

The Legacy of Arnold Schwarzenegger

By Richard M. Frank

As Arnold Schwarzenegger prepares to leave office, many have labeled his tenure as California's 38th governor a failure. Indeed, both major candidates in last month's gubernatorial election did their best to distance themselves from Schwarzenegger, and to negatively paint their opponent as the second coming of the "Governator."

But a strong case can be made that Schwarzenegger was in fact a remarkably successful governor, given the politics of his era and the state government and fiscal structure he inherited upon taking office in 2003. In many ways, he was actually ahead of his time politically. And it seems quite likely that history will treat Schwarzenegger more kindly than do current public opinion polls and political pundits.

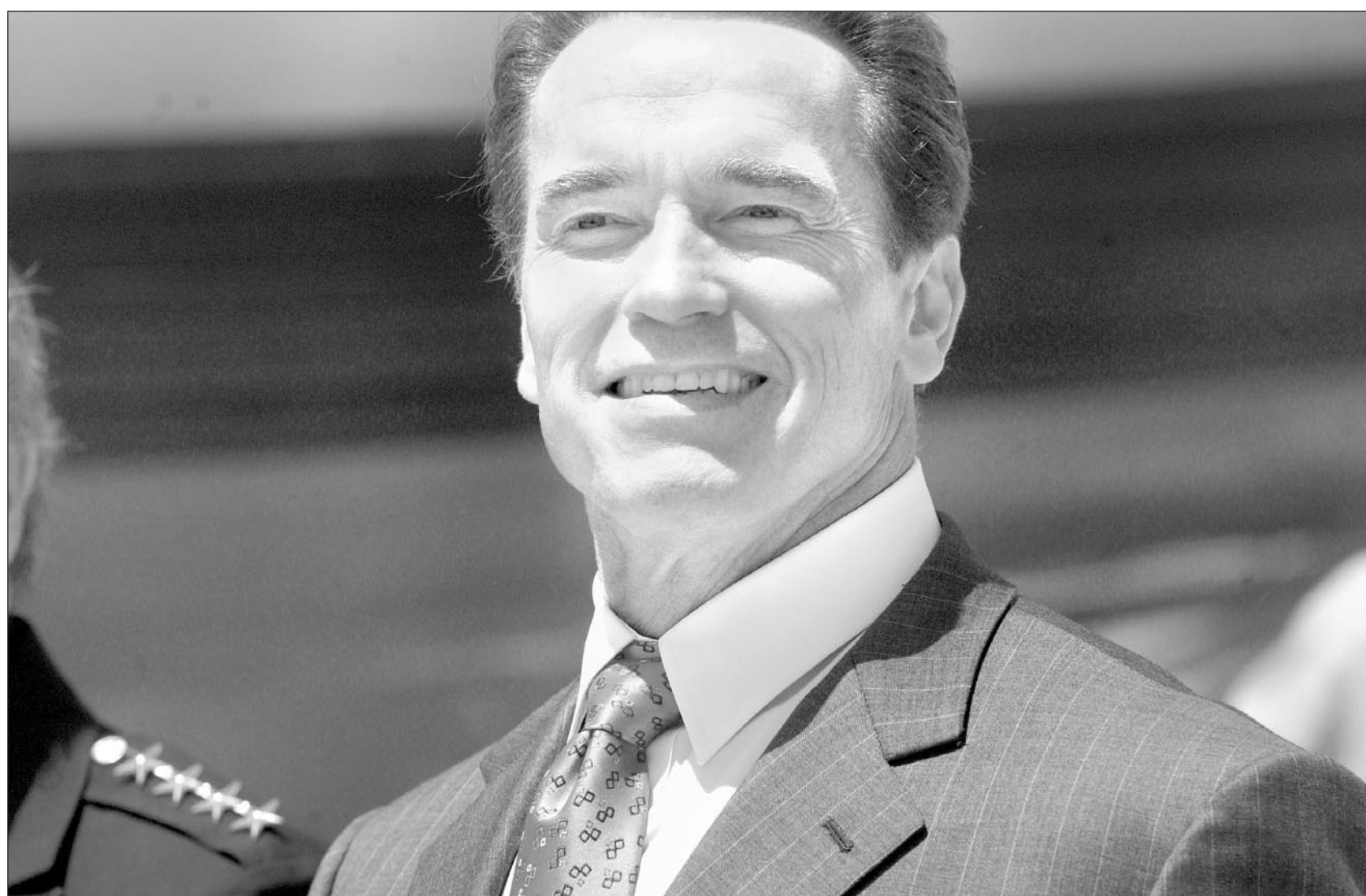
As governor, Schwarzenegger was repeatedly willing to take on issues that were important but thankless — and certainly politically risky. Early in his administration, he made reform of California's worker's compensation a priority, and got it done. Additionally, Schwarzenegger was the first governor since Pat Brown to make a priority of the state's infrastructure — a distinctly unglamorous issue — and he made some initial progress in improving California's crumbling roads, bridges, electrical transmission and water systems.

Schwarzenegger also was not afraid to take on political issues that many commentators and fellow political leaders deemed the third rail of politics. His administration supported the most important California water policy reforms enacted into law since at least the 1960s, including creation of the state's first meaningful statewide water conservation standards. Schwarzenegger similarly voiced the inconvenient truth that state public pension systems are financially unsustainable, and took steps to begin bringing them back into the black, over howls of protest from public employee unions and their legislative allies.

Without claiming or receiving much credit for the fact, Schwarzenegger made some of the most diverse judicial and executive branch appointments of any governor in California history. Unlike most other, recent Republican governors whose judicial appointees consisted predominantly of criminal prosecutors, big firm attorneys and white males, Schwarzenegger appointed judges who look much like California as a whole, including a broad array of racial and ethnic minorities, gays, etc. Ignoring the grumbling of Republican party leaders, he appointed Democrats and Independents to the bench in substantial numbers, not just Republicans. And he picked judges from diverse professional backgrounds such as public defenders, legal aid lawyers and environmentalists, along with lawyers from private firms and district attorney offices. One of his final judicial appointments was also his most important: selecting Tani Cantil-Sakayue, a Filipina-American from a humble family background with a distinguished career of public service, as California's next Chief Justice. When Chief Justice Cantil-Sakayue assumes her new duties in early January, the state Supreme Court will for the first time in California history be composed primarily of women justices — another noteworthy aspect of Schwarzenegger's gubernatorial legacy.

Schwarzenegger's executive branch appointments were similarly diverse and bipartisan in nature. His Chief of Staff was a Democrat, and his appointees to state boards, commissions and cabinet posts were equal parts Democrats, Republicans and Independents. Perhaps more important, the Schwarzenegger administration was remarkably free of political hacks and corruption; the governor seemed genuinely concerned about picking men and women of quality and integrity to serve in his administration, regardless of party affiliation. (We Californians sometimes take that for granted, but shouldn't: take a look at the recent political history of such states as New York and Illinois, and the Schwarzenegger administration looks awfully good — and honest — by comparison.)

Without question, Schwarzenegger's most publicized accomplishments as governor have involved the environment. Schwarzenegger's leadership in addressing climate change is particularly noteworthy, and forms the centerpiece of his environmental legacy. He was a strong supporter of California's Global Warming Solutions Act (AB32) when it was enacted in 2006. Less well-known is the fact that Schwarzenegger



signed an executive order a year earlier mandating the same, ambitious greenhouse gas reduction levels by the year 2020 that the Legislature ultimately mandated and Schwarzenegger signed into law as AB32. That 2005 Schwarzenegger executive order further mandated far more ambitious greenhouse gas reductions (by the year 2050) than the Legislature was willing to enact in the form of legislation.

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No state official played a more forceful or prominent role in fighting the efforts of out-of-state oil companies to suspend AB32 than did Schwarzenegger, who led the successful campaign against Proposition 23 this fall. Notably, in the Nov. 2nd election, more Californians voted against Prop. 23 than cast votes for or against any other initiative measure, or for any candidate for statewide office. Schwarzenegger deserves a major share of the credit for the resounding defeat of Prop. 23, which simultaneously served as the first public plebiscite on climate change on the planet.

But Schwarzenegger's environmental leadership was not limited to climate change. His administration also has led California's efforts to transition from a petroleum-based economy to one relying more on renewable energy. In that connection, Schwarzenegger signed another executive order mandating that California generate one-third of its electricity from renewable resources by 2020 — and worked hard to push worthwhile renewable energy projects through an often-daunting federal, state and local government regulatory regime. He signed into law landmark

2009 legislation designed to restore to ecological health the Sacramento-San Joaquin Delta, which has been in perilous decline for decades. And the Schwarzenegger administration sponsored pioneering "Green Chemistry" legislation designed to remove toxic ingredients from consumer products at the manufacturing stage, rather than simply let the state deal with toxic wastes at the end of the consumer cycle, as has traditionally been the case both here in California and nationwide.

To be sure, Schwarzenegger's governorship has had its share of failures and false starts. He famously campaigned for office on a promise to "blow up the boxes" of state government, but did little to re-organize Sacramento or reform the structure of state government. On the environmental front, Schwarzenegger demonstrated considerable antipathy towards California's venerable California Environmental Quality Act, seeking exemptions from its coverage for favored projects.

Probably his biggest failure as governor was presiding over an ever-increasing state deficit that now stands in the \$20-25 billion range, depending on whose financial projections one believes. To be fair, however, much of that problem is attributable to structural dysfunctionality and a straight-jacketing of California's state finance system caused by decades of "ballot box budgeting" that limits a governor's budgetary prerogatives and unilateral powers of fiscal reform. And a politically-gridlocked Legislature deserves at least equal credit for the fiscal mess in which the state government currently finds itself.

But Schwarzenegger's abiding, long-term political legacy is likely to be the restructuring of California's political system itself. He was a strong supporter of two key political reforms enacted during his administration, after decades in which such reform efforts had failed. The first was creation of an "open primary" system, approved by voters in a recent state initiative. The other is a pair of initiative measures taking redistricting authority over state legislative and congressional districts away from the California Legislature, and transferring it to an independent, bipartisan citizens' commission.

These reforms, taken together, are likely to reduce the influence of the major political parties in California, correspondingly increase the power of independent voters and, most importantly, attract candidates

for the Legislature and Congress who are more moderate — and hopefully less partisan — than the current crop of incumbents. These political reforms are likely to generate future California leaders more in the mold of Schwarzenegger, who regularly eschewed political labels. A registered Republican, Schwarzenegger governed and acted more like a moderate political independent. In so doing, he has more closely reflected the political views and philosophy of the vast middle of California's voting population than has either of the state's major, currently-configured political parties.

It is as California's most influential and successful "political reform" governor since Hiram Johnson a century ago that Arnold Schwarzenegger will leave his most indelible mark on California political history. In that capacity, it can be argued that he actually did succeed in blowing up Sacramento's biggest box of all.

And that's no small historical and political legacy.



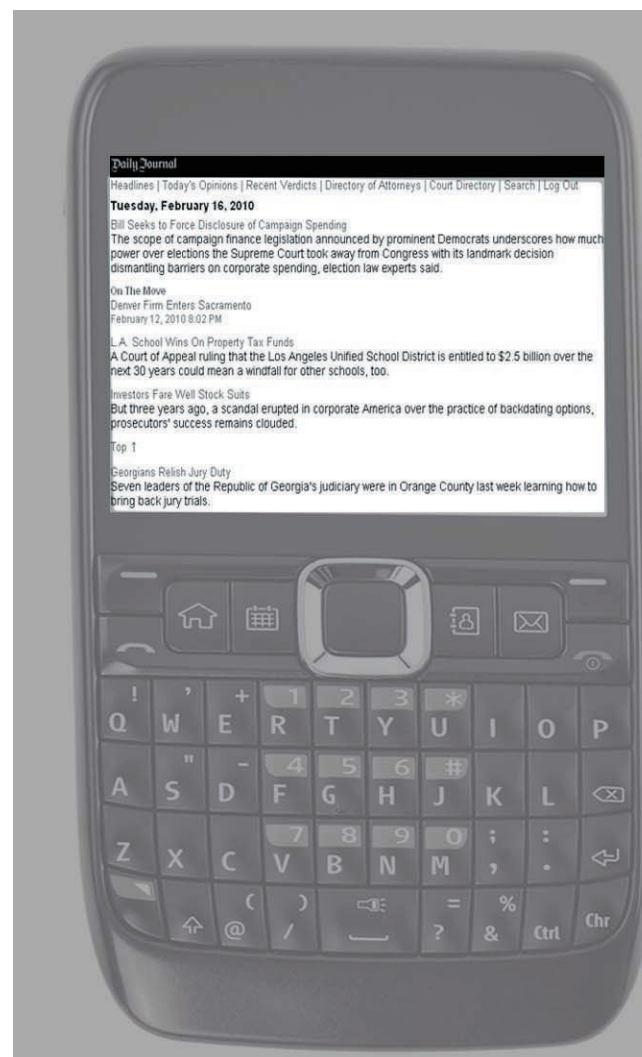
Richard Frank is a professor of environmental practice and director of the California Environmental Law & Policy Center at the U.C. Davis School of Law.

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