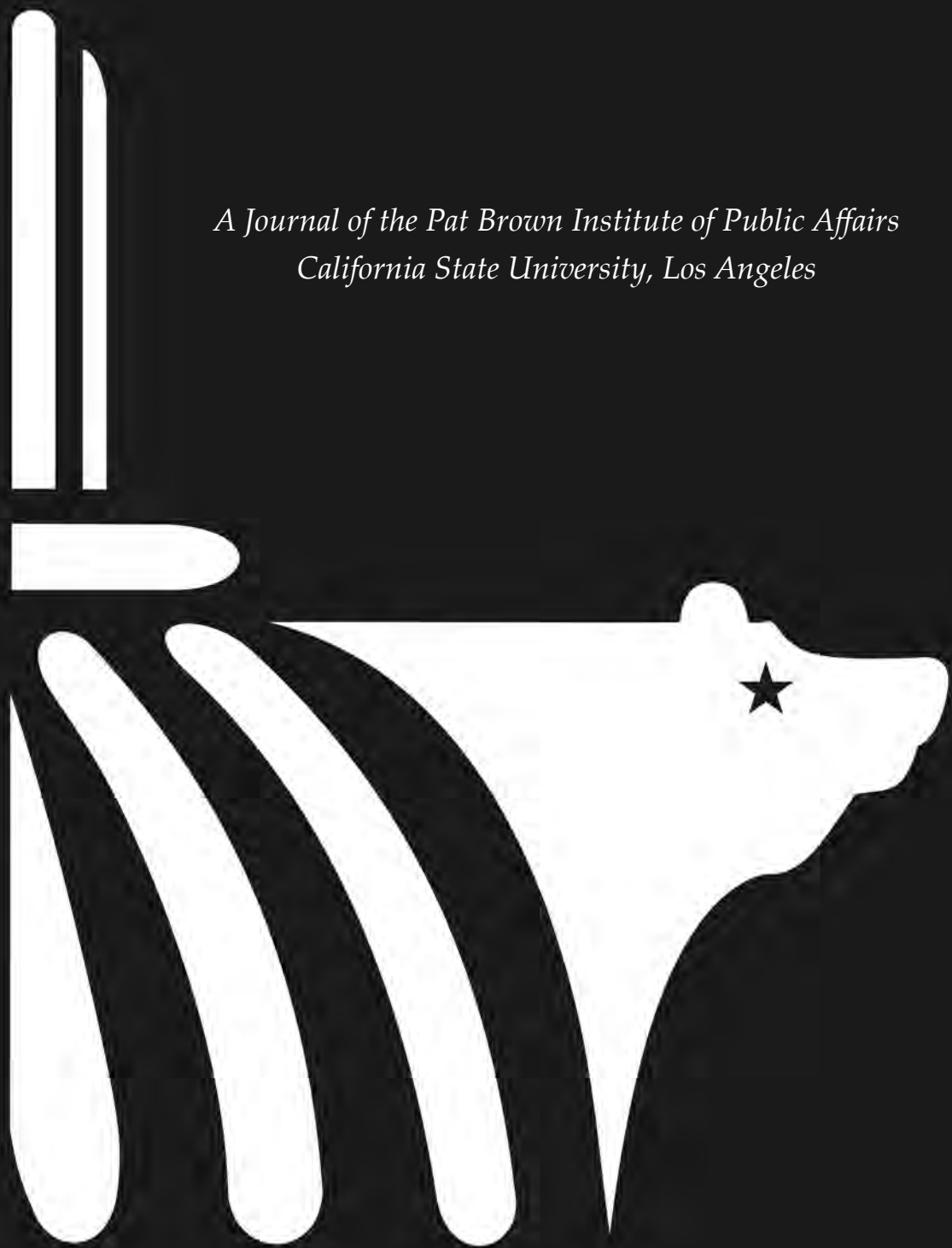


CALIFORNIA POLITICS & POLICY

*A Journal of the Pat Brown Institute of Public Affairs
California State University, Los Angeles*



California Politics & Policy (ISSN 1083-3374) (ISBN 978-1-878644-35-0) is published annually as a journal of the Edmund G. "Pat" Brown Institute of Public Affairs, California State University, Los Angeles, 5151 State University Drive, Los Angeles, CA 90032-8261. Copies of single issues, \$15. Orders of five or more, \$12 each. Use the order form at the end of this issue to submit your requests.

Publication date: November 2011

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CALIFORNIA POLITICS & POLICY

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CALIFORNIA POLITICS & POLICY

NOVEMBER 2011 • VOL. 13, NO. 1

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INCUMBENT GENDER AND ELECTORAL SAFETY IN LOCAL RACES

ALANA S. JEYDEL
Department of Political Science
American River College

EDWARD L. LASCHER, JR.
Department of Public Policy and Administration
California State University, Sacramento

ABSTRACT

Do women in local office have a more difficult time holding onto their seats, as some popular accounts suggest? While much research has considered the question of incumbency in national and state elections, little scholarly attention has been given to local races. The existing literature makes expectations in this area unclear. Incumbency appears to trump gender in national and state elections—that is, female and male officeholders win reelection at similar rates. However, the study most closely related to our own offered the striking finding that female incumbents were more successful than male incumbents in local elections.

To address the gap in research on incumbency and local elections, we studied the electoral safety of male and female county supervisors in California beginning in the mid-1990s. Our research takes advantage of the relatively recently established California Elections Data Archive (CEDA). Unlike the previous analysis of city council races, but consistent with research on contests for state and national office, our study showed no significant differences in the electoral safety of female and male incumbents. Additionally, these findings may be applicable outside California given the extraordinary political diversity of counties in that state.

We close by considering the practical implications for candidates, potential candidates, and future research. For example, our study implies that little reason exists to focus on gender in local election contests.

Key words: gender and local elections, incumbent safety, county supervisors

INCUMBENT GENDER AND ELECTORAL SAFETY IN LOCAL RACES¹

Philadelphia has had just one viable woman mayoral candidate, and she didn't survive the primary. (Lucey 2009)

In last month's primary election, there were only two women in the field of 19 at-large Democratic City Council candidates, and only one had a chance to

win. That was incumbent Councilwoman Blondell Reynolds Brown, and she was in a tight spot... Brown spent most of election night trailing badly. Finally at 11p.m, the returns tilted in her favor, and she eked out the closest victory of her career... However narrow her win, the fact that she survived was notable: Precious few women run for at-large Council positions in Philadelphia, and fewer still are elected. (Kerkstra 2007)

Do female incumbent candidates have a tougher time than male incumbent candidates in local elections? The opening quotes suggest Yes to this question. Do incumbent females in local elections win at similar rates as incumbent males? The answer to this question might be construed as No in view of recent newspaper headlines: "Why few women in politics?" asked the *Philadelphia Daily News* in June of 2009; "County has few women leaders," noted the *Jackson Citizen Patriot* of Michigan in August of 2008; "Small strides for women in local gov't" wrote the *Daily Record* of Rochester, New York, in March of 2010; and "Women missing from local politics," stated the *Waterloo Courier* of Iowa in December of 2009. Our article seeks to address such questions not only to find answers but also to offer some practical help to female candidates seeking reelection at the local levels of government. Although literature on incumbency in national and state elections generally finds that current officeholders have high rates of reelection, there is little to no research on local elections; and as the above-quoted story and headlines highlight, female incumbents in local races may face different odds.

Over the years, researchers have often studied how women fare against male opponents in elections, no doubt prompted by interest in why women still constitute a clear minority of elected officials at all levels of government. Findings have long supported the proposition that incumbents, at state and national levels and whether men or women, are likely to win reelection. In general, the conclusion has been that when similar races are compared, women win elections (whether as challengers or incumbents) as frequently as men (Darcy, Welch, and Clark 1994; Dolan 1998; Plutzer and Zipp 1996; Seltzer, Newman, and Voorhees Leighton 1997; Smith and Fox 2001; Swers 2001; Welch, Ambrosius, Clark, and Darcy 1985). As Seltzer, Newman, and Voorhees Leighton (1997, 79) noted, in a conclusion that is consistent with several other studies, "When women run, women win...as often as men do.... A candidate's sex does not affect his or her chances of winning an election."

However, few scholars have studied the election of women to local office,² let alone examined the question of whether male versus female incumbents in local offices differ in their ability to win reelection in the United States.³ This scarcity of research exists in spite of the facts that the vast majority of elected officials in the United States serve at the local level and that women in 2010 still appear to be having a hard time getting elected to local offices. For example, although Seltzer et al. compiled a massive database that included over 61,000 candidates (a good number at the local level), they considered races only for state legislature, governor, and the U.S. Congress.

The question of whether or not women incumbents in local elections win reelection at similar rates as men is compelling. First, it is useful to know if women fare as well as men in their reelection efforts for local offices. As the quotes at the beginning of the article indicate, this may not always be the case. If it is not the case, if women are not as successful as men in reelection efforts, can we know why? And what can be done to ameliorate this?

The answers to these questions are important in view of theorizing about the importance of the “political pipeline.” Scholars argue that election to local office is crucial to increasing the number of women running for and getting elected to higher level offices because it provides them with political experience and political resources such as contacts, money, etc. (Duerst-Lahti 1998; Mariani 2008; Palmer and Simon 2001; Seltzer, Newman, and Leighton 1997; Welch and Studlar 1996; Witt, Paget, and Matthews 1994). So, whether or not women are as likely to hold onto local offices may also affect their ability to move up in the political world. Such information would also facilitate the best use of candidates’ time and money, precious resources that do not want to be squandered on unnecessary ends.

While there is little literature on women and local elections and even less on their rates of reelection, there is one useful exception: Bledsoe’s study of city council members. Drawing on a national survey conducted in the 1980s, he found that female council members were, in fact, more likely to win *reelection* than male council members, controlling for other variables (1993, 140-143). Bledsoe indicated that women’s greater electoral success may have been the result of several factors, including strong male incumbents being more likely to seek higher office, thus leaving (1) their weaker male counterparts seeking reelection and (2) women sustaining a higher level of effort in local office. Or, perhaps voter prejudice is least prevalent at the local level because local legislators and executives are expected to work on what are traditionally seen as women’s issues such as education and welfare, thus making it easier for voters to vote for a woman candidate (Kahn 1994).

Given what we know—Bledsoe’s interesting if now somewhat dated finding, the pipeline theory, and the fact that women’s numbers in higher elected office have not increased as much as expected—it makes sense to revisit the question of whether gender makes a difference in reelection rates of local elected officials.

We focus on the electoral fortunes of female and male county supervisors in California. There are several reasons this group of elected officials is worthy of study. First, seats on the five-member county boards of supervisors are among the most important local government positions in California, generally situated higher in the political hierarchy than seats on city councils (Lascher 2005). Second, California’s 58 counties are very diverse on a number of dimensions, among which are total population, population growth, geographic size, ethnicity, and urban-rural land use patterns. For example, the counties range in population from tiny Alpine, nestled in the Sierra Nevada mountains with a 2000 population of a little over 1,000 people, to enormous Los Angeles with a population of 8.863 million, exceeding the size of all but seven American states other than California itself (for county population data, see California State Association of Counties/California Institute for County Government 2001). The diversity of counties enhances the potential external validity of our study, even though we examine results from a single state. Third, due to the establishment of the California Elections Data Archive (CEDA) at California State University, Sacramento, in the 1990s (as a result of collaboration with the California Secretary of State’s Office), there is a single source of recent election data for all counties available to researchers. Traditionally, lack of a statewide entity responsible for gathering local election data has been a major problem for scholars wishing to analyze such information in California and elsewhere. The creation of CEDA was intended to overcome that problem, at least in the Golden State. Fourth,

because California county supervisorial races are nonpartisan, there may be greater potential for gender cues to influence voter choices than in partisan races in which the party identification of candidates can overwhelm other information.⁴ That is, the lingering effects of gender stereotypes should be relatively easier to detect in nonpartisan elections.

Our findings cast doubt on the notion that gender affects electoral safety in local elections. Female incumbent supervisors in California do not differ significantly from male incumbents with respect to winning elections. There are also no significant differences with regard to the percentage of vote captured.

HOW MIGHT GENDER INFLUENCE ELECTION RESULTS?

There are two main ways in which gender might affect local election results. One mechanism involves voters' use of stereotypes (see especially Dolan 2004). Time-pressed citizens may turn for voting cues to easily available demographic information such as the sex of a candidate. Knowing that a candidate is male or female is likely not simply to provoke recognition of a biological distinction but to trigger gender-based attitudes and impressions. For example, people may associate males with being strong leaders and females with being more compassionate. Alternately, voters may assume that, say, female candidates will concentrate more on human services while male candidates will care more about taxes and business development. It should be noted that a variation of this first mechanism involves the subset of citizens who provide crucial campaign monies: their funding decisions may also be based on gender stereotypes.

Even if voters use such stereotypes it is not obvious what the net effect will be on election outcomes. Both women and men may gain and lose votes if voters act on stereotypes (e.g., in local races female candidates may gain votes from citizens most concerned about schools but lose votes from citizens most concerned about attracting new businesses). Additionally, gender stereotypes may simply be less important than other criteria for decisions available to voters, such as party or incumbency, or both. It may be that incumbency or party is a more powerful cue than gender, thus gender may have no impact on vote choice.

Bledsoe (1993) suggested a second mechanism that may be at work: Women and men may differ systematically in their political ambitions. Women may not be as ambitious as men and thus seek reelection to their local office, rather than seeking higher office. Such differences in ambition, Bledsoe proposed, could be related to gender perceptions. For example, if local female elected officials simply believed that voters were more inclined to entrust top state offices to males, they might be less likely to attempt to move up the political ladder. This could mean that potentially strong female candidates would be likely to remain in local offices while their strongest male counterparts (i.e., those who had developed a more extensive record of accomplishments, built larger electoral bases, performed more extensive constituency service, etc.) were more likely to seek state and national government positions. If that were the case, a comparison of local government officials seeking reelection might be expected to show local female officeholders being reelected at a higher rate than males.

DATA AND METHODS

Again, the exploration of the impact of gender in local-level elections is a rather novel endeavor. Our study looks to address this deficiency and examine the issue of gender as it pertains to local-level races.

As mentioned previously, the empirical study of local-level races in California has been greatly enriched by resources provided by CEDA. For the purposes of our research, county election data for the years 1996, 1998, 2000, and 2002 were utilized. Specifically, the CEDA reports provide information concerning the candidates, their ballot designations (including incumbency status), and vote totals. These data were supplemented with county-specific information from the State Department of Finance and the 2003 *California County Fact Book* (California State Association of Counties/California Institute for County Government). The analysis was restricted to the 55 counties (of an overall total of 58) that consistently used district elections throughout the time covered by the CEDA reports. Our final data set contained 386 cases, or, in this instance, 386 races involving an incumbent. There were 282 male candidates and 104 female candidates. On the whole, these incumbent candidates were winners, with 320 (83%) of the candidates winning their races. This level of incumbent success is strikingly in line with national data showing that 84% of city council incumbents win reelection (Krebs 1998, 922).

The unit of analysis for this study is the individual race involving an incumbent California county supervisor. Because this is the unit of analysis (rather than, for example, aggregate results by county), we are able to use contest-specific information, such as the gender of specific incumbents, number of challengers facing such incumbents, and the quality of individual challengers. We are also able to avoid some of the inferential problems that come with using aggregate data on election winners and losers. At the same time, we are able to combine this information about particular contests with aggregate county-level information to better control for possible influences on electoral outcomes other than gender.

To investigate the relationship between gender and electoral success, it is best to start with a simple specification of the model:

$$\text{Electoral Success} = f(\text{candidate gender, competitiveness of the race, district demographics, yearly fixed effects})$$

This study posits that electoral success is a function of the broad causal factors of candidate gender, competitiveness of the race, and district demographics. Note however that our focus in this paper is solely on the gender variable; the other measures are included only as control variables to avoid missing variable bias in drawing inferences about the effects of gender. Accordingly, we will give only limited attention to such measures.

Some of the extant research on incumbent success recommends examining vote percentage as well as whether or not incumbents are victorious (see discussion in Lascher 2005). This may be especially important because incumbents winning by narrow margins often become “targeted” by those seeking to gain office. Accordingly, we ran a secondary

set of analyses utilizing the percentage of the vote for the incumbent candidate as the dependent variable. The model for this exercise is otherwise very similar to the electoral success model:

$$\text{Percentage of the Vote} = f(\text{candidate gender, competitiveness of the race, district demographics, yearly fixed effects})$$

With respect to the dependent variables, *electoral success* is operationalized as a dichotomous variable for which winning the election is coded 1 and losing is coded 0. “Percentage of the vote” is operationalized as a continuous variable for which the values reflect the percentage of the vote the incumbent candidate captured in either the primary or runoff election, depending on which election was decisive for the incumbent. In the vast majority of cases (87%), the primary election was decisive with the incumbent winning outright (i.e., winning over 50% of the vote), losing outright, or failing to make the runoff.

The first broad causal factor we examine is candidate *gender*. This variable is operationalized as the apparent sex of the candidate coded one for female and zero for male.⁵ We begin with the hypothesis that gender will be unrelated to incumbent reelection success. There are two main reasons for hypothesizing that gender will not affect reelection. First, as emphasized previously, research on other types of races has tended to find that women are comparable to men in terms of electoral success when similar races are compared. Second, our sample consists only of races involving an incumbent, and thus both female and male county supervisors will have proved themselves as capable of winning such races in prior contests. Nevertheless, the study by Bledsoe (1993) offers a different expectation: Female supervisors will be more successful than male county board members.

The second broad causal factor utilized is *competitiveness* of the race. This factor is operationalized with two variables. The first is the dichotomous variable quality of challenger; that variable is coded as 1 if any challenger has a ballot designation that indicates mayor, city council member, school board member, county elected official such as treasurer, or state legislator, and if it is coded as 0 otherwise (including no challenger). Ballot designation is the only means available of determining if a challenger had previous elective experience. A vast body of research on congressional and other types of elections has emphasized the importance of challenger quality for the electoral success of incumbents, and one of the commonly used measures of quality is prior elective experience. The second competitiveness variable is the number of candidates. This continuous variable is important to include because previous research has shown that incumbents are more likely to lose if more candidates are in the race (see especially Krebs 1998).

The third broad causal factor is *district demographics*. The set of demographic features we examine includes three variables, with these variables aimed at picking up characteristics that may make elections more or less difficult for incumbents or challengers. The first variable is the average population of the supervisorial district in 2000. Prior research has shown that a significant, positive relationship between district size and supervisorial incumbent success, controlling for other variables. This may be because it is difficult to mount a viable challenge to an incumbent in larger districts requiring much higher campaign expenditures, and where “ground campaigns” are not sufficient. By contrast, incumbent county supervisors are viable candidates for reelection

regardless of district population (Lascher 2005). A second district demographic variable is the average land area of the district in 1000s of acres. The rationale for including this measure is that, similar to the district size variable, geographically large supervisorial districts may pose particular problems for challengers in terms of initiating contact and communicating with the electorate. And due to the size, a ground campaign may not be sufficient, thus requiring money for advertising. Because multiple local newspapers may serve these expansive districts, the amount of campaign cash needed may be great, thus posing greater obstacles for challengers than for incumbents. That noted, the geographical expansiveness of the district might also cause problems for an incumbent who may become out of touch with her widely dispersed constituents (so the predicted sign of this variable is uncertain).

We also included a third demographic control variable: percentage of the county population that was white and non-Hispanic in 2000. Dating back to Richard Fenno's (1978) now classic work on the "home style" of U.S. House members, much of the extant literature on incumbent safety has included information on ethnic diversity, under the rationale that incumbent reelection may be more problematic in diverse districts. Ethnically diverse districts may be more challenging to serve than homogenous districts because of the numerous, oft-times competing demands of different groups. For example, Hispanic farm workers will likely have different needs in terms of local social services than Caucasians (again, however, ethnic diversity may also be a problem for challengers, so the expected sign of this variable is uncertain). However, even though California is well known for its ethnic diversity, and whites are a minority in many counties, some smaller counties are much more homogeneous and the white population exceeds 80% of the total.

A final demographic variable included in the analysis is percentage change in county population from 1990 to 2000. The rationale in including this measure is similar to the rationale for including other demographic variables. That is, it may be that population volatility poses a particular problem to incumbents or challengers.

In addition to gender, competitiveness, and demographic variables, we include year dummy variables for 1998, 2000, and 2002 (with 1996 being the excluded category), which are designed to capture year-specific fixed effects. This is consistent with the approach used by other researchers in multi-year, pooled cross-sectional studies of incumbent safety (see discussion in Lascher 2005). By including the dummy variables, we can be best assured that characteristics that might make a particular year "good" or "bad" for incumbents (e.g., because of economic conditions) are not confounding the inferences we attempt to draw about the impact of gender.

Some desirable control measures are unavailable. For example, it would be helpful to have information about campaign spending by supervisorial incumbents and challengers. Such information is simply not available on a statewide basis. No state organization or agency is responsible for collecting and aggregating data on campaign spending in county supervisor races. Additionally, the California State Association of Counties primarily focuses on such tasks as representing county interests before the state legislature rather than collecting and analyzing county-specific information. Furthermore, individual counties vary in their practices for gathering spending data. The effort required to develop a uniform database of spending in county supervisorial contests is beyond the scope of the present research.

The logistic regression results are revealing. While controlling for a number of factors, gender does not have a significant impact on electoral success. And while the key variable of gender failed to be significant, a number of the other control factors did significantly impact electoral success. As anticipated, the number of candidates is negatively related to electoral success while average district population increases the incumbent’s odds of winning. But being male or female did not significantly impact the likelihood of an incumbent winning reelection.

What about the chance that gender might affect the “degree” to which one is successful—in other words, does gender impact the percentage of the vote a candidate receives? To test that possibility, ordinary least squares (OLS) regression was utilized. The findings of this OLS regression are detailed in Table 2. Note that because of the huge variance in district population, the log of that variable was used in the regression; however, the results are substantively identical if raw district population is used.

Table 2. OLS Regression Results of Incumbent Vote Percentage on Incumbent Gender and Control Variables

<i>Gender (1=female)</i>	1.51	(1.67)
Challenger Quality	-8.18**	(2.54)
Number of Candidates	-17.56**	(0.78)
Logged District Population	2.13**	(0.52)
District Land Area	0.004	(0.002)
% White & Non-Hispanic in County	0.055	(0.053)
Population Change in County	0.073	(0.077)
1998 Dummy	4.69*	(2.22)
2000 Dummy	5.92**	(1.93)
2002 Dummy	4.76*	(2.09)

N=386

R²=.637

Adjusted R²=.627

*****=p<.01, two-tailed test***

****=p<.05, two-tailed test***

The results of the OLS regression mirror those of the logistic regression: Gender did not influence the percentage of the vote a candidate captured. Again and as anticipated, the number of candidates and average district population had a significant impact on the percentage of the vote a candidate received. But the coefficient for the gender variable does not approach statistical significance.

It is also worth considering whether female and male supervisors might have differed substantially with respect to election specific factors known to influence electoral safety. This does not appear to be the case. Examination of Table 3 suggests that male and female county supervisors are similar with respect to the number of candidates running. Inspection of Table 4 indicates that female and male supervisors are also similar with respect to the portion of incumbents facing a challenger with experience in elective office.

Table 3. Number of Candidates by Incumbent Gender

Number of candidates?	Male	Female
1	36%	29%
2	39	40
3	18	23
4 or more	7	8

Table 4. Portion of Races With an Elected Official as a Challenger by Incumbent Gender

Challenger is an elected official?	Male	Female
No	92%	86%
Yes	8	14

Thus far, our empirical analysis has focused only on what inferences can be drawn about the impact of gender on California county supervisorial elections. But we must also consider external validity. That is, are our findings likely to be applicable to county supervisorial or other types of local elections outside California?

Some may have concern in this regard, especially because of what is known about California politics more generally. On average, the California electorate has been consistently more liberal than the other state electorates (see especially Erikson, Wright, and McIver 1993 and 2006). Furthermore, over the past 20 years California has moved to the “blue state column,” with voters becoming more Democratic relative to the nation as a whole and what was the case in the state’s own recent past (Korey and Lascher 2006). Given this information, scholars might wonder if the finding of gender equity with respect to winning supervisorial elections in California would be applicable in other places.

However, we believe that any such concern would be misplaced. California’s average “liberalism” masks an extraordinary amount of political diversity when comparing across local units in the state, including comparisons across counties. To illustrate, consider the highly competitive 2000 presidential election, which occurred during the period covered by the present study. In a

separate analysis, we contrasted the diversity of 2000 election results in the 55 California counties included in our study with the diversity of results in the 50 states and District of Columbia (measured in terms of percentage of vote for the two major party candidates won by Democrat Al Gore). The results across counties appear as diverse as the results across states. Indeed, the unweighted standard deviation in Gore's vote percentage is actually higher for California counties than for the states and Washington, D.C.⁶ In short, the high level of political diversity among California counties increases our confidence that our findings about incumbent safety are applicable outside the Golden State.

CONCLUSION

Whatever prior evidence there may have been that women were more likely to win reelection to local office, our study of California county supervisor races is consistent with recent research on other types of electoral contests showing comparable electoral safety for female and male candidates. Incumbents, whether male or female, are relatively safe. Unlike such structural factors as district population, gender does not appear to have a major impact on aggregate reelection outcomes. Additionally, for reasons explained in the prior section, there is strong reason to believe that this finding is applicable to local races outside of California.

So, what lessons can be gleaned or taken from these findings that might be of practical use to those running a local campaign for reelection or running for reelection in a local campaign? And, since female incumbents do win at similar rates as male incumbents, but women are still a small minority in local politics, how do we get more women to run? Finally, what may be further avenues of research that would be fruitful in this area?

1. There may be little need to focus on gender when framing oneself in the campaign. Women incumbents succeed in reelection attempts at similar rates as their male colleagues, and so it appears that sex is not an issue for voters when deciding for whom to vote.
2. Do not make gender a campaign theme. There is little to be gained from spending resources on making the case that a woman candidate is better suited to local office than a male candidate. It is true that local officeholders deal with different issues than state and national officeholders, and it has been further argued that voters view women as well suited to the issues that confront local officeholders. Nevertheless, there appears to be nothing gained electorally from running on such themes. Women and men candidates win reelection at similar rates. It is incumbency and one's record that matter, not one's gender.
3. We do need to recruit women to run for local office and recruit them early and often. Women do not tend to run unless they are asked. Article upon article in local papers and elected official upon elected official reiterates this same statement. Women are disadvantaged in the pipeline because they enter politics at an older than optimal age and don't

always come from the backgrounds that are seen as the stepping stones to congressional office (law and business)(Mariani 2008). So, encouraging women to run for local office, and to run earlier rather than later in their lives, may help provide more women with the political resources necessary to advance on to the state level and beyond. And if we can show them that they can win, that gender won't be a stumbling block, this may encourage them to enter the fray.

4. Where women are not running, it is sometimes due to an old-boys' network that needs to be dismantled. As Allyson Lowe, director of the Pennsylvania Center for Women, Politics, and Public Policy at Chatham University noted, "The way the old-boys' network works, they cultivate people who are like themselves" (Lucey 2007, 3). But of course, to dismantle this network we need to get women in...."
5. Current women officeholders need to mentor young women. This is, of course, part of the recruitment strategy, but there is a crucial difference: Mentoring begins much earlier, preferably in high school. Mentoring helps young women see that it is possible to run for local office and beyond and helps them learn how to do so. It is the how that is often the most daunting part of the decision to run for elective office.
6. We need more efforts like the White House Project and the 2010 project by the Center for American Women and Politics at Rutgers University, which seek to encourage women to run for office and show them how to do it. But we need more of these efforts locally.
7. One fruitful line of further inquiry for others doing research in this area is to explore the impact of term limits on the numbers of women in local and state offices. As some research has shown, term limits are a pipeline to higher state office but do not increase the number of women in lower state office, because women are not seeking the term-limited lower-house seats (Carroll 2001). And moving incumbent women from lower office to higher office is a key to increasing women's numbers at those levels, but this may "work against increasing female representation at lower levels of officeholding" (Darcy and Choike 1986, 252). So, the question of how we increase the numbers of women at all levels of government is still a pressing one.
8. Finally, it would also be worthwhile to see if these results could be replicated in other states. Given the amount of data at the state and national levels that proclaim the primacy of incumbency to electoral fortunes, it seems likely that these results would be similar in other political settings at the local level. But it would only strengthen the women and politics literature to have more systematic studies done to confirm whether or not this is the case.

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NOTES

- 1 Researchers differ with respect to using the terms *gender* or *sex* in this type of research. We have chosen to use the former because the question at hand is whether voters and/or other candidates act differently based on perceptions of what it means to be a male or female officeholder. On this point, see also Dolan 2004, 7.
- 2 But see Bers 1978; Darcy, Welch, and Clark 1994; Flammang 1985; Karnig and Walter 1976; Krebs 1998; MacManus 1976; Merritt 1977 and 1980; Mezey 1980; Welch and Karnig 1979;
- 3 But see Bledsoe 1993.
- 4 On the dominance of party information in congressional races, see Dolan 2004. However, see Bledsoe and Herring (1990, 220), who find that partisan elections increased the electoral success of female city council members running for higher office, arguably because of the business and social linkages they provide to "outsiders."
- 5 One of the authors of an earlier version of this article, a graduate student working on a related project, and the administrative assistant for the Department of Public

Policy and Administration at California State University, Sacramento, independently made an initial determination of the candidate's gender by assigning a 0 for male and 1 for female based purely on perceptions of the first name. We then compared our results. If there was a discrepancy among our three classifications, or if any of the three of us believed the candidate's gender was uncertain, we labeled the candidate's gender as "unknown." For the "unknown" candidates, the authors of the present article resolved the gender question by the following:

- (1) Conducting a "Google Web" search for using the person's name and "county supervisor," and searching for unambiguous evidence of the person's gender, such as gender-specific pronouns in a local newspaper article about the person's activities; or
- (2) Conducting a "Google Image" search, again using the person's name and "county supervisor; or as a last resort,
- (3) Calling the county clerk's office. We would inform county staff members of our project and ask them to verify the supervisor's gender.

We were able to identify the gender for all supervisors using these methods.

- 6 Details of this analysis are available from the authors.

THE GREENING OF FEDERALISM

Martin J. Adamian, J.D., Ph.D.
California State University, Los Angeles

BRIEF OVERVIEW

American federalism is important to the development and coordination of federal and state air pollution and climate change policies. This article will look at the intersection of federal and state policies, focusing on California and the future of environmental federalism.

ABSTRACT

Federal and state law and courts play an important role in the development of air pollution and climate change policies. In 2007, the U.S. Supreme Court ruled that the Environmental Protection Agency must regulate greenhouse gases under the Clean Air Act unless it determines that greenhouse gases do not contribute to climate change. In addition, the state of California successfully challenged the denial of a waiver permitting the state to enact stricter air quality standards. In the absence of federal legislation, more than half of the 50 states are contemplating, developing, or implementing climate policies. In 2006, California passed the Global Warming Solutions Act, which requires reduction of greenhouse gas emissions statewide to 1990 levels over the next decade. The fate of this law remains uncertain as a proper balance is sought between federal and state authority over these matters. This article looks at the intersection of federal and state air pollution and climate change policies, focusing on California and the evolution of environmental federalism.

Environmental regulation in the United States must be understood with reference to the evolution of American federalism. Colonists were cautious in creating a system that protected the individual states from a powerful central government. As a result of the failures of the Articles of Confederation, a system of “united states” was proposed that allowed competing sovereign states to pursue their own policies with a few exceptions. As a result, the drafters of the Constitution provided a limited national government to promote interstate commerce, provide national defense, and settle disputes between states. Yet, as trade, migration, and pollution crossed state boundaries, there have been increasing calls for uniform national regulation on a variety of issues. These tensions between the role of federal and state governments continue to shape the American federalist system and the ways in which the nation responds to important and contentious issues such as global climate change. This article will look at the intersection of federal and state laws addressing air pollution

and climate change, with particular emphasis on the conflicts between the United States government and the state of California.

California has played a unique role in the evolution of environmental federalism as a forerunner in the development of environmental law and regulation (Eisinger, 2010, p. 7). The state has faced severe air pollution problems and has fought for the power to address these issues, often before other states or the federal government recognized the need to do so. California is also the largest automotive market in the United States, which means that if you “change the law in California...you can tip the entire national market” (Hertsgaard, 2002, p. 7). As a result, “[n]o state was more instrumental to the formulation of national air pollution policy than California,” and when Congress enacted a federal law to improve air quality, it protected California’s regulatory autonomy so that the state could continue to act as a “laboratory for innovation” (Giovinazzo, 2003, pp. 900–901). As the federal and state governments seek to enact climate change legislation, California continues to play a leadership role. However, it is important to understand the evolution of environmental federalism in order to determine what the future might hold.

HISTORY OF ENVIRONMENTAL FEDERALISM

Federalism has always been contested in the United States and continues to evolve as the courts interpret the limits of federal power. The Constitution lays out the powers of the federal government in Article I and reserves all other powers to the states in the 10th Amendment. As a result, economic regulation and the promotion of health, safety, and welfare are within the domain of state governments. The belief that there is a clear distinction between the powers of the federal government and the states has been referred to as dual federalism. However, beginning in the Progressive Era and culminating in the New Deal legislation in the 1930s, this distinction became difficult to maintain.¹ In an effort to stimulate economic recovery during the Great Depression, Congress passed New Deal legislation that strengthened the powers of the national government, ushering in an era of more cooperative federalism. During this time, the Supreme Court weakened the constitutional limits on the federal government through a broad interpretation of the interstate commerce clause.

More recently, in cases such as *United States v. Lopez* (1995) and *United States v. Morrison* (2000), the Supreme Court has interpreted interstate commerce narrowly, recognizing limits to the power of the federal government. These decisions, taken together, constitute a new federalism and have the potential to rearrange intergovernmental relations within the United States, possibly returning to dual federalism (Wise, 2001, p. 343). At the very least, they indicate that federalism is not static, and the courts must continue to determine the proper role for federal and state governments in addressing difficult issues such as air pollution and climate change.

The possibility that increased concentrations of certain gases would lead to climate change was first described in 1896 (Arrhenius, 1896, p. 237).² Swedish chemist Svante Arrhenius calculated that a doubling of carbon dioxide would increase the Earth’s temperature by 4–6 degrees Celsius, but he failed to recognize how quickly humans would

increase atmospheric concentrations of carbon dioxide and other gases.³ By 1959, an observatory in Mauna Loa, Hawaii, determined that the average concentration of carbon dioxide was 316 parts per million, well above the highest measurements reflected in the 420,000 year old ice core records (IPCC, 2001, pp. 202–203). Nevertheless, it would take many years and considerable effort before legal restrictions would be adopted to address the prospect of global climate change.

Beginning in the 1960s and 1970s, environmental groups started to pressure governments to enforce strict pollution controls. Recent images of Earth from space, as well as the publication of Rachel Carson's *Silent Spring* (1962), helped people realize that the environment was both fragile and interconnected. If the environment is one giant web of interconnections, then local action is limited and inferior to centralized coordination. The fact that public goods such as air and water affect everyone further justifies a preference for national and international regulation. In the United States, the federal government appears as the only legitimate policymaker for managing public goods in the absence of binding international regulations. This preference for federal regulation, rather than state and local, is important in the development of federal environmental law in the United States.

In 1970, President Richard Nixon created the Environmental Protection Agency (EPA), and Congress enacted the Clean Air Act (CAA) and other environmental laws.⁴ The CAA provided the first comprehensive effort to set and attain air quality standards. From the beginning, it served as an experiment in environmental governance (Osofsky, 2010). The CAA structured regulatory interactions among federal, state, and tribal governments providing an example of dynamic federalism (Engel, 2006). In this regard, it contains both top-down mandates with smaller scale implementation by states, tribes, and regions and bottom-up petition and citizen suit processes to request additional federal regulation and enforcement. As a result, there are several opportunities for both cooperation and conflict.

The CAA's top-down mandates set minimum standards while providing some flexibility to states to implement them uniquely in the creation of state implementation plans.⁵ In 1972, the state of California submitted its first state implementation plans to the EPA, but found it nearly impossible to demonstrate that Los Angeles could meet federal air quality standards by the 1975 deadline. As a result, the EPA was forced under the CAA to reject the Los Angeles area plan. This happened several times in the years that followed, requiring the EPA to prepare federal implementation plans to correct the defective state strategies.⁶ Such plans interjected the federal government in land use and transportation decisions traditionally reserved for state and local governments. Because these plans were met with considerable opposition, the EPA officially withdrew them in 1976.

Congress amended the CAA in 1977, thus strengthening the role of the federal government and giving states another five years to meet federal air quality standards, with the possibility of an additional five years if they implemented inspection and maintenance programs for automobile emissions. Some states, including California, had already adopted such programs. Beginning in the 1960s, California was one of the first states to implement a statewide change-of-ownership motor vehicle inspection requirement. In 1982, Senate Bill (SB) 33 created California's first routine inspection program called

Smog Check. This program required all gasoline-powered cars and light trucks in polluted regions of the state to pass an inspection once every two years and on change of ownership (California Inspection and Maintenance Review Committee, 1993).

The 1977, CAA Amendments gave California greater independence, recognizing an important role for states in the development of air quality standards. According to the EPA, the 1977 CAA Amendments “expanded the flexibility granted to California in order ‘to afford California the broadest possible discretion in selecting the best means to protect the health of its citizens and the public welfare’” (U.S. EPA, 1990). In response to the 1977 CAA Amendments, California once again updated its state implementation plan, this time with the inclusion of more than 100 new control measures, but it still could not demonstrate how the Los Angeles area would meet the standards. Although states were given greater flexibility, the federal government continued to develop top-down mandates as the primary way to respond to these issues.

In 1978, the United States enacted the National Climate Program Act,⁷ which required the President to establish a program to “assist the nation and the world to understand and respond to natural and man induced climate processes and their implications.”⁸ As a result, President Carter asked the National Academy of Sciences to investigate the subject. The Academy’s National Research Council found that “if carbon dioxide continues to increase, [there is] no reason to doubt that climate changes will result and no reason to believe that these changes will be negligible.... A wait-and-see policy may mean waiting until it is too late” (Climate Research Board, 1979, p. viii). In 1987, Congress pushed further by enacting the Global Climate Protection Act. Finding that “manmade pollution—release of carbon dioxide, chlorofluorocarbons, methane, and other trace gases into the atmosphere—may be producing a long-term and substantial increase in the average temperature on Earth,”⁹ Congress directed EPA to propose to Congress a “coordinated national policy on global climate change,”¹⁰ and it ordered the Secretary of State to work “through the channels of multilateral diplomacy” and coordinate diplomatic efforts to combat global warming.¹¹

In the meantime, after several years of negotiations, Congress significantly restructured the CAA yet again, which was then signed into law by then President George H. W. Bush on November 15, 1990. The 1990 CAA Amendments established an agenda to achieve clean air throughout the United States within 20 years. The 1990 law triggered controls on virtually all pollution sources, from oil refineries to electric power plants to lawn mowers and the gasoline cans used to fill them. In particular, the law focused on cars, which continued to be recognized as one of the leading contributors to urban air pollution. Among its many requirements, the 1990 CAA Amendments mandated “enhanced” motor vehicle inspection programs in heavily polluted areas. Congress mandated the EPA to provide guidance to the states on how to implement these new programs. The EPA responded by requiring motorists to take their vehicles to an inspection center, where each vehicle could be tested to ensure that it meets pollution standards. The EPA sought to have separate facilities handle the repairs, if necessary, and required motorists who failed to return to a testing center for another inspection once the repairs were completed. The EPA stated that its enhanced inspection program

would “provide the largest emission reduction of any pollution control strategy EPA has thus far identified” (U.S. EPA, 1992).

Although most states reluctantly accepted the federal requirements, the state of California did not. This resulted in a highly charged confrontation between the state of California and the EPA in 1993 and 1994. California took issue with the EPA’s move toward test-only facilities. It is important to note that EPA’s decision was based in part on the poor performance of early inspection programs such as the one used in California. In this regard, the state of California had already become the laboratory of innovation. In fact, SB 33 had included requirements to analyze how well the California program performed. The California Inspection and Maintenance Review Committee found that of the vehicles that had received a passing Smog Check test, more than half failed a roadside test six months later (Eisinger, 2010, p. 32).¹² The EPA reasoned that service stations had a conflict of interest when performing inspections and repairs. There was the potential for them to either falsely fail vehicles in order to sell unnecessary repairs, or to falsely pass vehicles to maintain good business relationships with regular customers. Ultimately, the EPA determined that centralized inspection programs were simply more cost effective, and that better inspections were performed when the “testing agent did not have any interest or involvement in the repair of vehicles” (Eisinger, 2010, p. 33).

In November 1992, California committed to the EPA that the state would implement an enhanced inspection and maintenance program consistent with the CAA and EPA regulations. Nevertheless, there was considerable disagreement about how this would be accomplished. Although the inspection and maintenance regulations supported implementation of a test-only program, there was language that gave states flexibility to design the program of their choice. To do so, the state had to show that its program was as effective as the EPA’s model program used in the performance standard. When the EPA threatened sanctions, and after substantial negotiations, a compromise was reached that included test-only facilities for some cars, but not all.¹³

The conflicts over California’s Smog Check program reflect the evolution of environmental federalism, the difficulties of imposing one-size-fits-all solutions across the nation, and the important role for states such as California in environmental management. There was increasing recognition that the federal government’s top-down mandates were inadequate for addressing these issues. Yet, the EPA continued to resist California’s efforts to regulate greenhouse gas emissions for new motor vehicles.

GREENHOUSE GAS EMISSION STANDARDS FOR NEW MOTOR VEHICLES

The state of California sought to reduce GHG emissions from new motor vehicles by improving fuel economy standards. Although environmental groups supported these efforts, the federal government, as well as the automotive industry resisted.¹⁴ California first approved the regulations in 2003 and submitted a request to the EPA to put the standards into effect in 2005. State officials from California and the other states threatened to sue the EPA in order to get a decision on the state’s application for a waiver from federal

law, accusing it of dragging its feet. The agency initially argued that it did not have the authority to regulate GHG emissions under the CAA.

The CAA requires that the EPA “shall by regulation prescribe...standards applicable to the emissions of any air pollutants from any class...of new motor vehicles... which in [the EPA Administrator’s] judgment cause, or contribute to, air pollution... reasonably...anticipated to endanger public health or welfare.”¹⁵ The Act defines *air pollutant* broadly to include “any physical, chemical...substance...emitted into...the ambient air.”¹⁶ Nevertheless, the EPA denied the rulemaking petition filed in 1999 by several private organizations asking the EPA to regulate GHG emissions from new motor vehicles under the CAA.

The EPA reasoned that the Act does not authorize them to issue mandatory regulations to address climate change, and that even if it did, it would be unwise to do so at that time because a causal link between GHG and the increase in global surface air temperatures was not unequivocally established. The agency also characterized such regulations as a piecemeal approach to climate change that would conflict with President Bush’s approach focusing on technological innovation, the creation of nonregulatory programs, voluntary private sector reductions in GHG emissions, and additional research on climate change. Further, the EPA suggested that such regulations have the potential to hamper the U.S.’s ability to persuade key developing nations to reduce emissions.

In 2006, the Supreme Court provided some guidance regarding the role of the federal government, specifically the EPA, in regulating GHG emissions from new motor vehicles. In *Massachusetts v. EPA* (2007), private organizations were joined by the state of Massachusetts and other state and local governments, and they sought review in a D.C. Circuit Court.¹⁷ The Supreme Court agreed to hear the case, but first it had to determine whether the plaintiffs had standing to bring suit. Standing analysis has been important in the evolution of environmental federalism in that it determines the power of the Court, as well as the federal government. In *Sierra Club v. Morton* (1972), the Supreme Court held that the Sierra Club lacked standing, but that it would be able to sue on behalf of its members who had individual standing because the government action affected their aesthetic or recreational interests.¹⁸ As a result, environmental groups could assert standing in environmental matters as long as members had a particularized interest, which would include individuals who hike, hunt, fish, or camp in or near the affected area. Twenty years later in *Lujan v. Defenders of Wildlife* (1992), Justice Antonin Scalia redefined standing to restrict individuals and groups from suing in regard to environmental matters. In *Lujan*, the Court made it clear that plaintiffs must suffer a concrete, discernible injury, making it much more difficult for plaintiffs to challenge the actions of government agencies.

In *Massachusetts v. EPA*, Justice John Paul Stevens, writing for the majority, applied *Lujan* but held that the petitioners had standing. He noted that it was necessary for only one of the plaintiffs to meet the three-part test of standing: that of suffering a “concrete and particularized injury,” that the injury was “fairly traceable to the defendant,” and that a favorable decision would be likely to “redress that injury” (*Massachusetts v. EPA*, 2007, pp. 517–518). More specifically, the Court ruled that a litigant to whom Congress has “accorded a procedural right to protect his concrete interests” (*Lujan v. Defenders of*

Wildlife, 1992, p. 573, n.7), here, the right to challenge agency action unlawfully withheld “can assert that right without meeting all of the normal standards for redressability and immediacy.” In addition, the Court noted that Massachusetts had a special interest as a sovereign state that owns a great deal of territory alleged to be affected. In this regard, the Court discussed the fact that the rise in sea levels associated with global warming had already harmed and would continue to harm Massachusetts. However, the sovereign prerogatives to force reductions in GHG emissions, to negotiate emissions treaties with developing countries, and to exercise the police power to reduce motor vehicle emissions were now granted to the federal government, and Congress had ordered the EPA to protect Massachusetts.

The Court went on to clarify the federal role. Justice Stevens stated that, “[u]nder the clear terms of the Clean Air Act, the EPA can avoid taking further action only if it determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do” (*Massachusetts v. EPA*, 2007, p. 533). In this regard, the Court required the EPA to exercise its discretion. In the court’s view, the EPA had provided nothing more than a “laundry list of reasons not to regulate,” which had nothing to do with whether GHG emissions contribute to climate change. This could not justify the CAA’s “clear statutory command” (*Massachusetts v. EPA*, 2007, p. 533). The Court also ruled that the EPA cannot avoid its statutory obligation by noting uncertainty surrounding various features of climate change. A refusal to regulate could be based only on science and “reasoned justification,” adding that while the statute left the central determination to the “judgment” of the agency’s administrator, “the use of the word ‘judgment’ is not a roving license to ignore the statutory text” (*Massachusetts v. EPA*, 2007, p. 533). Since the EPA offered no reasoned explanation for its refusal to decide whether GHGs cause or contribute to climate change, its decision was therefore “arbitrary, capricious ... or otherwise not in accordance with the law” (42 U.S.C. § 7607(d)(9)(A)). The majority left the statutory question as to whether sufficient information existed to make an endangerment finding.

Justice John G. Roberts Jr. dissented, raising a number of questions about the role of courts, federalism, and the separation of powers. He argued that the Court never should have reached the merits of the case based on a lack of standing. This seems to be consistent with Justice Scalia’s previous use of standing analysis as a basis for the Court’s refusal to hear a variety of cases, especially environmental cases. Justice Roberts suggested that the majority “has caused us to transgress the proper – and limited – role of the courts in a democratic society” (*Massachusetts v. EPA*, 2007, pp. 548–549). Quoting Justice Scalia, he wrote, “This court’s standing jurisprudence simply recognizes that redress of grievances of the sort at issue here is the function of Congress and the chief executive, not the federal courts” (*Lujan v. Defenders of Wildlife*, 1992, p. 576). Roberts also compared the decision with *United States v. Students Challenging Regulatory Agency Procedures (SCRAP)*, a 1973 environmental case in which the Supreme Court also found standing (p. 669). In that case, the Court has been criticized for providing an extremely generous definition of standing. Roberts refers to this case as “the previous high-water mark of diluted stand-

ing requirements” and this “decision [as] *SCRAP* for a new generation” (*Massachusetts v. EPA*, 2007, p. 547–548).

Although the Supreme Court is unlikely to return to the broad interpretation of standing recognized in *Sierra Club* and *SCRAP*, the Court’s decision in *Massachusetts v. EPA* seems to reinforce an important role for the federal government. The Court strengthened the judicial power of the federal courts, as well as the role of the EPA in regulating GHG emissions. Policymakers in the Bush Administration were put in a difficult position; they did not want the EPA to regulate GHG emissions, but they did not want states to regulate them either. The decision seemed to require the EPA to act, while California continued to seek a waiver to set stricter vehicle emission standards.

Under the 1970 CAA, California was permitted to request a waiver of federal standards to enact its own, stricter laws because the state had its own pollution laws before the federal governments.¹⁹ The EPA denied California permission to implement a law regulating GHG emissions from automobiles in its entirety, thus obstructing the efforts of California and a dozen other states to reduce GHG emissions from automobiles (Carlson, 2003, p. 293). Although the Act generally preempts state regulation of emissions from new motor vehicles, section 209(b) allows California to regulate such emissions if it obtains a waiver from the EPA (42 U.S.C. § 7543(b)(1)). Section 209(b) provides that the EPA must grant this waiver unless it finds that any of three conditions are not met. These conditions are as follows: (1) that the state’s determination that its standards are “at least as protective of public health and welfare as applicable federal standards” is not arbitrary or capricious, (2) that the state needs its standards to meet “compelling and extraordinary conditions”, and (3) that the standards are consistent with the Act’s provision on regulation of motor vehicle emissions (42 U.S.C. § 7543(b)(1)(A)-(C)). The EPA has held that the burden of proof to show California does not merit a waiver is on those who oppose the waiver (Notice of Decision Denying a Waiver..., 2008).

The EPA’s role in the waiver decision is supposed to be largely ministerial (California State Motor Vehicle Pollution Control Standards, 1984, quoting *Motor & Equip. Mfrs. Ass’n v. EPA*, 1979, p. 1095, 1123 n. 56 (D.C. Cir.)). The courts recognized this in a 1975 decision in reference to section 209:

Congress meant to ensure by the language it adopted that the Federal government would not second-guess the wisdom of state policy here... Sponsors of the language eventually adopted referred repeatedly to their intent to make sure that no “Federal bureaucrat” would be able to tell the people of California what auto emission standards were good for them, as long as they were stricter than Federal standards... (Senate language says, “You may go beyond the Federal statutes unless we find that there is no justification for your progress.”) (McCarthy, 1975[2007], quoting *Federal Register*, 40, pp. 23,102–23,103)

Nevertheless, the EPA concluded that waiver decisions involving global pollutants should be subject to a different standard of review than decisions involving local or regional pollutants (Notice of Decision Denying a Waiver..., 2008, pp. 12,160–12,162). The EPA also concluded that because the United States as a whole faces adverse con-

sequences as a result of climate change, California itself does not confront “compelling and extraordinary conditions” (Notice of Decision Denying a Waiver..., 2008, p. 12,163).

Under President Barack Obama things began to change. The EPA determined that GHGs were harmful to public health, obligating them to regulate vehicle emissions and, possibly, stationary source emissions. In response, Congress considered legislation that would strip the federal government of any authority over GHGs, essentially reversing *Massachusetts v. EPA*. Although the bill was approved by the House Energy and Commerce Committee, it is unlikely to win support in the democratically controlled Senate. Nevertheless, congressional republicans continue to argue that the EPA has exceeded its authority and unnecessarily restricted Americans’ ability to compete globally. Although the Supreme Court did not require the EPA to find that GHGs were more harmful and therefore needed to be regulated, once the endangerment finding was made, the EPA had to regulate GHG emissions.

The waiver issue was resolved on January 26, 2009, when President Obama signed an executive order directing the EPA to allow California and 13 other states to set their own emissions standards, essentially reversing the Bush Administration policy. This decision was challenged by the U.S. Chamber of Commerce and the National Automobile Dealers Association, but it has been upheld by the D.C. Circuit Court of Appeals. It is interesting to note that the three-judge panel found that the Chamber and Auto Dealers Association lacked standing because they were unable to identify a single member who was or would be injured by the EPA’s waiver decision. Once again, standing analysis has been used to achieve a specific political outcome, in this case the ability of states to go beyond the federal standards.

President Obama reinforced California’s leadership role when he observed, “California has shown bold and bipartisan leadership through its effort to forge 21st-century standards. But instead of serving as a partner, Washington stood in the way” (Chang, 2009). Obama said he wanted to avoid a patchwork system of regulations but stopped short of promising a broader adoption of California’s standards. While recognizing the importance of state action, the President sidestepped the question of centralized federal coordination. In fact, federal cap-and-trade legislation passed the House in 2009 but stalled in the Senate. This program would have been very similar to the program passed by the California legislature in 2006.

CALIFORNIA GLOBAL WARMING SOLUTIONS ACT OF 2006

California continues to be a leader with regard to pollution control, including efforts to address global climate change.²⁰ The passage of the Global Warming Solutions Act (GWSA) made California the first state to enact a broad global warming law. The law has been touted as a significant step in reducing GHG emissions as well as stimulating California’s renewable energy industry. The cap-and-trade program sets industry-wide limits on emissions of carbon dioxide and other GHG and reduces those limits each year through 2020. By that time, California’s GHG emissions will be cut to 1990 levels, a drop of about 15% from current levels. But there is considerable controversy about how these

goals are to be met. Businesses that exceed their limits can buy allowances from other companies and can also meet their goals through environmentally friendly actions, such as planting trees to cover up to 8% of their emissions limits.

California's plan is modeled on the European cap-and-trade system, which covers 12,000 companies in 30 nations, traded \$123 billion in carbon allowances last year, and is on target to slash emissions by 21% below 1990 levels over the next decade. However, there has been an estimated \$6 billion in tax fraud, as well as the cyber theft of \$50 million in carbon credits stored in the Czech Republic registry (Roosevelt, 2011). The fear has been that the California system could be plagued by similar problems.

Six other states have joined California in a Western Climate Initiative but have declined to participate in its trading program. Three Canadian provinces—British Columbia, Quebec, and Ontario—have indicated they will join, making this North America's biggest carbon market. The hope has been that this program will evolve into a broader North American carbon market. However, if the program is unsuccessful and the market does not function properly, it is unlikely that such a program would be expanded. In this regard, federal coordination is very much dependent on the success or failure of the California legislation.

Litigation threatens to delay the start of the California program. Environmental justice advocates are skeptical that the program will achieve the desired results and have tried to stop the California Air Resources Board (CARB) from implementing GWSA. Recently, San Francisco County Superior Court Judge Ernest Goldsmith ruled in favor of six environmental groups representing low-income communities, including the Association of Irrigated Residents, Communities for a Better Environment, the West County Toxics Coalition, and the Society for Positive Action (*Association of Irrigated Residents et al. v. California Air Resources Board et al., San Francisco Superior Court, No. CPF-09-509562*).²¹ Although GHGs are thought to have more of a global impact than a local one, the plaintiffs argued that the implementation of GWSA would result in environmental injustice by allowing refineries, power plants, and other polluters in poor neighborhoods to avoid cutting emissions of both GHGs and traditional air pollutants rather than cutting back on the pollution itself. This decision means that polluters cannot simply keep polluting by purchasing pollution credits or doing out-of-state projects (Roosevelt, 2011).

Ultimately, the court expressed skepticism of the eagerness of the CARB to embrace cap-and-trade policies to rein in GHG emissions without adequately considering other ways to reach the target. Cap-and-trade is a market-based mechanism favored by industry. In this regard, the court criticized the Scoping Plan, a central component of the final rules adopted in the December report, for failing to consider anything other than cap-and-trade.

Most notably, the scoping plan fails to provide meaningful information or discussion about the carbon fee (or carbon tax) alternative in the scant two paragraphs devoted to this important alternative. The brief 15-line reference to the carbon fee alternatives consists almost entirely of bare conclusions justifying the cap-and-trade decision, informative analysis is absent.

[C]ARB fails to describe what a carbon fee program consists of, how fees or taxes are established, criteria for setting the amount, what the California, United States, and worldwide experience [have] been, how it is administered and by whom, what are the alternatives for the use of the revenue, and what sectors of the economy it should be considered for, or not, and why. (Bar-ringer, 2011)

Although the judge's decision has the potential to derail efforts to address the issue, the CARB announced that it will appeal the judge's decision. If all actions under GWSA are suspended, that could mean that California's rules requiring utilities to provide 33% of their electricity from renewable sources are suspended—or that the state's low-carbon fuel standard is in question. The board's attorneys have announced that they will meet with the plaintiffs about complying with the order without halting all aspects of its global warming plan. Besides the cap-and-trade program, which covers 600 industrial plants, the plan includes rules to curb the carbon intensity of gasoline production and distribution, slash motor-vehicle emissions, and control potent GHGs such as refrigerants. Young responded to the decision as follows:

We believe plaintiffs did not intend to put on hold efforts to improve energy efficiency, establish clean car standards and develop low carbon fuel regulations... A broadly worded writ puts at risk a range of efforts to move California to a clean energy economy and improve the environment and public health. (Roosevelt, 2011)

Of course, it is important to keep in mind that the court didn't suggest that CARB was prohibited from utilizing a cap-and-trade program, only that it has to look more carefully at the alternatives and further justify its decision. In this regard, there is a parallel in the Supreme Court's decision in *Massachusetts v. EPA*. In both cases, the courts seem to be rejecting anything less than a full and meaningful consideration of all policy alternatives and a reasoned justification for the decisions that are ultimately made. At the very least, the courts have made clear that they will continue to play a role in the evolution of environmental federalism.

CONCLUSION

Federalism in the United States continues to evolve. As a structure and system, it governs outcomes such as government policies and behaviors, but it is influenced and molded by societal conditions, economic trends, and political events (Bowman, 2002, p. 3). Some have suggested that the adaptability of American federalism is its most prominent feature (Leach, 1973). Adaptability suggests that the American federalist system can adjust and handle challenges and changes effectively. This is particularly important in environmental policy making. As science and technology develop, there is a pressing need to protect the natural world from the consequences of industrialized society.

In *Massachusetts v. EPA*, the Supreme Court recognized that "a well-documented rise in global temperatures has coincided with a significant increase in the concentration of carbon dioxide in the atmosphere" (*Massachusetts v. EPA*, 2007, p. 504). This "greenhouse

effect” and the accompanying prospect of global climate change has been referred to as the most pressing environmental challenge of our time. Yet, serious questions remain about how best to respond.

Environmental federalism is an important part of this process, and the state of California plays an important role. As discussed, California has been more willing and able to enact environmental regulations than the federal government. In this regard, the state is seen as a laboratory where environmental policy experimentation and innovation occur. Federalism also provides diversity among regions, allows flexibility in problem solving, and expands opportunities for participation in political processes. It gives citizens choices among different sovereigns, regulatory regimes, and packages of government services (Greve 1999, p. 133). In this regard, California has provided opportunities to test a variety of different regulatory mechanisms and participatory processes intended to address environmental problems.

It is important to recognize that there is considerable disagreement about the causes and consequences of environmental problems such as climate change. However, American federalism provides a platform for the different voices and actions that reflect the multiple and varied values of American citizens. The federal and state governments can have different policies on important and contentious issues such as climate change. In this regard, the Constitution was devised not as a way to avoid social and cultural polarization, but as a way to manage it without splitting the country apart (Sullivan, 2004, p. 6).²² The federal system operates as a safety valve and an instrument for political calibration, accommodation, and innovation. Therefore, federalism is necessary, not just on the part of those who seek to enact strict climate change legislation but also as a way to make sure that our political system is open to multiple values and views.

Over time, the American federalist system has been able to evolve and accommodate different views on the role of federal and state governments. There has been a greening of federalism in the sense that political institutions have changed and will continue to change in order to address environmental problems. Although the federal government has provided important leadership in the development of environmental law and regulation, states such as California have been equally important in the innovation and implementation of environmental policy. The prospect of a new federalism and the return to a narrow interpretation of the standing requirement could further limit the power of the federal government. However, this could provide greater opportunity for California and other state and local governments to develop environmental policy. As Justice Louis D. Brandeis wrote in 1932, “It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country” (*New State Ice Co. v. Liebmann*, 1932, p. 311).

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Allen v. Wright, 468 U.S. 737 (1984)

Association of Irrigated Residents et al. v. California Air Resources Board et al., San Francisco Superior Court, No. CPF-09-509562

Champion v. Ames, 188 U.S. 321 (1903)

Houston E. & W. T. Ry. Co. v. United States (Shreveport Case), 234 U.S. 342 (1914)

Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)

Massachusetts et al. v. Environmental Protection Agency et al., 549 U.S. 497 (2007)

Motor & Equip. Mfrs. Ass'n v. EPA, 627 F.2d 1095 (D.C. Cir. 1979)

New State Ice Co. v. Liebmann, 285 U.S. 262 (1932)

Sierra Club v. Morton, 405 U.S. 727 (1972)

Stafford v. Wallace, 258 U.S. 495 (1922)

Swift v. United States, 196 U.S. 375 (1905)

United States v. Lopez, 514 U.S. 549 (1995)

United States v. Morrison, 529 U.S. 598 (2000)

United States v. Students Challenging Regulatory Agency Procedures (SCRAP), 412 U.S. 669 (1973)

CALIFORNIA STATUTES

AB 32

SB 33

FEDERAL STATUTES

Global Climate Protection Act, Pub. L. 100–204, title XI, Dec. 22, 1987, 101 Stat. 1407, as amended by Pub. L. 103–199, title VI, § 603(1), Dec. 17, 1993, 107 Stat. 2327.

National Climate Program Act, P.L. 95–367.

42 U.S.C. § 7521(a)(1)

42 U.S.C. § 7543(b)(1)

42 U.S.C. § 7543(b)(1)(A)-(C)

42 U.S.C. § 7602(g)

42 U.S.C. § 7607(b)(1)

42 U.S.C. § 7607(d)(9)(A)

NOTES

- 1 Cases such as *Champion v. Ames* (1903), *Swift v. United States* (1905), *Houston E. & W. T. Ry. Co. v. United States* (Shreveport Case), (1914), and *Stafford v. Wallace* (1922) reflect a shift in the Court's interpretation of the commerce clause.

- 2 See also Arrhenius (1908). In 1827, the French mathematician-physicist Jean Baptiste Fourier was the first to suggest that the atmosphere prevents heat from escaping from the Earth. In 1859, John Tyndall demonstrated that methane and carbon dioxide control the Earth's surface temperature. This led Arrhenius to suggest that increases in carbon dioxide could cause the planet to warm, amplified by increased atmospheric moisture in a warmer world (Pittock, 2009, pp. 277–278).
- 3 Ibid. See also Brown (2002, p. 14). Arrhenius' calculations were based on the fact that carbon dioxide and water vapor were responsible for the natural warming of the atmosphere. It is interesting to note that his predictions are only a few degrees more than what much more sophisticated modern computers predict. Arrhenius failed to recognize the ability of humans to change the climate, calculating that it would take several thousand years for humans to release enough greenhouse gases to cause a doubling of natural levels of carbon dioxide.
- 4 These laws also include the Clean Water Act, Endangered Species Act, and National Environmental Policy Act, among others.
- 5 The state implementation plans were meant to be blueprints showing how each state would pursue air quality. States were given five years to meet the standards, although the EPA had the authority to grant a two-year extension (Eisinger, 2010, p. 24).
- 6 As an example, the EPA's Los Angeles federal implementation plan included extreme traffic control measures and anticipated gas rationing. In a Boston federal implementation plan, all firms with 50 or more employees were required to reduce their parking by 25%.
- 7 It was enacted on September 17, 1978 and amended through P.L. 106–580 on Dec. 29, 2000. It was repealed by the National Climate Service Act of 2009.
- 8 Ibid., § 3.
- 9 Ibid., § 1102(1), 101 Stat. 1408.
- 10 Ibid., § 1103(b).
- 11 Ibid., § 1103(c).
- 12 See e.g., D. R. Lawson et al. (1990) and W. R. Pierson (1996).
- 13 The deal was complicated and produced confusion about the status of inspection and maintenance programs in California and in other states. Part of the agreement was dependent on the results of a pilot study, which ultimately concluded that neither the EPA's model program nor California's enhanced program were as effective as expected. Nevertheless, many still considered inspection and maintenance programs a key air quality management tool despite the political and technical problems.

- 14 The fear is that such laws would force car companies either to sell two separate fleets of vehicles—one for states with the higher standard, and one that match the federal standard—or more likely, to achieve a higher standard across all vehicles nationwide.
- 15 § 202(a)(1), as added by Pub. L. 89-272, § 101(8), 79 Stat. 992, and as amended by, *inter alia*, 84 Stat. 1690 and 91 Stat. 791, 42 U.S.C. § 7521(a)(1).
- 16 42 U.S.C. § 7602(g).
- 17 Two of the three judges agreed that the EPA Administrator properly exercised his discretion in denying the rulemaking petition, although they wrote three separate opinions. One judge concluded that the Administrator’s judgment as to whether a pollutant could “reasonably be anticipated to endanger public health could be based on scientific uncertainty as well as factors such as the concern that unilateral U.S. regulation of motor vehicle emissions could weaken efforts to reduce other countries’ greenhouse gas emissions” (*Massachusetts v. EPA*, 2006, p. 514). A second judge agreed, but took the position that the petitioners lacked standing.
- 18 This case is, perhaps, best known for the dissenting opinion by William O. Douglas in which he asserted that trees should have standing to sue for their own protection.
- 19 On the history of the waiver provision, see Rachel L. Chanin (2003).
- 20 The signing ceremony for GWSA reflected California’s international leadership. While Governor Arnold Schwarzenegger signed AB 32 into law, Great Britain’s prime minister, Tony Blair, watched via satellite, Japanese consul general Kazuo Kodama attended to represent Japan’s prime minister, Junichiro Koizumi, and the premier of Manitoba, Canada, Gary Doer, spoke during the ceremony about how California’s action created momentum throughout the world to address climate change problems (Eisinger, 2010, p. 8).
- 21 Environmental groups such as the Environmental Defense Fund, the Nature Conservancy and the Natural Resources Defense Council have backed a cap-and-trade approach, and they did not join the lawsuit.
- 22 Alexander Hamilton (*The Federalist Papers*, beginning in 1787) in Federalist # 28 said, “Power being almost always the arrival of power, the general governments will at times stand ready to check the usurpation of state governments, and these will have the same dispositions towards the general government.” Both the national and state governments, he said, are in this way instruments of a redress. In a similar vein, James Madison in Federalist # 51 said that the general and state governments will control each other.

NEW, AGING LOS ANGELES

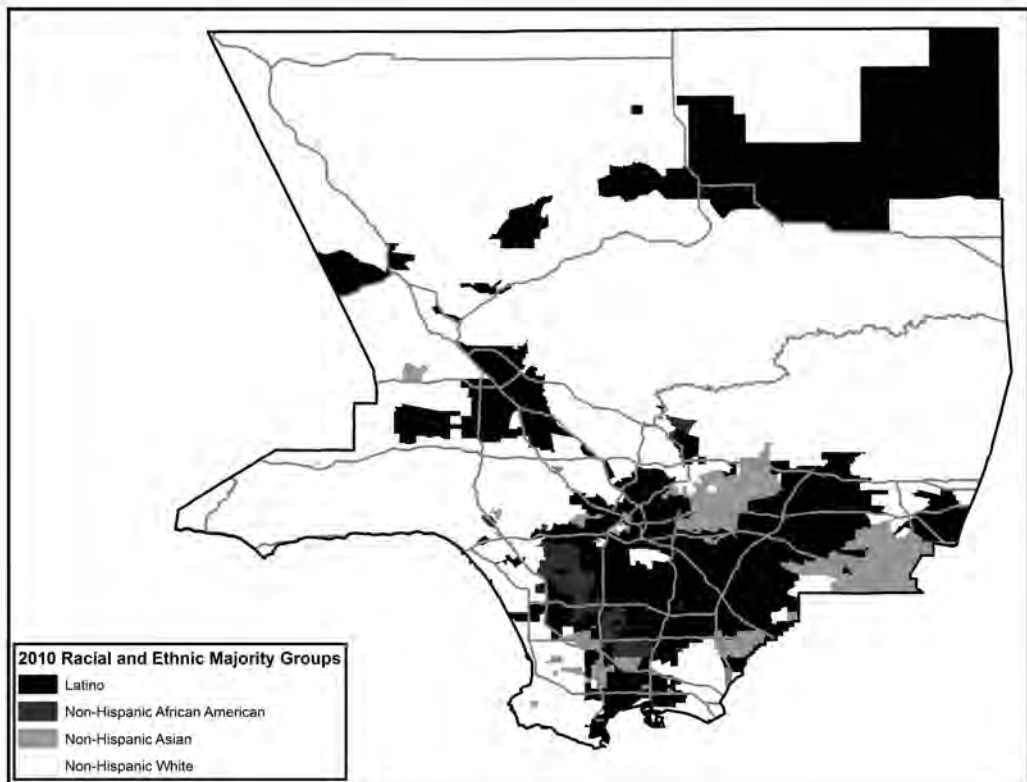
ALI MODARRES

Professor and Chair of the Department of Geosciences and Environment
California State University, Los Angeles

INTRODUCTION

During the last decade, Los Angeles County grew by about 300,000, which is an insignificant figure for a region of 9.8 million people. Not unlike the previous decade, the slight increase in population was made possible by an increase in the number of Latinos (10.5%) and non-Hispanic Asians (18%). This growth was rendered less effective by a corresponding decline in non-Hispanic white (7.4%) and non-Hispanic African American (8.5%) populations (see Table 1). Immigration, the demographic fuel that previously fed the economic engine of this county and that of the state, also has witnessed some changes. We have become less a city of immigrants and more a city of aging immigrants and native-born population. With little in-migration from other states, we are beginning a new phase in our trajectory: aging together, native and foreign born.

Figure 1. 2010 Racial and Ethnic Majority Groups



As I discuss here, this is a crucial moment in our history as the proverbial fork in the road appears before us. We need to decide whether we want to continue to be a destination of choice for the working-age population, who has put the “gold” in the golden state, or if we wish to walk along the current demographic path and age gracefully. The policy directions for each option differ and require our collective thinking on behalf of the future generations who will inherit the city and the state we leave behind.

In the following sections, I offer a brief overview of Los Angeles County’s emerging demographic structure and discuss some of the interesting aspects of the observed changes. More important, I discuss what the emerging changes might mean to policy makers and planners.

DEMOGRAPHIC CHANGES—AN OVERVIEW

As Figure 1 illustrates, the geography of race and ethnicity has changed little over the course of the last few decades. From the San Gabriel Valley to South LA and the South Coast, Latinos have retained, and in places expanded, their majority status in a significant number of neighborhoods. This pattern is also evident in the San Fernando Valley and desert communities in the North. Asian and Asian-American neighborhoods are highly concentrated in the San Gabriel Valley, with an emerging area in Porter Ranch in the San Fernando Valley. The non-Hispanic white population continues to dominate in areas outside the central city, with the exception of a few tracts in and around the

Table 1. Racial and Ethnic Structure of Los Angeles County, 2000-2010

Population by Race and Ethnicity	2000		2010		Change 2000-2010	% Change 2000-2010
	Pop.	Percent	Pop.	Percent		
Total	9,519,338	100.0	9,818,605	100.0	299,267	3.1
Not Hispanic or Latino	5,275,851	55.4	5,130,716	52.3	-145,135	-2.8
Not Hispanic or Latino; White alone	2,946,145	30.9	2,728,321	27.8	-217,824	-7.4
Not Hispanic or Latino; Black or African American alone	891,194	9.4	815,086	8.3	-76,108	-8.5
Not Hispanic or Latino;						
American Indian and Alaska Native alone	26,141	0.3	18,886	0.2	-7,255	-27.8
Not Hispanic or Latino; Asian alone	1,123,964	11.8	1,325,671	13.5	201,707	17.9
Not Hispanic or Latino;						
Native Hawaiian and Other Pacific Islander alone	24,376	0.3	22,464	0.2	-1,912	-7.8
Not Hispanic or Latino; Some other race alone	18,859	0.2	25,367	0.3	6,508	34.5
Not Hispanic or Latino; Two or more races	245,172	2.6	194,921	2.0	-50,251	-20.5
Hispanic or Latino	4,243,487	44.6	4,687,889	47.7	444,402	10.5
Hispanic or Latino; White alone	1,676,614	17.6	2,208,178	22.5	531,564	31.7
Hispanic or Latino; Black or African American alone	25,713	0.3	41,788	0.4	16,075	62.5
Hispanic or Latino;						
American Indian and Alaska Native alone	42,330	0.4	53,942	0.5	11,612	27.4
Hispanic or Latino; Asian alone	10,299	0.1	21,194	0.2	10,895	105.8
Hispanic or Latino;						
Native Hawaiian and Other Pacific Islander alone	2,845	0.0	3,630	0.0	785	27.6
Hispanic or Latino; Some other race alone	2,244,066	23.6	2,115,265	21.5	-128,801	-5.7
Hispanic or Latino; Two or more races	241,620	2.5	243,792	2.5	2,172	0.9

Source: U.S. Census Bureau, 2000 and 2010. Computations by the Author.

Table 2. Overall Census Tract Characteristics by Racial and Ethnic Majority in 2010

Majority Group	% Less than 9th Grade	% High School Graduate	% Bachelor's Degree	% Grad. or Professional Degree	% Not in labor force	% Native born	% Foreign born
Latino							
Mean	23.679	25.318	9.757	3.463	35.647	59.059	40.941
No. of Census Tracts	1105	1105	1105	1105	1105	1105	1105
Std. Deviation	11.910	5.727	6.666	3.187	8.032	12.165	12.165
Non-Hispanic African American							
Mean	8.427	24.396	14.073	8.296	40.186	82.876	17.124
No. of Census Tracts	74	74	74	74	74	74	74
Std. Deviation	6.887	7.838	7.501	8.071	13.104	9.764	9.764
Non-Hispanic Asian							
Mean	9.180	20.173	25.292	12.196	38.381	51.858	48.142
No. of Census Tracts	177	177	177	177	177	177	177
Std. Deviation	7.835	6.399	8.737	8.588	6.755	11.812	11.812
Non-Hispanic White							
Mean	3.704	16.631	28.614	17.969	33.164	75.528	24.472
No. of Census Tracts	691	691	691	691	691	691	691
Std. Deviation	4.481	7.551	9.270	9.518	9.413	12.642	12.642
Total							
Mean	15.131	21.907	17.622	9.290	35.209	64.857	35.143
No. of Census Tracts	2047	2047	2047	2047	2047	2047	2047
Std. Deviation	13.362	7.669	11.886	9.447	8.833	15.236	15.236

	% Entered 2000 or later	% Entered before 2000	% Owner- occupied	% Renter- occupied	Entropy 2010	Per Capita Income	% of families & people whose income in the past 12-mos is below poverty level all people; estimate
Latino							
Mean	19.010	80.990	42.833	57.167	0.349	16523.517	20.546
No. of Census Tracts	1104	1104	1102	1102	1108	1108	1108
Std. Deviation	9.409	9.409	24.141	24.141	0.154	5955.758	11.619
Non-Hispanic African American							
Mean	14.814	85.188	50.753	49.247	0.397	23115.297	18.568
No. of Census Tracts	74	74	73	73	74	74	74
Std. Deviation	12.370	12.370	29.057	29.057	0.107	9448.302	16.428
Non-Hispanic Asian							
Mean	19.785	80.215	58.063	41.937	0.467	28328.610	11.122
No. of Census Tracts	177	177	177	177	177	177	177
Std. Deviation	10.405	10.405	27.406	27.406	0.082	10499.722	9.947
Non-Hispanic White							
Mean	17.083	82.918	59.857	40.143	0.449	45997.440	8.219
No. of Census Tracts	691	691	687	687	693	693	693
Std. Deviation	11.863	11.862	27.741	27.741	0.093	22374.867	8.435
Total							
Mean	18.274	81.726	50.174	49.826	0.394	27706.416	15.483
No. of Census Tracts	2046	2046	2039	2039	2054	2054	2054
Std. Deviation	10.555	10.555	27.106	27.106	0.140	19556.749	12.195

Source: U.S. Census Bureau, 2010 Census and American Community Survey 2005-2009. Computations by the Author.

Figueroa corridor that can be directly connected with recent downtown development. Non-Hispanic African Americans were squeezed a bit more, geographically speaking, losing their majority status in some South LA neighborhoods where Latinos have come to outnumber them.

The geography of race and ethnicity continues to interact with our socio-spatial dynamics to create a complicated matrix that informs the overall urban experience of various groups. Table 2 provides a few highlights of these patterns. As illustrated, Latinos are the majority population in more than half of all tracts in the county. These Latino-majority neighborhoods typically house a population with lower educational achievement and low-homeownership rates. However, Latinos are more likely than the Asian population to live in neighborhoods that are occupied by the native born. In other words, contrary to the popular imagination, Latino-majority tracts are less likely to be home to a large number of foreign born, particularly recent immigrants. Among the foreign-born population living in these tracts, a substantial majority arrived in the United States prior to 2000. This means that Latinos are more likely to live with those who have been in the United States a decade or more. As I discuss next, this pattern may point to the declining attraction of Los Angeles County to the foreign-born population over the last decade.

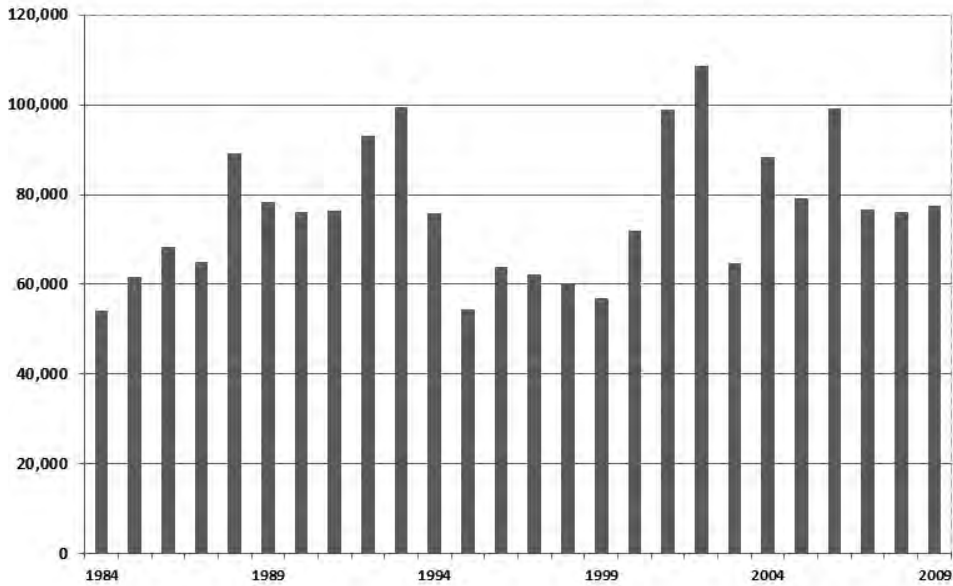
IMMIGRATION

Much has been written about California's declining immigration.¹ This changing pattern has been attributed to a tarnished economic image of the state and its anti-immigrant sociopolitical environment. The decline in the foreign-born population in the state and in counties such as Los Angeles is used as evidence for the diminishing attractiveness of our region to immigrants (see Meyers et al., 2010). Since this is puzzling information for many residents of Los Angeles, it is important that we offer answers to two related questions. First, are immigrants still coming to Los Angeles (and at the same rate as before)? Second, if they are, why is the foreign-born population declining?

Figure 2 helps provide the answer to the first question, by illustrating the annual immigration patterns to the county. While the 2007–2009 period has seen less annual immigration, the nearly 80,000 immigrants per year is as many or more than those from 1994 to 2000. Comparing the period of 1990–1999 with 2000–2009 illustrates that, during the last ten years, a larger number of immigrants have arrived in the county (718,166 versus 841,325). Therefore, it is clear that immigrants continue to come to Los Angeles. However, they don't seem to stay. In fact, it is the overall diminishing attractiveness of Los Angeles to the foreign-born population that is of concern. It appears that not only are newcomers possibly leaving but also those who might undertake a secondary migration process (to come to LA from other U.S. regions) are no longer considering this area as a destination of choice. In other words, while Los Angeles continues to have its external appeal (to those who come from other countries), it seems to have lost its attractiveness for those who have settled in it.

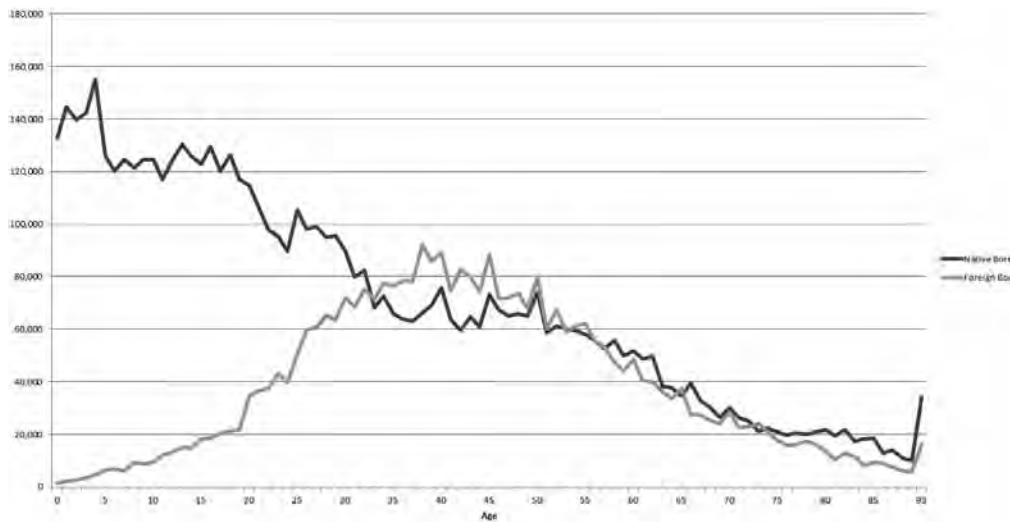
This can be made visible by comparing the number of immigrants arriving in Los Angeles County with a tabulation of LA's foreign-born population by year of U.S. entry.

Figure 2. Documented Immigration to Los Angeles County, 1984-2009 (Excludes IRCA)



Data Sources: U.S. Citizenship and Immigration Services and the California Department of Finance, Demographic Research Unit.

Figure 3. Age Structure of the Foreign and Native Born Populations



Data source: U.S. Census Bureau, ACS 2009. Computations by the Author.

Table 3. Foreign Born Population in Los Angeles County by Decade of Entry in the U.S.

Decade of Entry	Population	Percent
Before 1950	24,568	0.7
1950-1959	67,127	1.9
1960-1969	182,618	5.2
1970-1979	569,689	16.3
1980-1989	934,034	26.7
1990-1999	909,692	26.0
2000-2009	811,808	23.2
Total	3,499,536	100

Source: U.S. Census Bureau, American Community Survey, 2009. Computations by the Author.

Note: Selected Data is from PUMAs 4500 to 6126

While annual data from the office of Citizenship and Naturalization suggest that a total of 718,166 and 841,325 immigrants arrived in Los Angeles County during 1990–1999 and 2000–2009, respectively, the 2009 American Community Survey shows that among the nearly 3.5 million foreign-born residents of the county, 909,692 arrived between 1990 and 1999 and 811,808 between 2000 and 2009 (see Table 3). The balance sheet indicates that we attracted more immigrants from the 1990–1999 cohort (a net gain of close to 192,000) and lost members of the 2000–2009 cohort (about 30,000). This suggests that while immigrants from the earlier era may have moved from other parts of the country to Los Angeles County during the last decade, the county lost its foreign-born population to other regions of the state and the nation.

The prevalent pattern is somewhat troubling since it reveals that the allure of the region may be waning among the working-age immigrant population. In fact, as Table 3 portrays, Los Angeles has gradually become home to an old-stock immigrant population, where the foreign-born population hails from early eras (i.e., the 1980s and the 1990s).

Does this mean that the foreign-born population is also getting older? The answer to this question is complicated. Based on 2009 American Community Survey (ACS) data, the average age of the foreign-born population in the country is slightly over 44,² with 70% of the population falling between the ages of 27 and 62. This suggests that the immigrant population is a bit older than what people imagine when they hear the word immigrant. In fact, the average age among the foreign born in the county who have arrived since 2000 is 32.2. This demonstrates that recent immigrants are not very young. Also, with fewer than 6% of the foreign-born population being younger than age 18, it is clear that the number of children arriving is significantly less than otherwise assumed. This demographic structure suggests that a significant majority of immigrants are of working age, which could be of particular benefit to the region if we can keep them here.

Therefore, it may be crucial to ask a few pointed questions. What are we doing to integrate immigrants? Do we have the appropriate economic infrastructure to keep more of our working age immigrants and provide them with quality urban services? Because of the socioeconomic status of the foreign-born population, the answer to these questions becomes urgent. As Table 4 illustrates, the most recent immigrants on the average

Table 4. Foreign Born Population by decade of entry and Income

Decade of entry in the U.S.	Mean personal income	Percent above poverty
Before 1950	37070	286.0
1950-1959	33484	318.4
1960-1969	34306	307.7
1970-1979	36195	306.5
1980-1989	30583	269.1
1990-1999	23375	241.7
2000-2009	17385	212.3
All Foreign Born	27150	257.9

Source: U.S. Census Bureau, ACS 2005-2009. Computations by the Author.

have the lowest income potential (e.g., over \$26,000 average personal income for those who arrived after 2000 and over \$33,000 among those who arrived during the previous decade) and are more likely to fall near or below poverty lines. The significant income discrepancy between the two immigrant cohorts is caused by the fact that nearly one third of the most recent immigrants are not in the labor force or are unemployed.

While this may be attributed to the presence of the female nonworking population, there are two issues that need to be highlighted. First, in every group of immigrants (by their year of arrival in the U.S.), women have a lower employment rate, but they also have lower incomes than their male counterparts. Second, among those who have arrived since 2000, about 40% of those not in the labor force are men, which is slightly better than the native-born population at 44% (in other words, among those who do not participate in the labor force, the ratio of men to women is similar between the native and the foreign-born populations). However, native-born residents are more likely to have a higher personal income than their male and female foreign-born counterparts (nearly three times for men and more than four times for women). Although it may be convenient to blame recent immigrants for this socioeconomic circumstance, the current job environment and our inability to formulate workable economic integration policies have produced some unwanted results. As we consider the economic circumstance of the recent immigrants, the cost of living in Los Angeles, and the current economic and job environment, it should not come as a shock that leaving Los Angeles might be a reasonable solution for this population. After all, this is exactly what the native-born population has done throughout the history of the United States: leaving harsh economic conditions for better opportunities in other cities and states.

NATIVE BORN

As we begin to reflect on the current environment, it is crucial that we consider the demographic and sociostructural condition of the native-born population for comparative purposes. This allows us to capture the overall urban condition in Los Angeles County.

Table 5. Race and Ethnicity among Native Born Population, by Age, Los Angeles County

RACE AND ETHNICITY	0 - 9		10-19		20-29	
	NON-HISPANIC	LATINO	NON-HISPANIC	LATINO	NON-HISPANIC	LATINO
White alone	235,638	433,253	245,522	374,450	299,123	233,629
African Americans	97,213	4,494	115,954	3,908	116,017	4,569
Native Americans	2,010	5,093	1,930	5,102	4,179	3,720
Asian	106,150	2,007	98,866	2,413	76,293	2,094
Pacific Islander	2,806	150	4,262	479	3,141	155
Other	3,989	360,581	4,908	317,786	2,830	203,948
Two or more races	44,079	33,447	31,733	30,319	28,443	19,189
Total	491,885	839,025	503,175	734,457	530,026	467,304

RACE AND ETHNICITY	30-39		40-49		50-59	
	NON-HISPANIC	LATINO	NON-HISPANIC	LATINO	NON-HISPANIC	LATINO
White alone	293,983	138,832	348,042	90,154	346,481	57,596
African Americans	97,312	2,297	116,845	1,065	99,881	816
Native Americans	2,180	2,557	2,371	1,872	4,205	2,249
Asian	39,582	1,992	22,476	772	20,151	515
Pacific Islander	3,740	354	2,149	157	1,556	57
Other	2,182	103,856	958	53,540	742	36,311
Two or more races	20,435	11,770	13,319	7,022	10,131	4,695
Total	459,414	261,658	506,160	154,582	483,147	102,239

RACE AND ETHNICITY	60+		TOTAL		TOTAL
	NON-HISPANIC	LATINO	NON-HISPANIC	LATINO	
White alone	522,510	80,945	2,291,299	1,408,859	3,700,158
African Americans	124,587	1,011	767,809	18,160	785,969
Native Americans	1,883	1,483	18,758	22,076	40,834
Asian	32,665	845	396,183	10,638	406,821
Pacific Islander	2,395	147	20,049	1,499	21,548
Other	1,029	30,085	16,638	1,106,107	1,122,745
Two or more races	10,254	5,160	158,394	111,602	269,996
Total	695,323	119,676	3,669,130	2,678,941	6,348,071

Source: U.S. Census Bureau, ACS 2009. Computations by the Author.

Surprisingly, with an average age of slightly over 30 years, the native-born population is younger than its foreign-born counterpart. However, the native-born population has a large standard deviation of 22 years and is thus widely distributed within various age groups. To provide a reasonable comparison of the two groups, Figure 3 illustrates the overall age structure of both groups. It is clear from this graph that among the working-age population, the foreign-born outnumber the native-born. However, among young and old residents, the native-born population is a larger group. Before jumping to any particular conclusion, we should be reminded that the native-born population includes a large number of individuals whose parents are immigrants. This means that the younger

population is multi-racial and multi-ethnic in character. To demonstrate this, I provide a detailed analysis of the native-born population in the following paragraphs.

As Table 5 illustrates, among those 0–19 years old (the first two columns), Latinos outnumber other racial and ethnic groups. This is more pronounced among those 0–9 years old. However, in every age category older than 19, the non-Hispanic white population outnumbers others. Interestingly, it is only among the age 60+ residents that non-Hispanic African Americans outnumber Latinos (124,587 versus 119,676). This information, combined with what appears on Figure 3, suggests the following: While our foreign-born population is aging and new immigrants are not arriving fast enough to keep their average age low, their native-born children (particularly among Latinos) are clearly a significant portion of the younger and the working-age population. This illustrates that our economy and social structure operate largely based on the dividends from past decades of high immigration. Without a renewed immigration pattern that expands the working-age population, our economic prospects are not certain. I return to this issue shortly, when discussing what age cohorts seem to be leaving LA and who remains behind. Before getting to this information, however, it is important to reflect on the importance of age and aging among various racial and ethnic groups.

Table 6 provides a brief glimpse to our demographic future. Here we have the average age for the native-born population by its race and ethnicity. With an average age of 20.6, native-born Latinos are younger than the non-Hispanic native-born population (at an average of 37.4). In fact, a significant majority of native-born Latinos are under age 40. This is in stark contrast to foreign-born Latinos who are, on an average, in their early 40s. Compared with an average age of 20.6 among native-born Latinos, the age gap between the two groups becomes clear, further highlighting the decline of younger Latino immigrants in Los Angeles. It appears that the parents are getting older and their native-born children are the ones who are making our region diverse.

Table 6. Average Age by Race and Ethnicity, Los Angeles County

RACE	LATINO			NON-HISPANIC			ALL		
	AVG. AGE	POP.	STD. DEV.	AVG. AGE	POP.	STD. DEV.	AVG. AGE	POP.	STD. DEV.
White	21.7	1,408,859	18.9	41.2	2,291,299	23.0	33.7	3,700,158	23.5
African American	23.2	18,160	18.0	36.2	767,809	22.1	35.9	785,969	22.1
Native American	26.6	22,076	20.0	36.3	18,758	20.1	31.1	40,834	20.6
Asian	26.9	10,638	19.0	24.2	396,183	20.8	24.2	406,821	20.8
Pacific Islander	28.5	1,499	18.7	31.2	20,049	19.8	31.0	21,548	19.7
Other	19.0	1,106,107	16.0	23.5	16,638	18.3	19.1	1,122,745	16.1
Two or more races	21.2	111,602	17.7	24.7	158,394	19.7	23.2	269,996	19.0
All	20.6	2,678,941	17.8	37.4	3,669,130	23.2	30.3	6,348,071	22.6

Source: U.S. Census Bureau, ACS 2009. Computations by the Author.

Table 7. Age Composition and Changes from 2000 to 2010, Los Angeles County

AGE	2000	2010	CHANGE	% CHANGE
Under 5 years	737,631	645,793	-91,838	-12.5
5 to 9 years	802,047	633,690	-168,357	-21.0
10 to 14 years	723,652	678,845	-44,807	-6.2
15 to 19 years	683,466	753,630	70,164	10.3
20 to 24 years	701,837	752,788	50,951	7.3
25 to 34 years	1,581,722	1,475,731	-105,991	-6.7
35 to 44 years	1,517,478	1,430,326	-87,152	-5.7
45 to 54 years	1,148,612	1,368,947	220,335	19.2
55 to 59 years	389,457	560,920	171,463	44.0
60 to 64 years	306,763	452,236	145,473	47.4
65 to 74 years	492,833	568,470	75,637	15.3
75 to 84 years	324,693	345,603	20,910	6.4
85 years and over	109,147	151,626	42,479	38.9
Total	9,519,338	9,818,605	299,267	3.1

Source: U.S. Census Bureau, 2000 and 2010

If there is a message to be learned, it is that the demographic path of Los Angeles County has been altered. We are becoming older and more native born. Blaming immigrants, the easy game of the last two decades, will no longer explain our social and economic ills. We need to embrace who we are and what our economy, politics, and collective decision making have brought to our doorsteps. It may be difficult to accept that we are getting older, but not unlike when looking into a mirror, we can easily see the demographic indicators before us. Not only are we getting older, our region is losing young people as well. Table 7 contains the last bit of information we need to understand about how we became a region with a graying population.

Between 2000 and 2010, we lost residents in five age categories: 0–4, 5–9, 10–14, 25–34, and 35–44. This suggests that young families are leaving! Among the working-age population, we were able to hang on to those 15–24 and age 45 and older. These individuals are from older families whose young adults (15–24) may or may not choose to stay in the region. With declining immigration and departing younger families, the Los Angeles region is on its way to becoming a much grayer place.

A BRIEF NOTE ON POLICY OPTIONS

To be sure, there is nothing wrong with aging. However, one needs to plan for it. Los Angeles County is standing at an important historical moment. It can either plan for its older years, by establishing policies that could benefit a working-age population and its pending retirement needs (e.g., job development, health services, and livable retirement income that match cost of living, etc.), or it can rethink why it has lost its luster to immigrants and the native-born population. The children of immigrants will surely behave

like other native-born citizens and look to regions where economic prosperity is most likely. Because of the high cost of housing, a less than satisfactory educational system, inadequate health services, and a transportation system that leaves a lot to be desired, it is not clear why a young family would want to stay around here. Sunshine can go only so far; it is the economy and a reasonable quality of life that matter most.

The solution to what is causing us to lose our productive population is not to build more condos and focus on a few iconic places, such as downtown LA. The solutions need to be pervasive and structurally significant. We need more jobs and more people to do them. We need to learn once again that immigration and immigrants have been and will be important to a burgeoning economy. Economic development needs to be tied to the integration of immigrants and their children. By alienating those who made or make our economy run, we run the risk of endangering our own future. Immigrants are not different from those who were born here. They also want the best quality of life they can get: for themselves and their children. If Los Angeles cannot do it, perhaps other cities and regions can.

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NOTES

- 1 <http://articles.latimes.com/2009/sep/22/business/fi-census22>, downloaded October 12, 2011.
- 2 See the explanation in Table 3 regarding how county-level information was extracted from the 2009 ACS database.

BIOGRAPHY

MARTIN J. ADAMIAN received a B.S. from Central Michigan University and a J.D. from Wayne State University Law School. He practiced law for Constitutional Litigation Associates, P.C., in Detroit, Michigan, and got his Ph.D. in political science from Colorado State University. He is currently an assistant professor at California State University, Los Angeles.

ALANA JEYDEL is Professor of Political Science at American River College, Sacramento, CA. She received her PhD from American University. Her research has primarily focused on women in politics as well as the women's movement in the United States and has appeared in *American Politics Quarterly*, *Political Research Quarterly*, *State and Local Government Review*, *Congress and the Presidency*, and *White House Studies*. Jeydel is the author of two books on women and politics. Her most recent book, *Women and Politics in Global World*, co-authored with Sarah Henderson, is published with Oxford University Press and is under revision for its third edition.

EDWARD L. LASCHER, Jr. is Associate Dean, College of Social Sciences and Interdisciplinary Studies and Professor of Public Policy and Administration at California State University, Sacramento. He is also Acting Director of the Center for California Studies. A political scientist by training, his research has focused on such topics as the politics of ideas, direct democracy, political parties, local elections, regulatory policy, and political careers. He has taught courses on such topics as the political environment of policy making, research methods, and collaborative decision making. Lascher is the author of *The Politics of Automobile Insurance Reform: Ideas, Institutions, and Public Policy in North America* and co-editor of two books. He has authored or coauthored articles appearing in many academic journals such as *Journal of Politics*, *Political Research Quarterly*, and *Public Opinion Quarterly*. He received his B.A. from Occidental College and his Ph.D. from the University of California, Berkeley.

ALI MODARRES is Professor and Chair of the Department of Geosciences and Environment at California State University, Los Angeles. He is the editor of *Cities: The International Journal of Urban Policy and Planning* and serves on a number of research and policy advisory boards. Dr. Modarres specializes in urban geography and his primary research and publication interests are socio-spatial urban dynamics and the political economy of urban design. He has published in the areas of immigration, race and ethnicity in American cities, social geography, transportation planning, environmental equity, and urban development and public policy. Some of his recent articles have appeared in the *Journal of Urban Affairs*, *Cities*, *International Journal of Urban and Regional Research*, and *Anthropology of the Middle East*.

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Edmund G. "Pat" Brown Institute of Public Affairs
California State University, Los Angeles
5151 State University Drive, Los Angeles, CA 90032-8261
Telephone: (323) 343-3770 Facsimile: (323) 343-3774
Email: pbi@cslanet.calstatela.edu
Website: www.patbrowninstitute.org

CALIFORNIA POLITICS & POLICY

NOVEMBER 2011 • VOL. 13, NO. 1

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