queried voters on their views and votes on 51 different propositions. The polls tended to ask respondents about the more controversial or high-profile initiatives on the ballot, but they also measured voting behavior on one legislative constitutional amendment and four bonds. For all of the results that follow, we separately analyzed the data in each of these three categories

(initiatives, legislative constitutional amendments, and bonds), but generally found these distinctions to make little difference to our substantive conclusions.

Each survey contains a representative sample of California's voters (average N of 4,145 in each poll, for a total of 195,019 reported proposition votes by respondents in the data set) and generally includes a large enough sample of African American, Latino, and Asian American voters to allow for analysis of each group. There are, on average, 284 African American, 324 Latino, 128 Asian American, and 3,264 white respondents in each poll.⁴ The demographic characteristics of each racial and ethnic group in each poll closely match the demographic characteristics of the total population of each group in the state.⁵ Thus, by using this data set, we include both a large number of minority respondents and a wide array of questions in our study.

Further, the exit polling data are very accurate, correctly reflecting the winning side in 50 of the 51 votes. The actual vote and the estimated vote based on the poll data differ by an average of 2.6 percentage points (standard deviation 2.3). We further test the accuracy of our data by comparing the black, Latino, Asian American, and white votes statewide on each proposition to estimates from Voter News Service/CBS Exit Polls and to estimates derived from analysis of actual precinct level returns.⁶ In both cases, the estimates and the patterns of minority success and failure correspond closely to the *Los Angeles Times* data. As a final check on the validity of the data, we analyzed statewide surveys conducted by the Field Institute between 1970 and 1998. This Field Institute California Poll series has the advantage that it exists for a longer time span and asks about voter preferences on a much larger set of propositions (131), but it is limited by a significantly smaller sample size and the fact that it is a preelection poll rather than an exit poll.⁷ We repeated all of the analyses

⁴We use unweighted data for each of the regressions below. We re-ran the analysis with the weights provided by the *Los Angeles Times* and found that they made no substantive difference. When we present estimates of aggregate levels of support by race for a particular initiative (as in Table 5), we use weighted estimates.

⁵Due to low voter turnout among California's racial and ethnic minorities, whites are greatly over-represented in the electorate. The mix of African American, Latino, Asian American, and white respondents in the LA Times exit polls closely reflects estimates of average turnout of these groups over the period under study from numerous sources.

⁶We acquired the precinct level vote for all propositions on the ballot in general elections since 1990. We then employed Goodman's regression (for all propositions) and ecological inference (for a random sample of propositions) using the precinct vote and census data on the racial demographics of each precinct to obtain estimates of the statewide vote by race on each of these propositions (see King 1997 for a description of the EI methodology). We thank the Statewide Database at I.G.S., UC Berkeley for merging the precinct vote and census data.

⁷California Poll surveys contain about 100 Latino, 75 African American, and 50 Asian American respondents. All of the California polls included were administered less than two weeks before the primary or general election but voters still had some time to change their minds (see Magleby 1984 and Bowler and Donovan 1998 for accounts of opinion change over the course of initiative campaigns). As a result, the California Poll data are less accurate, correctly predicting the outcome of 106 of 131 propositions and mis-estimating the actual vote by an average of 8.2 percentage points.

with the California Poll data and have found that in almost all cases, both data sets produce equivalent results.⁸

One limitation of the *Los Angeles Times* exit polls is that racial and ethnic groups are not broken down by country of origin. This is less of a problem in the case of Latinos since the vast majority of Latinos in California are Mexican-Americans. However, it is a severe restriction for our analyses of Asian Americans. California's Asian American population is fairly evenly divided between Chinese, Filipino, Korean, Vietnamese, and Japanese Americans (Nakanishi, 1998). Moreover, existing research suggests that the views and politics of these different Asian American subgroups often differ significantly (Tam 1995). Thus, we are limited in our ability to generalize about the tyranny of the majority over specific Asian American subgroups.

Limitations of Analyzing Voting Patterns

By focusing on voting patterns, we can accurately assess how well minority voters have fared across a wide array of initiatives and referendums, and we are thus able to offer a more comprehensive assessment of the impact of direct democracy on racial and ethnic minorities. But inevitably, by looking directly at the outcome of the vote and at the question of who wins and who loses the election, we overlook other important elements of the initiative process. In particular, we have no means of assessing the indirect impact of initiatives and referendums on minorities (see especially Gerber and Hug 2001). It may be that the threat of reprisals through the initiative process encourages legislators to enact pro- or anti-minority policies that they would not otherwise put forward. Moreover, this research ignores the issue of non-implementation (Gerber et al. 2000). Several of the high profile anti-minority initiatives in California either have been overturned in the courts (e.g., Prop 187) or have not been equally implemented across different jurisdictions (e.g., Prop 227). Thus, actual policy outcomes may differ dramatically from the outcome anticipated at the time of the vote. By focusing on individual voting behavior, we implicitly assume that voters can figure out their true preferences. Critics of direct democracy have claimed that voters do not have enough knowledge about particular initiatives and are often confused or manipulated by expensive media campaigns (California Commission on Campaign Finance 1992). However, recent theoretical and empirical research shows that voters can and do use endorsements and other informational shortcuts to make informed decisions in direct legislation elections (Bowler and Donovan 1998; Lupia 1994). Focusing on voters also ignores the preferences of nonvoters, which may differ from those of voters. However, the vast majority of research on this subject suggests that nonvoters do not have substantially different preferences than voters (Ver-

⁸Whenever the conclusions from the California Poll series differ significantly from those derived from the *Los Angeles Times* data, we note the difference in the text or a footnote.

ba, Scholzman, and Brady 1995; Wolfinger and Rosenstone 1980).⁹ Finally, it is also possible that the choices presented as ballot propositions are not substantively meaningful to minority voters. A number of scholars and journalists have suggested that control over the initiative agenda by wealthy special interests severely limits the options voters have (Broder 2000; Garrett 1999; Lupia and Johnston 2001). Yet empirical evidence indicates that a variety of citizen groups are able to qualify their initiatives for the ballot (Gerber 1999).

Whites and Nonwhites in Direct Democracy Elections

The demographics of California's electorate favor white residents. Despite the fact that racial and ethnic minorities now make up roughly half of the state's population, the state's voters are largely white.¹⁰ Whites currently make up 68% of the voters in the state (Baldassare 2000). Latinos are well behind with only 19% of the electorate, and blacks and Asian Americans follow with 6% and 7% respectively (Baldassare 2000).¹¹ The large white majority gives whites, at least theoretically, the ability to determine the outcome of each and every proposition on the ballot. Even if every member of all three major minority groups voted in the same direction on a given issue, the majoritarian logic of direct democracy suggests that all nonwhites could wind up losers.

In Table 1, we provide our first analysis of the fate of racial and ethnic minorities under direct democracy in California. In these analyses, we test the effect of racial/ethnic group membership on the probability of being on the winning side of a direct democracy vote. In these estimations, we pool the responses of every respondent of every *Los Angeles Times* exit poll between 1978 and 2000. The dependent variable is whether or not the respondent voted for the winning side (in other words, whether he or she voted with the majority or against the majority of all voters). As independent variables, we include dummy variables indicating membership in the three major minority groups (black, Latino,

⁹Our own analysis of a series of statewide surveys conducted by the Public Policy Institute of California between 1998 and 2000 suggests that unregistered residents tend to be slightly more liberal than registered voters on a number of subjects that emerge in direct democracy in California, but overall the differences tend to be fairly small. We find a similarly small difference between registered and unregistered voters when we look at each racial and ethnic group separately.

¹⁰Lack of citizenship, lower socioeconomic resources and several other factors serve to greatly reduce nonwhite voter participation. The large discrepancy between white voter turnout and nonwhite voter turnout has remained fairly constant over the last three decades with only minimal fluctuation from election to election. The black-white turnout gap, based on turnout of the eligible population, has hovered around 10 percentage points, whereas the Asian American-white and Latino-white gap has been closer to 20 percentage points (Reyes 2001). Latinos did, however, increase their naturalization and registration rates following the 1994 election (Pantoja and Segura 2000).

¹¹California's electorate is not just skewed by race. Voters are also disproportionately older and wealthier than the rest of the public. In 1998, those over 55 years of age made up 30% of all voters. In contrast, this age group was only 9% of the unregistered population. Similarly, those with incomes over \$40,000 made up 58% of all voters and only 35% of the unregistered population (Baldassare 2000).

TABLE 1
 Factors That Affect the Odds of Being on the Winning Side
 of Direct Democracy, Logit Regression

Voter	Was Respondent on Winning Side?	
	Coefficient	Standard Error
Black	-0.097	(2.95)**
Latino	-0.109	(3.66)**
Asian American	-0.084	(2.35)*
Income-medium	0.059	(3.16)**
Income-high	0.062	(2.93)**
Education-high school diploma	0.081	(2.37)*
Education-some college	0.054	(1.54)
Education-bachelor's degree	-0.035	(1.03)
Age-30 to 64	-0.019	(1.02)
Age-over 65	-0.027	(1.30)
Gender-woman	0.040	(2.98)**
Region-Los Angeles	-0.006	(0.29)
Region-Bay area	0.002	(0.08)
Region-Southern California	0.059	(2.62)**
Ideology-scale	0.056	(3.00)**
Partisanship-Democrat	-0.048	(1.49)
Partisanship-Other	-0.020	(0.69)
Margin of victory	0.040	(35.61)**
Constant	-0.192	(3.50)**
Pseudo R ²		.02
N		118477

* $p < .05$ ** $p < .01$

Omitted categories are race = white, income = low, education = no high school diploma, age = under 30, gender = man, region = Central Valley, and partisanship = Republican.

Asian American), with non-Hispanic whites forming the residual category. Since African Americans, Latinos, and Asian Americans are not the only minorities who risk adverse policy consequences or discrimination via the direct legislation process, we also include variables that measure the age, gender, income, education, region, party registration, and ideology of each respondent.¹² Since the vast majority of respondents will be on the winning side of initiatives and referendums that are either very popular or very unpopular, we include the margin of victory to control for this tendency. As the dependent variable is

¹²Scholars have in fact argued that direct legislation outcomes favor the interests of the wealthy over the poor (Broder 2000; Lee 1997), the interests of conservatives over liberals (Maharidge 1996), and the interests of the middle class over all others (Schrag 1998). Region is also seen as a critical factor in California's elections (Baldassare 2000).

binary, we employ logistic regression analysis and report logit coefficients and robust standard errors.¹³

The first thing we see in Table 1 is that race and ethnicity do matter. Latino, black, and Asian American voters are all significantly ($p < .05$) less likely than whites to wind up on the winning side of the vote across the full set of propositions. Similarly, ideology, class, and gender do, at least marginally, affect the likelihood that a voter will end up on the winning side of direct democracy. Conservative, wealthier, less educated, female voters fare better than liberal, poorer, more educated, male voters. Given California's long-standing regional divisions, it is perhaps not surprising to see that voters from some regions have a higher probability of being on the winning side of direct democracy.¹⁴

Closer inspection of Table 1 suggests that these relationships are substantively weak. The low pseudo R^2 indicates that the likelihood of being on the winning side of the vote cannot be readily explained by group membership, socioeconomic status, political partisanship, political ideology, or regional location. In other words, these voter characteristics explain very little of the variation in individual vote outcomes.

Since it is difficult to interpret the magnitude of these effects from the logit coefficients, in Table 2 we convert the coefficients into probabilities that members of each group will wind up on the winning side of the proposition vote. In each case we hold all of the other variables constant at values for a hypothetical median voter.¹⁵

The general conclusion from Table 2 is that there are no really big winners or losers in California's direct democracy system. Every group we consider wins just about as often as every other group. In no case does being in a particular racial, demographic, or political group greatly increase or decrease the probability that a respondent will be on the winning side of the vote. In fact, for only three groups (Latinos, those with a bachelor's degree, and residents of Southern California) is their outcome significantly different from those of the

¹³Because respondents were asked about multiple propositions on several of the surveys, we correct our standard errors to allow for nonindependence of an individual's responses across propositions. In addition, to take into account the possibility that outcomes might vary significantly across different propositions, different years, or different types of elections, we also ran a fixed-effects models with dummy variables for each proposition, each year, and each type election, but found that they made no difference to the substantive conclusions.

¹⁴Most of these results are repeated in our analysis of the California Poll data. However, the California Poll findings differ in one important way from the results in table 1. The relationships tend to be even smaller and less significant. This is something one might expect given the added error of a preelection poll but it means that, in particular, blacks and Asian Americans are not significantly ($p < .05$) less likely to be winners than whites. Latinos remain the most disadvantaged group in the California Poll data.

¹⁵We also calculated probabilities given two extreme cases: a hypothetical voter who was advantaged on every measure except the variable of interest and a second hypothetical voter who was disadvantaged on every measure except the variable of interest. This made little difference to the magnitude of any of the effects or to the substantive conclusions.

TABLE 2
Probability of Being on the Winning Side of Direct
Democracy by Demographic Group

Voter	Probability of Winning ^a
White	.619
Black	.596
Latino	.593*
Asian American	.599
Income-high	.620
Income-low	.605
Education-bachelor's degree	.598*
Education-no high school	.607
Age-under 30	.615
Age-over 65	.613
Gender-man	.619
Gender-woman	.629
Region-Los Angeles	.618
Region-Other Southern California	.633*
Region-Bay area	.620
Ideology-liberal	.606
Ideology-conservative	.632
Partisanship-Democrat	.613
Partisanship-Republican	.624

*Significantly different from mean voter $p < .05$

^aProbabilities and their significance levels are calculated holding all other variables at values for a hypothetical median voter (income = middle, education = some college, age = 30-64, gender = male, region = Central Valley, ideology = moderate, partisanship = other, and race = white) using a simulation procedure developed by King, Tomz, and Wittenberg (2000).

median voter ($p < .05$). Moreover, voters from every group we examine have well over a 50% chance of voting with the majority side.¹⁶

Even when we consider the cumulative effects of all of the racial, political, and demographic factors in the model, we find little difference in outcomes. Additional analysis suggests that in the absolute worst case scenario (i.e., a poor, liberal Latino male, with a bachelor's degree, over 65, and from Los Angeles County), a voter still has, on average, a 54% chance of winding up on the winning side of the vote. Conversely, voters who are members of all of the

¹⁶Given that most of the high profile initiatives dealing with racial and ethnic minorities occurred in the 1990s, and given the sense that there is a "growing hostility toward nonwhites . . . being spawned in California" (Maharidge 1996, 7), we also compared outcomes in the 1990s to earlier decades. Our analysis [not shown] indicates that outcomes have changed over time, but generally not for minorities. Political ideology and party made little difference in the 1980s, but in the 1990s conservatives and Republicans began to win more regularly. In other words, California is not becoming more anti-minority, but it appears to have moved to the ideological right.

most advantaged categories have only a 63% chance of voting for the winning side.¹⁷ In short, there are some real differences in who wins and who loses, but all voters achieve fairly regular success in direct democracy in California.

Of the factors that do matter, race/ethnicity is clearly one of the most important. Nonwhite voters are among the least successful voters in direct democracy. Latinos, blacks, and Asian Americans all have a 59–60% chance of being on the winning side of a given vote.¹⁸ Only one other group—college-educated voters—has a less than 60% chance of being on the winning side. However, it is also clear that even race and ethnicity make little difference in the outcomes across the whole range of propositions. White voters are only about two percentage points more successful than nonwhite voters. The fact that well over half of Latinos, blacks, and Asian Americans were able to have their preferences met contradicts the notion that the initiative is only “marginally respectful of minority rights and interests” (Schrag 1998).

Minority Relevant Propositions

This initial analysis is important to gauge the extent that direct legislation, as an institution, systematically biases policy against the rights and interests of minorities. It shows that most of the time, members of minority groups are not harmed by direct democracy in the sense of systematically losing important policy battles. At the same time, however, it is possible that by examining all types of propositions on the ballot in California, we may have biased our results against finding any important effects on minorities. If there are many measures in our data set that are only of marginal importance to racial and ethnic groups, then we might mask the impact of measures that do matter. In other words, our estimates may place too much weight on these relatively unimportant issues and not enough on those that do matter. Thus, we now restrict our analysis to those propositions that are, by various measures, important to racial and ethnic minorities. Specifically, we focus on three subsets of initiatives: (1) propositions on issues that minority voters say are the most important to them, (2) propositions on which racial and ethnic minorities have a clear

¹⁷We tested a series of interaction effects to see if certain segments of each racial and ethnic group were more or less advantaged than others. In only one case were there clear and significant effects. Low-income Latino voters wound up losing more often than any other group, while high-income Latinos wound up on the winning side of the vote about as often as all white voters.

¹⁸Since it is possible that demographic and political variables are masking or reducing the impact of race and ethnicity, we ran a second regression with only race and ethnicity as independent variables. The results were almost identical. Racial and ethnic minorities were significantly more likely to be on the losing side of the vote but the change in probability was marginal. Also, if we simply add up the number of times voters from each racial group wound up on the winning side (as compared to the number of times voters from the same group were on the losing side) we get very similar results. Using these raw percentages, blacks, Latinos, and Asian Americans won 56% of the time, as compared to 61% for whites.

preference (vote cohesively), and (3) propositions that directly target or focus on racial and ethnic minorities.¹⁹

The Issues That Minorities Think Are Most Important

We first consider propositions on issues that minorities think are most important. Over the past three years, a series of statewide polls have asked Californians the following open-ended question: “What do you think is the *most* important public policy issue facing California today?” Although the order differs for African Americans, Latinos, and Asian Americans, the five issues that each group consistently ranks as most important are education, crime, economy/jobs, immigration, and poverty.²⁰

To assess how well minority voters fare on these issues that they care most about, we identified all of the propositions in our data set that directly addressed at least one of these issue areas.²¹ Our approach once again involves identifying which factors helped to explain whether a voter was on the winning or the losing side of a proposition vote. The main variables of interest are the three variables that measure the respondent’s race. We also include several variables to capture and control for the effects of demographics, ideology, party identification, region, and margin of victory, as in Table 1. The results of the regression analysis are displayed in the first column of Table 3. In the first column of Table 4, we convert the logit coefficients into probabilities.

Our results are similar to our earlier conclusions from our examination of all types of propositions. As the logit coefficients in column one of Table 3 indicate, blacks and Asian Americans are not significantly less likely than whites to vote for the winning side on this set of propositions. Here, the only racial and ethnic group that is systematically less likely than whites to be on the winning side is Latinos. However, once the logit coefficients are converted to probabil-

¹⁹We also analyzed a fourth subset of initiatives: propositions in subject areas which existing public opinion research identified as areas where each racial and ethnic group has traditionally expressed preferences that are distinct from the white majority. For African Americans, we focused on initiatives on affirmative action, welfare, public housing, government spending on social services, labor regulations, and taxes on upper income groups (see Kinder and Sanders 1996, and Dawson, Khan, and Baughman 1999 for detailed analyses of black public opinion). For Latinos, we focused on initiatives on immigration, education, healthcare, labor regulation, language issues, and affirmative action (see Hajnal and Baldassare 2001, Uhlaner 1996, and Garcia 1997). For Asian Americans, we focused on education, immigration, and criminal sentencing (see Hajnal and Baldassare 2001, Lee 2000, Asian Pacific American Legal Consortium 1996, and Cain 1988). Once we identified these subject areas, we then considered how voters from each racial and ethnic group fared on propositions that fit into these subject areas. These analyses largely corroborate our other results. Blacks and Asian Americans were as likely as whites to be in the majority, while Latinos fared marginally worse than whites.

²⁰Answers are based on the mean from 10 statewide surveys conducted between May 1998 and September 2000 by the Public Policy Institute of California. Answers were coded into one of 30 categories. Racial issues were ranked 7th most important by Latinos but only 15th and 17th most important by blacks and Asian Americans, respectively.

²¹Fifteen of the propositions fit into these categories.

TABLE 3

Winners and Losers on Propositions That Matter to Latinos, African Americans, and Asian Americans, Logit Regressions.
 Dependent Variable: Did Respondent Vote for the Winning Side?

	On Most Important Issues	<i>When Minorities Have a Clear Preference</i>			Minority Targeted
		Hispanics Vote Cohesively	Blacks Vote Cohesively	Asian Ams Vote Cohesively	
Voters					
Black	-0.024	0.025	-0.016	-0.28**	-0.279**
Latino	-0.300**	-0.113**	0.096*	0.002	-1.299**
Asian American	-0.020	-0.062	0.005	0.004	-0.648**
Income-medium	0.045	0.072**	0.039	0.100**	0.115*
Income-high	0.081	0.068**	-0.012	0.114**	0.137**
Educ-high school	-0.002	0.092*	0.106*	0.106*	0.029
Educ-college	-0.046	0.074	0.074	0.084	-0.049
Educ-bachelor's	-0.283**	-0.029	-0.045	0.062	-0.481**
Age-30 to 45	0.065	0.019	0.018	-0.019	-0.112*
Age-over 65	-0.071	-0.066**	-0.052	-0.083**	0.083
Gender-female	0.038	0.043**	0.056**	0.108**	-0.131**
Los Angeles	0.081	0.018	0.059	0.157**	
Bay Area	-0.101	0.007	0.078	0.082*	
Other So Cal	0.178**	0.100**	0.056	0.097**	
Ideology scale	0.227**	0.054*	-0.033	-0.096**	0.641**
Party-Democrat	-0.487**	-0.024	0.155**	0.118**	-0.998**
Party-Other	-0.281**	-0.039	0.074*	0.033	-0.468**
Margin of victory	0.040**	0.042**	0.043**	0.044**	0.041**
Constant	-0.262	-0.274**	-0.139	-0.157*	-0.569**
Pseudo R2	0.04	0.01	0.02	0.02	0.15
N	24144	91960	70299	56384	15931

Figures are logit coefficients. * $p < .05$ ** $p < .01$

Omitted categories are race = white, income = low, education = no high school diploma, age = under 30, gender = man, region = Central Valley, and partisanship = Republican.

ities, we see that on the set of issues that minorities themselves say are important, the majority of voters from all three minority groups are on the winning side of the vote most of the time. The probability that a Latino voter prevails on a proposition in one of these five issue areas is .52, which is .07 less than the probability of winning for white voters. For blacks, the difference in the probability of winning, relative to whites, is only .006, while for Asian Americans, the difference is only .005. Thus, while Latinos are less likely to prevail on important issues than the other racial/ethnic groups, these results suggests that most Latino voters nevertheless wind up on the winning side of the vote. In short, the data do not support the notion that minority voters are regularly losing out on the issues that they care most about.

TABLE 4

Probability of Being on the Winning Side of Direct Democracy
by Demographic Group
Propositions That Matter to Latinos, Blacks, and Asian Americans^a

	On Most Important Issues	<i>When Minorities Have a Clear Preference</i>			Minority Targeted Propositions
		Latinos Vote Cohesively	Blacks Vote Cohesively	Asian Ams Vote Cohesively	
White	.592	.627	.617	.630	.705
Black	.586	.633	.613	.563*	.644*
Latino	.518*	.601*	.639	.631	.395*
Asian Americans	.587	.613	.618	.631	.556*

*Significantly different from white voters, $p < .05$

^aProbabilities and their significance levels are calculated holding other variables at values for a hypothetical median voter (income = middle, education = some college, age = 30–64, gender = male, region = Central Valley, ideology = moderate, partisanship = other, and race = white) using a simulation procedure developed by King, Tomz, and Wittenberg (2000).

When Minorities Have a Clear Preference

A second way to identify propositions that are important to minorities is to single out those measures on which a large majority of blacks, Latinos, or Asian Americans voted in the same direction. Presumably, if the vast majority of black voters disapprove of a particular initiative, then it matters to the black community as a whole whether or not that proposition passes.²² By voting cohesively, minorities are in essence indicating a clear preference on an issue.

Although somewhat arbitrary, we define cohesiveness as those measures with over 60% support or over 60% opposition from minority group members.²³ As a test of robustness, supplemental analyses that employed higher thresholds of cohesiveness produced very similar results. Columns 2–4 of Table 3 present the results of three logistic regressions on which Latinos, African Americans, and Asian Americans, respectively, voted cohesively (with the same dependent

²²There may also be cases where a group voted unanimously on something of minor importance. Content analysis suggests that the issues we included in this estimation are of importance to minority voters.

²³Racial and ethnic minorities were cohesive across a wide range of initiatives. Blacks tend to be more cohesive on initiatives that focused on business or commerce, housing, and the environment. Surprisingly, blacks tended not to be cohesive on minority-targeted or taxation propositions. Latinos were more cohesive on minority targeted and environmental initiatives and less cohesive on taxation propositions. Asian Americans tended to vote cohesively on propositions dealing with health and the environment while being more divided over business or commerce, criminal justice, and language issues.

and independent variables as earlier). Once again, the predicted probabilities are displayed in Table 4.

The results in Tables 3 and 4 show that when racial and ethnic minorities vote cohesively, they marginally improve their odds of being on the winning side of the vote. For African Americans (column 3) and Asian Americans (column 4), cohesive voting means that each group is not significantly more likely than white voters to be on the losing side of the proposition vote. For Latinos (column 2), cohesive voting has less of an impact. On propositions on which Latinos vote cohesively, Latinos are still significantly less likely than whites to find themselves on the winning side, but this effect is quite small. When the coefficients in Table 3 are converted to probabilities (holding all nonracial variables at their middle value), we find that the probability of voting for the winning side for Latinos is only .026 less than for whites. Overall then, it is clear that minorities are not systematically losing out on the initiatives where they have a clear preference and vote cohesively. Latinos fare marginally worse than blacks and Asian Americans on these propositions, but all racial and ethnic groups win more often than they lose.

Initiatives That Directly Target Minority Rights

Finally, we consider the small subset of propositions that directly target minorities. Much of the contemporary concern about how direct democracy impacts racial and ethnic minorities seems to stem from this small number of initiatives that directly target members of these minority groups. It is on these issues that critics claim the “demagogic potential of the initiative” (Schrag 1998, 226) has been reached. These critics see the success of propositions that cut affirmative action (Prop 209) or that require public servants to report suspected illegal immigrants (Prop 187) as signs of a white population that feels threatened and is eager to use direct democracy to lash out at minorities (Alvarez and Butterfield 2000; Cain, MacDonald, and McCue 1996; Maharidge 1996; Tolbert and Hero 1996).

To test this claim, we performed a content analysis of every statewide proposition in California in the past three decades to identify all of the “minority-targeted” propositions. Of the 128 initiatives and referendums since 1970, we singled out eight propositions that directly targeted racial and ethnic groups. However, because neither the *Los Angeles Times* exit poll nor the California Poll asked questions about two of these measures, we have complete data on only six of these propositions.²⁴ They include votes on busing to end school segregation (Prop 21), English-only ballots (Prop 38), English as the state’s official language (Prop 63), services for illegal immigrants (Prop 187), affir-

²⁴The two excluded propositions are Prop 4 (1976) which sought to prohibit admission decisions to the University of California on the basis of race, ethnicity, religion, or gender and Prop 1 (1979), a constitutional amendment that made clear that nothing in the constitution mandated school busing to integrate public schools.

mative action (Prop 209), and bilingual education (Prop 227). As we explained in the introduction, by focusing just on these measures, we are likely to overstate the overall impact of direct democracy on minorities. We therefore see this analysis of minority-targeted initiatives as identifying an upper limit on the impact on minorities.

Table 5 displays the percentage support, by race, for each of these initiatives. In every case, the majority of white voters voted for the winning side of the initiative. In most cases, the majority of voters from the three major racial/ethnic minority groups voted for the losing side.

Proposition 21 of 1972, which repealed existing efforts to achieve racial and ethnic integration in public schools, passed despite majority opposition from black and Latino voters. Most black, Latino, and Asian American voters also opposed Prop 187, which banned the provision of most public services to illegal immigrants. Racial and ethnic minority voters were unable to counter the voting power of the white majority on Proposition 209, an initiative that sought to dismantle affirmative action in the state. On this initiative, all three racial and ethnic minority groups were solidly unified in their opposition to the initiative. The initiative was opposed by 76% of Latino voters, 74% of black voters, and 61% of Asian American voters. But once again, strong white support meant that the initiative passed.

Table 5 also reveals three cases where at least some racial and ethnic minorities agreed with white voters on policy. On Proposition 38, which called for English-only ballots, a slim majority of Latino voters sided with the white majority and against the black majority. On Proposition 63, an initiative that declared English the official language of the state, blacks voted with the white majority and against the majority of Latinos and Asian Americans. On Propo-

TABLE 5

Voting on Minority Focused Initiatives
Support for Each Proposition by Race

Proposition	White Vote	Black Vote	Hispanic Vote	Asian Am Vote
21 ^a	62%	46%	39%	— ^c
38 ^a	74	35	52	— ^c
63 ^b	71	60	38	45%
187 ^b	63	47	23	47
209 ^b	59	26	24	39
227 ^b	67	48	37	57

^aFrom California Poll survey.

^bFrom *Los Angeles Times* exit poll.

^cThe California Poll survey contained an insufficient number of Asian American respondents to accurately estimate their voting strength.

sition 227, the bilingual education initiative, a slim majority of Asian American voters sided with whites and against the majority position of blacks and Latinos.

Moreover, even when the majority of blacks, Latinos, or Asian Americans wound up on the losing side of an initiative vote, it is difficult to say that the interests of the community as a whole were undermined. Large minorities of blacks, Latinos, or Asian Americans supported every one of these minority-targeted propositions except for Prop 209. White voters themselves were by no means totally unified on any of these initiatives.

Given these divisions within each racial and ethnic group and given the variety of outcomes for each minority group across propositions, we again attempted to isolate the independent effect of race on a respondent's probability of being on the winning side of these minority-targeted initiatives. We therefore estimated our logistic regressions with the same dependent variable as previously for these minority-targeted propositions. The logit results are reported in the last column of Table 3. In the last column of Table 4, we convert all of the coefficients to probabilities.

The results confirm that, on the whole, members of minority groups are indeed less likely than whites to prevail on these minority-targeted initiatives. African Americans, Latinos, and Asian Americans are all much less likely than whites to be on the winning side of the vote on these minority-targeted initiatives. Again, the tables also highlight some important differences between Latinos, blacks, and Asian Americans. As the probabilities in Table 4 show, an individual African American or Asian American voter is more likely than not to be on the winning side (.64 and .56, respectively), although this probability is lower than for whites (.71). So for these two groups, we conclude that direct democracy should not be seen as a major barrier to achieving their political goals, even on issues that directly seek to limit some of their rights.

Latinos are a different story. On these minority-targeted initiatives, Latinos consistently lose out.²⁵ In fact, Latino voters have only a 40% chance of being on the winning side of the vote.²⁶ Given that several of these initiatives were on subjects of fundamental importance to the Latino community, this result shows that Latinos, indeed, have much to worry about when issues that target their rights are decided via direct democracy.

These results seem to indicate that the prime target of white anti-minority policy is the newly emerging immigrant minorities. As a small, stable population, blacks in California may be perceived as posing less of an economic, political, or social threat to the white population. Thus, there is little reason to

²⁵The other losers on minority-targeted initiatives are liberals and Democrats. The probability that self-identified liberals and Democrats are on the winning side of the vote is 30% and 51%, respectively.

²⁶Analysis of the California Poll data on minority-targeted initiatives leads to nearly identical results. The only difference is that Asian Americans are not significantly ($p < .05$) less likely to be winners.

single them out in statewide initiatives. In contrast, as a large, visible and increasingly powerful population, Latinos may be perceived as posing a much greater threat (Alvarez and Butterfield, 2000).²⁷ Thus, some policy advocates may feel the need to target Latinos and to try to enact policies that curb their growing political, economic, and social influence. Finally, as a growing but significantly smaller and often less politically visible population, Asian Americans fall somewhere in between.

Why Don't Whites Dominate?

The relative success of nonwhite voters in direct democracy in California leads us to an interesting and important question. Why are white voters not dominating the outcomes of direct democracy at the expense of nonwhite voters? After all, whites make up the clear majority of voters in all of the direct legislation elections we examine. Even if every member of all three major minority groups voted in the same direction on a given issue, the majoritarian logic of direct democracy suggests that nonwhites could all wind up losers.

Even though whites are a large majority of all voters in the state, there are still two conditions necessary for a tyranny of the white majority to exist. First, the interests of white and nonwhite voters must be opposed. If most voters agree on what is good policy, regardless of their race or ethnicity, then clearly there is no tyranny of the white majority. Second, white voters must, to a certain extent, vote as a unified block. If whites are fairly evenly divided, then nonwhites will be able to decide the outcome of the election.

In California over the time period we examine, neither of these conditions is met regularly. First, it seems that white voters are much more apt to agree with nonwhite voters than they are to disagree with them. The aggregate white "yes" vote, across propositions, is highly correlated with the black, Latino, and Asian American "yes" vote. The white vote is most closely correlated with the Asian American vote ($r = .67, p < .01$), but whites also regularly agreed with Latinos ($r = .52, p < .01$) and African Americans ($r = .49, p < .01$). In short, regardless of race or ethnicity, people seem to want many of the same things.

Differences of opinion between white and nonwhite voters do exist but they are generally not appreciably larger than differences across other demographic groups. On average, the aggregate white "yes" vote differs from the average black, Latino, and Asian American "yes" vote by 13, 10, and 9 percentage points, respectively. This is dwarfed by the average difference between liberal and conservative voters (26 points) and Democratic and Republican voters (21 points) and is no greater than the average division between voters over 65 and

²⁷Latinos have recently won important statewide offices. They now hold 24 seats in the state legislature, including two recent leadership positions, and Latino voters have provided the necessary margin of victory in many other contests (Arteaga, Flagel, and Rodriguez 1998; National Association of Latino Elected Officials 1998).

voters under 25 (10 points) and between voters with a college degree and voters with less than a high school education (10 points). Whites and nonwhites are clearly more divided on minority-targeted initiatives (as Table 5 showed), but on most issues it is clear that direct democracy does not pit whites and nonwhites against each other.

The second reason why whites do not dominate proposition voting is a lack of unity among white voters. The white community is anything but monolithic, and voting patterns in direct legislation elections reflect this. On the average proposition, only 61% of white voters voted in the same direction. That means that in the typical case, 39% of the white electorate disagree with the “white” position.

By this measure, whites are about as cohesive as most other demographic groups (i.e., women, college-educated voters, or voters over 65), but not as cohesive as conservatives (66% voted in the same direction on average), Republicans (66% in the same direction), blacks (64%), or Latinos (63%). Even on the minority-targeted initiatives where one might suspect whites to have a clear agenda, there is still considerable disagreement. Averaging across the six minority-targeted initiatives, only 63% of white voters wound up on the same side of the vote.²⁸ Given these two patterns underlying white proposition voting in California, it is no wonder that nonwhite voters are winding up winners most of the time.

What Do Racial and Ethnic Minorities Think of Direct Democracy?

Our analysis of direct legislation elections in California suggests that racial and ethnic minorities win more often than they lose. This finding generally persists even when we look at issue areas that minorities care most about. Since minority voters are faring reasonably well in direct legislation elections, we should see support for direct democracy reflected in the views that minority voters hold toward direct democracy. Thus, we expect nonwhite voters to have generally favorable impressions of direct democracy in California over this time period.

Since 1979, the California Poll has periodically asked voters about their support for direct democracy. In Table 6, we present data on patterns in support for direct democracy from these polls. The results are clear: There is widespread support for ballot propositions. Asked whether they thought “statewide ballot proposition elections are a good thing for California, a bad thing, or don’t make much difference,” majorities of every racial and ethnic group felt that ballot proposition elections are a good thing for the state. Of all the groups, African

²⁸Even when whites do vote cohesively, minorities still fare reasonably well. On these propositions, the likelihood of a Latino, black or Asian American voter ending up on the winning side of the vote is 56%, 65%, and 63%, respectively [analysis not shown].

TABLE 6

Support for Direct Democracy Across Racial and Ethnic Groups

	Are Ballot Propositions a Good Thing?			
	Whites	Blacks	Asian Americans	Latinos
1979	87%	60%	80%	83%
1982	85	69	78	83
1997	73	57	77	73

Source: Field Institute, California Polls # 7904, 8206, 9004.

Americans are the least positive. However, even among black respondents in 1997, 57% still felt that ballot elections were a good thing, compared to only 9% who thought they were a bad thing. Support for direct democracy has clearly waned in California over time, but it is still something that most minority (and white) voters support.

Conclusion

This analysis has important implications for how we understand the impact of direct democracy on minorities and minority rights. Previous analyses that focus strictly on one or a few minority-targeted initiatives overstate the detrimental effects of direct democracy. When one considers the full set of issues considered by voters as ballot initiatives, it is clear that minorities can and do use the process to protect their vital interests most of the time. Even on issues that members of racial and ethnic minority groups care the most about, majorities of these groups vote for the winning side of the initiative most of the time. Moreover, on issues that unite members of the electorate's several minority groups, these voters are even more likely to prevail at the ballot box. Thus, we conclude that there is little overall anti-minority bias in the system of direct democracy.

At the same time, however, we see two significant and potentially disturbing trends. First, when minority rights were the direct and immediate targets of direct legislation measures, nonwhites tended to do the worst. In other words, on the few occasions when initiatives sought to undermine the rights of minority group members, majorities of at least some minority groups ended up on the losing side of the vote. However, it is important to bear in mind that these initiatives were rare and account for only a small share of the measures that minorities care about.

Second, we also found important differences in the fates of members of different minority groups. In recent years, Latinos were more often the targets of California initiatives than were blacks or Asian Americans; and on issue areas

important to all racial and ethnic minority groups, Latinos were less likely to vote for the winning side than were blacks and Asian Americans. We speculate that this anti-Latino bias results from the perceived economic and political threat that a large and growing Latino population poses. Additional research is needed to determine whether direct democracy can be used to undermine the interests or rights of other newly emergent groups.

In the end, our research probably says as much about the interests of and divisions among racial and ethnic groups as it does about direct democracy. Latinos, blacks, and Asian Americans have been able to achieve a limited degree of success via direct democracy, and not because the system prevented whites from tyrannizing the nonwhite minority. Indeed, at present, whites theoretically could choose to regularly target and defeat nonwhites. Rather, the success of such minority groups is a function of widespread agreement on policy that cuts across racial and ethnic boundaries. Racial and ethnic divisions do not define direct democracy in California. Rather, our data suggest that whites and nonwhites agree much more regularly than they disagree. This is an important factor that should not be overlooked in discussions of race, ethnicity, and direct democracy.

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