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District Elections, Redistricting and Recall

**A Study of the Fifth District of the City of
San Diego, 1988-1991**

by

Linell Blair Fromm

A dissertation submitted in partial fulfillment
of the requirements for the degree of

Doctor of Education

University of San Diego

1993

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ABSTRACT

District Elections, Redistricting and Recall: A Study of the Fifth District of the City of San Diego, 1988-1991

FROMM, LINELL, Ed.D., University of San Diego, 1993, 319 pp.

Director: Mary Woods Scherr, Ph.D.

In 1988, voters in San Diego approved a switch from an at-large to a district-only election system. In 1989, Linda Bernhardt, a 30-year-old political neophyte, ran an anti-developer, grassroots campaign in San Diego's Fifth Council District. She unseated well-financed, two-term, pro-development incumbent Ed Struiksmma.

Within 17 months, Bernhardt was recalled from office. It was the first successful recall election in the City of San Diego in the twentieth century.

This study documented significant events that bore on Bernhardt's recall to gain an understanding and appreciation of how events necessitated the recall. The researcher analyzed contributing factors, using an historical case-study approach. She interviewed more than 60 individuals and reviewed records from governmental and private sources.

Linda Bernhardt was recalled from office because voters felt she had betrayed them by (1) breaking her pledge not to accept developer campaign contributions, and (2) through redistricting, abandoning a community known for activism. The recall also broke up the progressive Council alliance and restored the previous status quo.

Bernhardt was ambitious and outspoken; she became the focus for those dissatisfied with the changes that had resulted from a powerful new majority voting bloc.

At the time, the Council lacked mayoral leadership, shared vision, amity and cohesiveness. When Bernhardt was removed from office, the Council majority lost its

power and ability to move its agenda forward. A new, more conservative Council majority then revoked the previous redistricting map and approved one that restored many of the previous district boundaries. It also returned the Council to a traditional voting pattern.

The researcher also found that district elections:

(1) enormously increase the ability of communities to initiate a successful recall;

(2) provide greater scrutiny on politicians;

(3) render politicians who cut their base of constituent support without immediately replacing it with a new one extremely vulnerable to recall; and

(4) cause Council members to be perceived as unresponsive to constituents unless they devote substantial time and attention to constituent concerns.

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by

Linell B. Fromm

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For S — Who struggled through this dissertation with me
and made sure I laughed every day.

ACKNOWLEDGEMENTS

It was a long and arduous task to research and write this study, but made less daunting through the good will and support of a number of individuals including Ron Arden; Marilyn Daniel; L.C. Miccio-Fonseca, Ph.D.; Amy Gillen; Mark Loscher; Donald F. McIntyre; Barbara Morton; Gilberto Munoz, M.D.; Michael Ott; Erika Shatz; and John Ward. I thank each of them and value their efforts on my behalf.

I lovingly thank my father, Dr. Stanley Fromm and my mother, Mariel Fromm, for believing in my abilities and fostering my feelings of competence. My brother, Dr. Mallory Fromm, and sister-in-law, Therese Baxter, helped to take the edge off my seriousness by reminding me there was more to life.

Special thanks to Glen Sparrow, Ph.D., at San Diego State University, School of Public Administration and Urban Studies and Steven Erie, Ph.D, U.C. San Diego, Department of Political Science, for their expertise, insights and helpful suggestions.

A warm and sincere thank you to Catherine Strohlein and her husband, Al, for their significant guidance and contribution to this work. My debt to them is extremely large.

Finally, credit for the observations revealed in this study must go to the individuals who participated in my research. They unselfishly gave hours and hours of time by telling me their stories and the lessons they learned. They loaned me historical records from which I quoted extensively. This study results from their willingness to disclose crucial information for understanding how San Diego's district elections, redistricting and recall were intertwined.

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CHAPTER 1

Introduction

Many big cities in the United States are entering a new era characterized by changes in demographics, economics, and shifts in the political fortunes of special interest groups (Thomas and Savitch, 1991, p.4). The City of San Diego has not been immune from this transition.

All over California, and especially in San Diego, environmentally oriented grassroots coalitions have arisen, pushing growth control measures (Drinan, 1989). Although most measures have failed to garner voter approval, the movement has given rise to a new generation of leaders with the ability to influence and build politically sophisticated coalitions.

Dr. Peter Navarro is a university-based economist, non-politician and chairman of PLAN! (Prevent Los Angelization Now!). This prominent managed-growth coalition represents a new breed of grassroots leaders (Huard, 1992). In June 1992, Navarro successfully ran an outsider's campaign and won the mayoral primary. He was, however, narrowly defeated in the runoff election in November. His extraordinary newcomer's appeal was based on his anti-developer credentials (at a time when developer-bashing was politically correct); on his inclusionary strategies of seeking grassroots neighborhood support; and on the voters' continued disenchantment with political incumbents.

There is also a growing trend at the municipal level of government, and particularly in large cities, to switch from an at-large to a district-only election system (Drinan, 1989). San Diego's switch to a district-only election system produced substantial and rapid changes in City Council politics. It also dramatically increased the power of certain interest groups, such as environmental and neighborhood coalitions, at the expense of other interest groups, such as builders and downtown business executives, to move their agendas forward at City Hall.

To be sure, San Diego's experience has not been unique. It has followed the pattern set by other prosperous cities in which downtown business groups, not in the habit of sharing power, have struggled with neighborhood coalitions (Mollenkopf, 1983; Logan & Molotch, 1987).

Redistricting is the re-drawing of new district boundaries, a process undertaken at the beginning of each decade by big and small cities alike, and at the state and federal levels of government. Politicians and political consultants agree that no other issue at the municipal level of government is so controversial, except, perhaps, raising taxes. Some researchers have even described redistricting in metaphorical terms, referring to it as a battle (Brace & Chapin, 1991).

In large, urban-reform cities throughout the United States, politicians and constituents have observed and participated in redistricting processes filled with political wrangling, deal-making, judicial challenges and grassroots lobbying. True to the national model, San Diego's 1990 process was no different. But it was particularly ugly for two reasons: First, a citizens-based redistricting board served as surrogates for individual politicians and did their political bidding. And second, the politicians themselves worked

on a parallel redistricting process which circumvented the citizens group, and attempted to infuse environmental (issue-oriented) politics into the process. The latter damaged many of the politicians involved in the redistricting and unraveled citizens' fragile trust in local government and politicians.

As citizen groups emerged as a potent force in the latter part of the 20th Century, so too, have the use of citizen-based direct-democracy tools. These include the initiative, referendum and recall. All three are designed to circumvent elected representatives by giving ordinary citizens the power to propose their own amendments or other changes in government (Wildavsky, 1992). California, in particular, has witnessed the growing popularity of the use of recall (Bell and Price, 1992). Within three years of its switch to a district-only election system, San Diego had a recall election, due, in part, to citizen groups taking matters into their hands and changing the face of local government.

Statement of the Issue

In 1988, a major change occurred when San Diego voters approved a switch from an at-large to a district-only election system. In 1989, Linda Bernhardt, a relatively unknown 30-year-old Republican, political neophyte and outsider, ran an anti-developer, grassroots volunteer campaign in the Fifth District. She unseated well-financed, two-term, pro-development incumbent Ed Struiksma.

Bernhardt acquired a campaign debt of \$150,000, which City of San Diego campaign law required that she repay within 30 days of taking office. Although the law was rarely enforced, Bernhardt was informed that if her debt wasn't paid, she would face criminal charges that might force her to resign. To retire her campaign debt, she turned

to the building and development industry for support, even though she had campaigned on a promise of not accepting such patronage.

In her ninth month in office, following a contentious decennial redistricting process in which Bernhardt eliminated from her district two of the original five communities she represented, she was served official notice of intent to recall her.¹ Within 17 months of her election, she was recalled from office by voters in her old Fifth District. It was the first successful recall election in San Diego in the 20th Century.

Definition of Terms

At-large Election	Encompasses an entire jurisdiction; all registered voters in the jurisdiction may participate (Svara, 1990).
Community of Interests	Interests common to an urban area, including but not limited to an industrial area, an agricultural area, common to areas in which people share similar living standards, use the same transportation facilities, have similar work opportunities, have access to the same media of communication relevant to the election process, and those interests common to ethnic (race, color, religion, creed, national origin, ancestry) and political (partisan) areas (Chacon, 1990).
Developer	A person or group of persons who develops real estate.
Direct Democracy	Populist democracy; the ability of the people, through the initiative, referendum and recall devices, to fashion and institute legislative remedies without the intervention of elected representatives.
District	A fixed territorial division for electoral purposes. In the City of San Diego, there are eight Council districts; each has nearly equal population.
District Election	A jurisdiction that is divided into smaller areas from which one Council Member is elected; each Council Member represents a part of the whole (Svara, 1990).

Environmental Politics	Goals, objectives and strategies designed, at the local government level, to address issues of growth, development and environmental quality.
Gerrymandering	Reshaping an electoral district to enhance the political fortunes of the party in power (or incumbents), as opposed to creating a district with geographic compactness (Shafritz, 1988).
Incumbent	The current holder of an office or position.
Independent Expenditure Committee	A committee that accepts contributions and expressly advocates for the election or defeat of a clearly identified candidate or the qualification, passage or defeat of a clearly identified measure, or taken as a whole and in context, unambiguously urges a particular result in an election. The committee's activities are not made in behest of or under the control, direction, cooperation or in concert with the affected candidate or committee (State of California, Information Manual for Candidates).
Informed Sources	Credible individuals speaking off the record about individuals, issues or events about which they have specific knowledge.
Initiative	A device which allows voters to propose a legislative measure (statutory initiative) or a constitutional amendment (constitutional initiative) by filing a petition bearing a required number of valid citizen signatures (Cronin, 1989). One of three direct democracy powers reserved to the people of the City of San Diego. The other two powers are referendum and recall (San Diego City Charter amended, 1989).
Managed Growth	A conscious government program intended to influence the rate, amount, type, location and/or quality of future development within a jurisdiction (Arnold, 1979).
Media	All public affairs media, both print and electronic. The words press and the media are used interchangeably (Linsky, 1988).
Municipal Code	A systematically arranged body of local laws adopted by an incorporated city or town (Ott, 1992).

Ordinance	A law adopted by the City Council. Ordinances usually amend, repeal or supplement the Municipal Code, provide zoning specifications, or appropriate money for specific purposes. Most ordinances require two hearings. The "first reading" introduces the ordinance; public testimony is taken. The "second reading" occurs twelve days later; the ordinance is usually adopted at that time.
Populist	One who advocates for the rights of common people.
Progressive	One who believes in moderate political change and social improvement by government action (Merriam-Webster Dictionary, 1974).
Reading (1st and 2nd)	(See Ordinance)
Recall	<p>A device which allows voters to remove or discharge a public official from office by filing a petition bearing a specified number of valid signatures demanding a vote on the official's continued tenure in office. The recall differs from impeachment in that the people, not the legislature, initiate the election and determine the outcome with their votes. It is a purely political process (Cronin, 1989).</p> <p>A City Council Member who was elected by district vote and who has held office for six (6) months or more, and against whom no recall petition has been filed within the preceding six (6) months, may be recalled by a majority of the voters in the district represented by the Council Member in the City of San Diego (San Diego City Charter, amended, 1989).</p>
Redistricting	The process of maintaining approximate equality of population in each Council district. It is undertaken at least once every ten years, but no later than nine months following the final decennial Census (San Diego City Charter, amended, 1990).
Redistricting Advisory Board	A group appointed by the City Council composed of city residents whose purpose is to study changing the boundaries of Council districts.
Referendum	A referendum refers a proposed or existing law or statute to voters for their approval or rejection. A popular or

petition referendum (a less frequently used device) refers an already enacted measure to the voters before it can go into effect. There is confusion about the difference between the initiative and referendum because referendum is frequently used in a casual or generic way to describe all ballot measures (Cronin, 1989).

Reform City/Reform Movement

Beginning in the 1890's and continuing into the 1930's, a movement in reaction to weaknesses in urban government, divisions of formal power and corruption and ineptitude of local government. The movement fostered governmental innovations, including the rise of at-large elections, nonpartisan ballots and city manager form of government, as well as the use of direct democracy devices of recall, initiative and referendum. It also resulted in citizen boards and commissions to separate important matters from political control (Arnold, 1979; Welch and Bledsoe, 1988).

Resolution

Formal documents of findings for approval, denial or conditional approval of projects that have been acted upon by either zoning administrators or boards and/or the City Council. Resolutions usually become effective upon their adoption.

Resource Protection Ordinance

Protects, preserves and, where damaged, restores the environmentally sensitive lands of San Diego, which include wetlands, wetland buffers, floodplains, hillsides, biologically sensitive lands and significant prehistoric and historic resources (City of San Diego Municipal Code, 1991).

REPOZ

Regional Environmental Protection Overlay Zone.

Voting Rights Act

Established in 1965 and amended in 1975 and 1982, requires that a redistricting plan must neither cancel nor minimize the voting strength of any protected minority.

Purpose of the Study

The purpose of the study was to provide an in-depth description of Linda Bernhardt's Council election, her tenure in office, the city's redistricting process and Bernhardt's role in it, and her recall. This was undertaken to gain an understanding and appreciation of how the interplay of events led to Bernhardt's recall. I also undertook an analysis of some of the factors that contributed to the election and subsequent recall.

Research Questions

To effectively accomplish the research, I sought to answer the following questions in the case study:

1. How did circumstances and events lead to Linda Bernhardt's election in 1989?
2. What persons, strategies, and events influenced Bernhardt's tenure in office?
3. How did the City of San Diego accomplish redistricting in 1990-1991, and how did it precipitate Bernhardt's recall from public office?
4. What were the motives and strategies used to recall Bernhardt from office and how did she fight it?
5. What conclusions can be drawn so that scholars, political and public administration practitioners can gain from the thick description of this case study?

Limitations of the Research

This study will broaden understanding of the politics and processes of a large, American urban-reform city as it struggled to adjust to changes brought about by district elections, the shifts in power and influence of special interest groups, the first decennial

redistricting following the switch of election systems, and the first use of the recall device to successfully remove a Council Member from office in the twentieth century. This study is limited in several ways:

1. Many individuals were involved in the city's redistricting process and Bernhardt's recall. Due to financial and time constraints, I interviewed only key participants in redistricting and recall.
2. I was not a participant in any grassroots efforts or coalition activities described herein nor was I a participant in either the redistricting or the recall processes.
3. The research ends with the recall of former City Councilwoman Linda Bernhardt in the spring of 1991. This study does not provide an analysis of the impact of Bernhardt's recall on succeeding political races in the San Diego region.

Implications for Leaders

Rost (1991) stated that leadership must be studied and defined in such a way that the focus is not on an individual leader, but rather, as a dynamic process involving the mutual purposes of leaders and followers. This dissertation explored the work of several local coalitions that united for the mutual purposes of its members and achieved remarkably different outcomes. Each coalition worked to bring about changes in San Diego's familiar and predictable organization and political patterns in order to transform the status quo (Burns, 1978).

This dissertation also explored the leadership of a young local politician who rose rapidly and fell abruptly. Political leadership in the United States has fostered the myth of one great leader, with charisma and smooth answers, who comes along and makes

sense out of incoherence and resolves unresolvable dilemmas (Heifitz and Sinder, 1988; Michael, 1991). The great political leader is also regarded as omnipotent.

Richard Fenno (1992) stated that politicians work very hard to create impressions of invincibility, suggesting that even a little vulnerability is a dangerous thing. "Once recognized, vulnerability encourages criticism, suggesting an even greater vulnerability [which] encourages further criticism, and so on" (p.206).

Linda Bernhardt may have indicated that she had the answers and expected to substantially influence the political scene in years to come. But the reality was that Bernhardt had few answers and, thus, was a vulnerable target. Initially, she could not resolve her community's complex dispute and, coupled with other factors, lost her followers' support and was no longer perceived as a leader. A grassroots coalition exercised its own leadership by successfully organizing to recall her from office.

This dissertation, then, sheds light on aspects of San Diego's political and coalition-based leadership during a crucial three-year period, as key leaders attempted to exert influence and shift power.

Dissertation Organization

This dissertation is organized into ten chapters.

Chapter Two reviews pertinent writings that affect this dissertation research, focusing on at-large and district elections; municipal redistricting; recall; power and influence in San Diego; the role of the media in government and the political arena; local government organization change; and political science research.

Chapter Three describes the research design and methodology.

Chapter Four introduces some of the major issues and events in San Diego between 1988 and 1991 which had a direct bearing on or are covered in detail in this dissertation. It answers the research questions about events in the Fifth District that led to Bernhardt's 1989 election to the City Council and lays the foundation for understanding how these elements came together and formed the basis for Bernhardt's recall.

Chapter Five covers the weeks prior to Linda Bernhardt's inauguration; her selection of Council staff; a discussion of her staffing problems; a discussion of the City Council's committee system; and a discussion of Bernhardt's first Council vote, which immediately steeped her in controversy. The chapter also examines her relationship with her campaign consultant, Rick Taylor. It begins to answer the research questions about Bernhardt's tenure in office, and the persons, events and strategies which influenced her.

Chapter Six provides an elaborate description of Bernhardt's brief tenure in office and focuses on her early months as a freshman Councilwoman, the people and events that influenced her, and how she was perceived by others. The chapter covers the office remodeling debacle; campaign debt; workload and constituent concerns; political ambitions; the bickering City Council; the formation of the Council's progressive coalition; and Bernhardt's early relationship with the Copley Press.

Chapter Seven continues the narrative of Bernhardt's tenure in office. It focuses on Miramar Ranch North and her attempts to fulfill her campaign pledge to resolve the bitterly divisive land dispute in Scripps Ranch.

Chapter Eight begins to answer the research question about how the City of San Diego accomplished redistricting in 1990-91 and how it precipitated Bernhardt's recall from public office.

Chapter Nine answers the research question about the motives for and strategies used to recall Bernhardt and how she fought it. It concludes the chronology of the city of San Diego's protracted redistricting process, which did not end until a week after Bernhardt left office.

Chapter Ten is divided into two sections which (1) answer the final research question concerning lessons that emerged from the city's switch of electoral systems, redistricting, and the recall of Linda Bernhardt, and (2) provide a comprehensive review of areas for future research.

Notes

1. Redistricting is a sensitive issue to minority groups including the Chicano Federation of San Diego. Their recent participation in the redistricting process resulted from years of observing the significant undercount of Hispanics, African-Americans and Asian-Americans in the United States Census. This affected political access, reapportionment and redistricting, allocation of resources, and affirmative action (Hulett, 1991). Although these issues are very important, they are not the focus of this dissertation.

CHAPTER 2

REVIEW OF THE LITERATURE

Introduction

This review presents pertinent writings that affect this dissertation research writings in the following areas:

- At-large and district-only municipal election systems
- Municipal redistricting
- Recall
- Role of the media in government and the political arena
- Local government organization change and power and influence in San Diego
- Political science and public administration case-study research

At-Large and District-Only Municipal Election Systems

The literature has comprehensively documented and described the advantages and disadvantages of at-large and district systems. Svvara (1990); Taebel (1990); and Welch and Bledsoe (1988) described three pivotal arguments:

- Councilors elected at-large can consider the perspective of the whole community, not their own parochial interests.
- Vote trading and log rolling are minimized in at-large systems.
- District systems produce representatives more attuned to community interests.

At-Large Elections

Gerston and Christensen (1991) noted that at-large elections were intended to reduce the parochial influence of machine-organized ethnic neighborhoods on the city as a whole. However, "ethnic minority candidates, unable to secure enough votes from other areas of the city to win at large, have had difficulty getting elected.... Citywide campaigns have also become extremely costly" (p.81). In fact, Watsonville, California switched to district elections as a result of a lawsuit brought by Hispanics who charged that at-large elections prevented them from winning representation on the City Council even though they constitute nearly half the city's population. This is analogous to the lawsuit in San Diego which forced redrawing district lines because of a Hispanic-generated federal lawsuit.

In 1900, the National Municipal League (Erie, 1985), in an effort to weaken the power of big-city party bosses and political machines, recommended at-large elections, part of a "good government" electoral package that included nonpartisanship, the direct primary, direct democracy, short ballot, and staggered local and national elections. All these recommendations were in use in San Diego until the 1988 election brought in district elections. In the 1970's, Dallas and Houston, Texas adopted a hybrid election system in which most Council Members are elected by district. After several years of experience with district elections, Council Members stated that debate still continues on the merits of district elections (Smolens 1984).

Welch and Bledsoe (1988) observed that as late as 1941, the National Municipal League's Model City Charter stated that at-large elections were desirable because, "It is

difficult to find capable leaders distributed throughout the city by wards" (p. 8). Reformers, on the other hand, argued that at-large elections disadvantage segregated groups and advantage well-organized, well-financed groups. City-wide campaigns cost more and require either visibility or sufficient money to promote recognition for the candidates.

Svara (1990) reported on a study by the LBJ School of Public Affairs, which assessed three cities which used mixed district and at-large systems, and three which used pure district systems, and found that after the introduction of district elections, there was (1) greater concern with neighborhood issues; (2) more open decision making, longer and more divisive Council meetings; (3) increased Council workload because of more constituent contacts; (4) improved representation on appointed boards and commissions; (5) more involvement of Council Members in administrative affairs; and (6) greater interaction among the mayor, Council and staff. Citing Heilig and Mundt, he also noted that the district system allows for clearer expression of cleavages that are already present.

A 1984 study by the LBJ School of Public Affairs found ten cities of populations over 250,000 using at-large electoral systems. Although several of those cities had substantial minority residents, challenges to the at-large system had not yet been mounted, but in one city, a Black state senator had made several threats to do so. The study concluded that active citizen participation was a valuable complement to the electoral system.

District Elections

Nationally, larger cities have found that at-large elections are less valuable as population (especially minority population) increases. Since the 1960's, the trend was toward district representations, particularly in the south and among larger cities. District

elections have an effect on minority representation, decision-making, citizen participation and campaign styles. There is, according to some, a sacrifice of efficiency for "democracy." Meetings take longer, more is demanded of council members, parochial concerns become more prevalent. Additionally, concern with city-wide issues continues, along with increased concern with neighborhood and geographic issues, greater workload for officeholders, and increased citizen contact (Lyndon B. Johnson School of Public Affairs, 1984).

City officials in Dallas and Houston (Smolens, 1984) agree that district elections have improved minority and neighborhood representation, broadened the spectrum of interests (such as minorities) that wield power, and decreased the cost of running campaigns. The business community no longer runs the show. District elections, however, increased the length of Council meetings by as much as three times, made it more difficult to deal with city-wide issues, and spent too much time on trivial items.

Residents of Dade County, Florida changed to district elections in 1992, after a long legal battle. Proponents believed district elections would lead to endless local squabbles. On the other hand, one politician (Strouse, 1992) stated his belief that in the long term, district elections are a good idea.

After going to district elections, the City of Pasadena saw an initial increase in campaign spending, but has seen a steady decline since 1985. State-wide studies (Hill, 1990) show that large sums spent do not necessarily mean success at the polls.

In the San Diego of 1978, Maureen O'Connor (in her second term on City Council), Jim Mills (then State Senator) and Roger Hedgecock (then a County Supervisor)

stated flatly that San Diego's political climate "is unhealthy and a threat to the quality of life here..." (Wiegand, 1978, p.80). O'Connor said four newly elected City Council Members were "really more into development at any cost than in planning for the future" (p. 81). Mills said the political power structure in San Diego was made up of "those who benefitted from [rapid] growth" (p.81). Hedgecock defended the new council, but criticized the lack of a "public-minded" business community; the failure to grasp the problems facing the city, and the Council's over-reliance on the bureaucracy. For good measure, he also blasted the Copley press for poor coverage and failure to present both sides.

In San Diego, district elections were championed by environmentalists and slow-growth advocates because of the perceived influence of developers, who contributed large sums necessary for city-wide elections. Other support came from minority voters, who were under-represented because it was nearly impossible for a minority candidate to be elected city-wide (Drinan, 1989).

Larry Remer made the case that district elections in San Diego would enable Democrats to compete for and hold City Council seats. In a June 28, 1988 article, he stated that in the past 15 years, there [had] been 11 instances wherein the candidate who lost his or her district turned around and won election citywide. He noted that district elections "would definitely throw a monkey wrench into the power of the establishment" (p.5) by increasing competitiveness and reducing the effect of massive campaign funding. He also believed environmental interests would be hurt because they would lose the edge of their higher voting turnout, and curb the power of the mayor.

In an article in *San Diego Magazine*, John Hartley, who defeated Gloria McColl in 1989, in the first district-only election, was quoted as saying, "We have a history in this district of not being able to have our own choice. We have had somebody elected from somewhere else, by people outside the district, for a long time" (Hill, 1990, p.105).

Primary voter turnout increased with the advent of district elections in San Diego (Hill, 1990) (18% to 26% in District One, 14% to 22.9% in District 3, 10.5% to 25.1% in District 5), and concomitant increases in the runoff election that followed.

In 1990, the City of San Diego Management Academy undertook a study to determine the effect of district elections on city staff. They interviewed staff supervisors and key employees in operational and administrative offices, did a literature search, and interviewed city managers in Phoenix and San Antonio, as well as other cities which use district elections. The academy's report revealed that after district elections, Councilors took greater interest in the concerns of their constituents. They generated increasing requests to the staff for information; attempted to influence administrative decision-making and allocation of staffing; and increased their involvement in staff decisions concerning allocation of funds (High Performance Team One, City of San Diego Management Academy XIV, 1990).

In addition, community groups appeared to play a greater role in Councilor's requests for staff assistance. Although some departments (e.g., Park & Recreation; Planning) experienced difficulty because of the Council's increased attention to district concerns, they decided they could not reach conclusions until time revealed what trends might arise from district elections and concomitant workload. The team did come up with

an interesting goal statement, however: "To empower the organization, and all its members, [i.e., the city staff] to provide timely and accurate information, and to take appropriate action, while effectively resisting improper influence by individual Councilmembers" (High Performance Team One, City of San Diego Management Academy XIV, 1990, p.6).

Some believe the election change will eventually lead to a stronger mayor. Dr. Samuel Popkin, UCSD political scientist, said there would be short-run trauma for mayor O'Connor: "She's now the only person who represents the city. It's going to be like the President and Congress—but she has no veto. They need some check-and-balance mechanism to pull the pieces together." Former San Diego City Clerk Phil Acker concurred, "You have no hammer to control the Council unless you have a [strong] mayor" (Hill, 1990, p.168).

Retired Justice (of the Court of Appeal) Ed Butler, who chaired the 1988 Charter Review Commission, is quoted as believing that the mayor should be the chief executive, with the City Council as the legislative body. The commission rejected this idea and settled on granting the mayor a veto, but the Council's conservative majority failed to live up to its promise and refused to allow the commission's recommendations to go to the voters for approval (Hill, 1990).

Summation: At-Large and District Elections

There is an apparent divergence of opinion regarding the advantages and disadvantages of district and at-large elections. In the beginning, at-large elections were used to reduce the influence of political machines and ethnic blocs. In cities with a city manager,

such as San Diego, mayoral power is reduced. City Council Members bemoan the increased length of meetings caused by territorial concerns. Some Councilors, however, feel it is healthy for incumbents to be more responsive to voters.

In cities with district electins, long-term cost reductions appear to be a strong factor. Staffs, however, are placed under greater scrutiny as citizens force Councilors to monitor their decisions more closely than previously.

As a city grows, at-large elections are perceived as prejudicial to minorities and advantageous to the political power structure. It also seems that neighborhoods have greater influence on their municipal government when district elections are in place. The trend is toward at least partial district elections in middle- and large-size cities, despite the additional stresses placed on politicians by the increased attention required to hold onto their seats.

Municipal Redistricting

In California, as in many states,

Elected representatives ... are responsible for drawing up their own district boundaries, presenting the majority ... with an irresistible temptation to draw them so as to ensure ... re-election.... Gerrymandered 'safe' seats discourage qualified opponents from running for office and deny voters a real choice by discouraging potential contributors to challengers." Schmidt, 1989, p. 31).

In March 1992, the Heartland Institute, a conservative think-tank in Chicago, published a study on a mathematical measure of compactness as a weapon against

gerrymandering. Compactness, "... broadly defined, is a requirement that district boundaries be without uncalled-for spikes, indentations or silly meanderings" (Shubart, 1991, p.19). Henry Cisneros (former mayor of San Antonio, Texas and National Civic League Chairman, and now Secretary of Housing and Urban Development in the Clinton Administration), noted that there is a crisis of confidence in representative government that will only increase if reapportionment and redistricting processes are "blatantly partisan and exclusionary" (Shubart, 1991, p. 20).

The League considers six principles for fair and equal districts, including: access to the process for all who wish it; development of a community spirit and identification within a neighborhood or community; minority empowerment for those groups "historically shut out from that process" (Shubart, 1991, p.22); and provisions for healthy competition among those who would choose to run. Fair districts would have equal population; inclusion of existing political jurisdictions; contiguity and compactness; inclusion of communities of interest; and an ability not to cross natural boundaries such as bodies of water or distinct geographic regions (Shubart, 1991).

Changes in election district boundaries are always disruptive and politically sensitive. Political incumbents take redistricting seriously because their jobs are frequently at stake (Brace and Chapin, 1991). Politicians and hired consultants seek boundaries which will favor incumbents and their parties. At the local level, City Council Members typically seek to use redistricting to move up the political ladder. In communities with district elections, the boundary lines are particularly significant, whereas at-large systems render most redistricting questions moot (Brace and Chapin, 1991).

Common Cause (1991) holds that gerrymandering "can ... [eliminate] competitive elections, thus depriving citizens of a real voice in the electoral process and inhibiting legislators' responsiveness to constituents" (p.1). It recommends that open, independent commissions develop redistricting plans, using neutral standards and criteria and public involvement. The courts, however, have held that plans must meet the Court's high threshold of "discriminatory effect" (p.5).

Vested-interest groups are not necessarily concerned with fairness in redistricting, but rather with the effect on the community. Vested interests may get involved in the process or speak through politicians (Brace and Chapin, 1991).

Brace, Grofman and Handley (1987) found that when new districts are created, "sometimes groups long out of power may not be able to capitalize immediately on the political opportunities presented by a new district plan" (p.183).

Those who fought for San Diego's Proposition E, the district-elections measure, were uncertain the change would really provide a more representative Council. "We're going to start meeting, to get more people active in the political process and develop a permanent coalition. We hope that the ... power structure recognize that this ... city [has] diverse interests.... Our big challenge now is to make the new system work" (Fredman, 1988a).

Summation: Municipal Redistricting

Legislators seem (Brace and Chapin, 1991) unable to draw up their own boundaries without taking political longevity into consideration. Theories of neighborhood cohesive-

ness and consensus of issues take a back seat to protection of re-election and advancement possibilities.

Politicians give little thought to the deprivation of citizens who lose their voice in the electoral process (Brace and Chapin, 1991). Common Cause (1991) recommended independent commissions for drawing boundaries, but even then, vested interests' involvement on such commissions can subvert the process.

The Initiative Process and Recall

Early History

Three direct democracy processes are available to Californians: initiative, referendum and recall. They are commonly lumped together under the general rubric of the initiative process, a product of the Progressive Movement, which began in Los Angeles in the early 20th Century (Erie, 1985). The Initiative and Referendum Movement, however, began as early as 1885, when Father Robert W. Haire, a priest and labor activist from Aberdeen, South Dakota, and Benjamin Urner, a newspaper publisher from Elizabeth, New Jersey, became the first reformers to suggest it in this country; the process it had been operating in Switzerland since 1860 (Schmidt, 1989).

Petition, initiative and recall were advocated strongly by progressive and municipal reform movements at the turn of the century. The movements were convinced that population growth and urbanization had made it difficult for citizens to keep officials as responsive as they had been when society was less complex (J. Zimmerman, 1986). Zimmerman (1986) traced petition processes to the Pilgrims and New England town meetings, as early as 1663.

In California, Gov. Hiram Johnson grew tired of watching the Southern Pacific Railroad, the state's largest landowner, exert its power in California's state and local political processes. He campaigned strongly against the company, including support of Initiative & Referendum, which was added to the state constitution in 1911 (Caves, 1989).

In 1912, D. F. Wilcox said,

Men who were supposed to be honest as private citizens, fall under a mysterious spell when they get into office. Time after time the people elect men who betray them. The result is discouragement and indifference....

Important legislation is often determined ... by the skill of the leaders of the assembly in manipulating the parliamentary procedure ... so as to prevent a decisive vote or [in a manner] contrary to the wishes of the majority (Caves, 1992).

Initiative & Referendum began to decline in 1918, under attack by big-business interests and their conservative Republican allies, big-city political bosses and their machines (which feared prohibition). It was even seen as unpatriotic or Bolshevistic (Schmidt, 1989). Just after World War II, the number of initiatives on state ballots rose sharply; at its post-war peak, in 1948, 40 state initiatives reached ballots.

Others argued that initiatives "reduce the responsibilities of representative bodies in a way that amounts to a division of the authority entrusted to them" (Caves, 1992, p.7).

Recent history

Price and Waste (1991) explained that the recent resurgence in the initiative process is based on:

1. The development of a professional petition industry (attorneys, consultants and petition companies) whose livelihood depends on a continuing flow of initiatives;
2. A public angered by legislative inaction and political scandals;
3. The success of some efforts, such as property-tax-slashing Proposition 13;
4. The growth of single-issue politics;
5. Increasing use of counter initiatives in opposition to other initiatives; and
6. Elected officials writing their own initiatives as part of a campaign strategy.

A prime example of officials using the initiative process to get elected is John Kromko of Arizona, known as Arizona's "Mr. Initiative" (Schmidt, 1989). In 1976, with a small group, he succeeded in putting on the state ballot an initiative to phase out nuclear power. Although the initiative lost, Kromko's leadership got him his first term in the legislature. Unsuccessful in the legislature, he launched a statewide initiative to put food-tax repeal on the ballot. (The legislature then acted to repeal the tax.) Kromko later turned to initiatives to circumvent an unresponsive legislature on voter registration, Medicaid funding, construction of a freeway, restrictions on chemical pollution of drinking water, and campaign contribution limitations. His efforts have made him the most effective political figure in Arizona.

Wildavsky (1992), on the other hand, argued that the initiative process is a threat to representative democracy and has gotten out of hand. Three-fifths of the 400 measures that have been proposed in the 80-year history of the initiative, were introduced in the past 20 years. When elected officials write initiatives as part of their campaigns, they can circumvent restrictions on campaign spending. Initiatives offer an opportunity for interest groups to frame and support their proposals without bothersome intermediaries such as politicians running for office and legislatures. There is also a pecuniary motive: people who provide signatures for a fee and/or run campaigns receive fees that can run into millions of dollars. Descriptions are unclear and difficult to read; television spots are not educational, and the proliferation of measures makes it difficult for citizens to become knowledgeable.

Recall

The recall is a natural extension to the petition referendum and the initiative. "... carried to the extreme, the recall would establish the principle that officials are agents of the voters who have the right at any time to replace their agents" (J. Zimmerman, 1986, p.105). Not everyone thought recall was a good idea. In 1911, President William Taft vetoed admission of Arizona and New Mexico into the Union because of Arizona's state constitutional authorization of recall of judicial officers. Taft said the provision was "so pernicious in its effect, so destructive of independence in the judiciary, so likely to subject the rights of the individual to the possible tyranny of a popular majority ... that I must disapprove [the constitution]" (J. Zimmerman, 1986, p.106).

In 1938, however, Charles A. Beard reported that "the people of California apparently are convinced that [recall] is an agency of security against official betrayal of public trust and an excellent weapon of defense" (J. Zimmerman 1986, p.123).

Ross (1987) stated that recall is "a means by which voters may remove from office elected state or local officials ... before the end of their term.... The public should not have to endure ... an official ... who is incompetent or whose decisions do not reflect public opinion" (p.75). Cronin (1989) agreed and added that recall "sometimes also reflect[s] a campaign to remove an official because of ... policy views ... one person's 'statesperson' is another's 'bum'" (p. 28).

Briscoe (1977) stated, "... newly elected officials may completely change the political situation when they join the City Council. New alliances may ... lead to a highly surprised electorate confronting a Council majority ... they dislike. Often the dynamics of close fellowship within the Council are more influential ... than the ties with a more distance electorate. Recall is one device by which an entire Council majority can be removed at one time. This was done in Palo Alto" (p. 37).

Waste (1989), identified seven stages of community conflict, which precisely describe the Bernhardt recall:

- (1) a specific problem, which leads to (2) a disruption in the normal equilibrium of community relations, (3) escalates via the introduction of new and different issues ... (4) becomes acrimonious ... when personal antagonisms develop among the various parties to the conflict ... thus, (5) opponents are painted in terms that appear totally bad ... the conflict

continues to escalate via (6) charges leveled against the opponent as a person, and (7) the dispute ... becomes independent of the initial disagreement ... resulting in a full-scale ... recall.

Fenno (1992) stated, "Trust is that benefit of the doubt or that predisposition to believe which, when held by a large enough number of constituents, keeps representatives secure in their job and free to exercise a good deal of personal judgment in performing it. Constituent trust, however, cannot be taken for granted. It must be constantly rebuilt, renewed, and rewon" (p.11).

In Oregon, Governor Barbara Roberts has instituted "A Conversation with Oregon," in which she ran a high-tech town meeting which allowed voters to tell her how they think the state should restructure its finances. Garry R. Orren, professor at the John F. Kennedy School of Government of Harvard University, said Ms. Roberts' technique is rooted in two fundamental aspects of governing effectively: listening to constituents and doing what is politically valuable. Orren added that people govern at their peril if they do not use a number of methods to find out what is on the public's mind. Gov. Roberts hopes to find fiscal solutions without incurring voter animosity (Zolkos, 1992).

In an article in the now-defunct *San Diego Tribune*, former Congressman Lionel Van Deerlin (1990) criticized those who deplored district elections and applauded both the systemic change and the recall process, saying, "... it can be seen that some folks have availed themselves of a democratic privilege which [because of at-large elections] long eluded the people of our town" (p.B-6). Bernhardt was elected from a small area;

thus, only 11,240 registered voters needed to petition for recall, rather than nearly 100,000 required signatures, had she been elected city-wide (Van Deerlin, 1990).

In a parallel to San Diego's situation, in Sacramento in 1992, City Councilman Terry Kastanis was slated for recall after voters became angry after a redistricting fight. Unlike Linda Bernhardt, however, Kastanis was instrumental in redistricting a fellow Council Member out of her seat and depriving the residents she had formerly represented of their right to vote for three years (D. Bernstein, 1992).

Summation: Initiative Process and Recall

The initiative, referendum and recall processes have been available in California since the turn of the 20th Century as a means of making officials responsive to their constituents in the face of increasing societal complexity. It has, perhaps inevitably, been commercialized by groups which are able to profit from petition signature gathering.

Although some argue that initiatives have gotten out of hand in recent years, millions of angry citizens use petitions to force politicians to pay attention to the will of the people. Recall is seldom used, partly because of the difficulty of gathering enough signatures in a relatively short time. In small districts (such as municipal school boards and Council districts), however, recall is easy enough that citizens are finding it an easier weapon against their recalcitrant representatives.

Role of the Media in Government and the Political Arena

Linsky (1988) described the influential role of the media on the making and shaping of public policy, while at the same time exerting enormous influence on the nature and content of public deliberation. Linsky said, "Reporters and commentators from the press believe they have a duty to assess how well government officials are meeting their responsibilities..." (p.205).

Voters' decisions on whom to support are dependent on what they know about a candidate and that information depends on what is reported to them by the media (Fenno, 1992).

Entman (1989) stated,

If the media performed as ideally as they should ... democracy might more closely approximate its ideal. Instead, democracy has gained little from the rise of media power.... Even as politicians' consuming attention to public opinion has grown since John Kennedy, the first media president, the majority of Americans have become cynical about politicians and government" (p.129).

Fenno (1990), after doing an in-depth study of the selection and election of Dan Quayle, stated his belief that journalists "come to judgments about politicians too quickly too superficially, and too inflexibly.... Their collective rush to judgment, the incompleteness and the lopsidedness of their evidence, and their large swings in attentiveness, give plenty of support for this conclusion" (p.54). He explained further that this is caused by

their competitive drive, reliance on easily available sources, short-run themes, audience appetite and the homogenizing influence of the pack.

Linsky cautioned that the daily newspaper is in decline. Afternoon papers have been rendered virtually obsolete by afternoon and evening television news programs, which enable Americans to see news that occurred only minutes earlier. The consequence of the demise of newspapers is a distinct narrowing of viewpoints and opinions (Linsky, 1988; Feinsilber, 1991). When a major city has only one or two daily newspapers, the editors' views on public policy are "often unchallenged and unchallengeable.... A single authoritative version of reality necessarily limits the content and the vitality of the discussion" (Linsky 1988, p.208). Linsky added, "What is at stake is the very nature of the conversation about public policy: what is discussed and how it is discussed" (p.208).

The only opposing voices heard in one-newspaper towns are those of "op-ed" columnists (who of course, may be stifled by editors and publishers). The *San Diego Union*, to its credit, does print some opposing editorials, as well as some letters whose writers challenge their editorial policies. Parenti (1989), however, noted that while there are liberal and conservative ones, there are very few socialist columnists in the mainstream press. "Within the mainstream media ... the conservatives ... predominate over the liberals, being more widely syndicated.... How could it be otherwise when the ... media ... are owned overwhelmingly by rich conservative Republicans and get most of their revenues from big corporate advertisers?" (p.265).

"At bottom, freedom of the press belongs to those who own the press—and that means freedom to lie and to suppress information" (Parenti, 1989, p.267). In a 1983 column, conservative columnist James Kilpatrick commented on the expulsion of Janice McKnight, an editor of *The Hilltop*, a student newspaper at Howard University:

Where did McKnight get the right and power to publish whatever she ... pleases? *The Hilltop* is not her paper; she has invested not a dime in its costs.... If my publisher ... said we ought to think a while before running one of my fire-eating editorials, that was it; the piece didn't run. It was his paper, not mine... (p.264).

Parenti continues,

Kilpatrick ... admits he was never editor of a free and independent press. His publisher ... exercised prior censorship.... Freedom of the press for Kilpatrick is not a political right but a prerogative of property and wealth. He is correct when he concluded that's 'what life in the real world is all about'" (p.265).

Kahn and Goldenberg (1991), in a discussion about the dearth of women candidates seeking a U. S. Senate seat, stated that little attention has been given to identify "... the role [the news media] may play in influencing the success of female candidates. Recent studies clarify [their] powerful role ... in campaigns; [they] can influence what voters learn about candidates as well as the criteria voters use when evaluating candidates" (p.181).

The *Los Angeles Times* ran a series in July 1991 on the 200th anniversary of the Bill of Rights. The unnamed author stated that the bicentennial found the press "less welcomed than tolerated by the public with which it shares an abiding dependence on the First Amendment" (p.II-2). It noted, surprisingly, that only 65% of Americans surveyed believed the First Amendment should extend to newspapers.

It may be fallacious that public opinion in San Diego is heavily influenced by the pages of the local press (at least by editorial comments); in the November 1992 election, the majority of voters ignored the *Union's* ballot recommendations. Bell and Price (1988) commented that media endorsements are probably less significant than day-to-day news coverage and content. How an issue is presented ... will have an impact on the voters' basic perceptions of the issues.

Summation: Role of the Media in Government and the Political Arena

It is virtually uncontrovertible that one-newspaper cities have a more difficult time hearing both sides of political issues and that the conservative version is the one most widely promulgated (Parenti, 1989). In addition, as politicians' lives are more and more scrutinized, the people have become more cynical about their delegates.

The press is viewed with suspicion by many of its readers, possibly because they are now able to get more raw news from television. Media endorsements, too, are less significant than in former times.

Local Government Organization Change and Power and Influence in San Diego

Gargan (1990) stated:

Fundamental changes have transformed local government over the past quarter century. City ... governments of the 1990's are qualitatively different from those of the 1960's. More than in the past, elected officials, managers and staffs have to cope with three major changes: (1) heightened complexity, (2) heightened interdependency, and (3) heightened expectations. The ability of city ... governments to deal with change is a test of the viability of their resource base, governing capacity, and management professionalism" (p.6-7).

Anderson (1983) wrote that the City of San Diego had long been dominated by an elite, powerful and influential group of white bankers and businessmen. Denhardt (1981) described power as, "... the relatively greater ability some persons have to control (or dominate) a hierarchically structured group's resources" (p.66). For much of the 1970's and onward, community and neighborhood groups in San Diego believed they were no match for the traditional vested-interest groups that helped shape the City of San Diego. Grassroots organizations, by virtue of their lack of political connections and financial support, were restricted from exercising their voice at City Hall. Referendum, initiative and recall made it possible for coalitions to share not only the City's problems, but its power and influence as well.

In a 1977 article, the *Pacific Beach Sentinel* reported that a recent survey had found that the three most influential people in the San Diego power structure were Mayor Pete Wilson, banker Gordon Luce (of the now-failed Great American Bank) and *San Diego Union* publisher Helen Copley. In the list of 29 leaders, six were elected officials

(only one a City Council member), 17 businessmen, four non-elected public officials and three educators.

Mathews (1991), commenting on a Kettering Foundation 1991 study, noted that the common perception that people are apathetic about politics is "dead wrong" (p.1). The Harwood Group, which conducted the study, found that if citizens were allowed to talk long enough, they were shown to be "deeply angry—not apathetic—at being pushed out of the political system by a professional political class of interest group lobbyists, overly incumbent politicians, and the media" (p.343). Further, the usual complaint about politics is that people do not believe their votes control the system any more, but that money and influence do. One Californian, when asked why he did not vote, stated, "It's simple. I don't want to encourage them" (p.344).

In San Diego, community "gadflies" have forced the City Council to take action (or not take action) and have pushed ballot initiatives. Herb Fredman stated:

Civic uproar would be muted if more citizen participation was invited.
...Leaders should ... spread decision-making ... seek out the troublemakers to learn what is on their minds.... Constant ferment is less dangerous than stagnation. We need more people who pry and probe and put in their 2 cents worth, who are never satisfied with the status quo (Fredman, 1988b, p.B-7).

Summation: Local Government Organization Change; Power and Influence in San Diego

City governments are more complex and interdependent; citizens expect more. San Diego has been long dominated by white bankers and businessmen, but recently,

community groups have made their voices heard by use of referendum, initiative and recall.

People are not apathetic about government; their perceived apathy comes from their frustration at making a difference. They are angry, not indifferent. Civic gadflies in San Diego have forced many changes by forcing themselves on the City Council. The city government would be well advised to invite and welcome comment.

*Political Science Case Study Research
and Learning from Politicians*

The fields of political science and public administration have used case-study research methodology as a legitimate tool in describing and analyzing real situations. Gargan (1990) stated that case study is useful in seeing the multiple dimensions of problems and interrelationships of individual and organizational objectives in policy development. Moreover, case-study research can reveal aspects of a phenomenon that survey research and quantitative modalities may fail to reach.

Johnson and Joslyn (1986) described a number of recent political case studies that were not only exploratory and descriptive, but also explanatory. For example, Johnson and Joslyn (1980) cited an explanatory case study of the implementation of an economic development program in Oakland, California. The 1986 work suggested that although the potential for bias is not limited to case-study research, bias can be minimized by employing a variety of types and sources of evidence in case-study documentation. Using several methods simultaneously can overcome weaknesses in one design by capitalizing on the strengths of another.

Alteriis (1992) described three skills that are crucial for conducting research in political science. They are (1) knowledge of the tools necessary to conduct the research, i.e., the methods and technical know-how required for research design and analysis; (2) substantive knowledge in the subject area, the issues being researched or the ability to absorb new knowledge rapidly; and (3) the ability to function efficiently in a policy-making environment, i.e., the interpersonal skills needed to interact effectively. Alteriis also pointed out that the most effective researchers in the political arena enjoy interpersonal contact, interchange and discussion with those from a wide range of disciplines. Research findings arising from studying political environments should be framed in a way that results can be easily communicated to public officials and their staffs.

According to Waterman and Wood (1992), qualitative research in the field of political science, which may be difficult to quantify or analyze, can generate "useable knowledge" that is relevant and timely to politicians, beaaucratic units, oversight committees, media and the public. Although some political officials may neither encourage nor appreciate scrutiny by researchers, nonetheless, political science research offers an important supplement to existing oversight mechanisms.

Politicians generally concede that they are always looking ahead to the next election. Fenno (1990) quoted an unnamed Congressman who bemoaned his hectic schedule and said

I don't know what I'm doing in this business or why I ever got into it....

You spend so much time and effort—for what? I'll tell you—to get reelect-

ed. I'll be more frank with you than I would be with most people. We spend all of our time running for reelection... (p.89).

In his book on North Dakota Senator Mark Andrews, Fenno (1992) noted that Andrews believed that "the name of the governing game was the ability to accomplish something—that actions taken, decisions influenced, deals consummated paid off in ... constituent approval" (p.136).

Politicians tend to be pragmatic and, even when voters would disagree, to trade their votes. E.g., when asked to explain an unpopular vote, former Senator Mark Andrews said, "You don't not go along with the subcommittee chairman when he is being accommodating to you." He told a reporter, concerning a checkered series of votes, "You have to realize that a lot of this is an exercise.... Legislation is the science of maneuver and accommodation" (Fenno, 1992, p.137).

Summation: Political Science Case Study Research

Case-study research is useful in seeing the dimensions of a problem.

Politicians are not what voters perceive: politicians worry more about reelection than governing, more about accommodating other politicians than on following a philosophy.

I was unable to locate any studies on a recall election in the midst of a redistricting effort. In a further search for data, I contacted Election Data Services (Washington, DC) and the University of Texas School Institute of Urban Studies. I received replies from both stating that they knew of no other instance of this juxtaposition of events. Likewise, I found no data on the role of the press in a recall (Brace 1992; Taebel, 1992).

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

Introduction

In 1988, I was a graduate student at Harvard University, living in Cambridge, Massachusetts. Although I had resided in San Diego for many years, at Harvard I was not aware of key issues emerging in San Diego politics since I did not read San Diego newspapers and did not keep up with local events. While I was away, voters in the City of San Diego passed Proposition E, a measure intended to change the city's municipal electoral system from at-large to district-only elections. I returned to San Diego in the Fall 1989, just in time to observe the first district-only election campaigns. The terms of the Council incumbents from Districts One, Three, Five, and Seven were due to expire. Entering the race were ambitious, relatively unknown newcomers without personal wealth or ties to traditional sources of power. Linda Bernhardt was one of these individuals.

After the election, the new district-elected representatives took their seats alongside their four colleagues, who represented Districts Two, Four, Six and Eight, and had been elected in the city's last, and final, at-large election in 1988.

From their first days in elected office, the newly comprised Council and mayor did not get along. I watched as they bickered and squabbled in the course of conducting Council business. I later learned through my research that this was partly due to a power

struggle between two opposing factions on the Council. Each held fundamentally different philosophies about the benefits and limitations of district-only elections, which resulted in a clash of values, which affected their Council performance and interfered with the general operations of city government. The hybrid Council system ended in November 1991, when all Councilors were elected by district.

While the redistricting of the city was under way in 1990, I followed its progress and paid particular attention to the emerging problems of first-year Councilwoman Linda Bernhardt. The newspapers provided descriptions of Bernhardt's erratic voting pattern, solicitation of financial support from developers to retire her campaign debt, involvement in finding a solution to the Miramar Ranch North community dispute, and participation on the progressive majority voting bloc. I read about voters in the Fifth District of the City of San Diego who successfully initiated a recall movement against Bernhardt and voted her out of office in April 1991.

I decided to conduct a case study dissertation of Bernhardt's rapid political rise and fall. I did not know her, but was given her phone number and contacted her in the summer of 1991. I asked if she would be interested and willing to participate in dissertation research which would describe and analyze her tenure in office. She was agreeable, and we met a few weeks later.

At our first meeting, I discussed my intention of writing a descriptive research study which would focus on her political career. I also informed her that it would require the participation of other people to get a well-balanced perspective. Bernhardt agreed to the purpose and methods for the research. After gaining approval from the University

of San Diego's Committee on the Protection of Human Subjects, I began my research interviews with Linda Bernhardt and other research participants in February 1992.

This dissertation documents how the synergy of events, coupled with Bernhardt's own personal style, brought about her recall from elected office.

Case Study Method and Historical Analysis

I used case study methodology and historical analysis in combination to conduct my study. I shall discuss the rationale for each method, beginning with case study methodology. The writings of Bromley (1986) and Yin (1984) were useful in supporting the use of case study methodology. Bromley (1986) said:

Case study may ... be appropriate when information gleaned from participants is not subject to truth or falsity but can be subject to scrutiny on the grounds of credibility. In fact, the aim of a case study is not to find the "correct" or "true" interpretation of the facts, but rather to eliminate erroneous conclusions so that one is left with the best possible, most compelling, interpretation. (p.30)

Yin (1984) added that a case study is most appropriate when "a how or why question is being asked about a contemporary set of events, over which the investigator has little or no control" (p.20). Both authors' descriptions fit the conditions of my study, in which multiple responses were necessary to capture the who, what, when, where and how of the issues I sought to understand and analyze.

This case study was both descriptive and interpretive. Mirriam (1988) defined descriptive case study as "present[ing] a detailed account of the phenomenon under study -

- a historical case study that chronicles a sequence of events, for example" (p.27). Mirriam also stated that in interpretive case study the researcher "gathers as much information about the problem as possible with the intent of interpreting or theorizing about the phenomenon" (p.28).

I employed historical analysis because it was necessary to research past events in the City of San Diego. I used primary sources, such as eyewitnesses to the events described herein, and secondary sources, such as articles describing the events as they occurred. Marshall and Rossman (1989) stated that historical analysis is:

A method of discovering, from records and accounts, what happened in the past.... [It] is particularly useful in qualitative studies for establishing a baseline or background prior to participant observation or interviewing.... [and] in obtaining knowledge of previously unexamined areas and in re-examining questions for which answers are not as definite as desire (p.95).

A weakness of historical analysis is that there is neither direct observation nor a way to test a historical hypothesis (Marshall and Rossman, 1989). Since the events described in this dissertation occurred in the recent past, I was able to identify and interview eyewitnesses to the events described, and, by comparing and contrasting reports, discern the veracity and reliability of their stories (Mason and Bramble, 1989). The research findings emerged as a result of integrating and analyzing the data by employing both case study and historical analysis.

Appropriateness of Methodologies

The uniqueness of the study situation was the rationale for choosing case study methodology Mirriam (1988). Additionally, since the research focused on past events, this study lent itself to the tools of historical analysis, including reviewing archival data, newspaper articles, journals, government documents and confidential reports (Marshall and Rossman, 1989).

My research showed that varying versions of the truth were involved in describing and interpreting the significant events in Bernhardt's tenure in office and in the redistricting and recall processes in the City of San Diego. Mirriam said, "Qualitative research assumes that there are multiple realities -- that the world is not an objective thing out there but a function of personal interaction and perception. It is a highly subjective phenomenon in need of interpreting rather than measuring" (Mirriam 1988, p.17).

Guba and Lincoln (1989) stated, "Knowledge is a human construction, including all theories and methodologies" (p.67, emphasis in original). They continued, "Different stakeholders will have different constructions, which, while perhaps differing in the scope of already constructed knowledge accounted for and in their level of sophistication, are nevertheless legitimate and worthy to honor" (p.67). Guba and Lincoln also pointed out, however, that "it does not mean that those constructions cannot be challenged or refined" (p.67). In my interviews with different stakeholders, I was able to capture various versions of events, describe them, and corroborate those events when views were shared among several participants and/or described in news articles.

Participants

I researched archival government records and newspaper articles of the period to produce a list of individuals who played a major role in Bernhardt's political career. From the list, I selected interview subjects based on several factors, including the individual's

- (1) personal knowledge of or involvement in Linda Bernhardt's political campaign,
- (2) knowledge of Bernhardt's Council tenure, including involvement in Bernhardt's Council office, participation in city hall activities, and issues of importance in her district,
- (3) participation in redistricting,
- (4) participation in Bernhardt's recall, and
- (5) knowledge of City of San Diego history and ability to analyze and interpret events.

From February through June 1992, I interviewed members of Bernhardt's former City Council and campaign staff; current and former members of the San Diego City Council; Mayor O'Connor's staff; senior managers in the City of San Diego; citizens serving on City commissions; members of the media who cover the City's activities; citizens responsible for the switch of electoral systems; and citizens who played key roles in Bernhardt's political career. It is interesting to note that my research participants ventured into important topic areas in which I had little, if any, prior knowledge. This became evident early in my research.

I began my initial interviews with prepared research questions which did not include a few key areas of crucial importance to understanding the evolution of

Bernhardt's political career. This was due, in part, to having lived away from San Diego when issues described in this dissertation were emerging and at the forefront of San Diego politics, my non-involvement in Bernhardt's political career and my non-residence in the Fifth District. Chapter 7, Miramar Ranch North, is an example of a crucial series of events that were not evident to me when I began my research. Its significance became clear after conducting in-depth interviews with research participants who were key players in this community controversy and by reviewing archival data.

Additionally, sections of Chapter 5, which detail Ms. Bernhardt's relationship to her campaign manager Rick Taylor, is another example of new information which emerged as a result of my research interviews. Many research participants held pointed opinions about Bernhardt and Taylor's professional relationship, an area whose importance I originally failed to grasp. Opened-ended and candid participant research interviews, however, revealed its significance. As a result, this study is richer and more detailed due to the dimensions added by open-ended participant interviews. Participants' first-hand accounts of events led to a greater understanding of the complex story of San Diego politics from 1988 through 1991, and Ms. Bernhardt's rise and recall from office.

The following individuals participated in the dissertation research. I received permission and consent from every person interviewed to use their on-the-record audiotape to write this study. Asterisks (**) indicate that those specific audiotaped interviews were quoted in writing the study. Audiotaped interviews of research participants whose tapes were not quoted were, nonetheless, invaluable for corroborating the study and shedding light on the emergence of research themes. Whenever possible, I attempted to interview

at least two individuals from each stakeholder viewpoint. When the information arising from shared stakeholder views was similar, I generally quoted from the individual who served as the titular head or leader of the group. Also listed are individuals who were asked to participate in the study but declined.

Interviews

List of Participants

Charles Abdelnour, City Clerk, City of San Diego

Barbara Bamberger, Conservation Coordinator, Sierra Club, San Diego chapter, 1986--1991

****Tom Behr**, Councilman, Fifth District, City of San Diego April 1991-

****Linda Bernhardt**, Councilwoman, Fifth District, December 1989-April 1991

Leonard M. Bernstein, Assistant Editor, Orange County edition, and former staff writer, *Los Angeles Times*, San Diego County edition

Ray Blair, City Manager, City of San Diego, May 1978-July 1985

Jim Bliesner, Co-Chair, Neighborhoods for District Elections

****Dennis Borlek**, Member, Recall Bernhardt Committee

****Kathleen Zaworski-Burke**, Board Member, Homeowners of Peñasquitos Association, President-1987-1988; Board of Directors, Friends of Los Peñasquitos Canyon, Inc., 1986- 1991, President-1989; Executive Assistant to Bernhardt for San Diego City Council campaign, April-September 1989

Justice Edward T. Butler (retired), Chairman, City of San Diego Charter Review Commission, 1988-1989

S. Lynne Carrier, Writer, *San Diego Daily Transcript*

****Tim Chelling**, Director, Editorial and Community Services Department, KNSD Channel 39

Maria Martinez-Cosio, Assistant Director of Public Relations, Director of Community Programs, University of San Diego

Coleman Conrad, Deputy City Manager, City of San Diego

****Chris Crotty**, Chief of Staff to Councilwoman Linda Bernhardt, December 1989-April 1990

****Benjamin F. Dillingham, III**, Chief of Staff to San Diego City Mayor Maureen O'Connor, 1986-1992

****Edward L. Fike**, former Editor, editorial pages, *San Diego Union*

****Kathy Gaustad**, Chairwoman, Recall Bernhardt Committee

Bob Glaser, Political Consultant, The La Jolla Group

Paul A. Grasso, Jr., Executive Assistant to Councilman Ron Roberts, 1987-1992

****Dan Greenblat**, Chief Special Assistant, San Diego County Sheriff's Department, Member, City of San Diego Redistricting Advisory Board, 1990

Mikel Haas, Deputy Director, Elections, Office of the City Clerk, City of San Diego

****John Hartley**, Councilman, Third District, City of San Diego, 1989-

Jerry L. Harris, Attorney, Harris, Harris & Harris

****Walter Heiberg**, Vice President, Planning and Acquisition, McMillin Communities

Allen M. Jones, Chief of Staff to Councilman Bob Filner, 1987-1990

****John Kern**, Political Consultant, Anderson & Kern, and Member, City of San Diego Redistricting Advisory Board, 1990

****Kim Kilkenney**, Legislative Director, Construction Industry Federation, 1980-1989; Vice President, The Baldwin Company

****Robert Kittle**, Editorial Page Editor, *San Diego Union-Tribune*

David Kreitzer, Chairman, San Diegans for Managed Growth, 1985-1987, 1991-

****Aurie Kryzuda**, Assistant Chief of Staff to Linda Bernhardt (December 1989-April 1990) and Chief of Staff, April 1990-December 1990

Joyce Lane, Elections Analyst, City of San Diego

****John Lockwood**, City Manager, City of San Diego, October 1986-March 1991

****M. James Lorenz**, Attorney, Lorenz, Alhadeff & Oggel

David Lundin, Attorney, Offices of David Lundin

Mike Madigan, Senior Vice President, Pardee Construction Company

Jerry Mailhot, Chairman, Carmel Valley Coalition

Judy McCarty, Councilwoman, Seventh District, City of San Diego, 1985-

Karen McElliott, Member, Recall Bernhardt Committee

Charles L. McKain, III, Attorney

****Robert G. Meadow**, Ph.D., President, Decision Research, Inc.

Floyd L. Morrow, Councilman, Fifth District, 1965-1977, City of San Diego, and candidate for the Fifth District Council seat, 1991

Timothy L. O'Connell, Aide for Land Use Issues, Office of Mayor Maureen O'Connor, City of San Diego, December 1986-1992

****Ron Ottinger**, Chair, Sierra Club Committee on Political Education (SCCOPE), San Diego Chapter, 1987-1991

****Michael J. Pallamary**, Director of Administration, Recall Bernhardt Committee

Frank Panarisi, President/CEO, Construction Industry Federation

****Joey Perry**, Senior Planner, City of San Diego Planning Department

Jay Powell, Environmental Programs Director and community representative to Mira Mesa, Linda Bernhardt Fifth District Council office, January 1, 1989-December 27, 1990

Wes Pratt, City Councilman, Fourth District, 1987-1991

****Larry Remer**, Political Consultant, The Primacy Group, Inc.

****Jeanette Roache**, Former Director of Community Affairs, Building Industry Association, 1984-1990, and former Member, City of San Diego Charter Review Commission

****Sheryn Sherrer**, Volunteer Coordinator, Save Miramar Lake Committee

Kenneth K. So, Deputy City Attorney, City of San Diego

George Story, Management Assistant, Office of the City Manager, City of San Diego

****Mac Strobl**, President, TCS Governmental Consulting, Inc.

****Ed Struiksma**, Councilman, Fifth District, City of San Diego, 1981-1989

****Rick Taylor**, Campaign Consultant to Linda Bernhardt, JR Consulting

****Bob Trettin**, Political Consultant to Recall Bernhardt Committee

****Gary Underwood**, Chair, Save Miramar Lake Committee

David J. Valladolid, Chief of Staff to Assemblyman Peter R. Chacon

Gerald L. Warren, Editor, *San Diego Union-Tribune*

****M. Howard Wayne**, Treasurer, Neighborhoods for District Elections

****Leo Wilson**, Campaign Treasurer, Linda Bernhardt for City Council, Fifth District, City of San Diego

John W. Witt, City Attorney, City of San Diego

Abbe Wolfsheimer, Councilwoman, First District, City of San Diego, 1985-

****Louis Wolfsheimer**, Attorney, Milch & Wolfsheimer

Mark Zerbe, former Executive Committee Member, San Diego chapter of the Sierra Club

Alan Ziegaus, President, Stoorza Ziegaus & Metzger

The following individuals were asked to participate in the dissertation research but declined:

Jean Andrews, former Fund-raiser for Linda Bernhardt, JR Consulting

Ellen Capozzoli, Council Representative (1981) and chief of staff to Councilman Ed Struikma, 1982-1989

Helen Copley, Publisher, *San Diego Union-Tribune*

Bob Filner, Councilman, Eighth District, 1987-1992. Eighth District Council staff and Filner for Congress campaign staff

Lee Grissom, President, Greater San Diego Chamber of Commerce, 1975-1992

Roger Hedgecock, Mayor of San Diego, May 1983-December 1985

Bruce Henderson, Councilman, 6th District, City of San Diego, 1987-1991

Corky McMillin, President, McMillin Development

Ed Miller, District Attorney, and district attorney staff, San Diego

Maureen O'Connor, Mayor, City of San Diego, 1986-1992

Ron Roberts, Councilman, Second District, City of San Diego, 1987-

Jim Sills, former Chief of Staff to Councilman Bruce Henderson, 1987-1991

Interview Sites

I held interviews at work sites and at the homes of participants, whichever was preferred. I interviewed 60 individuals, and nearly one-third of the interviewees were interviewed twice. Thus, it required scheduling a couple of visits to interviewees homes or offices. On several occasions, interviews were conducted at my residence when it was not convenient to meet at a participant's home or office. All interviews were conducted in complete privacy.

Archival Document Review

I reviewed participants' personal files of archival data at my home, and government documents at the San Diego city clerk's office and in reference libraries. Research participants willingly and enthusiastically loaned me their personal files pertaining to events bearing on this study. Moreover, individuals who learned about my research also expressed their eagerness to provide me with articles and files that they believed were relevant to this story. The sheer volume of newspaper articles and editorials, political campaign literature, internal memoranda, personal files, maps, video tapes, and other collateral materials became daunting.

Because it was vital that I have a good grasp of the history of this issue, I systematically reviewed, notated and chronicled the 1988-1991 period in the Fifth District of the City of San Diego. It was a complex task. I began by arranging the archival data in chronological order to more easily manage it. I spent six weeks working full time preparing a chronology of key events beginning in mid-1988, when issues pertaining to district elections were gaining momentum and ended the chronology in mid-1991 when Linda Bernhardt was recalled from office.

In between, I developed an accurate data map of people, issues and daily events during this three year period. Indeed, the data map became my guide when listening to participants' audio tapes. I was able to understand the significance of events that participants were describing and correlate them to other events that were occurring simultaneously. Themes and events of particular importance emerged that became the focus on my research. Had I not taken the time, early on, to prepare the date and event chronology,

I would have gotten lost in the enormous quantity of data I had collected. The data map assured that I was able to accurately and fairly follow and describe the many threads of San Diego city hall politics and Linda Bernhardt's political career.

Research Interview Process

Research participants were initially contacted by formal letter and/or by telephone. I described the purpose of my research, the fact that interviews would be audiotaped and on the record, and the time required to conduct the interview. I then scheduled appointments with participants in advance to meet them at their residences or offices. Before beginning interviews, I described the purpose of the research, and had participants review and sign the consent form [see Appendix 1]. The interview protocol consisted of ten research questions [see Appendix 2]. All interviews were voluntary. I informed interviewees that interviews were on the record and that information given me would be incorporated into my dissertation.

Most interviews required two to four hours. There were many issues to cover and, due to the emerging and opened ended nature of the research, participants were free to introduce issues they considered meaningful to the study, that I had not raised due to my lack of knowledge. When this occurred, interviews took more time than originally planned. At least one-third of research interviews were conducted over several meetings to give the participants ample time to cover the topics and review their archival data. On many occasions, participants vigorously thanked me for taking the time to interview them, getting their interpretation of events, and documenting this important period in San Diego's history.

Participants appeared comfortable discussing the controversial issues researched for this dissertation and in expressing their opinions. Those who were uncomfortable either chose not to volunteer or did not volunteer specific pieces of information during interviews. I did not press for information. Others asked to have the tape recorder turned off before they spoke about specific topics. No notes were made of those discussions and their names were not revealed. Rather than being cited by name, their comments are attributed to informed sources.

Interviews with Linda Bernhardt took over 40 hours. We usually met in late afternoons during the week and broke for the evening several hours later. The interview process was exhausting for Ms. Bernhardt as well as for me. In many instances, it was painful and difficult for Ms. Bernhardt to remember events in which she participated or that she had authorized. However, there was never a time when Ms. Bernhardt withheld information or was anything less than forthright. In fact, Ms. Bernhardt discussed, in detail, her political career and the people who influenced her. Over the weeks and months that followed, I revisited topics with Ms. Bernhardt of particular importance to ensure they were adequately covered. I gave Ms. Bernhardt the opportunity, per her consent form, to delete and edit any statement in her transcripts [see Appendix 3].

I gave research participants a copy of Chapters 4-9, the Presentation of the Research, because their interviews or information were used in writing those chapters. I offered participants an opportunity to write a rebuttal for inclusion in the dissertation's appendices. Participants named in the dissertation, but who chose not to participate, were

also given copies of chapters 4-9. I received no rebuttal statements. Surprisingly, all granted permission to use their audio tapes in the writing of this study.

I audiotaped and transcribed all interviews. I also listened to audio tapes of key research participants to remember voice inflections and changes in patterns of conversations. I read transcriptions, searching for patterns and themes, and grouped themes to weave a story which relied on participants' direct observations and correlated those to archival records.

In several cases, I telephoned participants to seek clarification of key points. Based on in-depth descriptions, which were corroborated by more than one research participant, I was able to accurately reconstruct, describe and analyze Linda Bernhardt's political career, which was extremely complex. The most significant concern for me was ensuring that all dates and individuals involved in key events were correct. This challenge was addressed by reviewing transcriptions to confirm dates and individuals involved in events, reviewing newspaper articles describing those events, and when possible, seeking additional corroborative evidence to validate the accurate recording of research findings.

Audio tapes are stored and locked for safe keeping, along with my personal and confidential notes pertaining to the writing of the dissertation research. I am the only person who has access to them.

Ethical Concerns

This study was conducted on the record, which posed some risks to participants in being forthright and candid in their observations. They knew as well as I that not everything that occurred in the course of Linda Bernhardt's tenure on the City Council,

the city's redistricting process and recall of Bernhardt was constructive. Gargan (1990) stated that ethics problems arise when there are "competing definitions of appropriate professional or political behavior" (p.6). I anticipated obtaining some conflicting data and conclusions as to what happened and who should bear responsibility. Participants in government and the political arena, however, are accustomed to controversies and differences in values and outlooks; all participants were willing to discuss the issues raised in this study.

Although Bernhardt knew that my findings might portray her political career in an unflattering light, she sought an accurate documentation of her tenure, including the redistricting and recall processes. She believed the study would further knowledge regarding actions of local politicians and their staffs, and describe the political milieu as it existed during her time in office. Additionally, she hoped readers would learn from her experiences and gain an understanding of and appreciation for the complex issues and personal agendas facing politicians at the local level.

Analysis of Data

Patton (1990) said that "[Thick] description is ... balanced by analysis and leads to interpretation. Endless description becomes its own muddle. The purpose of analysis is to organize the description so that it is manageable" (p.430). I combined the tools of case-study methodology with historical analysis. Mirriam (1988) has noted that the rationale for [combining methods] is that the flaws of one method are often the strengths of another, and by combining methods, observers can achieve the best of each, while overcoming their unique deficiencies.

I used a member-checking process that Guba and Lincoln (1989) described as: Testing hypotheses, data, preliminary categories and interpretations with members of the stakeholding groups from whom the original constructions were collected. Additionally, it allows respondents the chance to correct errors of fact or interpretation, and provides interviewees the chance to offer additional information, especially by allowing them to "understand" a situation as a stranger understands it. It puts the respondent "on the record" as having said certain things and as having agreed that the interviewer "got it right" (p.239).

I rigorously member-checked and triangulated research findings to ensure the study was both factual and fair in its representation of the people and events described herein.

Conclusion

The rich and comprehensive description that characterizes this study was made possible by my archival chronology, combined with in-depth interviews with individuals directly involved in the events described in this dissertation and with other individuals who contributed to an understanding of certain historical events in the City of San Diego.

CHAPTER 4

PRESENTATION OF THE RESEARCH

DISTRICT ELECTIONS, THE FIFTH DISTRICT OF THE CITY OF SAN DIEGO AND THE ELECTION OF LINDA BERNHARDT TO THE SAN DIEGO CITY COUNCIL, 1989

It was a very special time. It was an emotional high. Everybody felt it, even if they weren't in the district, even if they weren't for Linda. They felt it. It was electrifying! It was a fairy tale, it really and truly was. We all were so close, and we had ... such hopes! And then they just were so shattered! Totally shattered! I feel badly for the people I don't see anymore who worked so hard on the campaign.

-- Aurie Kryzuda, remembering Linda Bernhardt's
1989 campaign, personal communication, March 29, 1992

Introduction

This chapter introduces some of the major issues and events in the City of San Diego between 1988 and 1991, answers the research questions about events in the Fifth District that led to Bernhardt's 1989 election to the City Council, and lays the foundation for understanding how these elements came together and formed the basis for Bernhardt's recall.

The chapter is organized thematically and chronologically in order of the events that led to the election of Linda Bernhardt. It includes (1) a detailed discussion of the city's switch from an at-large to a district-only election system in 1988; (2) descriptions of the Fifth District; former Fifth District Councilman Ed Struiksma and the economic

and political climate during his tenure in office; the rise of Save Miramar Lake Committee and its role in the Fifth District; Linda Bernhardt and her rise as a Fifth District City Council candidate; and the Fifth District's first district-only City Council race in 1989, with emphasis on campaign structure, key campaign events, the centrality of the controversy between the Save Miramar Lake Committee and the proposed development of Miramar Ranch North, and the run-off election between incumbent Struiksma and challenger Bernhardt. The chapter concludes with a brief analysis of the campaign between Struiksma and Bernhardt.

The issues and events described in this chapter and the following five chapters are related. No single element could have led to the rapid rise of the Fifth District's first district-only council representative, Linda Bernhardt, and her equally swift and abrupt political demise.

*Voters Approve the City of San Diego's Switch From an At-large
to a District-only Election System*

In a fifth attempt over 20 years, voters in the City of San Diego finally approved switching from an at-large to a district-only election system. A grassroots organization called Neighborhoods for District Elections, a coalition of neighborhood organizers, in concert with environmental activists, successfully spearheaded the initiative. Starting in December 1987, Neighborhoods for District Elections collected 55,000 signatures, citywide, to meet a June 1988 deadline to qualify for the November 1988 ballot (F. Zimmerman, 1987).

The mainstream press looked unfavorably on the proposed switch to district-only elections. For example, the *San Diego Union*, and KFMB television vigorously expressed their opposition (E. Fike, personal communication, April 24, 1992; Myers, 1988). The *San Diego Union* (1990b) reported that Mayor Maureen O'Connor was equally blunt in her negative view of district-only elections.

Yet, district-only elections had strong support. A professional telephone poll conducted in August 1988 concluded:

... Voters show a strong preference for District Elections. Historically, however, initial polls have shown wide support for District Elections, only to see that support erode during a protracted campaign. In our judgment, erosion of support is less likely to occur than has been the case in the past for several reasons. First the attention of the development community is likely to be diverted because of the growth limitation measures [Propositions B, H, J & K] on the ballot at the same time. Second, because the ballot is crowded, voters may suffer from information overload, and respond to ballot measures with their "gut" initial response, which ... is favorable to District Elections.... It is very difficult to target voters.... This represents an opportunity to build bipartisan consensus.... The strongest arguments for District Elections are that they provide more control, and that they are the traditional way to elect government officials. The most powerful arguments against District Elections are that at-large elections serve the entire city, and that District Elections may mean a loss

in the power of individual voters.... [Mayor Maureen] O'Connor's position on District Elections will be of little importance to the voters. Decision Research (p.23; emphasis in original).

By way of background, it is useful to understand how San Diego's election system worked for 57 years. In the two-tiered election system, candidates for City Council first ran in district-only primaries. The two highest vote-getters in each district then faced each other in a citywide general election run-off. The winner then represented the district in which he/she originally ran. Only the mayor and city attorney, elected city-wide under the former (at-large) and present (district-only) systems, remained at-large.

Neighborhoods for District Elections (1987) identified many reasons to change from at-large to district-only elections: A belief that real estate developers, special interest groups and the media could influence, and therefore control, citywide elections and politicians; the potential to slow growth; less money would be required to run a campaign than a district-only campaign; and council members would be more responsive.

To justify their position that council members did not represent the majority interests of their districts, Neighborhoods for District Elections (1988) and others (Remer, 1988; J. Bliesner, personal communication, February 18, 1992; H. Wayne, personal communication, February 22, 1992) supportive of district elections, pointed out that in 1988 alone, half (4) of the then-present council members were not the first choice of voters in their district but had won election in the citywide run-offs.

Political pollster Dr. Robert Meadow (personal communication, April 23, 1992) stated, "a number of liberal groups [had] difficulty in electing their candidates. Running

a district-only election campaign "is relatively inexpensive; it's more labor-intensive. The progressive group of liberal activists in San Diego always had more labor than they had money." He further stated that the timing was right in 1988 because of "[the] unique configuration—the fatigue with development and a better organized campaign."

The switch held the possibility of diminishing the influence of the Copley Press, which ran the major newspaper in the San Diego region. Community activist, Al Ducheny (1989), wrote in *San Diego Newslines*:

District elections severely undercut the ability of the *San Diego Union* to designate who will wield power at City Hall. In former, happier times for the *Union*, a blessing from owner Helen Copley and her editorial staff took prospective candidates a long way on their road to elected political office. The *Union* had only to tag one candidate 'able' (usually incumbents) and the other 'undistinguished' (usually the challenger) to its thousands of readers, and hopefully an unsophisticated public would look no deeper into the matter.

Political consultant Dick Dresner said to *San Diego Union* reporter J. O'Connell (1988):

Under district elections, each council member would only have to please the voters in his district, not citywide, to insure re-election. Council members, therefore, would be more distanced from influence by the mayor, whose leadership role in the city would diminish. (p.B-1)

That view was corroborated by John Lockwood, the first city manager under the new election system (J. Lockwood, personal communication, April 27, 1992). Councilman Bob Filner commented to *San Diego Union* reporter O'Connell (1988), "This is a really critical election. This measure [district-only elections] could change dramatically the political power bases in this city" (p.B-1).

The November 1988 ballot included four managed growth measures as well as the initiative for district-only elections.¹ The building industry had worked hard in the past to defeat growth limitation initiatives. This time, however, they gave priority to defeating growth-management ballot measures they believed could be extremely deleterious to their industry (J. Kern, personal communication, June 5, 1992; K. Kilkenny, personal communication, May 13, 1992). If the measures were successful, their influential lock on city politics would diminish and other special interest groups, who had historically lacked financial resources, power and influence, would see their power dramatically increase.

According to the *Los Angeles Times* (L. Bernstein and Horstman 1989), defeating the four growth-control measures (Propositions B, H, J and K) was the most expensive campaign in city history. The building industry raised \$2,315,178, outspending proponents 30 to 1. In this atmosphere of heightened awareness of pro-growth vs. growth-management issues, district-only elections squeaked by.²

Fifth District Councilman Ed Struiksma, 1981-1989

Ed Struiksma, a conservative Republican, former police officer and Vietnam veteran, won the Fifth District City Council seat in 1981. He served during a period when San Diego experienced unprecedented growth, much of it in the Fifth council District. Struiksma said, "... The Fifth District was, by plan and design, supposed to receive the new development in the city. It is the Urbanizing Area.... That's where the development was supposed to occur! If you didn't put it there, if you didn't put it in the I-15 corridor ... then you back [it] into the old neighborhoods where people didn't want it" (E. Struiksma, personal communication, March 11, 1992).

Struiksma also believed that older communities did not pay their way in the city and that tax dollars from the newer communities on the I-15 corridor were being used to provide services to other older areas, such as Golden Hill and North Park.

Struiksma was a strong believer in property rights. He encouraged and promoted building and development in his district. He negotiated well on behalf of his district and obtained public improvements and benefits from developers above and beyond what was usual and fair. Struiksma said:

I would say to the developers, "All right, you've done this [for the community].... You have this [building] plan; it's got these approvals, it's consistent with the community plan; but the community needs a new park, or, the community needs a new library." I would never use the word "extortion" but I used to get the improvements that were above and beyond what the community was entitled to. The community appreciated it. I

would make these deals, and they were deals, but not at the expense of the community.... Development is your cash cow. God only knows the City of San Diego general fund can't do it [build new facilities for communities]!³ (E. Struiksma, personal communication, March 11, 1992).

In 1982, Struiksma began his political career on a note of controversy. In his first six months in office, having campaigned on a promise to hold down public spending, Struiksma made newspaper headlines when it was discovered he had overspent his Fifth District council budget by \$13,000 and ordered the remodeling of his City Hall offices at a cost of \$10,180. He also requested an additional 32% increase in his council office budget and placed his campaign manager on the city payroll for one month (*San Diego Tribune*, 1982)

Struiksma, an astute politician, also willingly used retaliatory tactics. In 1983, for example, the *Los Angeles Times* reported [Struiksma]

launched a behind-the-scenes campaign to foil a proposed mayoral appointment. Struiksma who [was] miffed because [then-mayor Roger] Hedgecock overlooked him ... when naming his choices for leadership positions on [city] council committees, [was] trying to enlist his conservative brethren on the 10th floor at City Hall in blocking the appointment of [a] Hedgecock ally as deputy mayor (Frammolino 1983).

Struiksma was a handsome, articulate and popular politician [see Appendix 4 for a photograph]. He enjoyed the good will accorded him by many of his district constituents and breezed through his first four years in office. His 1985 re-election campaign

was so easy, in fact, that he had no reason to spend his entire campaign war chest. Instead, Struiksma decided to use his funds to support independent expenditure committees to assist two 1985 City Council candidates—Abbe Wolfsheimer, who won the First District election, and Jeanette Roache, who lost to Judy McCarty in the Seventh District. Ironically, McCarty and Struiksma became close colleagues on the City Council but Wolfsheimer and Struiskma never became allies.

Struiksma explained his reasons for making expenditures on behalf of those two candidates.

I did it to create some IOUs.... Had I been successful on both accounts, those two individuals would have felt a certain obligation to me; not on everything but on those things that were important to me. I would be in a position to remind them of the assistance they had received. That's basically the way the game is played and it made good sense at that point (E. Struiksma, personal communication, March 11, 1992).

Struiksma served on the San Diego City Council during a long period in which the council was conservative, predominately pro-business and pro-development. A majority of five Republican councilors wielded the power to direct the course of the council. In 1988, the bloc consisted of councilors Struiksma, Bruce Henderson, Ron Roberts, McCarty, and Gloria McColl, dubbed the "Gang of Five" by liberal Democratic councilman Bob Filner.⁴

In December 1988, bucking Filner's expressed desire to chair the council's Public Facilities and Recreation Committee, the committee with the most environmental legisla-

tion, the pro-growth majority voted instead to appoint conservative, pro-development Sixth District councilman Henderson as chair.⁵ Additionally, the majority used its voting strength to remove more than \$1.5 million in federal poverty funds that had been earmarked for Filner's district.⁶ Filner remembered these political slights and, in upcoming council elections, worked hard to assist the election of candidates with whom he shared similar philosophies.⁷

Changes within the District

By 1989, after eight years in office, the Fifth District had changed. Struiksma said, "In 1989 we were on the crest of a good living. People were very concerned about the environment, people were generally taking time to get involved in issues that they probably wouldn't care about.... The message was one of pro-environment, anti-development. And it was a message at that time that was selling. In retrospect, I don't know if there's a great deal I could have done to stop it. I was at the right place at the wrong time" (E. Struiksma, personal communication, March 11, 1992).

Political consultant John Kern used an allegory to describe San Diego in the late 1980's:

... Development was very much like a meal. No matter how balanced the meal [was], if you ate too much of it, you were going to get sick. You couldn't absorb it.... It may have been very well planned, it may have been very well executed. The fact is there was so much of it! Pretty soon people choked on it. Streets were congested! Traffic got worse! There were so many people! Every time you look around there was another

hillside or valley bulldoze (J. Kern, personal communication, June 5, 1992).

Those concerns spawned the evolution of a powerful, political, short-lived, grassroots environmental group, the Save Miramar Lake Committee.

Description of Scripps Ranch and Miramar Lake

Prior to the 1990 redistricting, District 5 was geographically large, with approximately 160,000 residents. It contained a mix of residential, commercial and industrial areas; its southern boundary was Interstate 8. Some of San Diego's newest communities shared the district with older, working-class neighborhoods. With Miramar Naval Air Station at its center, District 5 included the communities of Scripps Ranch, Kearny Mesa, Serra Mesa, Mira Mesa, Mission Village, Linda Vista, and parts of Mission Valley and Clairemont (Penner, 1989). Voter registration was 47% Republican and 38% Democrat.

Scripps Ranch is one of the most affluent communities in the Fifth District, and many of San Diego's most influential business executives reside here. Over the years, Scripps Ranch residents have acquired a reputation for politically sophisticated neighborhood activism. Geographically isolated, it lies east of Mira Mesa and borders Interstate 15. Major construction occurred along the Interstate 15 corridor in the 1980's, and Scripps Ranch had a portion of its remaining open space developed at that time. On the southern and eastern hills above Miramar Lake, large upscale homes were constructed to overlook the popular and picturesque recreation area. By the end of the 1980's, plans were under way for the open space north of Miramar Lake, known as Miramar Ranch North, to be leveled for construction of approximately 658 homes, a four-lane highway,

and a four-story industrial park. They were to be built approximately 70 yards away from Miramar Lake, with 50 feet cut from the hilltops on the north side of the lake (J.G. Underwood, personal communication, March 22, 1992).

Save Miramar Lake Committee

Many Scripps Ranch residents played no role in the community's civic affairs. As Aurie Kryzuda (personal communication, March 29, 1992), a Scripps Ranch resident and former chief of staff to Linda Bernhardt, pointed out, "Some of that was our own fault. We chose not to participate ... if we did go to the meetings and ask the right questions, we probably would have been informed.... Well, unfortunately, we were a day late and a dollar short. We should have been monitoring [development on the lake] years ago because that's when the process really started."

It was rather late in the proposed development cycle of Miramar Ranch North when, in 1988, Save Miramar Lake Committee began with more than 200 members. They were sophisticated, well-educated, and highly motivated, and sought to amend the development agreement which had been recently approved between the developers of Miramar Ranch North (BCE Development of Canada and McMillin Communities) and the City of San Diego. The agreement would allow building to go forward on the north side of Miramar Lake.⁸

In December 1988, J. Gary Underwood (personal communication, March 22, 1992), a tax attorney and chairman of Save Miramar Lake Committee, and others in the fledgling organization, testified before the City Council. Underwood offered reasons why the Miramar Ranch North development agreement should not be approved. His major

point was that "None of this area should have been developed, but he [Struiksma] had an exclusion put in his district for that". The exclusion ensured that Miramar Ranch North remained outside the city's zoning for protection of sensitive lands, known as the Regional Protection Overlay Zone.

The council majority was not dissuaded by Underwood's cogent speech. In fact, as Underwood recounted it, "[Struiksma] lambasted us [in front of the City Council].... He said we didn't have the decency to tell the truth to our friends and neighbors. It certainly raised our ire!" (J.G. Underwood, personal communication, March 22, 1992). The City Council gave BCE Development the approvals needed to begin construction of Miramar Ranch North.

Save Miramar Lake Committee members were furious at the City Council in general, and Ed Struiksma in particular, for disregarding their entreaties to stop construction above the lake until a new development agreement could be arranged. During the Christmas holiday of 1988, the Committee worked feverishly to establish a plan of action to prevent the Miramar Ranch North development from going forward.⁹

With few options remaining, the Committee decided to take an extraordinary step; by late December 1988, it initiated a citywide ballot referendum to overturn the City Council's actions to approve the Miramar Ranch North development. They had 30 days. Gary Underwood told *San Diego Tribune* reporter F. Romero (1988), "The only alternative that we [Save Miramar Lake Committee] see at this point is the referendum" (p.B-2). A referendum could, he said, become a "major thorn" for the political aspirations of Councilman Ed Struiksma, who pushed for the council's approval of the development.

Romero reported that Struiksma had said that other community-based organizations, such as planning groups representing the Scripps Ranch and Miramar areas, had appeared before the council to voice their support for the project .

District 5 Changes

It was an ideal time in San Diego's history for a young, pro-environmental movement to meet with success. Life was relatively good; individuals had time and money to devote to quality-of-life issues, such as ensuring the protection of environmentally sensitive lands and saving San Diego's remaining open space. It was therefore possible, and even probable, that in the 29 days between January and February of 1989, Save Miramar Lake Committee's 200 volunteers and paid petition gatherers would handily succeed in raising \$22,000 and obtaining over 37,000 signatures to qualify for a city-wide referendum. The Committee hoped that they could bypass City Council and place the issue of halting development on the shore of Miramar Lake directly before the voters (L. Bernstein, 1989; Biegeleisen, 1989; Kryzuda and Underwood, 1989).

A powerful and credible source of information assured the Save Miramar Lake Committee that they were moving in the right direction with their referendum. A professional telephone poll had been conducted for a group of private subscribers under the supervision of Dr. Samuel Popkin, a nationally known University of California political scientist and pollster. It found that "a substantial majority of voters would vote against the council-approved Miramar Lake subdivision, now the subject of a referendum petition" (Project '89 1989).

The Opponents

Not everyone in Scripps Ranch was pleased with the Save Miramar Lake Committee. Many Scripps Ranch residents, who had spent years participating in community planning board meetings, were deeply angered that Save Miramar Lake Committee entered the fray at this late date. The Scripps Ranch residents who represented local planning boards, believed that the Save Miramar Lake Committee would undermine and cancel their many years of negotiations with the developers of Miramar Ranch North for public benefits.

To bolster their position, and with \$445,000 in financial backing from BCE Development, a small group of Scripps Ranch residents formed the Committee to Protect Your Community to fight. The Committee to Protect Your Community believed that BCE Development might no longer be legally obligated to provide promised benefits (e.g., schools, roads, libraries, fire stations and parks) before residents moved in or such facilities would be greatly delayed if there was no new development agreement (Newlands, 1989).

Ed Struiksma knew the proposed Miramar Lake development would jeopardize his re-election bid. To prevent Save Miramar Lake Committee's referendum from being placed on the same ballot as his bid for re-election, Struiksma sought and received council approval to withdraw the city's agreement with BCE Development for Miramar Ranch North. He then appointed a task force of community members and the Miramar Ranch North developers (BCE Development and McMillin Communities) to forge an acceptable compromise for building around Miramar Lake (Weisberg, 1989a).

Gary Underwood (personal communication, March 22, 1992), chair of Save Miramar Lake Committee said, "It [the task force] accomplished absolutely nothing. We did nothing but bicker and fight. McMillin brought in alternative maps and they were nowhere to being acceptable to what we wanted. It was attack Save Miramar Lake time because of the way it was stacked [with members having connections to development interests]."

Only two City Councilors, Filner and Roberts, agreed that the task force appeared one-sided. When the Save Miramar Lake Committee suggested an outside group, such as the Sierra Club, be brought in to broker a compromise on the project's density, Struiskma vetoed the proposal. Struiskma told *San Diego Reader* reporter P. Kreuger (1989), "This is a community issue that deserves to be resolved by the community, but those people in charge [of Save Miramar Lake Committee] have a political agenda aimed squarely at me."¹⁰

Linda Bernhardt

If Ed Struiskma believed he was in the right place at the wrong time, then Linda Bernhardt knew she was clearly in the right place at the right time. The issues of the day were perfectly aligned so that a young, relatively unknown, pro-environmental, slow-growth, white, female, Republican activist could seriously entertain the notion of running for the Fifth District council seat [see Appendix 5, photograph of Linda Bernhardt].

Linda Bernhardt was originally from New Jersey. All her life she harbored a desire to run for public office. There was absolutely no question in her mind that she would do it, it was simply a matter of when. Bernhardt moved to San Diego when she

completed her bachelor's degree. She attended San Diego's Western State University College of Law and graduated with a Juris Doctorate in 1984; Abbe Wolfsheimer was one of her instructors; their relationship was instrumental for Bernhardt and formed the basis of both a friendship and mentor relationship.

In 1985, Wolfsheimer, a wealthy Republican, was planning to run as a candidate for the First District City Council race. Wolfsheimer asked Bernhardt to volunteer to work in her campaign. It was Bernhardt's first political campaign experience. In November 1985, Wolfsheimer won her citywide election by unseating incumbent Bill Mitchell.

Early in 1986, Wolfsheimer asked Bernhardt to join her staff as a full-time council representative and Bernhardt agreed. In 1986, Bernhardt represented Wolfsheimer in the Firthernmost communities which included Rancho Bernardo, Rancho Peñasquitos, Rancho Peñasquitos Canyon, Carmel Mountain Ranch, Sabre Springs, and San Pasqual Valley.

Bernhardt began by attending community meetings, taking notes and reporting to Wolfsheimer. Over time, she became "more of a problem-solver. When I was there [in meetings in Rancho Peñasquitos], just being the eyes and ears [of Wolfsheimer] wasn't enough. They [Friends of Los Peñasquitos Canyon] needed so much help. There was so much divisiveness and I was trying to bring consensus" (L. Bernhardt, personal communication, March 11, 1992).

Most of Bernhardt's time was spent "doing council and committee briefings on land use, environmental planning, and a lot of community work" (L. Bernhardt, personal communication, March 11, 1992). Between 1986 and 1988, Bernhardt, as Wolfsheimer's representative, became familiar with the leading growth-management issues in the northern

areas of San Diego. She provided technical assistance in land-use law to the environmentally oriented group called The Friends of Los Peñasquitos Canyon and eventually joined the organization (K. Zaworski-Burke, personal communication, May 5, 1992; L. Wilson, personal communication, March 21, 1992; L. Bernhardt, personal communication, March 11, 1992).

In 1987, Bernhardt told several active Republicans of her interest in running for City Council in the upcoming election. They told her that the time was not right because of her relative youth (28 years old), that she had no name recognition, and had only been in government for less than two years (L. Wolfsheimer, personal communication, April 28, 1992; B. Trettin, personal communication, March 7, 1992; L. Bernhardt, personal communication, March 11, 1992).

Bernhardt's work in Wolfsheimer's office gave her connections to many of the people who later assumed key roles in her political career, notably Leo Wilson and Chris Crotty. Wilson was a young attorney whom she met through The Friends of Los Peñasquitos Canyon. He became Bernhardt's best friend and first campaign treasurer (L. Wilson, personal communication, March 21, 1992). Chris Crotty spent two years working as Mayor Maureen O'Connor's chief policy aide. On occasion, he worked with Bernhardt on projects, "some of them dealing with environmental land use issues in the First District" (C. Crotty, personal communication, April 5, 1992). Crotty later served as Bernhardt's volunteer campaign consultant and, once she was elected, her first chief of staff (C. Crotty, personal communication, March 8, 1992).

In the fall of 1988, after more than two years on Wolfsheimer's staff, Bernhardt left her position to become campaign manager for two slow-growth ballot initiatives. While Bernhardt was managing the slow-growth initiative campaign, she again talked about running for office. Leo Wilson said Linda was determined to run. He and a core group in The Friends of Los Peñasquitos Canyon supported her (L. Wilson, personal communication, March 21, 1992).

Bernhardt also opened a land-use consulting practice, sharing offices with Leo Wilson. In late 1988 Bernhardt fortuitously received a panicky phone call from a volunteer on the Save Miramar Lake Committee. Bernhardt met with the Save Miramar Lake Committee volunteers and gave them advice on whom to contact for help with their concerns.¹¹ She was excited about their regard for their neighborhood and the environment, and their inexperience in politics (L. Bernhardt, personal communication, March 11, 1992).

In December 1988, at the invitation of Aurie Kryzuda, a Save Miramar Lake Committee volunteer, Linda Bernhardt moved to Scripps Ranch and shared Kryzuda's home. That same month, there was an exploratory meeting regarding Bernhardt's prospective campaign (C. Crotty, personal communication, March 8, 1992).

The 1989 Campaign for the Fifth District City Council Seat

The year 1988 was also important for the future political career of Councilman Ed Struiksma. A week after bulldozing [in Rancho Peñasquitos area above the canyon] had begun, he spoke to a business association, but the room was filled with members of the Friends of Los Peñasquitos Canyon. He was upset by the hostility at the meeting and

left through a side door. His downfall had begun (L. Wilson, personal communication, March 21, 1992).

By mid-1989, Struiksma was in trouble. Miramar Lake had evolved into the central issue in the Fifth District council race. His opponents believed Struiksma had championed the project because of his relationship with developer Corky McMillin, not because of the project's merits (C. Crotty, personal communication, April 5, 1992). People in Scripps Ranch were angry, as were the Friends of Los Peñasquitos Canyon in Mira Mesa because they believed Struiksma was over-confident and was ignoring them (L. Wilson, personal communication, March 21, 1992). In addition, some major political influence brokers in San Diego, such as wealthy Republican attorney Louis Wolfsheimer, had also grown disenchanted with Struiksma, even though they contributed to his campaigns (L. Wolfsheimer, personal communication, April 28, 1992).

Empirical data showed Struiksma could be unseated. A telephone poll, conducted by Dr. Samuel Popkin, revealed that Struiksma was extremely vulnerable; an environmental Republican candidate would have a significant edge in running against him over a Democratic challenger. Additionally, the poll revealed that 44% of the voters were less likely to support a candidate who received most of his campaign contributions from developers. Issues of district growth, and Struiksma's personal character and integrity were seen as potentially powerful issues to exploit in the Fifth District campaign (Project '89, 1989).

Wilson and Bernhardt met with political campaign consultant Larry Remer in early 1989. Remer said the polling data convinced Bernhardt that she had a chance to defeat

Struiksma and she then decided to run. He became her first paid campaign consultant. The campaign had monetary problems at the outset because no one believed Bernhardt could beat Struiksma, a well-funded incumbent (L. Remer, personal communication, March 17, 1992). Chris Crotty knew successful Los Angeles-based political consultant Rick Taylor. Crotty felt Taylor was capable of helping Bernhardt succeed and arranged a meeting for them (C. Crotty, personal communication, April 5, 1992). At the first meeting, Taylor felt that Bernhardt had no chance to defeat Struiksma because of her lack of funding, naivete and lack of appreciation of Struiksma's strengths. He told her he wasn't interested in working for her (R. Taylor, personal communication, March 25, 1992).

In spite of this setback, Bernhardt told the Save Miramar Lake Committee that she would run for Struiksma's seat. She said she wouldn't be able to devote as much time to Save Miramar Lake Committee, but they became vigorous supporters of her candidacy (L. Bernhardt, personal communication, March 11, 1992).

Aurie Kryzuda, who had volunteered long hours on Save Miramar Lake's petition drive, was impressed with Bernhardt's knowledge and ability, but felt that her fledgling campaign "really had no structure." As a result, Kryzuda devoted her free time to Bernhardt's campaign management. She was, according to Chris Crotty, the "Fifth District's sounding board. She was very reflective of the type of person that Linda would appeal to in the ... election ... [and] was very useful in discussing strategy to see if it would work in the district.... It did bear out that she was a typical voter profile in the district" (C. Crotty, personal communication, April 5, 1992).

Shortly after her thirtieth birthday, Linda Bernhardt officially announced her candidacy for Council. She had waited so that voters would not perceive her as too youthful to run against 42-year-old Ed Struiksma. She ran in part because of her antipathy for Struiksma and the wide disparity in their views. She knew it would be difficult because of his overwhelming financial position, plus influential political supporters. Nevertheless, she was sure she would win (L. Bernhardt, personal communication, March 11, 1992).

By early June, Bernhardt called Rick Taylor in Los Angeles and expressed her dissatisfaction with her political consultant (R. Taylor, personal communication, March 25, 1992). Taylor had become aware of a similar, successful campaign in another district, and had a change of heart (L. Bernhardt, personal communication, March 11, 1992). He contracted with Bernhardt to do the campaign on a contingency: a \$30,000 or \$40,000 success bonus if she won, nothing if she lost (R. Taylor, personal communication, March 25, 1992). He reported, "But [Bernhardt] had to do two things. One, she had to find me \$30,000, ... commit the campaign.... I didn't care how she got it. And, two, not question the [campaign] strategy. And the strategy was very simple (Keep walking as many precincts as you can and we're going to do six pieces of mail, and they are all going to be in the last ten days of the [primary] campaign.

Larry Remer, Bernhardt's former campaign consultant became involved in the Dump Ed (independent expenditure committee) campaign, an independent effort put together by some environmentalists who, over the years, "had it up to their eyeballs with Ed" (L. Remer, personal communication, March 17, 1992). The Dump Ed committee

produced two very effective mail pieces against Struiksma [Appendix 6 is an example]. Remer claimed the mailer, by criticizing Struiksma, established Bernhardt as a Republican environmentalist (L. Remer, personal communication, March 17, 1992).¹²

Remer said other independent expenditure committee efforts came together and to this day, shape local politics. Bernhardt's campaign also made effective use of organized labor, which had never played a part in local politics (L. Remer, personal communication, March 17, 1992).

Dr. Peter Navarro (1989), chairman of Prevent Los Angelization Now! (PLAN!), played a key role in the Dump Ed campaign. He wrote letters to newspapers and sent out mailers urging everyone in District 5 to "get the facts on Bulldozer Ed and then join the ABS movement now—Anybody But Struiksma. Send your contributions today to Linda Bernhardt, Mike Eckmann, and Floyd Morrow—opposing candidates, any of whom would be a vast improvement over Bulldozer Ed" (pg.1).

Struiksma was under attack (E. Struiksma, personal communication, March 11, 1992). In 1989 he told a reporter, "I will have more than just four opponents [in the primary election].... The most worrisome part of the whole thing is not knowing what impact ... the independent committees will have on the election" (O'Connell, 1989).

In 1992, Struiksma said he had been offended by the severity of the attacks. "It did bother me. You can just sustain these attacks for so long and eventually some damage is going to be done" (E. Struiksma, personal communication, March 11, 1992).

Rick Taylor was now running Linda Bernhardt's campaign. Bernhardt remembered the early weeks working with Taylor: ...

He loved that I was so pure and "just me;" that that's really the way it was supposed to be. He was hoping that I would be able to succeed being me.... He used to say, "I don't want to ruin you."... He viewed [me as] ... the average next-door neighbor and people could relate to me—why change me?... He never envisioned we'd even win.... I used to get mad at him [and say,] "What kind of a consultant are you! How could you not believe I'm going to win!... I'm going to prove to you and everyone else in this damn town that I can and will win! And I'll win by 60%!" He laughed in my face. But I did [win] (L. Bernhardt, personal communication, March 11, 1992).

Bernhardt released a position paper which delineated her stand on areas of importance to voters in the Fifth District. It stated in part, "As a legislative aide to Councilwoman Abbe Wolfsheimer, I saw how decisions, large and small, represent a public trust. This is the essence of my politics—service in the public interest and not the special interests. That is why I will not accept contributions from developers.... A City Council Member must be able to make objective and impartial judgments free from outside influence. In the past, my opponent has received hundreds of thousands of dollars from developers. He has served these special interests well. He has failed to serve the people" (Bernhardt, 1989).

Early in her campaign, Bernhardt pledged not to accept contributions from developers. In Larry Remer's view, "Linda needed to make that commitment politi-

cally.... It was something she did when I was working with her as a consultant..." (L. Remer, personal communication, March 17, 1992).

Yet Bernhardt remembered the decision process differently:

I told them, "This is really asinine! Why are we doing this?" Chris [Crotty] justified it by saying Mayor [Maureen] O'Connor had done it and it worked for her! Look at how successful it is for her!... Larry [Remer] insisted that we put "honesty and integrity are the hallmark of a public official" above it.¹³ That way, it would really separate me from Ed. I said, "But we're already doing that. Look at my platform." I got out-voted by my committee and the people around me (L. Bernhardt, personal communication, March 11, 1992). [See Appendix 7 for Bernhardt campaign literature and fairness pledge].

Bernhardt acknowledged that Chris Crotty's arguments to refuse developer contributions and the campaign pledge were convincing, but never thought it would "come back to bite me" (L. Bernhardt, personal communication, March 11, 1992).

Rick Taylor had inherited Bernhardt's campaign pledge and was forced to work within those bounds. Bernhardt remembered him asking how they would get out of it. She was trying to build rapport with the Building Industry Association to show that she was a moderate while trying to educate them on her positions so they would become more sensitive as a result (L. Bernhardt, personal communication, April 7, 1992).

Taylor felt Bernhardt had "painted herself into a corner." He had to face the problem of defining a developer, but the problem proved too difficult (R. Taylor, personal

communication, March 25, 1992). Larry Remer said, "The problem is you've got to stick to that [campaign] pledge! If that means you don't have money, you don't have money! That's just the way life works. That's the down side" (L. Remer, personal communication, March 17, 1992).

*Bernhardt's Burning of the Building Industry Association
Candidate Questionnaire*

Bernhardt's campaign pledge not to accept developer contributions created a financial strain. By the end of the campaign, it had saddled her with an enormous campaign debt. It was traditional for developers to give to both candidates; now people had to choose sides. The developers resented being put in that position (C. Crotty, personal communication, April 5, 1992).

Around the time of the September primary, Taylor told Bernhardt the BIA would "endorse Ed and give him a ton of money!"... He claimed they would "put up to a million dollars [into] Ed's campaign because they want him desperately!" Bernhardt was furious and she and Taylor came up with a plan to burn the Building Industry Association candidate questionnaire (L. Bernhardt, personal communication, April 7, 1992).

Bernhardt's name identification was still rather low as she headed into the primary, until, as one method of gaining attention, she burned her Building Industry Association candidate questionnaire at a press conference on the steps of City Hall. The event was so provocative that it immediately set her apart from other candidates and political campaigns past and present. It also followed her throughout her time in office. Taylor and Bernhardt believed it qualified as a bold and legitimate political move.

The television news covered the event that evening; the local press covered it the following morning. Bernhardt said, "We made our point. We put them [Building Industry Association] on notice. [Bernhardt said to the Building Industry Association,] 'Fine, you [Building Industry Association] don't want to help, you don't want to reach out a little bit, more toward the middle, you don't want to listen to my viewpoint, I'll deal with you after the election!' That's exactly what my attitude was" (L. Bernhardt, personal communication, April 7, 1992).¹⁴

Jeanette Roache, former director of community affairs for the Building Industry Association commented that Bernhardt:

... was never perceived as a sincere candidate or as someone who could be trusted.... In fact, prior to the questionnaires even going out, Ms. Bernhardt's [campaign office] called asking if interviews were going to be set up and if we were going to send out questionnaires.... Linda wanted to come in for an interview.... In that initial inquiry, we were led to believe that Linda wanted to work with the industry. By the time we got the questionnaires... out, there must have been a tremendous change of heart.... We were quite shocked [particularly] since someone [in Bernhardt's campaign] was initially soliciting to have contact [with us] and then doing something like that. There was really no question as to a feeling of [lack] of trust or sincerity or [of] someone that the industry could stand a fair hearing with (J. Roache, personal communication, April 8, 1992; emphasis in original).

Chris Crotty added that burning the Building Industry Association questionnaire stereotyped Bernhardt as a "slow growth radical." and that it fed into the anti-establishment, no-growth perception of her. The ... primary objective ... was to win the election. But ... some of the tactics ... were not as forward thinking as they should have been.... I think it was much to her detriment" (C. Crotty, personal communication, April 5, 1992).

The Building Industry Association endorsed Ed Struiksma. Bernhardt remarked, "It was real clear in the district that the building industry hated me, hated me! People said, 'Was that stupid [to burn the Building Industry Association questionnaire]!... Once you're elected ... you have to go in and mend fences.' But for political purposes, it was brilliant!" (L. Bernhardt, personal communication, April 7, 1992).

The Importance of Grassroots Volunteers in the Bernhardt Campaign

According to Crotty, Bernhardt entered the primary against Struiksma without much money

but with a good group of core volunteers of Scripps Ranch people.... We felt we could cultivate a great deal of grassroots support if we could just get our message out.... A lot of homemakers had time, effort, energy and willingness to take part in the campaign. [They] would go out, knock on doors and distribute literature (C. Crotty, personal communication, March 8, 1992).

Gary Underwood, chair of Save Miramar Lake Committee, discussed his role in getting Linda Bernhardt elected:

We had been very instrumental in helping her get elected. I didn't go out and campaign person-to-person.... I worked with the people ... and said, "We can't get our representative to listen to us, so get him defeated. Go out and work for whomever the person is you think will defeat him. I think that's probably Linda Bernhardt." Immediately, a lot of Save Miramar Lake Committee volunteers dropped the Miramar Lake activities and went to work on her campaign. She wouldn't have made it without that (J.G. Underwood, personal communication, March 22, 1992).

Underwood added,

I deliberately kept my name away from Linda's campaign, since I was president of this organization [Save Miramar Lake Committee]. I was afraid about it being seen as a front for Linda Bernhardt.... Our volunteers never officially endorsed Linda or anything (J.G. Underwood, personal communication, March 22, 1992; S. Sherer, personal communication, April 29, 1992).

[See Appendix 8 for the Save Miramar Lake Committee's flyer to have Struiksma defeated.] Aurie Kryzuda and Sheryl Sherer concurred in the focused and intensive Save Miramar Lake Committee support, walking, phoning, preparing mailings—anything the volunteers could do to win the seat for Bernhardt.¹⁵

*The Scripps Ranch-Miramar Ranch North Controversy
Makes Headlines Two Days Before the Fifth District Primary Election*

On September 17, 1989 the *San Diego Union* fanned the flames by publishing an article two days before the primary election. It stated, in part:

Six months after a citizen group successfully qualified a ballot referendum to block a 3,360-home development north of Scripps Ranch, the community remains embroiled in a bitter dispute over the project. The Save Miramar Lake Committee, headed by Gary Underwood, is accused by Tom Behr, head of a group called Residents Defending Scripps Ranch, of "using the development for political purposes to unseat Councilman Ed Struiksma.... The recent feuding in Scripps Ranch is reminiscent of the bitter referendum campaign earlier [in the] year in which a group called the Committee to Protect Your Community was formed to foil the signature-gathering effort for the Save Miramar Lake Committee.... Committee to Protect Your Community was a developer-sponsored committee that raised nearly \$500,000 in an unsuccessful effort against the Miramar Lake Committee's petition drive.... Bob Glaser, a political consultant who work[ed] with the Save Miramar Lake Committee said, "All this would be done in three weeks [negotiating an agreement between the developer and Scripps Ranch residents] if it wasn't an election year. Ed has to be re-elected or this project is history" (Weisberg, 1989b).¹⁶

Primary Election Results

In the primary held on September 19, 1989, Linda Bernhardt received 38.5 percent of the vote; Ed Struiksma received 32.68 percent. The campaign cost Bernhardt \$40,000; Struiksma spent \$250,000. The two highest vote getters would now face each other in a November 7, 1989 district-only run-off election.¹⁷

Crotty credited Bernhardt's success to the wide spectrum of environmental organizations and individuals involved in making sure that Struiksma was unseated and that district elections worked. He identified the wide variety of individuals involved (e.g., the Sierra Club, San Diegans for Managed Growth) and other groups; a number of different agendas; and "Linda, in the middle, who just wanted to get elected and do good things" (C. Crotty, personal communication, April 5, 1992).

After Bernhardt won the primary, volunteers and money poured in. Supporters found Bernhardt very appealing. People thought she was "an ... honest person ... [who would] change the face of politics" in the city and give them a voice in City Hall (A. Kryzuda, personal communication, March 29, 1992).

The Fifth District General Election Campaign: the Run-off Between Ed Struiksma and Linda Bernhardt

The run-off was a bitter, nasty and contentious race. "It became evident that there was a real dislike between the candidates" (C. Crotty, personal communication, April 5, 1992). Bernhardt said she saw Struiksma as a sexist womanizer... (L. Bernhardt, personal communication, March 11, 1992).¹⁸ Struiksma said, "[It] was a very personal campaign. It gave me the impression that I had personally done something to her. For the life of

me, I could not figure out what that was" (E. Struiksma, personal communication, March 11, 1992; emphasis in original).

Struiksma continued:

It was a very, very aggressive campaign on their part. Kind of a "take no prisoners" campaign.... She blamed everything that was wrong in the city on me.

I was miserable ... [during the campaign]. It was by far the most personal affront I have ever sustained ... and I went at it seven times [before in previous races over the years]. The goal in the campaign is to win. Nobody goes into a race with the idea that they're going to lose.... There's a certain animosity that candidates have for one another. Also a certain respect.... None of that was clear or evident from the very beginning as it related to Linda (E. Struiksma, personal communication, March 11, 1992).

The campaign was marked by attempts to exploit deeply personal issues and make them public. Bernhardt remembered that there was a kind of whispering campaign, rumors concerning her sexual orientation and proclivities. She responded by writing an open letter to Struiksma stating: "It appears to me that you are very confused about your sexuality." She went on to accuse him of being homophobic and suggested that he should look inside himself. After that letter, Bernhardt stated, she "never heard a word" (L. Bernhardt, personal communication, April 7, 1992).

Struiksma and his advisers knew his re-election bid was doomed. A private telephone poll conducted by Tarrance & Associates on September 26, 1989 for his campaign revealed that:

Bernhardt currently has enough votes to win.... A plurality of voters disapproved of the job [Struiksma] has done as City Councilman and a majority said someone else should be given a chance to do a better job.... Struiksma is at a severe disadvantage ... on five themes—solv[ing] traffic problems, controlling growth, personal trust, making city government more responsive and appearing too political. Not only are these themes effective for Bernhardt to run on, but they would be difficult to run against. In other words, it would be very difficult to portray Bernhardt as untrustworthy, as unable to make government effective, or as someone not really on the side of limited growth. Tarrance and Associates (1989; emphasis in original).

Bernhardt was receiving numerous endorsements. The San Diego chapter of the Sierra Club, and other environmental groups, vigorously backed her. The *Los Angeles Times* and KNSD Channel 39 television station threw their support behind her as well. Tim Chelling, director of editorial and community services at KNSD, said the station felt that Struiksma was uncaring about people and the environment, that developers had too much influence, and that he was not frank on the issues. They acknowledged that Bernhardt was an unknown, but took note of her Sierra Club endorsement; they believed

anything would be better than Struiksma (T. Chelling, personal communication, March 20, 1992).

Bernhardt also received endorsements from Councilors Wolfsheimer and Filner and Councilman-elect John Hartley.¹⁹ The *San Diego Union* endorsed Ed Struiksma. Robert Kittle, editor of the editorial page, said, "She [Bernhardt] was not our candidate. We felt Struiksma was the better candidate even though we were never particularly enthusiastic about Struiksma" (R. Kittle, personal communication, June 5, 1992).

Fifth District Run-Off Results

On November 7, 1989, Linda Bernhardt won by a landslide with 60% of the vote to Struiksma's 40%. Bernhardt spent over \$250,000 to Struiksma's \$430,000. Following her victory, Bernhardt hailed the power of district elections to change the political system in San Diego. In a statement to the *San Diego Tribune*, Bernhardt said, "...There's no need for [citizen-based] initiatives [any more]. Council members elected from their neighborhoods will be sensitive to voters' needs. The energy needs to be used in forming coalitions in neighborhoods. People in the neighborhoods generally use the initiative system when government is not working" (Huard, 1989, p.A-1).²⁰

Summary

Many aspects of Linda Bernhardt's campaign against Ed Struiksma were unique in San Diego. They included (1) Bernhardt's refusal to accept developer campaign contributions; (2) the number of volunteers working in Bernhardt's behalf; (3) aggressive precinct walking by Bernhardt and her volunteers; (4) the number of independent expendi-

ture committee campaigns formed to benefit the candidates; (5) Bernhardt's focus on a single campaign issue—managed growth; and (6) Bernhardt's promise that once elected, she would immediately prevent the Miramar Ranch North project from going forward.

Based on Struiksma's dismal showing in the primary election, many believed that Bernhardt did not need big-ticket mass mailings in the general election (L. Remer, personal communication, March 17, 1992). Nonetheless, Bernhardt sent out 17 pieces of mail in the run-off,²¹ which Rick Taylor attributed to Linda's and his own "paranoia" (R. Taylor, personal communication, March 25, 1992). The mass mailings left Bernhardt heavily in debt.

Struiksma's tactical campaign errors ended his political career. The political consultants interviewed for this study concluded that Struiksma's campaign consultants did not understand how district elections work and ran their race as they would have run a city-wide race, with a lack of detail about the district and district issues, no precinct walking, very little voter contact, greatly relying on outside money and high-gloss direct mail (C. Crotty, personal communication, April 5, 1992).

Political consultant John Kern said Struiksma had the worst of both possible worlds. A number of developers didn't like him personally, even though he was considered the developer candidate. He ran a campaign based on all the things he had done for his district: "At the end, the old political adage of 'don't tell me what you did for me, tell me what you're going to do for me,' proved to be true" (J. Kern, personal communication, June 5, 1992).

The significant elements described in this chapter will be explored in further detail in the following chapters, since they were linked to Bernhardt's recall from office. The synergy of people and issues at that time in the city's history fostered and encouraged the political milieu and constellation of events that eventually led to Bernhardt's removal from office.

Notes

1. The growth management measures, Propositions B, H, J and K, were designed to impose annual caps on residential housing and propose new regulations on the development of environmentally sensitive lands. Two were backed by Citizens for Limited Growth (CLG), whose campaign manager was Linda Bernhardt. CLG raised \$76,000. The other two propositions were created by the San Diego County board of supervisors and the San Diego City Council. Most of the funding to defeat the measures was raised from owners of large tracts of undeveloped property in San Diego. For example, Pardee and BCED each contributed \$100,000. BCED planned to develop the new community of Miramar Ranch North.

The building industry's fund-raiser was Jean Andrews who was hired to defeat the growth management measures; she later became Linda Bernhardt's fund-raiser (L. Weisberg, February 2, 1989, B-1; J. Ristine, February 2, 1989, B-2; L. Bernhardt, personal communication, March 11, 1992; E. Struiksma, personal communication, March 11, 1992).

2. Voters in District Five opposed the passage of district-only elections by a margin of 1,095 votes.

3. Many people interviewed for this dissertation agreed that Struiksma did some "monumental things for his district: libraries, senior centers, roads, streets, police stations and parks. All were constructed not only under his direction, but active prodding" (J. Kern, personal communication, June 5, 1992).

4. By 1989, Struiksma was the most senior member of the City Council and the leader of the conservative faction. Struiksma said, "I was seen ... as the one who could get things done, the one who was the most active in [pro- development] arenas. Our 'Gang of Five,' if [it] ... existed, exercised that [majority voting bloc] on land-use decisions more than anything else" (E. Struiksma, personal communication, March 11, 1992).

5. Councilman Bob Filner was considered a friend and supporter of San Diego's growing environmental movement.

6. Filner stated to the *San Diego Union* that partisan causes were the reasons for the actions against him, even though council offices are non-partisan (M. Abrams, December 14, 1988, B-3).

7. Filner was a supporter of district-only elections. He hoped that district-only elections would provide a coalition of philosophically compatible people to join with him on the council. Benjamin F. Dillingham, III, chief of staff to mayor Maureen O'Connor explained, "After district elections, Filner had his people. To give the devil his due, he did a good job!... He went out and worked for Linda [Bernhardt]" (B. Dillingham, personal communication, May 5, 1992).

8. See this chapter, *Description of Scripps Ranch and Miramar Lake*, for the original plans for Miramar Ranch North. The development agreement had also received approvals from several Scripps Ranch citizen-based planning committees.

9. The Committee received advice about land-use policies and the local initiative process from former attorney Leo Wilson, land-use consultant Linda Bernhardt, attorney and political consultant Bob Glaser, and Dr. Peter Navarro, an associate professor of public policy and the Chairman of PLAN!, Prevent Los Angelization Now!

10. Struiksma was right. Save Miramar Lake Committee was riding the crest of success. Chairman Gary Underwood told a reporter, "Save Miramar Lake Committee's next move is to find a council-member to propose a new development agreement" (N. Newlands, A.1).

Leo Wilson added, "Save the Lake was one of the strongest [environmental groups] I had ever seen. They had hardcore membership of over 100 people. Their meetings could be called on short order and 50, 60, 70 people would show up. It was a tough group.... They stopped that [Miramar Ranch North] project" (L. Wilson, personal communication, March 21, 1992).

11. Bernhardt said, "I didn't help them [Save Miramar Lake Committee] because I was going to run. I felt kind of sorry for them.... From that point on it was every week and it was clear at that time that the people didn't really know how to forge the issue. They were working with some political people and getting advice and they were starting their petitions [referendum drive]. I still didn't know how to do any of that. I also didn't think at the time, trying to be realistic, that ... they could get signatures and raise money, which they did, much to my surprise" (L. Bernhardt, personal communication, March 11, 1992).

12. The mail pieces conveyed a powerful message and used political cartoons to exaggerate points. They served to heighten awareness of the environmental community's dissatisfaction with Struiksma and introduced the then-obscure Republican environmental activist and candidate, Linda Bernhardt.

13. The statement was part of the campaign fairness pledge that Bernhardt signed and requested that Ed Struiksma sign as well.

The campaign fairness pledge was also intended, in Bernhardt's mind, to level the campaign's financial playing field by having Struiksma not accept developer funds just as she had pledged, and was reported by the *San Diego Union* (S. Spivak, March 13, 1989). Ed Struiksma commented, "... [I]nitially Linda said that she was not going to spend more than one dollar per constituent in the district, which would have equated to about \$90,000.... I wouldn't do it because I knew she wasn't going to do that herself. They were going to have these independent expenditure committees, and we really didn't have the intention of doing independent expenditures on our own part. I would just be deliberately hobbling myself to \$90,000, when I knew I could raise a lot more.... Believing that we were under substantial attack, I believed we needed all the money we could raise" (E. Struiksma, personal communication, March 11, 1992).

14. Chris Crotty said, "It was a stupid political move because if she won, she'd have to work with these people. They are a good portion of the establishment in San Diego. The Building Industry Association is an organization which is very strong and powerful and can make or break people, based on their money and influence" (C. Crotty, personal communication, April 5, 1992).

That perspective was not shared at the time by some of Bernhardt's campaign volunteers. For example, Sheryn Sherer of Scripps Ranch said, "[W]hen it happened, all of us were kind of glad because we were saying, 'Good! That showed 'em!' Cause we hated them [developers] so much. They just didn't compromise.... [Y]ou have to understand, we were political neophytes. We knew nothing about politics.... It just seemed to be something good to us and showed that she was on the right side" (S. Sherer, personal communication, April 29, 1992).

15. Sheryn Sherer said that Save Miramar Lake volunteers "... didn't know anything about Linda. But she was their only hope.... We would say [to each other,] 'Are we doing the right thing? What do we know about her?' We agreed that we didn't know anything, but what's our choice? Ed Struiksma or Linda. At least we knew she had environmental tendencies" (S. Sherer, personal communication, April 29, 1992).
16. Aurie Kryzuda stated that by electing Bernhardt, "... Miramar Ranch North would be history.... Or, it wouldn't be nearly as bad a project as it was. Linda gave them [Save Miramar Lake Committee] that hope, and myself, too, which is why I busted my buns working for her" (A. Kryzuda, personal communication, March 29, 1992).
17. In addition to Struiksma and Bernhardt, there were originally three other candidates in the primary election.
18. Bernhardt added, "He [Struiksma] was ultraconservative, sexist, ... really belittled women ... and he talked down to people at public hearings. Ed tended to be more on the arrogant side. He was a political animal so he was playing his constituency and trying to build a base as a moderate.... I strongly believed he had disdain for women.... Every chance I got I used it, to the point that he was very awkward doing debates in public" (L. Bernhardt, personal communication, March 11, 1992).
19. John Hartley and, to a greater extent, Bob Filner actively assisted Bernhardt with campaign fund-raising.
20. This comment was based on watching Save Miramar Lake Committee volunteers use the initiative process to override the City Council in its vote allowing development to proceed on the shore of Miramar Lake. Ironically, it was a citizen-based initiative process that was used to recall Bernhardt.
21. Each mail piece had a theme. There was "growth management, quality of life, crime, new breath of fresh air, a change—old guard out, new guard in.... We did issues and substance" (L. Bernhardt, personal communication, April 7, 1992).

CHAPTER 5

PRE-INAUGURAL ACTIVITIES, FIRST VOTE AND RELATIONSHIP WITH HER CAMPAIGN CONSULTANT

I don't like politicians. I don't like jockeying for position. And I think that people who run for office and are public officials, that the reason why people elected them is that they are public servants. I've given four years of my life to this job. I'm going to do the best job I can, and be as honest as possible and as reasonable and fair with my constituents, the people who live and work in San Diego. And if I do anything less than that, than I should not be serving on that board.

-- Councilwoman Linda Bernhardt, appearing on Cable Forum television, January 17, 1990, six weeks after election to office.

Introduction

This chapter covers the weeks prior to Linda Bernhardt's inauguration; her selection of Council staff; a discussion of her staffing problems; a discussion of the City Council's committee system; and a discussion of Bernhardt's first Council vote, which immediately steeped her in controversy. The chapter also examines her relationship with her campaign consultant, Rick Taylor. It begins to answer the research questions about Bernhardt's tenure in office, and the persons, events and strategies which influenced her.

Prior to Inauguration--Council Committees and Political Alliances

City Council Committee Assignments - Background

In 1974, under the leadership of Mayor Pete Wilson, the San Diego City Council established a system of legislative standing committees. The system in 1989 required that the mayor:

- Appoint the membership and chair of each committee;
- Determine which legislation required committee review and which committee would review it; and
- Set the agenda for the full City Council and decide the items for discussion (Anderson, 1983).

Of nine City Council members, five sat on each committee; Committee assignments were confirmed by the City Council. The four standing committees were: (1) Rules, Legislation and Intergovernmental Relations; (2) Public Services and Safety; (3) Public Facilities and Recreation; and (4) Transportation and Land Use.¹ Rules Committee members included the chairs of the standing committees and the Housing Commission, plus the Deputy Mayor; the mayor chaired the committee. (Deputy Mayor is a largely ceremonial position that accords the title holder with higher status than that of Council member and has proven useful when running for higher office.) The Rules Committee was the most powerful because it determined where various pieces of legislation are heard (Anderson, 1983).

Anderson described the importance of committee chairmanships, "... [They are] guaranteed regular media exposure, a public forum to surface and discuss new ideas,

status, committee staff selected by and responsible to the chair of each committee, and control of the flow of recommendations to the full City Council" (Anderson, 1983, p.67).

Prior to district-only elections, when Council members and the mayor were elected city-wide, the mayor obtained power from making committee assignments which, in turn, gave power to those appointed. Anderson pointed out that the mayor benefitted from "support from the appointed Council members on specific items, general support of items embodying the mayor's philosophies, holding up legislation the mayor opposes in committee, and campaign support" (Anderson, 1983, p. 69).

Although Mayor O'Connor kept the authority to recommend appointments to committees, the district-only election system substantially reduced the power the mayor wielded over the other Council members. She was one vote out of nine. Council members and candidates, no longer running city-wide, had little need for the mayor's endorsement or assistance. Benjamin F. Dillingham, III, chief of staff to Mayor O'Connor, summed up the situation when the newly elected district-only Council members joined the City Council:

[Prior to] district elections, the mayor had a much stronger case for getting compliance with her leadership on citywide issues.... She had more influence on citywide constituents than any particular Council person. "... I'll support you [Council member] in the district, you support me in the city." With rare exceptions, that's the way City Hall worked.

Now, added Dillingham, Councilors could successfully ignore the city-wide effects of their action because they were not answerable to anyone outside their district. In the

case of the 1989 Council, Dillingham felt the personality problems were exacerbated by Bob Filner's presence on Council (B. Dillingham, personal communication, May 5 1992).

Political Alliances

In the 30-days between Bernhardt's election and swearing in, outgoing Councilor Ed Struiksma received phone calls from supporters who were upset about his defeat and the prospect of having Bernhardt as their representative. Dennis Borlek recounted his phone call to Struiksma:

I called Ed within 48 hours after the election.... He was still in office....

[I] told him I was very upset with what was said in the Bernhardt campaign about him. I wanted to know what I had to do to get a recall going. I ...

was told that the procedure was that you go down to the city clerk and file a petition.... She had to be in office six months before you could even petition for a recall.... Then I was told that there may be other people that want[ed] to do the same thing and that I should watch the news to see what was going on. She was not even in office yet. I cooled my heels and just kept my ears opened and asked around (D. Borlek, personal communication, June 8, 1992).

Since Struiksma still occupied his Fifth District office, Bernhardt accepted Mayor Maureen O'Connor's offer of temporary office space inside the Mayor's suite. This allowed Bernhardt to transition into City Hall without disturbing Struiksma as he cleaned out his office. Bernhardt perceived Mayor O'Connor's invitation as gracious hospitality, but others informed her that she had a political liability on her hands.

Bernhardt said Councilors Filner and Wolfsheimer were very upset, feeling the Mayor had a political motive in bringing Bernhardt into her office. They believed the Mayor would try to co-opt Bernhardt and gain her alliance on Council. Bernhardt, however, viewed it as a financial benefit to herself, as she could close her campaign offices and save some money.

Council committee assignments were made at the first Council meeting each December. Following the December 4, 1989 inauguration ceremony, the new City Council had its first meeting. In preparation, the Mayor, Council members and their staffs, reviewed their preferences for committee assignments.

Describing the situation, Ben Dillingham said Mayor O'Connor wanted to know on what committee Linda Bernhardt wished to sit, as well as Bernhardt's feeling concerning the Mayor's agenda. The major issue was Bob Filner's desire to be Deputy Mayor. He had, Dillingham, said, told the Mayor that if she did not agree, he would see she was defeated in politics. Bernhardt was crucial to the success of the Mayor's wish to keep Filner out of her inner circle² (B. Dillingham, personal communication, May 5, 1992).

There are several versions about Councilwoman Linda Bernhardt's role in the slate of City Council committee assignments of December 1989. Bernhardt said that before leaving for a vacation in Hawaii, she met privately with the Mayor and requested assignments to the following committees, boards and commissions: Transportation and Land Use, Public Services & Safety, the San Diego Housing Commission, Metropolitan Transit District Board the freeway call-box system SAFE board, and the Peñasquitos Canyon Task Force.³

At this same meeting, the Mayor informed Bernhardt of her proposed slate of committee appointments: Abbe Wolfsheimer as Deputy Mayor, Wes Pratt as chair of Public Service & Safety, Ron Roberts as chair of Transportation and Land Use and Bruce Henderson as chair of Public Facilities and Recreation. The Mayor had not yet chosen the chair of the Housing Commission or the representative to the San Diego Association of Governments (L. Bernhardt, personal communication, May 28, 1992).

Bernhardt said that when she was on vacation, she spoke with the Mayor, Crotty and Taylor by phone and that O'Connor and Filner lobbied her regarding committee assignments. Bernhardt was upset about the bickering among her colleagues. She explained that the ongoing feud between O'Connor and Filner was a key factor in the committee assignments that year (L. Bernhardt, personal communication, May 28, 1992).

As inauguration day drew closer, Bernhardt said Filner believed she might support the mayor's agenda of committee assignments, so decided to make Bernhardt "miserable" by "letting it out on the streets" that she would support the mayor and vote to make Bruce Henderson chair of Public Facilities & Recreation. According to Bernhardt, environmental groups began writing and calling to pressure her because she was "the weak link." Bernhardt felt pressured by Filner and the environmental community. In fact, she said, she had not given any commitment to the mayor, although she had discussed the matter.

Bernhardt "ripped into" Filner for his actions, and asked why he and the mayor couldn't discuss the assignments and work out their differences. She offered to set up a meeting between them⁴ (L. Bernhardt, personal communication, May 28, 1992).

Bernhardt remembered at least two meetings she had with Councilman Ron Roberts and the mayor to discuss committee appointments. At one, Roberts mentioned that she would have help in retiring her campaign debt. At the other, a few days before inauguration, Bernhardt said she would agree to have Roberts as chair of Transportation & Land Use and would support everything the mayor wanted except Henderson as chair of Public Facilities & Recreation. She told them Filner had the votes of Hartley, Wolfsheimer and Pratt, as well as his own vote⁵ (L. Bernhardt, personal communication, May 28, 1992).

According to Dillingham, the Mayor offered Filner the chairmanship of the Housing Commission; Filner declined. The Mayor then offered Bernhardt the job, which would make her part of the Rules Committee. Bernhardt agreed and told the mayor she would support her recommendations.⁶ Dillingham said that was surprising because Bernhardt did not hesitate or ask to think it over. Over the weekend, however, Bernhardt changed her mind and supported Filner for Deputy Mayor (B. Dillingham, personal communication, May 5, 1992).

On Saturday, December 1, 1989, Bernhardt met with Bob Filner at Abbe Wolfsheimer's home. Wes Pratt spoke to them by telephone. The four discussed the proposed slate of Council committee appointments. Bernhardt said Wolfsheimer treated her like a child, telling her the mayor was the "enemy" and they her "friends." Bernhardt was offended and told Filner he had caused her a lot of trouble, even though she was not yet in office. She knew the mayor would be furious when she voted for Filner over Henderson, but knew the environmental community would never forgive her if she voted for Henderson (L. Bernhardt, personal communication, May 28, 1992).

According to Bernhardt, Henderson, a friend of Struiksma, loathed her; she saw no reason to support him for chair of Public Facilities & Recreation in the face of opposition from the environmental community⁷ (L. Bernhardt, personal communication, May 28, 1992).

Bernhardt learned of Filner's strategy to put a progressive coalition together to dominate the City Council. He planned to put Pratt, Hartley, Wolfsheimer and Bernhardt as chairs on five of the six major committees, which would give them control of all committees, including the Housing Commission by virtue of having a majority on the Rules Committee. That was the first Bernhardt heard of the Gang of Five. Bernhardt said she told Filner she was not interested. She suddenly understood that committee assignments were a danger to her politically and that her committee assignment request would turn into a vote for O'Connor against Filner⁸ (L. Bernhardt, personal communication, May 28, 1992).

*The First Vote--Council Committee Assignments:
Its Significance for Bernhardt and the Progressive Majority*

Bernhardt had one final conversation with Mayor O'Connor hours before the afternoon Council meeting in which she would cast her first vote as a Councilwoman. Bernhardt told O'Connor she would support everything the mayor had asked except the Henderson appointment (L. Bernhardt, personal communication, May 28, 1992).⁹

Both Rick Taylor and Chris Crotty strongly advised Bernhardt to vote for the Mayor's slate. Bernhardt said they "hammered her" for an hour, begging her to vote with the mayor. She told them she wasn't crossing the mayor, only "doing what's best." They

told Bernhardt that the mayor believed Bernhardt had made a commitment, but Bernhardt denied that. Bernhardt had decided to rely on Wolfsheimer's counsel (L. Bernhardt, personal communication, May 28, 1992). She would vote for Filner for chair of Public Facilities & Recreation; Bernhardt said the mayor was furious.

On December 4, 1989, Bernhardt voted to approve Councilman Bob Filner as chairman of Public Facilities and Recreation Committee.¹⁰

Rick Taylor viewed the significance of Bernhardt's first vote this way:

The whole thing collapsed the day she took office! The day she was sworn in, the day she voted against Mayor O'Connor. That was the beginning of the end for Linda. She made the biggest, probably the most fatal mistake of her political career. [It set] the stage of an 18-month war with Mayor O'Connor, who's maybe the meanest, nastiest, and most vicious politician I know.... [The mayor] wanted to like Linda; I could tell....

I think it just disturbed her to no end (R. Taylor, personal communication, March 25, 1992).

Dillingham said, "We knew wherein the basis for the gang of five lay.... Its first shot was these Council committees.... When we lost Linda, he [Filner] had his five votes" (B. Dillingham, personal communication, May 5, 1992).

Chris Crotty said he tried to explain to Bernhardt what had happened: although Bernhardt thought the mayor only wanted her to consider the slate in return for the Housing Commission chairmanship, the mayor wanted a quid pro quo. The mayor

therefore felt Bernhardt broke her promise (C. Crotty, personal communication, April 5, 1992).

Aurie Kryzuda said that was one of Bernhardt's first big mistakes and that it opened her eyes to what she perceived as a lack of integrity.... Kryzuda now thinks Bernhardt did it "more out of arrogance. Linda was very popular [and] she knew it" (A. Kryzuda, personal communication, March 29, 1992). Crotty described the significance of that crucial first vote by saying Filner took the opportunity to get the other four members to form a coalition to force a progressive agenda on the city. If they voted as a bloc, the rest of the Council would be unable to overturn a committee vote. He said the mayor had not paid attention to committee decisions and Filner seized the power for himself (C. Crotty, personal communication, April 5, 1992).

It took only a week for Bernhardt to learn how damaging her first vote on the City Council had been. The news media and the mayor began attacking her and referring to the climate at City Hall as the "ugly yellow underbelly." Bernhardt added that the mayor had said Bernhardt had deceived her and created the opinion that Bernhardt could not be trusted (L. Bernhardt, personal communication, April 7, 1992).

Bernhardt's Staff Selections

During the weeks before inauguration, Linda Bernhardt had to select a Council staff, a daunting task. Council members must balance rewarding talented campaign volunteers against the need to hire staffers who are experienced and skilled in understanding and writing legislation and responding to constituent concerns.¹¹

Bernhardt, reflecting on staff selections, said she wanted new energy and intended to bring in outsiders and environmentalists. She intended to change the system. At Rick Taylor's urging, she selected Chris Crotty for chief of staff, with Aurie Kryzuda as his assistant. With her own experience as a Council aide, Bernhardt believed she needed someone (Crotty) who understood the political system (L. Bernhardt, personal communication, May 28, 1992).

Chris Crotty said the staff was young and excited, believing they would make great changes in City Hall; he now believed they perhaps moved too quickly (C. Crotty, personal communication, April 5, 1992).

Aurie Kryzuda said she had never expected a job in City Hall, and had worked on Bernhardt's campaign because she believed Bernhardt would do a good job. Kryzuda now considers that she made a mistake in allowing Bernhardt to live in her home because of the vicious attacks on Bernhardt and herself that decision engendered (A. Kryzuda, personal communication, March 29, 1992).

Council Staff Personnel Problems

Although the press lauded Bernhardt's staff choices, she later realized the staff did not work as a team. Taylor admitted they had probably put together the "worst political staff ever assembled in legislative office in the State of California." He said they had hired "believers," rather than competent, professional personnel (R. Taylor, personal communication, March 25, 1992).

In her first six months in office, Bernhardt fired three staffers: Chris Crotty and two aides, including an old friend. Aurie Kryzuda was promoted to chief of staff.

Bernhardt said she had heard that there was always heavy turnover in the first year as weak spots are discovered. She added that it was difficult for her because her staff were personal friends¹² (L. Bernhardt, personal communication, May 28, 1992).

Political consultant John Kern said the staff was quarrelsome, particularly concerning the relationship between Kryzuda and Bernhardt because of the different roles they played as friends, roommates and boss-employee (J. Kern, personal communication, June 5, 1992). Bernhardt agreed that it was difficult to be both friend and boss to Kryzuda. To lessen stress, she eventually moved from Kryzuda's home around the time the redistricting map was disclosed (she later also fired Kryzuda)¹³ (L. Bernhardt, personal communication, May 28, 1992).

Crotty felt that Bernhardt's appointment as chair of the San Diego Housing Commission would not work to her advantage with her constituency because they were not as progressive thinking as she was. He said he didn't want her to push too hard too fast or she would get people upset in that community. "You can get the people downtown upset with you, you can have the Mayor upset with you, you can play hardball politics at City Hall and that's a whole different world from having the community against you. If you keep the people in your district happy, by and large, then you can do just about anything you want at City Hall!" (C. Crotty, personal communication, April 5, 1992).

The Relationship Between Linda Bernhardt and Rick Taylor

It is important to understand the role that Linda Bernhardt's political consultant, Rick Taylor, played in her political career. In research interviews, no other person's name, after Bernhardt's, was mentioned as often as his. He was clearly identified as the mastermind of her rapid rise as a politician. He maintained a close, personal relationship with her during her time in elected office.¹⁴ It was a relationship forged on trust and a belief in each other's abilities to succeed.

Rick Taylor described his relationship with Linda Bernhardt, the business he established in San Diego based on his ties to her, and his knowledge of and relationship to Bernhardt's staff and activities. He said Bernhardt was dependent on him, believed what he told her, and that they were very good friends. Although he had newly arrived in San Diego, he opened a business and attracted clients who had business before City Council. Taylor admitted he dealt in hard-ball politics and that this both frightened and created envy among San Diego's traditional power brokers.

A rumor that Bernhardt made no decisions without consulting Taylor angered some of Bernhardt's staff; they felt they knew what was best for Bernhardt. In addition, Taylor said, Bernhardt's staff hated Filner because he was "political." Taylor also claimed the staff was naive and never understood that politics is essential in government. He also felt they did not address Bernhardt's problems quickly enough and that her staff was sabotaging her.

Taylor said he spoke to Bernhardt every day and probably spent too much time in her office, irritating the staff. He added that the staff was upset because McMillin

Communities was one of his clients, but insists he never compromised Bernhardt or asked her to do him a favor. It was always implied. Bernhardt still owed him money for the campaign, and the staff inferred that he was lobbying Bernhardt to help McMillin.

Focusing on the issue of access to Bernhardt's Council office, Taylor brought up prominent lobbyist Mac Strobl, who had raised money for Bernhardt's opponent in the run-off election. Taylor felt Strobl should have been punished and barred from the office: "Punish your enemies.... Reward your friends."

Chris Crotty provided another view, saying Taylor's hard-ball politics worked in Los Angeles, but not in San Diego. He felt Strobl should have been treated better and not angered. Crotty wanted Bernhardt to invite Strobl in and advise him, but watch him closely. He also told Taylor that he, not Taylor, was the Chief of Staff and should be giving advice, that Taylor should step back and allow Crotty to do his job. Crotty found, however, that he was carrying out orders based on Bernhardt's conversations and negotiations with Taylor. Crotty called the relationship "odd" because he did not understand Taylor's motives (C. Crotty, personal communication, April 5, 1992).

Aurie Kryzuda described Bernhardt's and Taylor's relationship as an "all-knowing, trusting father relationship. Not even that.... Maybe more like psychiatrist relationship or a priest, or a minister...." She said they would talk for hours on the phone at night, about anything and everything (A. Kryzuda, personal communication, March 29, 1992).

Former Bernhardt campaign treasurer, Leo Wilson, added these insights: He said Taylor was a "brown-noser." He claims Taylor mesmerized Bernhardt, that she was insecure, and that Taylor intended to see that Bernhardt became the next Governor of

California. Wilson added that Taylor did not understand San Diego politics and was not ethical enough (L. Wilson, personal communication, March 21, 1992).

Summary

This chapter begins to convey what the atmosphere of City Hall was like in Bernhardt's early days in office and the significant events and individuals influencing her at the time. The following chapters will show how these individuals and events played a crucial role in leading to her recall.

Notes

1. The City Council legislative standing committee system has been amended since the time covered by this dissertation. For a complete description of the San Diego City Council legislative standing committees, see Anderson (1983) for historical background, and the San Diego city clerk for current information.

2. Maureen O'Connor was first elected Mayor on July 7, 1986 and completed the unexpired term of former Mayor Roger Hedgecock who resigned from office. O'Connor was re-elected in June, 1988 to a four year term. Bob Filner was first elected to the City Council in November, 1987 and was re-elected in 1991.

3. Bernhardt's council assignments in her first year in office were: Chair, San Diego Housing Commission; Public Services and Safety; Transportation and Land Use; Automated Registry Justice Information System (ARGIS) board of directors; Service Authority for Freeway Emergencies (SAFE); Stadium Governing Authority; Metropolitan Transit Development Board (Metropolitan Transit District Board); Los Peñasquitos Regional Task Force; alternate -- San Diego Association of Governments (SANDAG); SANDAG Rail Advisory Committee; SANDAG Mid-County Transportation study; and Tecolote Canyon National Park Task Force.

In comparison, Ed Struiksma, had the following Council Committee assignments in his final year in office: Public Facilities and Recreation (PF&R); Transportation and Land Use (T&LU); Metropolitan Transit Development Board; Chairman, Automated Registry Justice Information System (ARJIS); Vice-Chair, San Diego Association of Governments (SANDAG); SANDAG Commuter Rail Advisory Committee; SANDAG Mid-County Transportation Study Committee; SANDAG Transportation Sales Tax Highway Subcommittee; SANDAG Outer Continental Shelf Task Force; Service Authority for Freeway Emergencies (SAFE); Vice-Chair, Tecolote Canyon Natural Park Task Force; Chairman, Los Peñasquitos Regional Park Task Force.

4. Chris Crotty commented on the animosity between Mayor O'Connor and councilman Bob Filner. The Mayor had a "personal dislike for him [Filner] and did not want him to have anything that would be advantageous to him, ...[such as] Deputy Mayor, although he had the tenure and was in line to be Deputy Mayor. That was the struggle that was going on when Linda stepped in.... Bob wanted very badly to have a chairmanship. He also wanted to screw the Mayor. He had the same feelings toward the Mayor as she had toward him. . . .Bob [then became] the titular head of this gang of five, this progressive coalition" (C. Crotty, personal communication, April 5, 1992).

5. Bernhardt added, "After the vote [on committee appointments],... not only did he [Ron Roberts] not lift a hand to help fund-raise, but more importantly, he went to blacklist me [with] the Building Industry Association [Building Industry Association]. They [Building Industry Association] told their people not to help me" (L. Bernhardt, personal communication, May 28, 1992).

6. Bernhardt said at the meeting, "'I really don't think I'm in a position to chair the Housing Commission.' ... I got in a very awkward position. How could I say publicly I didn't feel prepared to be chair? ... Knowing I could do it but I didn't want the responsibility that early" (L. Bernhardt, personal communication, May 28, 1992).

7. Bernhardt in a conversation with Mayor O'Connor, said "[M]y position as an environmentalist starts to become real questionable and suspect when I support people like Ron Roberts to chair Transportation & Land Use and Bruce Henderson to chair Public Facilities & Recreation! ... My constituency, the Sierra Club, oh my God! They're gonna be up in arms with this! ... They're going to think in my first vote, that I'm a traitor!" (L. Bernhardt, personal communication, May 28, 1992).

8. Bernhardt added:

He [Filner] was so unwilling to share power with anyone else other than the five. From that day forward, it became clear in every move Bob made, everything he did was divisive. Equally so with Maureen [O'Connor]. Because when you look at her plan, although she was willing to share power, her idea of regaining power, because [she] feared she lost it once John [Hartley] and I got elected, was to hope that, ... her gang of five would be herself, [council members] Ron Roberts, Wes Pratt, myself and Abbe [Wolfsheimer].... She felt that those were the five she could count on and team up with as her gang of five.

I understood her [the Mayor's] rationale for thinking that this was a good group of five people to work with. I also understood Bob's perspective; brilliant strategy on his part. There I was, sitting in the middle of knowing both strategies and I wasn't even in office (L. Bernhardt, personal communication, May 28, 1992; emphasis in original).

9. Bernhardt said, "... At the time I didn't tell her [the Mayor] ... my real loyalty, for whatever reason, [wa]s to Abbe [Wolfsheimer]. She [nagged] me at her house on Saturday. Then continued with phone calls on Sunday. I think because of the relationship she had [with me], she really used it and pulled every personal thing she could do to reach me, [and] she did" (L. Bernhardt, personal communication, May 28, 1992).

10. At the official vote for the council committee assignments on December 4, 1989, councilman Bruce Henderson realized he did not have the votes to become chair of the Public Facilities & Recreation committee. He withdrew his name, at which point councilman Bob Filner inserted his name into the chairmanship position. The vote for the entire committee slate of appointments was unanimous.

11. Staff are usually selected on the basis of criteria such as commitment to the candidate; volunteer and campaign work performed on the candidate's behalf; connections to specific communities of interest of importance to the office holder; candidate's campaign promises to hire from certain ethnic or special interest groups; expertise in a particular field of interest to the candidate; and experience in local government. The council member-elect will review his/her campaign staff to identify those individuals who match the qualifications listed above with his/her own personal style.

12. Rick Taylor said, "[Bernhardt] was almost like a chief of staff herself instead of fulfilling the role of a council member. She would hold on to things, hoard things that, she claimed she wanted to let go but I understood what happened. Things fell though the cracks and it was frustrating to her. Because her staff wasn't protecting her. She had a short fuse and she would

blow at them at times. Other times they were best friends going to the movies. They had a lot of confusion and conflict in their personal lives and business lives" (R. Taylor, personal communication, March 25, 1992).

13. Aurie Kryzuda said, "[Chief of staff Chris Crotty] saw me as competition because I was a friend of Linda and Linda was still here [living in Aurie's home] and we talked a lot about everything. I never left politics. It was 24 hours a day. It was an overdose" (A. Kryzuda, personal communication, March 29, 1992).

14. A description of when Linda Bernhardt became acquainted with Rick Taylor is located in Chapter 4.

CHAPTER 6

THE EARLY MONTHS IN OFFICE

The successful jump into politics, the person who finally got her dream, her power, and the reality of a district and its people who got that person in there. The reality of the rhetoric of somebody who wanted to be governor, who the constituents loved, versus the person who couldn't be bothered by those types of people. That was the problem.

-- Leo Wilson, former Bernhardt campaign treasurer, describing Councilwoman Linda Bernhardt, personal communication, March 21, 1992

Introduction

This chapter continues the story of Linda Bernhardt's tenure in elective office and focuses on her early months as a freshman Councilwoman, the people and events that influenced her, and how she was perceived by others. The chapter focuses on her Council tenure and covers the office remodeling debacle; campaign debt; workload and constituent concerns; political ambitions; the bickering City Council; the formation of the Council's progressive coalition; and Bernhardt's early relationship with the Copley Press.

Events occurred simultaneously and rapidly once Bernhardt took office. In the following chapters, the reader should gain an appreciation for the complexity and number of issues in which Bernhardt was involved, the speed at which events changed from one moment to the next, and the dramatic impact that a single event had on others.

Office Remodeling

John Hartley and Linda Bernhardt, the two freshmen Councilors, were busy shaping city policy and remodeling their offices. City manager, John Lockwood, had informed them that new City Council Members had the opportunity to remodel their offices (J. Lockwood, personal communication, April 28, 1992; J. Hartley, personal communication, April 25, 1992). What normally would have been business as usual turned into an overblown media and political debacle for both Council Members (C. Crotty, personal communication, April 5, 1992; J. Lockwood, personal communication, April 28, 1992).

An editorial in *The San Diego Union* denounced the office redecorating and proposed expansion of Council staffs:

At a time when the City Council is skimping on police protection, ... should it increase its own budget for staff aides and office expenses by more than \$300,000?... The plain fact is that bigger Council staffs are very hard to justify in light of the shift to district-only elections, which narrowed the scope of Council Members' responsibilities. Nonetheless, it appears that the top priority for some Council Members is to promote their own reelection by beefing up services to constituents in their districts, and that requires added staff (*San Diego Union*, 1990a).

Conditions were ripe for distorting the importance of the office remodeling at city hall. It was well known that Mayor Maureen O'Connor, who had powerful and close ties to the press, was upset with Hartley and the progressive faction in general, and

Bernhardt in particular. Larry Remer, Bernhardt's first political consultant, reviewed the situation.

In the first set of votes, Bob Filner became chairman [of Public Facilities & Recreation committee] over [Bruce] Henderson, with Linda's vote. The mayor lost her bloc of power. So not only were you putting Linda at risk, you were putting this brand new [Council] coalition at risk that has its problems and is feeling its way (L. Remer, personal communication, March 17, 1992).

When Hartley joined the City Council, he immediately allied himself with Councilman Bob Filner, O'Connor's enemy. Over time, Hartley was able to distance himself from the office remodeling fracas, but in Bernhardt's case, it remained an issue that dogged her throughout her tenure in office (C. Crotty, personal communication, April 5, 1992; J. Hartley, personal communication, April 25, 1992; L. Bernhardt, personal communication, April 7, 1992).

John Hartley spoke about that early crisis:

She [Mayor O'Connor] leaked the news to ... the *LA Times*. Suddenly, there's this big brouhaha.... There's an interesting parallel of how we [Hartley and Bernhardt] handled it.... Totally different. I stopped the remodeling... and never did remodel.... She [Bernhardt] played the tough role. "I'm going to go ahead and do it."... What I saw about Linda that is devastating in politics ... [was] she had ... arrogance, that ... she had the right viewpoint. You gotta have a little bit of humbleness if you deal

with people. If you come across as arrogant, it irritates a lot of people. If you're a public person, then your arrogance is seen by a lot of people.... She had the right to do it.... That doesn't help. There's no fairness to the issue (J. Hartley, personal communication, April 25, 1992).

Ben Dillingham, chief of staff to Mayor Maureen O'Connor, remembered telling the Councilors not to remodel at that time:

The mayor's office had taken no pay increases that year.... The staff increases that those two offices were proposing would eat up the savings that would have come out of our office for our taking a pay cut.... It's not fair and we were in bad economic straits.... Do it in the middle of the year with a budget problem and ... it's political suicide.... We told them they would get killed in the press. The mayor begged Linda not to go forward with it.... [Yet] it was an arrogance that bordered on insolence! They didn't care! The press doesn't need any prompting to pick up on that kind of thing (B. Dillingham, personal communication, May 5, 1992).

Bernhardt was hit by a barrage of negative press about her office remodeling: Everybody before me and everybody after me had done office remodeling.... It was Maureen [O'Connor]. It was a media nightmare. It was another way to try and attack John and myself. She was saying we could use this money for a traffic signal, a police officer! How do you compete!... You get beaten up a couple of days in a row by the *Union* and *Tribune* and then it takes months to undo the damage.... She [the mayor]

was just creating chaos! Doing negative stuff in the press so that it portrayed us in a bad light. And it weakened us as individual leaders. Ultimately, it weakened the coalition we had formed (L. Bernhardt, personal communication, April 7, 1992).

Rick Taylor, Bernhardt's political consultant, said,

We made some stupid, silly mistakes. Here was a populist candidate and one of the first things she did was remodel her office. It was easy, understandable.... But maybe you wait a year or two. Maybe you don't do it when everybody is remodeling theirs and watch the hits they get. Either it was our own arrogance or we just weren't thinking. And I'm not really sure it wasn't a combination of both" (R. Taylor, personal communication, March 25, 1992).

Bernhardt's Campaign Debt

Not long after taking office, Bernhardt's campaign debt also became a public issue. The San Diego Municipal Code governing local elections required that candidates retire their campaign debts within 30 days after an election.¹ Bernhardt, who had no personal wealth of her own, had accumulated an overwhelming debt of \$150,000. Bernhardt said:

We didn't know there was some sort of obscure law that said you had to pay all your campaign debts within thirty days of being elected. We didn't know it!... No one seemed to know about this stupid law! When I got in office, about a week later, and I think [what resulted] is tied to that first vote I took against Maureen [O'Connor]. Maureen put enormous pressure

on the City Attorney to go after me and file criminal charges against me and force me to resign or force me to be thrown out of office because of the debt.... The mayor was trying to kick me off the Council my first couple of weeks in office!

I never got anything from the City Attorney.² A reporter called and said, "Do you realize that you're in violation of such and such Municipal Code and that the City Attorney is investigating?" They [the press] were tipped off by the City Attorney's office. It was all over the [news]papers.... It was devastating for an elected official to have that over [her] head. Whenever they wanted to give me trouble, they'd throw it back out in the press. For someone being under a recall, there were no charges ever filed! I should have known the first week in office that I was doomed [laughs]! (L. Bernhardt, personal communication, April 7, 1992).³

Bernhardt's Demeanor

Councilwoman Bernhardt became the City Council's most revered environmentalist. Prominent local attorney, Louis Wolfsheimer, said, "She became this environmentalist and *enfant terrible* of the City Council. She patterned herself somewhat after my wife [Councilwoman Abbe Wolfsheimer] who was the *enfant terrible* of an earlier generation.⁴ She began to beat on the builders which politicians love to do. They're good whipping boys for politicians" (L. Wolfsheimer, personal communication, April 28, 1992).

Newly sworn Councilwoman Bernhardt did exactly that when she attended an executive board meeting of the Building Industry Association, the organization whose

questionnaire she had burned as a Council candidate. She remembered the meeting, as did others present that day who recounted the story a number of times to their colleagues.

Bernhardt gave a synopsis of what she said that day:

Listen, bottom line here is you don't like me, you don't want to support me.... We need to work together. If you don't want to work with me, fine! But God forbid there's a project in my district, that you have to come before me and think you're going to go around me for your vote. You'll never get it! Either learn to work with me, make sure your projects are more decent than they've ever been, and we'll get along fine! Make sure the community has access to the process. Don't get me a bunch of community stooges that stand up and support me when you know they're not the true community that need to be heard from. And we won't have any problems⁵ (L. Bernhardt, personal communication, March 11, 1992; emphasis in original).

Political consultant John Kern discussed the business community's immediate antipathy toward Bernhardt and what he perceived as her problems. He said Bernhardt came across as very aloof, didn't return calls and her staff was in disarray. He felt most of her staff seemed to have their own agendas, environmental, political, community. Virtually no one looked out for Bernhardt. He added that builders reported talking to Bernhardt and feeling they had reached agreement, only to find she opposed them. Any one of those incidents was relatively unimportant, but the accumulation pushed all the

wrong buttons. "What tipped it over was redistricting" (J. Kern, personal communication, June 5, 1992).

It was clear Bernhardt's personal style was tripping her up. Leo Wilson commented that Bernhardt was too confrontational. In a conversation, his law colleague, Louis Wolfsheimer, told him that Bernhardt needed counsel from some "sharp people" in the traditional power structure in a little breakfast to get some advice. Wilson advised Bernhardt that she would be wise to assemble such a group because if she could get along with them, they would not try to "stab" her (L. Wilson, personal communication, March 21, 1992). Bernhardt never pursued this suggestion.

The press was now reporting regularly about Bernhardt's formidable campaign debt. As a freshman Councilor who had no money and did not hide her dislike for the press or business community, Bernhardt stood on shaky ground as she challenged San Diego's powerful business interests. Rick Taylor said, "I think they [San Diego business establishment] believed she was the most vulnerable of the bunch [progressive faction on the City Council] because of her personal situation. She was \$100,000 in debt. She wasn't wealthy and she needed to get money quick. The only place you can get money in this town ... is the building community" (R. Taylor, personal communication, March 25, 1992).

Bernhardt said she was personally liable for the debt and was unable to raise money from her traditional supporters who either did not have the means or had already contributed the legal limit to her campaign.⁶ She felt she had to solicit money from the building industry. Therefore, she hired Jean Andrews to raise money, knowing Andrews

had connections to the industry⁷ (L. Bernhardt, personal communication, March 11, 1992).

Aurie Kryzuda, Bernhardt's campaign manager, and second chief of staff told Bernhardt she was crazy for hiring Jean Andrews as her fund-raiser. Kryzuda believed Bernhardt's supporters would not understand why Andrews, who had represented the building industry, was now working for Bernhardt (A. Kryzuda, personal communication, March 29, 1992).

Faced with few options available to retire her campaign debt before she believed she would face criminal charges that could force her out of office, Bernhardt, with Jean Andrews' assistance, sought financial contributions from San Diego's development community. Bernhardt said people viewed her actions as having broken her pledge not to take money from developers. She argued that that was not what she had said. She claimed she did not intend to exclude anyone who ever worked for a building development company from contributing. She said she tried to explain, but "the press just mangled me on it."⁸ She said her advisers told her simply to deny everything, rather than to go to the people and explain the problem (L. Bernhardt, personal communication, March 11, 1992).

Aurie Kryzuda remembered Bernhardt's debt dilemma differently. She said she had taken Bernhardt literally when she promised not to take developer money. If Bernhardt's campaign committee received contributions without disclosure information, they returned them. They did not accept money from real estate development people, even though it limited funding. Kryzuda said Bernhardt hired Jean Andrews because she

and Rick Taylor were partners. They could get developer clients and Bernhardt could get developer money.

Kryzuda also believed that had Bernhardt gone to her constituents and explained why she was changing her mind, that she absolutely had to retire the debt, they would have understood. Instead, she lied and kept "digging herself in deeper" (A. Kryzuda, March 29, 1992).

Bernhardt's Workload and Constituent Concerns

Bernhardt's need to quickly retire her campaign debt was added to her growing list of Council projects and assignments. She was shouldering an extraordinarily heavy and time-consuming workload. Bernhardt had more assignments, committees and boards than any other Council Member and because of the workload appeared to be "all over the board." "You can't just sit there and not take an active role" (L. Bernhardt, personal communication, April 7, 1992).

Bernhardt had too little time for constituent work. Her political rhetoric--"my policy and philosophy was to open my door to everyone"--fell far short of that lofty principal (L. Bernhardt, personal communication, April 7, 1992). Lack of access to Bernhardt's Council office became well known and aggravated an already tense situation. Many research participants remarked about their frustrating experiences of waiting over their appointed time to see her and working with inexperienced Council aides who lacked city hall know-how and an understanding of issues in the Fifth District. It wasn't long before community activists in her district held similar feelings.⁹

On the legislative front, Bernhardt began moving quickly. With assistance from her staff, she crafted sensitive-lands legislation and "introduced a growth management policy that made everybody in town angry. It was one of those things that immediately scared the insiders. They [now] understood the power of district elections.... They had to deal with [Bernhardt] and they didn't like it" (R. Taylor, personal communication, March 25, 1992).

Louis Wolfsheimer said, "[Bernhardt] became greatly feared because she seemed to be able to manipulate the Council. Many ... Council people, although they have strong personalities, are not real good on procedure and motion making.... Linda was very good at that" (L. Wolfsheimer, personal communication, April 28, 1992).¹⁰

Chris Crotty believed that constituency work should have been the office's first priority. "But first she had to establish rapport, that level of comfort in the district.... [Yet] there were staffers who refused to do constituency work.... The people who were assigned ... were not doing it as effectively as I would have liked" (C. Crotty, personal communication, April 5, 1992).

Bob Trettin, a political consultant who assisted the Recall Bernhardt Committee, said that some who had supported Struiksma tried to mend fences by meeting with Bernhardt after the election, but she refused to work with them. They therefore believed they now had an unresponsive Council Member (B. Trettin, personal communication, March 7, 1992).

Kathy Gaustad, the co-chair of the Recall Bernhardt Committee said the community had problems from the beginning of Bernhardt's tenure. The turnover of staff meant

a lack of continuity in dealing with problems reported to the Council office. The aides seemed unable to effectuate solutions to problems. Gaustad does not believe people supported the recall because they had supported Struiksma. Rather, they were unable to solve community problems and got really irritated and wanted Bernhardt replaced (K. Gaustad, personal communication, April 7, 1992).

Tim Chelling, public affairs director of KNSD Channel 39 viewed Bernhardt as "an insecure, frightened, confused young woman who would just give [people over] to an aide and not return calls." He also believed the pressure from angry constituents turned Bernhardt into a recluse (T. Chelling, personal communication, March 20, 1992).

Bernhardt's Political Ambitions

Bernhardt's desire for a quick political rise at an early age became a theme in her Council office. Bernhardt said, "One of my options was to be mayor and then from there use it to get into a U.S. Senate seat or the governorship or go from there" (L. Bernhardt, personal communication, May 29, 1992).

She began receiving both solicited and unsolicited political advice. Chris Crotty advised her to "sit back and learn how the process worked; not get in the middle of a lot of controversial stuff ... too fast. Then slowly and precisely and with a lot of forethought, start introducing legislation and pushing her agenda.... If she wasn't careful, she could lose her constituency, she could lose her district, she could lose her mandate from the election. She would have a difficult time getting things done" (C. Crotty, personal communication, April 5, 1992).

Louis Wolfsheimer, who had known Bernhardt for several years, advised her to sit quietly for four months. She should, he said, play on her youth and inexperience and use the time to learn the ropes. But then, he added, "she just came out of the gate and took positions all over on everything." After four weeks in office, she was positioning herself to be mayor (L. Wolfsheimer, personal communication, April 28, 1992).

Chris Crotty said he knew her ambitions and impatience and that Taylor supported her in her belief she could run for higher office in a year. Crotty argued she should take more time to learn the structure and that too much speed would "get her into trouble." He said Taylor felt Bernhardt could be California governor by the time she was 40; Crotty disagreed (C. Crotty, personal communication, April 5, 1992).

Formation of the Progressive Coalition -- The Gang of Five

On January 4, 1990, Mayor Maureen O'Connor announced in her State of the City speech, that she would honor her campaign pledge and not seek re-election to another term as mayor. She had two years remaining on her current term in office.

The mayor's announcement was good news for the newly formed progressive coalition (also known as the "Gang of Five," a pejorative metaphor.¹¹) It was composed of Councilors Filner, Wolfsheimer, Pratt, Hartley, and Bernhardt. They coalesced in the first few weeks of the new City Council and their power did not end until Bernhardt was removed from office sixteen months later. Crotty said the Council was struggling over funding priorities and redistricting. The Copley press focused on the budget and excoriated the "Gang of Five," always starting with the Hartley-Bernhardt office remodeling (C. Crotty, personal communication, April 5, 1992).

For the first time, a progressive coalition of liberal thinkers formed a voting majority on the City Council. Bernhardt said they discussed their agendas and listed basics: social issues, the environment, affordable housing, growth management, and public services. Working closely together, they also decided which San Diegans should be appointed to boards and commissions (L. Bernhardt, personal communication, April 7, 1992).

Within weeks , the progressive faction created the city's first Housing Trust Fund, which was not endorsed by the Copley Press. Bernhardt said that the debate on the fund was very divisive. The Copley press called them "tax and spend" liberals, taking care of housing needs rather than police (L. Bernhardt, personal communication, April 7, 1992).

John Hartley said the controversy was extremely damaging and that he should not have allowed himself to be part of the Gang of Five. It polarized Council relations. Filner was in conflict with the mayor, which tainted the alliance. Bernhardt's switch on the vote for chair of Public Facilities & Recreation alienated the mayor from her as well. He said the confrontation was brutal politics, with the mayor controlling the docket and using that power to attack Filner and Bernhardt as well as himself.

Hartley added that the mayor could be ruthless, defensive and destructive and had support of *The San Diego Union*, which treated her with kindness while excoriating the liberal Council Members. He felt people with power and the ability to influence went after Bernhardt because she was the weakest link (J. Hartley, personal communication, April 25, 1992).

The Bickering City Council

The City Council Members made no secret of their antipathy toward each other. Louis Wolfsheimer said he had never seen such chaos in government. No one could control the Gang of Five (L. Wolfsheimer, personal communication, April 28, 1992).

The *Los Angeles Times* described the new alignment of power at City Hall resulting from the city's first district elections:

Despite ... the Council's more liberal bent, ... City Hall in 1990 is a government hip deep in bickering, power-seeking, political posturing and a divisiveness that have fostered hesitation on some of the city's major problems.... Virtually leaderless because of O'Connor's lame-duck status, the Council Members are focusing on their districts, the demands of special interest groups and the early jockeying for a successor to the mayor. ... Coalition politics and personality clashes have contributed to the discord.... The Council has developed a reputation for petty public arguments and a haste to move forward that has more than once led to embarrassing retreats and initiatives put on hold (L. Bernstein 1990a).

Bernhardt was growing impatient with the political grandstanding and lack of understanding of environmental issues expressed by some of her Council colleagues. She said her life was hell. She felt Henderson, Roberts and O'Connor were trying to manipulate the public. "Wes [Pratt] would be sitting on my right and pat me, warn me and say, 'You are going to get your ass kicked!' Or, 'You are dead meat!' ... Or sometimes he'd warn me and say, 'Linda, you know, I agree with you but you're not going to score any

brownie points for doing that'" (L. Bernhardt, personal communication, April 7, 1992). Nonetheless, Bernhardt would issue provocative statements at Council meetings, in which she disputed fundamental environmental and land-use issues with the Council minority.

Power and Influence After District Elections - Business as Usual?

Leo Wilson summarized the concerns expressed by many of San Diego's small but influential group of business people who now had to conduct business with the City Council under a district election system that had produced the first generation of grass-roots politicians such as John Hartley and Linda Bernhardt.

What was difficult for the old guard was getting in to see the new people. That's what a Rick Taylor could establish himself as doing.... What Rick tried to do was grab too much too soon. And upset the status quo! And with a client [Bernhardt] who was not dependable! So what you have was business as usual, but it was being conducted in a different manner. The whole City Council was being turned over. The old guard was offended! These guys were doing things differently. And new players were coming in to it. Having been on both sides -- [an] old guard firm and [a] new one--I didn't see much difference. Linda did not do anything that was different, they [Taylor and Bernhardt] just did it more crudely (L. Wilson, personal communication, March 21, 1992).

Bernhardt's Early Relationship with the Copley Press

Neither Bernhardt nor her staff established positive, professional relationships with members of the Copley Press, or other media.¹² Bernhardt was the most sought-after local news feature and became the symbol of the emerging problems at city hall. Councilman John Hartley said the *Union* criticized Bernhardt incessantly (J. Hartley, personal communication, April 25, 1992).

Bernhardt believed, and others concurred, that Mayor O'Connor and her press secretary initiated negative information about Bernhardt to the Copley press and/or added negative comments to stories in which Bernhardt was named.¹³ Bernhardt described one evening meeting with the mayor. She pleaded with O'Connor to stop using the press to attack her. Bernhardt wanted to repair the damage with her.¹⁴ The mayor kept saying it was okay and acknowledged that she didn't think Bernhardt voted against Henderson for political reasons. She told O'Connor she had been tormented by the Copley press and her belief that O'Connor, through Helen Copley (owner and publisher) controlled the paper.¹⁵ She pleaded with O'Connor to give her a chance (L. Bernhardt, personal communication, April 7, 1992).

But Bernhardt laid equal blame on her staff for their ineptness and inability to respond quickly and forcefully to the slew of negative news articles about her that regularly made headlines. Bernhardt said she did nothing to warrant such consistent negative headlines in the Copley press. She even was a major news story on local television network news. She added that she was never able to get favorable newspaper coverage (L. Bernhardt, personal communication, April 7, 1992).

Summary

Chapters Four, Five and Six laid the groundwork of the complex story of Linda Bernhardt's brief tenure in office by introducing the people and events that played an important role in her political career. Chapter Seven, Miramar Ranch North, describes one of the pivotal issues that played a significant role leading to Bernhardt's recall.

Notes

1. The City of San Diego Municipal Code regarding elections states "extensions of credit for a period of more than thirty (30) days are prohibited. Extensions of credit for more than two hundred fifty dollars (\$250) are prohibited. Provided, however, a candidate may personally borrow an unlimited amount and such funds shall be considered as a contribution by the candidate himself; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law" (City of San Diego Municipal Code, 1990).
2. M. James Lorenz, an attorney whose firm represented Bernhardt during her battles over redistricting and recall, said: "... [It] was quite unfair to bring an action against her for failing to make payments on loans outstanding over 30 days. The city attorney's office is well aware of a number of people that never complied.... It's unconstitutional. For one thing, it discriminates against those who have money and those who don't.... I don't remember all the names of the City Council members, ... but ... a number of them ... had outstanding loans that were not paid over the time frame. Some are probably still there, [but] have been forgotten" (M.J. Lorenz, personal communication, April 28, 1992).
3. Politicians before Bernhardt had campaign debts that lingered beyond 30 days. What was unusual about Bernhardt's debt was its sheer size. Bernhardt made a highly visible pledge early in her campaign not to accept contributions from developers. That ensured she would not receive the sums of money that Struiksma had raised. Jeanette Roache, formerly with the Building Industry Association, said the building industry is often "where the money is in campaigns" (J. Roache, personal communication, April 8, 1992).
4. Councilwoman Abbe Wolfsheimer and attorney Louis Wolfsheimer are legally separated.
5. Bernhardt added, "At that point I wasn't going to them asking for money" (L. Bernhardt, personal communication, March 11, 1992).
6. City of San Diego Municipal Code regarding campaigns states, "No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such a person with respect to a single election in support or in opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed two hundred and fifty dollars (\$250)" (City of San Diego Municipal Code, 1990).
7. Rick Taylor said, "Jean [Andrews] had a very close link to the Building Industry Association.... She [Bernhardt] was going to hire somebody and Jean seemed to me as appropriate as anybody at the time.... Jean was my partner and we worked together on many issues" (R. Taylor, personal communication, March 25, 1992).
8. Linda Bernhardt's campaign pledge, printed on her brochures stated, "I will not accept campaign contributions from developers. A City Council member must be able to make objective and impartial judgments, free from even the appearance of any undue outside influences. As your

City Councilperson, I will not be owned by the special interests. Honesty and integrity must be the hallmark of a public official" (Neighbors for Linda Bernhardt, 1989).

Bernhardt's definition of a developer and her developer pledge was, "I will not accept contributions from principals in any residential development of more than two units nor any commercial development within the city of San Diego for which any approvals are pending nor from any principal which has had a project in front of the council in the past year."

Jean Andrews was, for many years, the leading external fundraising consultant to the Building Industry Association (Building Industry Association). She played an instrumental role in raising funds for the Building Industry Association's successful campaign to defeat the growth management initiatives of 1988. For more information, see Chapter 4.

9. Rick Taylor, Bernhardt's political consultant, agreed it was often difficult to see Bernhardt. "I think she didn't schedule herself very well. Meetings went way too long. Staff should have protected her and cut them off. But Linda would let things drag out so things got backed up. She was difficult to see. And she had a remarkable, unbelievable schedule which should never have happened. Her schedule was out of control in the sense of her [number of] committee assignments" (R. Taylor, personal communication, March 25, 1992).

10. Bernhardt added, "Even though I was getting beaten up on in the Copley Press, there were still people in the media who viewed me as being very powerful, very effective, and [I] had this career path that was unlimited" (L. Bernhardt, personal communication, May 29, 1992).

11. The progressive gang of five replaced the conservative, pro-development and well-connected gang of five which operated in prior years. A description of who comprised the conservative gang of five and certain key actions they took, which bear on this dissertation, is located in Chapter Four.

Robert Kittle, editorial page editor of The San Diego Union-Tribune, gave his perspective of the progressive faction of the City Council and Linda Bernhardt.

... The council was in a great state of turmoil. It was [councilman] Bob Filner preparing his own faction in opposition to the mayor and the rest of the council. We called them the Gang of Five.... The reporters initiated it and then we sometimes used it on the editorial page. It was a pejorative term for the majority bloc on the council--this new majority bloc on the council, led by Filner. Linda Bernhardt was a member and participated in that.... [S]he [Bernhardt] contributed a great deal to the divisiveness and the problems on the council (R. Kittle, personal communication, June 5, 1992; emphasis in original).

12. The progressive coalition, which included Bernhardt, was also viewed unfavorably by the Copley press.

13. In response, Mayor O'Connor's chief of staff, Benjamin Dillingham, said, "Linda Bernhardt was not worth the expenditure of this office's press capital" (B. Dillingham, personal communication, May 5, 1992).

14. A description of how councilwoman Bernhardt damaged her relationship with Mayor O'Connor is located in Chapter 5.

15. It is well known that Mayor Maureen O'Connor and Helen Copley, owner and publisher of the Copley Press, are good friends. Benjamin Dillingham added, "The mayor and Helen have an agreement. The mayor has a few close friends, let your hair down, let's just be the girls.... Say what you want to say, total trust, total confidence.... There is an unspoken agreement among them that they don't talk business.... This is not to say the mayor does not communicate with the press; she does" (B. Dillingham, personal communication, May 5, 1992).

Robert Kittle, editorial page editor of The San Diego Union-Tribune, said: "The perception [that the Copley Press takes a hands-off approach in the editorial pages about Mayor O'Connor] exists primarily because the mayor and Helen Copley, the publisher, are good personal friends.... We tend to agree with what this mayor wants to do.... The perception that's out there is truly exaggerated. As [with] all stereotypes ... there's a little germ of truth there. To a larger perception, that is not accurate. The fact that Maureen O'Connor and Helen Copley are good friends, [I] can't dismiss it.... [However] I have never heard her [Helen Copley] say, 'The mayor wants this so let's do it this way'" (R. Kittle, personal communication, June 5, 1992).

CHAPTER 7

MIRAMAR RANCH NORTH

"Linda's headed for a downfall, mark my words,
she's headed for a downfall!"

--Aurie Kryzuda, remembering a conversation with
political consultant, Rick Taylor, in the spring of 1990,
personal communication, March 29, 1992.

Introduction

This chapter continues the narrative of Bernhardt's tenure in office, and focuses on a singular event which influenced her tenure in office; it is her pivotal role in fulfilling her campaign pledge to resolve the bitterly divisive land dispute in Scripps Ranch. The antagonists were McMillin Communities, the developer of Miramar Ranch North, and the Save Miramar Lake Committee), a grassroots organization in Scripps Ranch.¹ Save Miramar Lake Committee sought to prevent McMillin Communities from building homes, a four-lane highway, and an industrial park above the shore of Miramar Lake.

Scripps Ranch Civil War

Political consultant Larry Remer once said that nobody could ever have made the community of Scripps Ranch happy, at least in the intermediate term. He believed the problems were related to its location and surroundings. The community, he added, was nearly completed, but funding had dried up. Those who had supported Bernhardt in her

election felt she had sold them out and abandoned them (L. Remer, personal communication, March 17, 1992).

In mid-1990, Scripps Ranch had all the characteristics of a country fighting a civil war. Ed Struiksma described some reasons for the internal strife: "You had neighbor against neighbor on whether or not to develop Miramar Ranch North, as proposed, and neighbor against neighbor about whether they were going to support Linda. It was a very destructive exercise" (E. Struiksma, personal communication, March 28, 1992).

According to Bernhardt, she had to work with many former Struiksma supporters from the northern part of the district. Struiksma had appointed people to key positions on powerful local community boards and commissions. After the election, an adversarial relationship ensued between Bernhardt and Struiksma's appointees. Bernhardt perceived them as her enemies. She intended to replace them with her own supporters; she did not succeed (L. Bernhardt, personal communication, May 30, 1992).

Background and Importance of Miramar Ranch North

Bernhardt's political aspirations were grounded in pursuing environmental solutions to resolve the complex personal and political agendas of the Miramar Ranch North project in Scripps Ranch. Early on in her council tenure, it appeared that she could not or would not intervene to halt the development on the shore of Miramar Lake. The Save Miramar Lake Committee found itself in a quandary, and began questioning Bernhardt's credibility and support of their cause. They felt they were rapidly losing the political power and strength they had attained in a month-long community initiative battle over building on the view-shed of Miramar Lake.

The Save Miramar Lake Committee also faced angry Scripps Ranch neighbors who deeply resented their interference in a long-standing project in which they had worked with the developer to ensure that certain community amenities would be in place while Miramar Ranch North was developed. The developer was impatient and bitter because of financial losses accruing on the stalled project.

Sheryn Sherer, secretary of the Save Miramar Lake Committee, provided an astute observation that some community leaders took it personally when the Save Miramar Lake Committee questioned what they had done. Because of the community leaders' hostility, they would not work with the Save Miramar Lake Committee. Even though they might not have liked the development, they took the developer's side. This hostility extended to Linda Bernhardt; they did not rest until they got her out of office (S. Sherer, personal communication, April 29, 1992).

The Miramar Ranch North—Save Miramar Lake issue displayed many characteristics of neighborhood land-use disputes involving siting of new facilities and construction. Like many candidates who ran for elective office on a single issue of importance to an influential group of voters, Bernhardt used the dispute to her advantage; she made a campaign pledge that, once elected, she would work to satisfactorily resolve the problems of Miramar Ranch North.

Yet one factor made this situation extraordinary. Following the election, steps were taken to forge an agreement between the developer, McMillin Communities, and members of the Save Miramar Lake Committee. Simultaneously, while the redistricting was occurring, councilwoman Bernhardt made plans, which quickly became public, to

redistrict out Scripps Ranch from the Fifth District. It was generally believed that Bernhardt's strongest and most active base of support had come from the affluent and educated volunteers in the Scripps Ranch-based Save Miramar Lake Committee.

As the formal redistricting process moved forward, the divided City Council approved a new redistricting map that had councilwoman Bernhardt out of Mira Mesa and Scripps Ranch, two of the original five communities in her district.

Against his will and counsel to Bernhardt, Sixth District conservative councilman Bruce Henderson became the area's new representative.

The Miramar Ranch North Controversy, 1990

The Scripps Ranch volunteers, who had worked so hard to get Bernhardt elected, were now waiting patiently for her to resolve the dispute over McMillin Communities' proposed residential development above the north shore of Miramar Lake. Political consultant John Kern said it was foolish for Bernhardt to promise to halt the development because McMillin had vested rights. The only issue, he maintained, was the size and location of the project (J. Kern, personal communication, June 5, 1992).

Yet Bernhardt approached the land dispute as if she did have the authority and power to stop the development. Walter Heiberg, vice president and project manager for McMillin Communities' Miramar Ranch North, said Bernhardt felt she had the right to issue orders to McMillin, rather than trying to work with them (W. Heiberg, personal communication, March 31, 1992).

Former campaign treasurer Leo Wilson advised Bernhardt to get this issue over with as soon as possible. He told her to work it out with everyone with a vested interest

in Miramar Lake (L. Wilson, personal communication, March 21, 1992). Several meetings were held with Gary Underwood, Chairman of the Save Miramar Lake Committee; Aurie Kryzuda, Bernhardt's assistant and Save Miramar Lake volunteer; Leo Wilson; Bernhardt; and Rick Taylor. Underwood said they planned to talk about changes in the project, but Taylor seemed intent on forcing Save Miramar Lake Committee to make large concessions. When Underwood demurred, Taylor threatened to "crush" the Save Miramar Lake Committee (J.G. Underwood, personal communication, March 22, 1992).

Leo Wilson said that Bernhardt had three times canceled meetings he arranged for her with Save Miramar Lake Committee and McMillin. He later found Taylor had wanted them canceled.²

When grading began, Wilson added, Bernhardt's office went wild. McMillin said they had to begin building and Bernhardt wouldn't meet with them. Taylor called Wilson and said he and Bernhardt would meet with Corky McMillin. The implication, widely held in town, was that McMillin had hired Taylor to get access to Bernhardt (L. Wilson, personal communication, March 21, 1992).³

Bernhardt prepared an emergency moratorium to stop the work that had begun above the lake. She lobbied her council colleagues and obtained the votes needed to assure it passed. McMillin Communities immediately filed a lawsuit against the City for abridging their property rights.⁴

Bernhardt gave her version of the Miramar Ranch North controversy:

... Corky [McMillin] realized I wouldn't meet with him. I didn't think it was appropriate to meet with him.... It was really that I hated him so

much because it would have been okay to meet with him.... He never even listened to me! [He thought I was] just an extremist, no-growther! I was probably punishing him.... "I'm a new council member, too bad! Your buddy, Ed [Struiksmā], is not here, and I hate your plan [for Miramar Ranch North]!" (L. Bernhardt, personal communication, May 30, 1992).

She added that around that time, McMillin contracted Taylor and Jean Andrews to do a poll in the community and set up a meeting with Bernhardt.⁵ Bernhardt told Taylor that the project was causing her too many political problems and he responded that perhaps she should "see the bigger picture." He asked her to consider the cost of redesign and if that cost would allow McMillin to make a profit. She admitted that she then realized how bitter she was toward McMillin.

Taylor asked Bernhardt if she would have a problem with his firm's working for McMillin. She said she told him she didn't know who else could resolve the situation, even though she knew it would upset some in the community. Additionally, Bernhardt said, she told Taylor that she felt she had no right to tell companies who they could have as a client. She knew the McMillin project had to be marketed but part of her realized the community would think Taylor was a traitor because of his relationship to her. And, in fact, the community was outraged at Taylor. The people in Save Miramar Lake Committee began taking out their anger against Bernhardt. She said she told them that she had no right to tell Taylor for whom he should work and that she would not put pressure on him to remove McMillin as a client (L. Bernhardt, personal communication, May 30, 1992).

Leo Wilson said that when the community began receiving public relations packets for McMillin (prepared by Taylor and Andrews), they were "almost at war." They wrote to Bernhardt telling her to get rid of Taylor and, Wilson added, he watched the volunteers' intense loyalty turn to open hostility. When Taylor went out to speak to community groups, he was not a calming influence; nobody trusted him.⁶ Wilson told Bernhardt she had to do something about Taylor, but realized that she would never jettison him (L. Wilson, personal communication, March 21, 1992).

Bernhardt said the anger and rage was like a shock wave and that people felt betrayed.⁷ She realized that she was tainted too because Save Miramar Lake Committee felt she was selling out to benefit McMillin. She said she told them that they were, perhaps, too extreme and out of step with the majority of the community. She suggested compromise.

McMillin, via Rick Taylor, provided Bernhardt with an architect/planner to try to incorporate Bernhardt's ideas into the design. Although her concepts would have been workable and profitable, they did not help her because of alleged sabotage in her office. Bernhardt said someone in the council offices stole a copy of the plan and gave it to Save Miramar Lake Committee, which reproduced it. McMillin sued the city and Bernhardt individually because they had paid for the work and it was legally theirs. After that, McMillin didn't trust her, Andrews or Taylor. The City Attorney pressured the council to vote to settle the lawsuit, while Bernhardt fought to prevent settlement. Pratt and Filner began "to get squeamish" and others said she didn't understand the law. The City Attorney said the initial defense would cost \$5 million. Bernhardt told Taylor to set up

a meeting with McMillin and Save Miramar Lake Committee. She felt no one believed her interest in forging an acceptable agreement on Miramar Ranch North and that Save Miramar Lake Committee seemed convinced that she was going to dump them⁸ (L. Bernhardt, personal communication, May 30, 1992).

By September 18, 1990, with Bernhardt's recall under way, the City Council approved a complex settlement agreement with McMillin Communities.⁹ The *Los Angeles Times* summed up the situation, "In many ways, the settlement signals the end of the beginning in a long battle over development of ... Miramar Ranch North" (A. Acuna, 1990, p.II-2).

Consequences to Bernhardt

Larry Remer summarized the consequences to Bernhardt for maintaining and supporting her friendship with political consultant, Rick Taylor, in the face of persistent admonishments from her Save Miramar Lake supporters. He said Taylor's decision to work for McMillin was political death for Bernhardt as she broke faith with her political base. Bernhardt had made herself the broker for Save Miramar Lake Committee, McMillin, Scripps Ranch residents and the City. Remer asserted that a public official sometimes should step back and let consensus emerge before making a commitment. Otherwise, the politician is responsible. Ultimately, he continued, politics is problem solving; if you are an ineffective problem-solver, you are not doing your job. But it didn't matter in this case; Bernhardt broke faith with people who hardly knew her.

Summary

This chapter described the importance of solving the Miramar Ranch North controversy for Bernhardt's political future. It delved into the role that Bernhardt's former political consultant played in the dispute that divided residents of Scripps Ranch and pitted the developer, McMillin Communities, against the grassroots Save Miramar Lake Committee.

Chapter Seven provides useful background on a central event in Bernhardt's Fifth District that was occurring at the same time she was involved in the city's 1990 redistricting process. Her role in redistricting is described in the following chapter.

Notes

1. The Save Miramar Lake Committee, and its hugely successful 1989 grassroots referendum drive to place a ballot issue before San Diego voters over whether to allow development above the shore of Miramar Lake, is located in Chapter Four of this dissertation.
2. The *Los Angeles Times* published an article about Rick Taylor and Jean Andrews' involvement with Miramar Ranch North. The article stated, in part:

The political hive is abuzz with news that McMillin Development has hired two consultants with links to San Diego Councilwoman Linda Bernhardt to lobby on behalf of the controversial Miramar Ranch North proposal in Bernhardt's district. Bernhardt made her adamant opposition to Miramar Ranch North the key issue in her defeat last year of pro-growth incumbent Ed Struiksma. Her campaign manager was Rick Taylor.... Later, she hired Jean Andrews ... to help retire a \$140,000 campaign debt. Now, McMillin has hired Taylor and Andrews to help win approval for the ... Miramar Ranch North project.... Steve McGill, senior vice president of McMillin, said Taylor and Andrews were hired "for their expertise as political consultants and campaign specialists." ... Chris Crotty, Bernhardt's chief of staff, said McMillin officials checked before hiring Taylor and Andrews to see if Bernhardt opposed the idea. She didn't.

... The Taylor-Andrews arrangement is much discussed among builders. Dennis Meehan, vice president of Foote Development, said it smacks of making a builder buy access to a council member. "You shouldn't have to resort to paying consultants to speak to a council member," he said.

Andrews said it's no secret that she and Taylor are aided in their effort by knowing Bernhardt and the district: "It doesn't make any sense for McMillin to hire someone who can't get his phone calls returned" (Perry, 1990).

3. Aurie Kryzuda confirmed Leo Wilson's version of Rick Taylor's involvement in Miramar Ranch North. "He [Corky McMillin] had every right to meet with Linda to discuss his project. But she wouldn't meet with him until Rick Taylor was on board" (A. Kryzuda, personal communication, March 29, 1992).
4. According to Bernhardt, City Attorney John Witt advised the Council in closed session to settle with McMillin. Bernhardt discussed the pressure from Witt and his warning to her and the council, "We're never going to win! It's going to cost us, at a minimum, \$20 million [to settle]" (L. Bernhardt, personal communication, May 30, 1992).

Walter Heiberg, project manager for McMillin Communities' Miramar Ranch North project, said: ... [W]e had a Regional Protection Overlay Zone exemption. ... She got the council to take away that exclusion. It was her way of making, telling and showing us, legally, that she wanted us to do what she wanted.... [W]e filed a lawsuit ... saying our property rights had been violated.... We were [eventually] able to reach a settlement by ... putting the exemption of the [Regional Protection Overlay Zone] back on the project....

As part of the settlement, we did make some changes to the project.... Linda was still on the council at the time; the council voted on settling the lawsuit and letting the project move forward again where it wasn't moving because of the turmoil" (W. Heiberg, personal communication, March 31, 1992; emphasis in original).

5. Walter Heiberg said, "When [Bernhardt] was elected, we used [Taylor] as a political consultant ... to help us understand what the [Scripps Ranch] community wanted. Like all political consultants, he knew the politician, in this case, Linda Bernhardt, ... [he] had [he]r ear.... [The] side benefit of hiring him, it would allow us to have access to Linda Bernhardt and tell her what we wanted through him being able to talk to her as her confidante, her adviser..." (W. Heiberg, personal communication, March 31, 1992).

6. Walter Heiberg said, "Save the Lake ... opposed our project. She got their support and used them to help get elected.... He [Taylor] went to those [Save Miramar Lake Committee] meetings with Linda to understand what they were all about so he knew all the people.... As it turned out, those people didn't like him very much.... I think the Save the Lake people perceived Rick Taylor as doing whatever was good for Rick Taylor, not [what was] good for their group" (W. Heiberg, personal communication, March 31, 1992).

7. Aurie Kryzuda told Bernhardt that Rick Taylor was a bad influence. "It's not good for your image. It's tarnished with the Save the Lake people. They don't trust you because he was your consultant on your campaign, now he's working for McMillin.... She just wouldn't get rid of Rick" (A. Kryzuda, personal communication, March 29, 1992).

8. Bernhardt said, "When I got elected, my heart was with Scripps Ranch, although I will admit, and publicly I couldn't say it, they were a pain in the ass! But I loved 'em! But not to have to represent them.... I loved them and I hated them!... All this time, any smart politician would have been out there fighting for her political life with the redistricting and the recall! But it was real important that this [development agreement] not be dropped.... It took an enormous amount of time. But the community, I don't think, ever really believed that.... [Save Miramar Lake Committee] never appreciated the work I did" (L. Bernhardt, personal communication, May 30, 1992).

9. As part of the agreement, the City agreed to give McMillin Communities a \$24 million credit against future imposition of citywide impact fees; exempt the developer from regulations in the city's environmental ordinance; and give the developer an exemption from future growth-control ordinances approved by the City Council. If McMillin Communities was delayed or made to stop building because of various decisions by the city, the city would be forced to reimburse McMillin-BCE Development millions of dollars; the city also created a \$56 million fund to pay for many of the public improvements in Miramar Ranch North.

CHAPTER 8

REDISTRICTING

"Redistricting is the worst experience I have ever gone through in politics--or in life probably."

--Linda Bernhardt, personal communication,
May 28, 1992

Introduction

This chapter begins to answer the research question about how the City of San Diego accomplished redistricting in 1990-91 and how it precipitated Bernhardt's recall from public office. The role of the local media in redistricting is also described. The city's protracted and contentious decennial redistricting of 1990 did not conclude until the spring of 1991, a week after Linda Bernhardt was no longer a member of the San Diego City Council.

Factors Which Influenced the City of San Diego's 1990 Redistricting Process

The city's redistricting process was already under way when Bernhardt was sworn into office on December 4, 1989. To understand the very complicated process of redistricting, some background information is provided about the events leading to the City of San Diego's 1990-91 redistricting. [See Appendix 9 for the city's 1980 district boundaries.]

In January 1988, the Chicano Federation of San Diego sued the City of San Diego for violating the federal Voting Rights Act by abridging the rights of Blacks and Latinos. When the city settled with the Chicano Federation on October 2, 1989, it agreed, among other things, to create a citizens' Redistricting Advisory Board that would advise the city manager and City Council on the boundaries to be established in the upcoming decennial redistricting (Bernhardt, personal communication, July 19, 1990; Lane, personal communication, October 2, 1990). The settlement agreement also committed the city to complete redistricting by October 1, 1990 (J. Lane, personal communication, October 2, 1990).

By March 1989, some City Councilors and their staffs were drawing maps in preparation of the formal redistricting process, which was a year away. An article in the *San Diego Tribune* recounted the scene:

City Hall is quietly beginning the process of redistricting, that once-a-decade power play in which Council Members aim to safeguard their seats and their political parties' strength by the creative redrawing of district boundary lines.... Councilman Bob Filner ... is calling for the process to be placed in the hands of an independent commission, perhaps a group of retired judges. "I want to get it out of the secrecy of back-room politics ... and let the chips fall where they may," he said. Filner says that a private poll ... convinced him that an "overwhelming majority" of San Diegans would favor taking the process out of the hands of Council Members. For those members to publicly oppose such a plan, he said, would be like bucking motherhood and apple pie....

At least one aide to a Republican Council Member has been working on ways to reconfigure boundary lines, hoping it will help Republican Council Members in upcoming elections.... Two sources said Jim Sills, an aide to District 6 Councilman Bruce Henderson, has shown maps to representatives of at least one Council district in connection with reapportionment. Because of that effort, at least one other Council office has prepared its own maps to counteract them....

City voters' decision last year to change the way Council Members are elected heightened the importance of redistricting.... Filner ... is a Democrat who has at times found himself pitted against a coalition of five Republicans that has made his first Council term difficult and that may want to carve up his district. The five Republicans are Ed Struiksma, Gloria McColl, Judy McCarty, Henderson and [Ron] Roberts. If a redistricting plan satisfactory to all five can be worked out, those Republicans, who constitute a Council majority, could enact it.... [For issues of importance to District Five,] Filner says ... there are good arguments to be made for keeping together those communities on the Interstate 15 corridor.... The redistricting will [also] give city officials an opportunity to reunite some communities now divided between two Council districts, such as ... Clairemont (Spivak, 1989).

In September 1989, while City Council primary election campaigns were under way in the First, Fifth and Seventh Districts, City Manager John Lockwood released a

Request for Proposal seeking consultants to perform all tasks associated with decennial municipal redistricting. The city earmarked \$50-\$75,000 from the general fund to pay for these services.

Redistricting, 1990

In early January 1990, the city was officially gearing up to fulfill the requirements of the settlement agreement with the Chicano Federation related to redistricting. Mayor Maureen O'Connor and the City Council appointed a 17-member citizens' Redistricting Advisory Board to formulate a new redistricting map for the City of San Diego. One Redistricting Advisory Board member was appointed by each Council Member; the Mayor appointed the other nine.¹

By January 20, 1990, the Redistricting Advisory Board held its first meeting. Staff from the City Manager's office, Planning Department and City Clerk's office were there to provide assistance (J. Lane, personal communication, October 2, 1990). Joey Perry, a city staff senior planner assigned to manipulate Census figures and assist the Redistricting Advisory Board to redraw district boundaries, said, "It was my impression that I was doing this [activity] off-budget, that it wasn't my place to be at all of these meetings. My superiors didn't want me to spend a whole lot of time working on it" (J. Perry, personal communication, March 31, 1992).

Of the Redistricting Advisory Board's seventeen members, one was the Mayor's family priest, two were political consultants who worked very closely with members of the City Council, two were former San Diego City Council Members, two represented the Chicano Federation, and several Redistricting Advisory Board members had cam-

paigned vigorously against Councilman Bob Filner in his 1987 Council race against Michael Aguirre, who became the attorney representing the Chicano Federation. The Redistricting Advisory Board's membership consisted of some individuals who had a great deal of technical experience in map drawing while others had virtually no experience in either politics or redistricting.²

Councilman John Hartley commented that the Redistricting Advisory Board was controlled and dominated by the Mayor and intended to give the Chicano Federation what it wanted. He stated that the Republican Party had a national strategy to establish minority-dominated districts which would then be controlled by the Republicans (J. Hartley, personal communication, April 25, 1992).

Bernhardt said that Filner told her that the Redistricting Advisory Board was set up to destroy the progressive faction and that the Mayor was working with Roberts, Henderson and McCarty to achieve this goal. She said Filner argued for a judicially appointed committee, but Roberts and O'Connor "got nasty." Bernhardt added that there was concern about the credibility and integrity of the [Redistricting Advisory Board] process. She felt the committee was one-sided and set up to "screw Filner" (L. Bernhardt, personal communication, May 29, 1992).³

Bernhardt's own appointment to the Redistricting Advisory Board was Claude Wilson, who, she admitted, knew nothing about politics and redistricting. Bernhardt believed appointees should be basic Joes in the community; she tried to pick people who weren't traditionally involved to try to change the face of government (L. Bernhardt, personal communication, May 29, 1992).

The Redistricting Advisory Board began with a promise of city funds to hire a professional firm to help with redistricting. Bernhardt said the Mayor was trying to give the Redistricting Advisory Board a budget on top of the contract, but the Council majority refused to go along (L. Bernhardt, personal communication, May 29, 1992). The majority voted instead to approve reallocating funds from consulting services to office remodeling.

The *San Diego Daily Transcript* said:

Barely started, San Diego's Redistricting Advisory Board is already mired in controversy, having lost a promised consultant and with some members claiming Councilman Bob Filner is positioning himself to influence the outcome of the board's work....

Last week, after The Rose Institute [a consulting firm specializing in redistricting] was chosen as a finalist by a committee of board members and city staff, the \$75,000 in funding [appropriated for consulting services related to redistricting] was snatched away as the Council gathered \$300,000 to pay for remodeling of its offices.... The task of providing support to the board now falls to city staff.... "We had recommended the use of a consultant; we are not in the redistricting business," [Coleman] Conrad [deputy City Manager] said....

Jess Haro, the board member who led the effort to ask for reinstatement of funding, said that Filner opposed Rose [Institute] and led the Council effort to torpedo funding.⁴... An anonymous member of the redis-

tricting board said Filner's move was akin to "harassing guerrilla warfare."... "This whole process is political enough without having employees of the defendants in the [Chicano Federation] lawsuit carrying out the redistricting," Haro said. "The whole thing is blatantly political. The whole thing is tainted now," he said.... "It is fair to say that the widely held belief in the political community is that the person who has the most to fear in re districting is Bob Filner," [Redistricting Advisory Board member John] Kern said" (McClain, 1990a).⁵

Informal meetings and strategy sessions were under way with members of the Redistricting Advisory Board, Council staffers, and political consultants to discuss changes in boundaries that could benefit the interests of specific Council Members for future re-election and fund-raising purposes. Rick Taylor met with a number of individuals, including Jim Sills, Henderson's chief of staff, and John Kern, political consultant and member of the Redistricting Advisory Board. Taylor said Sills went to his office and presented four maps, proposing that they deal with the northern districts and leave the southern districts to their representatives. Taylor said no districts should be ignored, but Henderson's agenda was specifically to gain Clairemont. Bernhardt fought him (R. Taylor, personal communication, March 25, 1992).

John Kern said Taylor suggested that McCarty take over Scripps Ranch. Kern believed that meant that Bernhardt couldn't deal with the problem and wanted to get rid of it. Taylor was not being altruistic; Bernhardt simply couldn't fulfill her promise concerning the development of Miramar Ranch North. She had to negotiate a deal, but

couldn't. Taylor told Kern that he believed Scripps was an unsolvable problem, and that Bernhardt had to get out of there if she was to survive (J. Kern, personal communication, June 5, 1992).⁶

At City Hall, the distrust over the Redistricting Advisory Board's perceived political bias and its power to create new redistricting boundaries eroded what little good will remained among Council Members. Council meetings were now rife with internal feuding that spilled out in public. Bernhardt said the screaming matches at Council sessions proved to the public that everything was in chaos and no business was getting done. The battles were very public, particularly among O'Connor, Roberts and Filner, and went on for hours, mostly on redistricting. Filner knew immediately that he would suffer by the redistricting, but later Bernhardt realized the same about her district (L. Bernhardt, personal communication, May 30, 1992).

John Kern asked Claude Wilson what Bernhardt wanted in new district boundaries. Bernhardt said it was not up to her, but to the people who testified and created maps, such as those from the Sierra Club and San Diegans for Managed Growth. She liked the two environmental groups' philosophies of the Council sharing growth and environmental issues (L. Bernhardt, personal communication, May 30, 1992; A. Kryzuda, personal communication, March 29, 1992).

The progressive majority on the City Council believed that any map created by the Redistricting Advisory Board would harm the city and their political futures.⁷ Bernhardt's attorney, M. James Lorenz, said that it was felt that the Redistricting Advisory Board was so politicized that something had to be done quickly because of the

time frame. The City Council majority that developed the new redistricting plan probably would not have embraced it in totality if they had the time to go through a fair process. But if they didn't act immediately, the Redistricting Advisory Board plan would be foisted on them and the Council majority would have lost everything (M.J. Lorenz, personal communication, April 28, 1992).

While the Redistricting Advisory Board was performing its work, a parallel redistricting process was under way inside some City Council offices. It was intended to give those Council Members, including Linda Bernhardt, certain advantages in the new redistricting.

Informed sources believe that Rick Taylor worked with Bernhardt in her first months in office to reconfigure a Fifth District that kept the southern portions of her district intact while removing her from the high-growth concentration of the northern portions, Scripps Ranch and Mira Mesa. Additionally, Bernhardt intended to transfer most of Clairemont out of Councilman Bruce Henderson's Sixth District and into the Fifth District. By early spring, her decision was firm.

Aurie Kryzuda said Bernhardt felt she would lose a future City Council election if she had Rancho Bernardo and the whole north inland area. She felt that by getting rid of the whole I-15 corridor, it would be an easy re-election (A. Kryzuda, personal communication, March 29, 1992). Kryzuda added that Taylor and Filner's staff came up with a horrendous map that made her weep.⁸

Kryzuda and Bernhardt were still living in Scripps Ranch. She told Bernhardt a lot of people like herself, who had fought to get her elected, did not want, nor would they

understand if Bernhardt were to leave the northern part of the district after such a brief time in office.⁹ Unfortunately, Kryzuda added, Bernhardt's supporters became angry and turned against her. Kryzuda's counsel fell on deaf ears; she and Bernhardt stopped speaking and became enemies (A. Kryzuda, personal communication, March 29, 1992).

Rick Taylor gave his perspective on Bernhardt's redistricting plan: Bernhardt needed to cut 20,000 people from her district. Henderson wanted her to give up Clairemont, where she had done well in her election. It was more blue collar, her kind of community. Henderson wanted her to take Rancho Bernardo, where she might or might not win re-election. But she needed to continue to be extremist on growth because she would have all the growth areas of the I-15 corridor. With that kind of policy, she might hold her seat for three more years, but would never be re-elected because she would be unable to raise enough money because she would be pegged an extremist.

And Bernhardt was in jeopardy over the taking of campaign funds from developers, which would hurt her in the next election. She had to start positioning herself. Taylor believed Bernhardt would be better off with a district composed of Clairemont, Mission Valley, and Serra Mesa (R. Taylor, personal communication, March 25, 1992).¹⁰

In 1992, Linda Bernhardt, out of office, discussed her rationale, in 1990, for supporting new boundaries that removed her from Scripps Ranch and Mira Mesa. She said Scripps Ranch was unbearable for her staff. Turnover was high, which she blamed on her staff trying to represent a community unwilling to work with her. Even though Bernhardt's highest election margins were in Scripps Ranch, Rick Taylor never quite trusted that community. He thought that the bulk of Struiksma's nasty supporters and

the ones that had the most money were in Scripps and would do Bernhardt the most damage.

She admitted having favorites; she wanted Scripps out of her district because she could not relate to them. She looked to see where she could do the best for people who really needed help. Scripps Ranch was well provided for from a government perspective.

Clairemont, Linda Vista and Serra Mesa lacked facilities.... They didn't have power. Her philosophy concentrated on environmental issues, growth and empowerment of people. She was interested in housing and migrant issues, for a certain quality of life. There was really an opportunity for her to do something. Bernhardt said, "People laughed. 'Why would you want to represent those people? They don't even vote!' It was my mission to ... push with community groups and do capacity-building with them. And then empower, ... bring them in and really make them a powerful voice when it comes time to solve their problems!" L. Bernhardt, personal communication, May 29, 1992).

In the spring of 1990 while redistricting was under way, and standing fast on her proposed redistricting plan, Bernhardt, the populist candidate, attended a number of public forums in her district, ostensibly seeking input about redistricting. She said:

I went to the community and asked them what they wanted in redistricting.

It was a long, painful, arduous task!... Everyone wanted me to stay in their communities, including my enemies.

Scripps Ranch told her not to abandon them, but to fix Miramar Ranch North. They accused her of getting ready to leave the area because she could not solve their problems.

Bernhardt was also attending Save Miramar Lake Committee meetings. She combined reports on the status of the Miramar Ranch North project with details about redistricting to her supporters in Scripps Ranch. She told them there were five votes to adopt the Redistricting Advisory Board map¹¹ and that there was a 95% chance the map would be adopted, which would have kept Scripps in her district.

At that point Rick Taylor was working for Corky McMillin and the community was angry. Bernhardt told Save Miramar Lake Committee that other maps, such as the one from San Diegans for Managed Growth, had been filed for consideration by the Redistricting Advisory Board and City Council. The committee said said, "We want you here!" Their interest was the lake and they thought that Bernhardt was the only one who could protect the lake. Her attitude was, "Look, I'm a member of your Committee. I truly am an environmentalist. I haven't disappointed anybody. It doesn't matter if I'm in your district or not, for God's sake. I'm on the Council and my views and voting record will remain the same. Unless I reverse into an Ed Struiksma, I'm going to be there for you in the project" (L. Bernhardt, personal communication, April 7, 1992).

Gary Underwood, chairman of Save Miramar Lake Committee, remembered that at the meeting, Bernhardt seemed to fear that she would not keep her office unless she disassociated herself from Scripps Ranch because it was strongly Republican, very

conservative, and she was a liberal Republican.... "She began to fear the very people who put her in power" (J.G. Underwood, personal communication, March 22, 1992).

Bernhardt said she tried to reunite community boundaries. This logic motivated her to remove Mira Mesa and Scripps Ranch as a bloc in the northern portion of the Fifth District while reuniting Serra Mesa and Kearny Mesa in the southern portion. "Serra Mesa and Kearny Mesa wanted to keep an eye on the land-use and Montgomery airport issues and they were in different districts, so they couldn't leverage their Council person to do what needed [to be] done, and that was understandable" (L. Bernhardt, personal communication, April 7, 1992).

Yet the redistricting of the I-15 corridor had an entirely different philosophy and logic behind it. An "environmental" map, later dubbed the Hartley map, was prepared by Bernhardt and certain progressive majority Council Members, and given to individuals of the Sierra Club and San Diegans for Managed Growth to return to the City Council and the Redistricting Advisory Board. The map was submitted to the City Clerk's office on the deadline date.¹² The carefully crafted map not only removed Bernhardt from Scripps Ranch and Mira Mesa, but split the heavily traveled I-15 corridor into three or four Council districts. "... The high-growth areas of the I-15 corridor should be shared by four Councilmembers. This way, they will have to answer to the voters for their growth-related decisions" (Sierra Club, 1990).

The proposed changes on the I-15 corridor were contrary to public testimony received by the Redistricting Advisory Board. John Kern, a Redistricting Advisory Board member, wrote in 1990, "... If at all possible, the I-15 corridor [should] be represented

by one Council Member. Citizens were asked, on several occasions, whether they believed that more than one representative would give them more influence. The citizens were unanimous ... that having more than one Council Member dilutes rather than strengthens their power" (J. Kern, 1990, p.1).

In 1992, Kern elaborated further on why splitting the I-15 corridor would not work:

... You can't argue on the one hand, that concentrating a particular group increases their power and then go to another area and say, "No, no—dilution of their districts dilutes their power." The fact is ... that the [idea that] putting four or five people on the I-15 corridor ... will increase the clout of the I-15 corridor is ludicrous! Because that presupposes that all these people are going to agree; it presupposes also that their entire district is in the I-15 corridor so that then they have a uniformity of interests, and that was totally untrue in at least three cases. To my mind, that argument was nothing more than a belated justification at a redistricting that was aimed exclusively at two things: get [Bruce] Henderson; get Linda out of Scripps (J. Kern, personal communication, June 5, 1992).

Although members of the City Council were working on their own maps, the Redistricting Advisory Board continued to go about its business of holding meetings and reviewing maps. In addition to the perceived political bias of certain Redistricting Advisory Board members, their style of operating was also suspect. Unlike other public commissions, the Redistricting Advisory Board maintained no written or audio records

of meetings; after the first two meetings, no formal agendas were distributed and no minutes were recorded. In essence, there was no trail of their work. Joey Perry, who spent 20 to 30 hours a week off-budget, working on redistricting, said, "I didn't take notes.... I don't think anybody took notes. I don't think the board had anyone appointed as secretary to record the actions that they took." When the Redistricting Advisory Board members wanted city support to modify maps under review, Perry said, "We felt we didn't get enough direction. 'Okay, go fix it,' doesn't tell us how they wanted it fixed" (J. Perry, personal communication, March 31, 1992).

Perry gave an inside view of the Redistricting Advisory Board:

A few dominant personalities showed up and they were the most vocal....

There didn't seem to be a committee approach.... Somehow, it seemed that ... they should try to keep an open mind. It also seemed that there was an awful lot of behind-the-scenes interaction with the Redistricting Advisory Board committee in terms of some of those more vocal people. People took sides! They ... said, "Do we have enough votes to make this go—okay—let's do it!"... I didn't realize that lobbying like that would go on behind the scenes or away from the table (J. Perry, personal communication, March 31, 1992).

Dan Greenblat, a Redistricting Advisory Board member said, "It was a little tense at first.... A compromise consensus had to be developed. But certain people were there to either obstruct, forestall, or subvert the process. There was a surrogate for Filner [and one] for Henderson [and one] ... for every Council Member. They were acting out the

instructions of their principals. It seemed that way. Consequently, the process became contentious at times" (D. Greenblat, personal communication, March 17, 1992).

The final public meeting of the Redistricting Advisory Board was on May 31, 1990. The following day, The *San Diego Tribune* reported that the map conceived by the Redistricting Advisory Board was not perfect, but they believed it was the best they could get. It fell short of its goal to make all eight districts relatively compact. The 5th District would stretch from the city's most northeastern point in San Pasqual Valley all the way down to the junctions of Interstate 5 and 8 in Mission Valley—a separation of nearly 30 miles from tip to tip (Ristine, 1990a). [See Appendix 10 for the Redistricting Advisory Board map.]

One week later, the Redistricting Advisory Board, in a controversial 10-4 vote, approved its final map for submission to the San Diego City Council.¹³ City official George Story was quoted in a news article as saying the Council could take this recommendation or could say, "Let's set this aside and start from scratch.... I don't expect it to be set aside, but you don't know what's going to happen" (Flynn, 1990a).

Bernhardt's impression was that "they [Redistricting Advisory Board] created a majority of districts that were Republican, numbers that would have made it impossible for a Democrat to consider running. That's San Diego politics—conservatives rule."¹⁴

Bernhardt said the map was a mess and that the Fifth District was larger than she had started with. She had, she complained, all the growth, development and environmental issues. She believed the Redistricting Advisory Board wanted her to be the Growth Management Queen. "'Well, we [Redistricting Advisory Board] just gave you the District

For Life to be that!' And that's what they did! But none of them would admit it" (L. Bernhardt, personal communication, April 7, 1992).

Around the time that the Redistricting Advisory Board's map was submitted to the City Council, Linda Bernhardt, who was not supporting the Redistricting Advisory Board map, held an informal gathering in Scripps Ranch with her environmental supporters. She introduced the "environmental" redistricting map, which removed her from Mira Mesa and Scripps Ranch. Leo Wilson remembered:

There were 75 people there. You couldn't believe the hostility, the sense of absolute betrayal These people were going to be stuck with Henderson! They had walked and walked to put a favorable City Council Member in. Now suddenly there's Bruce Henderson who supposedly can be knocked off in two years, but in those two years you lose the Miramar Ranch North project. She refused to budge, and these were her core people! She was just treating them like aliens.... Richard Carson, an economics professor and environmentalist ... said, "Linda, if you want to keep your job, you're going to have to change this back!" She just stubbornly held on (L. Wilson, personal communication, March 21, 1992; emphasis in original).

Aurie Kryzuda, who was present that afternoon, commented on the environmental map and the reaction it drew that day:

It was pure gerrymandering.... The environmental people didn't like it....

It was an environmental map but we didn't really bring in any environ-

mental people and say, "Let's dissect the city and get your input on this."

It really was behind the scenes.... Linda was trying to sell them something that was bad....

She didn't realize that trying to soft-pedal things was actually insulting to people. She insulted their intelligence by telling them "It's for your own good. Even though this map's the way it is, I'm still your representative." Well that's bullshit! People aren't going to believe that. You're insulting us! And yet we were trying to make fools of them by making them believe that, it was the Emperor's New Clothes! And that's what it was! (A. Kryzuda, personal communication, March 29, 1992).

Although no formal City Council action would be taken on the Redistricting Advisory Board map until mid-July, 1990, it was common knowledge that Bernhardt was going to support the map that removed her from the northern section of her district. To ensure she lived within her proposed new district boundaries, Bernhardt moved out of Scripps Ranch into Mission Valley, the southernmost point of the Fifth District. The *San Diego Tribune* covered her move as front page news. The *Tribune* article emphasized the community's reaction to Bernhardt's redistricting plan. "In comments labeled 'political suicide' by one of her strongest supporters, Bernhardt said she would accept the loss of Scripps Ranch, which helped launch her political career.... 'A good politician doesn't run away from tough issues,' said Gary Underwood..." (Ristine, 1990b).

The politically powerful Scripps Ranch Civic Association was also interested in Councilwoman Bernhardt's plans, and invited her to their June meeting to discuss

redistricting. Bernhardt said the community was upset that she was not supporting the Redistricting Advisory Board map; the Scripps Ranch Civic Association had supported that map and considered the environmental map a joke. Members of the Scripps Ranch Civic Association wanted Bernhardt out of office and worked diligently (behind the scenes) to get her recalled (L. Bernhardt, personal communication, April 7, 1992).

The Association, which covered the meeting in their June newsletter, stated, "It would certainly be a disaster to lose our Councilwoman in the midst of all the critical negotiations that will have such a tremendous impact on our community" (Scripps Ranch Civic Association, 1990, p.1).

Toward the end of June, in the face of growing controversy over the Redistricting Advisory Board map, and hoping to gather the votes needed for its approval, Redistricting Advisory Board member Dan Greenblat wrote a memo to the City Council reminding them that, "All maps were reviewed, including the so-called 'environmental map.'... There is no legal requirement to draw a map based on environmental strategies. Issue preference is not a basis for redistricting" (Greenblat, 1990).

This memo was immediately followed by an equally strongly worded memo from Redistricting Advisory Board colleague, and political consultant, John Kern. Kern warned:

....The Glaser/Environmental proposal splits a number of community planning areas that are now intact, including Scripps Ranch.... The proposed districts clearly violate the Council's directive to "retain, to the extent possible, existing District boundaries." The proposed ... map is an

attempt to use the environment to disguise the most political gerrymandering effort.... They say they are doing this because of the environment. How is it a benefit to the environment to take Ms. Bernhardt, who ran on an environmental platform, out of the planned and future urbanizing area, in order to replace her with Mr. Henderson? It makes more sense that Mr. Henderson is being removed from his current district in order to make him more vulnerable when he runs for re-election next year rather than for any environmental reason.... Attempting to make redistricting an issue of growth vs. development does a major disservice to our City.

The driving forces behind the Redistricting Advisory Board redistricting were (1) the court order and criteria of the Council; (2) the public testimony regarding communities of interest; and (3) the residences of existing Council Members. Anyone who tells you anything differently is lying to you and lying to the public (Kern, 1990).

On July 9, 1990, the City Council voted on a new redistricting map. Immediately prior to the meeting, Hartley distributed a memo to the City Council introducing the new, environmental map.¹⁵ Ignoring the recommendations of the Redistricting Advisory Board, the Council spent less than one hour adopting what became known as the Hartley, or environmental, map. The bitterly divided vote of 5-4 brought "absolute pandemonium to the audience. It was just wild, it was really bad ..." (L. Bernhardt, personal communication, April 7, 1992). [See Appendix 11 for the Environmental-Hartley map.]

The Council's decision to support the Hartley map was immediately contested by the Chicano Federation, who sued the City of San Diego the following day for not complying with its settlement agreement in two areas: (1) the public had not received adequate advanced notice, and (2) the Council was required to accept the Redistricting Advisory Board map (McClain 1990b); (L. Bernhardt, personal communication, April 7, 1992). The environmental map split the Scripps Ranch community into two Council districts—Six (Bruce Henderson), and Seven (Judy McCarty). The Scripps Ranch Civic Association protested by gathering 2,000 signatures demanding the reunification of Scripps Ranch (M. Sorensen, personal communication, July 23, 1990).¹⁶

The spontaneous, loud and vitriolic public outcry, coming from all parts of the city, caught the City Council's progressive majority by surprise. Many people believed that because the Council had acted so quickly on July 9th, and had engaged in virtually no public discussion before rejecting the Redistricting Advisory Board map and accepting the Hartley map, that the progressive majority had secretly met to create and agree on the Hartley—Environmental map.

An angry press lashed out at the progressive majority for adopting the Hartley map. An editorial in *The San Diego Union* said:

The seamier side of district elections was exposed for all to see Monday ... when the ... "gang of five" rammed through a redistricting plan that could jeopardize San Diego's settlement of a voting-rights suit.... It slides Bernhardt out of Scripps Ranch where residents are increasingly unhappy with her voting record that doesn't square with her campaign promises to

curb growth.... And it places pro-growth Council Member Bruce Henderson into the areas of Scripps Ranch and Rancho Bernardo where his odds of being re-elected are greatly diminished. From the time the citizens' committee [Redistricting Advisory Board] submitted its redistricting recommendations, staffers from the gang of five have been plotting their strategy. The net result is a shameless ploy to violate both the spirit and intent of the 1988 court settlement (*The San Diego Union*, 1990c).

The *Los Angeles Times* commented:

The redistricting battle has been brewing for some time in City Hall offices, where Council Members ... have been plotting strategy to gain maximum political advantage.... No surprise there; that's how the system works.... Simultaneously, an advisory redistricting panel ... had been holding public hearings to redraw district lines. Its map wasn't free of political taint, either, offering significant advantages to some of the Council's conservative Republicans. But it was based on months of public testimony. On Monday, the Council's liberal ... "Gang of Five," which controls city policy ... produced a map that only its bloc members had seen before.

... The majority's sin pales before the unparalleled political cowardice of Councilwoman Linda Bernhardt, who voted for new boundaries that remove Scripps Ranch from her 5th District. Bernhardt won an upset victory over ... Ed Struiksma ... with the zealous volunteer aid of Scripps

Ranch environmentalists, who believed the promises that she would protect Miramar Lake and the I-15 corridor from development. Those problems have apparently have proven more intractable than Bernhardt foresaw.... Who takes over as Scripps Ranch's representative? Bruce Henderson, the reigning pro-growth Councilman. Henderson ... was the victim of a naked gerrymander designed to make him more vulnerable to defeat in 1991. At the behest of environmental activists, the burgeoning I-15 corridor was Balkanized into three Council districts so that the Council could not dump the city's growth on one Council Member. That may have been a clever growth-control tactic, but the fact remains that, in testimony before the advisory panel, many I-15 residents asked to be lumped together in one district (*Los Angeles Times*, 1990a).

Offering the most insightful commentary about the Council majority's map that benefitted their personal and philosophical interests was the *San Diego Business Journal*, which commented:

Critics who blasted the "gang of five" ... who rammed through a redistricting map ... have missed the bigger picture.... The real problem that brought about this muck was that Mayor Maureen O'Connor has lost whatever power she had before Hartley and Bernhardt were sworn into the Council ... and joined the new majority. In retrospect, O'Connor's January announcement that she would not run for re-election has proven redundant. If O'Connor had been a stronger Mayor, she could have anticipated

Hartley's move and could have worked on a potential swing vote.... Better still, a strong, mature Mayor would have ended her long, bitter squabble with Filner and would have worked to prevent the two new Councilmembers from joining the other side. The "gang of five" redistricting map cannot, and should not survive U.S. District Court ... scrutiny. The big question for San Diego is whether it can survive the next year and a half with a Mayor who cannot lead (*San Diego Business Journal*, 1990).

Within a week's time, Linda Bernhardt had blasted *The San Diego Union's* negative editorials about the adoption of the Hartley map. In a letter to the editor, Bernhardt said, "It is the media coverage of redistricting—and not the new map itself—which is a 'sham.'.... Unlike the local press, I do not underestimate San Diego citizens. I believe they will see through the ugly accusations and realize that the political plotting of redistricting lay with the politically appointed advisory board—not the ... so-called 'Gang of Five'" (Bernhardt, 1990a).

The City Council was now at a virtual standstill, bogged down in petty bickering, most of which related to adoption of the Hartley map. In one instance, an absurd, 80-minute debate occurred over setting the date for public hearings on redistricting, a point the Council had been ordered to do by the federal court the week before.¹⁷

The Council's July 9 adoption (first reading) of the Hartley map was invalidated by the court which ordered the Council to reconsider redistricting maps "de novo" with publicly noticed hearings.¹⁸ Bernhardt said the following period was the worst ever. The Council was bitterly divided five to four; they weren't speaking to each other. The

progressive majority drew closer together and became protective of each other because, according to Bernhardt, the others realized the Redistricting Advisory Board was being unfair to her and to the city. Like Scripps Ranch, they were gathered against a common enemy¹⁹ (L. Bernhardt, personal communication, April 7, 1992).

The City Council was now consumed with matters centering on redistricting. Pulled into the Chicano Federation's lawsuit for ostensibly violating the Federation's earlier settlement agreement with the City, Bernhardt, along with Councilmen John Hartley and Bob Filner, obtained private, independent legal counsel because they felt City Attorney John Witt, was not adequately advising and representing them in the Federation's lawsuit (L. Bernhardt, personal communication, April 7, 1992; J. Hartley, personal communication, April 25, 1992).²⁰

M. James Lorenz, one of the attorneys who represented the three Councilors, said the City Attorney could not adequately represent anybody because both sides could overhear counsel given to the other. The minority also got private counsel and had their own agenda. They were content to let Mike Aguirre and the Chicano Federation do their work for them. Lorenz said the procedure was counter to the theory of racial integration and what this country is trying to achieve.

Lorenz added that Filner, Hartley and Bernhardt were willing to modify the Hartley plan and work with the minority members of the City Council, but the minority absolutely refused. The minority felt that the Chicano Federation lawsuit was a horse for them to ride. They didn't have to dirty their hands (M.J. Lorenz, personal communication, April 28, 1992).

Because of her vote to approve the Hartley map, Linda Bernhardt was now spending virtually all of her time defending her actions to an angry public. In a letter she wrote on personal stationery to her original supporters in Scripps Ranch, Bernhardt thanked them for their support and said she continued to represent their interests. She apologized for any disappointment she might have caused (Bernhardt, 1990c).

Bernhardt's original campaign committee, Neighbors for Linda Bernhardt, mailed a flyer to Scripps Ranch residents indicating Bernhardt was responsible for reunifying Scripps Ranch, which she originally split between two Council districts. Unfortunately for Bernhardt, she failed to recognize that the Scripps Ranch Civic Association had worked very hard to return Scripps Ranch to its unified status.²¹ She was scheduled to meet with a small group of Civic Association leaders to hail the proposed reunification, but became ill at the last minute and canceled.

The Civic Association, working in concert with some City Hall operatives, had nonetheless distributed notices of Bernhardt's press conference around Scripps Ranch. Although Bernhardt was not present, Councilman Bruce Henderson, the new representative for Scripps Ranch, was there and seized the opportunity to fire up the crowd, who joined with him in angrily denouncing Bernhardt's actions to cut Scripps Ranch and Mira Mesa out of her district. John Hartley remarked about that fateful day, "She should have shown up unless she was on her deathbed. It didn't seem she was politically wise enough to build those relationships and allow herself to get singled out as being anti-the people, trying to leave, rejecting the community" (J. Hartley, personal communication, April 25, 1992).

Councilman Bruce Henderson was "the most impacted" by the new redistricting map, which radically reconfigured Henderson's Sixth District so that it included Mira Mesa and Scripps Ranch (L. Bernhardt, personal communication, May 28, 1992). Jim Sills, Henderson's chief of staff had, early on, met with Aurie Kryzuda to inform her, in no uncertain terms, what was at stake. According to Kryzuda, Sills said, "'If Linda votes on this map, it's war!' He gave me fair warning. ... And, of course, she did vote on it and it was war. He [Sills] worked very hard with Bruce [Henderson] against her. And probably they were instrumental in starting the recall" (A. Kryzuda, personal communication, March 29, 1992).

At the time, Bernhardt was not concerned about Henderson's political future with the new redistricting and mentioned this fact to Mayor O'Connor. Bernhardt said, "Scripps Ranch and Mira Mesa will love him! He's a Republican.... Is he going to vote every environmental or every managed growth thing down? So, why can't he win [re-election]? He should have taken Scripps Ranch and Mira Mesa. They really would have liked him!" (L. Bernhardt, personal communication, May 28, 1992; emphasis in original).

Not long after the emergence of the Hartley map, John Kern and other informed sources said that Henderson, with assistance from his chief of staff, devoted his attention to his political survival and to "putting together a consortium of people who went out to recall Bernhardt" (J. Kern, personal communication, June 5, 1992). Leo Wilson agreed. "They put Bruce Henderson in a corner, so he was going to fight. And the way he was

going to fight is he was going to get a recall on her. Because the aim was to get rid of one vote, and she was vulnerable" (L. Wilson, personal communication, March 21, 1992).

Summary

This chapter chronicled the events of the City of San Diego's 1990 redistricting process and foreshadows the recall of Councilwoman Linda Bernhardt. Chapter Nine, Bernhardt's recall, is the final chapter in the story of Linda Bernhardt's rise as a municipal district politician who served during a tumultuous time on the San Diego City Council.

Notes

1. The settlement agreement did not stipulate the composition and makeup of the Redistricting Advisory Board.

2. Political pollster Dr. Robert Meadow pointed out that "Redistricting requires not only substantial political sophistication, but some expertise. You can't just grab somebody off the street and say, 'Look, make a rectangle around here!' That would violate a lot of the reasonable principals of redistricting in terms of communities of interest and making elections either competitive or not competitive, depending upon which district you're looking at." (R. Meadow, personal communication, April 23, 1992)

3. Dan Greenblat, a political consultant and member of the Redistricting Advisory Board appointed by Councilman Bruce Henderson, commented on the political climate at City Hall when redistricting began: "... A majority on the City Council ... was absolutely determined to do whatever they chose.... In the process, [they] angered vast portions of the community. I think it was as much a combination of political philosophy not representing the mainstream of San Diego as it was style and manner, driven by personalities.... The people who are the economic glue for this community ... were looking at the City Council and saying, 'My God! What a gang of fools! They are simply taking this town and turning it upside down!' I think that opinion permeated the community, setting the stage for redistricting." (D. Greenblat, personal communication, March 17, 1992; emphasis in original)

4. Regarding selection of a consultant, Joey Perry, senior planner assigned to the Redistricting Advisory Board, said decisions were based more on the political persuasion of the candidate than on ability to do the job. They had that bias." (J. Perry, personal communication, March 31, 1992)

Chris Crotty said some saw The Rose Institute as a Republican establishment organization which would draw lines advantageous to the conservative minority. (C. Crotty, personal communication, April 5, 1992)

5. The *San Diego Daily Transcript* also reported, "Filner has consistently opposed the makeup of the redistricting board, claiming that [Mayor] O'Connor deliberately appointed two of his political enemies to the board--Jess Haro and Patricia Meyer. Haro supported Michael Aguirre, who Filner defeated in 1987 to win election to the council, while Meyer is Aguirre's law partner and served as the plaintiff's attorney in the [Chicano Federation] suit." (T. McClain, February 19, 1990, p.1)

6. Aurie Kryzuda said, "Linda's vote on the Miramar Ranch North project was a no-win situation. Which is why Rick [Taylor] wanted her to get out. There was no way she could please Save the Lake people and keep the city out of a lawsuit [with McMillin Communities]." (A. Kryzuda, personal communication, March 29, 1992) For further information, see Chapter 7 of this dissertation.

7. M. James Lorenz said he believed that if the Redistricting Advisory Board had had a genuine consensus, it would never have been necessary for the council majority to develop and adopt a map separate from the Redistricting Advisory Board. (M. J. Lorenz, personal communication, April 28, 1992)
8. Hartley said that Filner did most of the redistricting research in his office.... "We could look at his statistics and have all of them broken down." (J. Hartley, personal communication, April 25, 1992)
9. Gary Underwood, chairman of Save Miramar Lake Committee said, "It never really dawned on her ... how angry people were going to be. 'You are our elected representative, Linda! We didn't work in your campaign to have Bruce Henderson as our representative!' People said that to her face. I told her that!" (G. Underwood, personal communication, March 22, 1992)
10. Taylor stated that he would not have gotten rid of Mira Mesa.... Additionally, he said, "I thought about trying to run a [class] war against Mira Mesa or the southern portions of her district and Scripps.... We should have kept Mira Mesa in and run the same kind of class war with Scripps, [the] ... elitist snobs, who claimed that Linda Bernhardt was only their council person. She was just as much the council member for Mission Valley.... We could have isolated them [Scripps Ranch]. You can't isolate Mira Mesa and Scripps.... It looked like we were deserting all that area.... [T]hey [Scripps Ranch] have a lot of power, a lot of influence. Probably, again, politically, our stupid decision" (R. Taylor, personal communication, March 25, 1992; emphasis in original).
11. Bernhardt said, "I really believed at the time that Abbe [Wolfsheimer] was voting with the other four people [council minority]" (L. Bernhardt, personal communication, April 7, 1992).
12. Joey Perry said the environmental map "was so different from anything else that had been proposed.... They [Redistricting Advisory Board] ignored it." (J. Perry, personal communication, March 31, 1992)
13. Joey Perry said, "There was a lot of anxiousness over the final decision. The night of the final adoption there was, 'Yup! We got enough votes to make it go!....Count the votes!' It seems like I remember someone saying, 'We don't have enough votes yet! We have to wait for so-and-so to get here so we can't hold the vote until she gets here!'" (J. Perry, personal communication, March 31, 1992). Al Ducheny, a political activist, noted that prior to the Redistricting Advisory Board submitting its map to the City Council, it "was never distributed for public review" (A. Ducheny, July 17, 1990, p. 7).
14. That perspective was expressed by a number of research participants, including councilman John Hartley.
15. Hartley's memo stated, in part, "... [A] coalition of environmental organizations will present a revised version of previously submitted ideas for a redistricting map" (J. Hartley, July 9, 1990). Linda Bernhardt believed that she should have introduced the environmental map. "Looking back, that would have been the best move to have made. Although I would have taken more hits because of Scripps, I would have been able to articulate the damn issue better than John

Hartley, and I understood the game plan. Bob [Filner] could not have done that [politically]" (L. Bernhardt, personal communication, April 7, 1992).

16. The issue of reunifying Scripps Ranch, ironically, pulled the bitterly divided Scripps Ranch community together. Angry residents filled the pages of the August, 1990, Scripps Ranch Civic Association newsletter with their comments. Community leader, Marc Sorensen, wrote: "It is somewhat ironic that Scripps Ranch had finally found an issue on which we could all agree; **THAT SCRIPPS RANCH REMAIN UNITED AND IN COUNCIL DISTRICT FIVE.... IT'S EVEN WORSE THAT MS. BERNHARDT DID NOT CARE ENOUGH FOR OUR COMMUNITY TO AT LEAST LEAVE US AS SHE FOUND US, UNITED**" (M. Sorensen, August 1, 1990; emphasis in original).

17. The Chicano Federation went to court to require the City Council to reconsider redistricting maps. U.S. Magistrate Harry McCue postponed the City Council's formal adoption of a new redistricting plan and warned that unless the council reversed itself and approved the Redistricting Advisory Board map, further court action would occur.

18. Linda Bernhardt recounted what federal Judge John Rhoades said about preventing the adoption of the Hartley map. 'You have to have a legitimate public hearing because it could appear [as if there was no public input].' We said, 'Why don't you come downtown and review the tapes; where the hell are our city attorneys? ... Why doesn't [City Attorney] Witt tell him the Redistricting Advisory Board had all these hearings. The map was in that hearing process and then came to the council. We didn't have just one hearing on that map. Although John [Hartley] introduced the map, it was the same map that was in the Redistricting Advisory Board process" (L. Bernhardt, personal communication, May 29, 1992; emphasis in original).

19. The City Council's progressive majority were not friends and did not always speak well of each other. Moreover, they did not always agree with each other's philosophy. Political consultant Larry Remer said, "The gang of five was an unstable coalition in the long run. But in the short run, was very powerful. It was powerful because it represented constituencies that had never before had power" (L. Remer, personal communication, March 17, 1992).

20. Linda Bernhardt said about City Attorney John Witt, "He was incapable [of representing the council majority] because of the internal conflict of having four on one side, five on the other, and always trying, because of personal issues, personalities, and loyalties, to ... competently represent us. Although the majority was legally entitled, because of his conflict of interest, he should have stepped aside and hired private counsel ... Witt never vigorously pursued our case for us" (L. Bernhardt, personal communication, April 7, 1992).

21. The Scripps Ranch Civic Association, critical of Bernhardt's claim of assuming the leadership to reunite Scripps Ranch, was also upset over Claude Wilson's lack of participation at Redistricting Advisory Board meetings. "The Council District Five Redistricting Advisory Board representative never once contacted our community and, as far as we are able to determine, abstained from virtually all Redistricting Advisory Board votes. The reason for abstention was attributed to lack of clear direction from the Council Office" (M. Sorensen, September 1, 1990).

CHAPTER 9

RECALL

I said to the [City] Council, 'Don't take this step [voting for the Hartley-environmental map]; it's criminal. I promise that I will devote all of my time to correct this wrong that you are doing. You'll pay the price.' Well, who won? Well, right prevailed! I don't see that the recall prevailed, I see that the Constitution prevailed. The government prevailed because that was government in its highest, brightest day—when the recall prevailed.

--Michael J. Pallamary, administrative chair of the Recall Bernhardt Committee, personal communication, March 27, 1992.

Introduction

This chapter answers the research question about the motives for and strategies used to recall Bernhardt and how she fought it. It concludes the chronology of the city of San Diego's protracted redistricting process, which did not end until a week after Bernhardt left office. The chapter also describes the role of the media in portraying an embattled Linda Bernhardt and the Council's progressive majority, after its controversial adoption of the Hartley-environmental map. The chapter concludes with general lessons that Linda Bernhardt learned from her time in office.

Early Stirrings of Recall

By early July, 1990, working quietly and diligently behind the scenes, Michael J. Pallamary, a businessman from Clairemont, a community planning group leader, and a close personal friend of Councilman Bruce Henderson, was gathering information to have all the pieces in place to organize a recall. Before either Linda Bernhardt or the media knew of Pallamary's plans, he spent two to three months organizing the recall, meeting with political consultants, ... doing legal research, going through the municipal codes, and documenting historical challenges (M. Pallamary, personal communication, March 16, 1992).

Informed sources generally agree that the growing public dissatisfaction against the progressive majority on the City Council, fanned in large part by the Copley Press, provided all the elements for recall.¹ It was a matter of time and Linda Bernhardt made it easy. "The people who hated her were watching every move she made, were waiting and watching for a reason to recall her" (S. Sherer, personal communication, April 29, 1992; emphasis in original). Bernhardt agrees: "I handed my enemies the redistricting that would make a big enough issue to get rid of me" (L. Bernhardt, personal communication, April 7, 1992).

Pallamary, the dynamo who gave a visible face to the rumors and whispers of recall, had personal and powerful connections that gained him the assistance of politicians and homemakers. His trusted circle provided him with easy-to-understand, step-by-step instructions for organizing the recall. For example, one key anonymous memo in

Pallamary's recall files listed a set of instructions he was to follow in initiating a recall.

It said:

TIMING—the timing is now for such an action.... **CONFIDENTIALITY**—the aspect of confidentiality must be adhered to ... avoid premature declarations.... The reaction of the Gang of Five is expected to be vicious, violent, unethical ... —they will react with uncharacteristic vigor and viciousness. **REACTION TO RECALL ACTIONS**—Constituents must be informed of facts.... Honest, sincere people have difficulty responding to dishonest, unethical, deceitful persons.... Keep the moral ground.... **FINANCING**—Secure financing for the collection of signatures and the campaign. Avoid using funds from McMillin and BCE Development or developers in the Scripps Ranch area for obvious reasons. **INTEGRITY**—Honest, law abiding and democratically inclined citizens have difficulty dealing with dishonesty. They react but the damage has been done because the press seizes the sensational not the correct. The current atmosphere in the local media may significantly help this effort now. **ALTERNATE CANDIDATE** -- Do not allow a potential candidate for office to be entered into the Recall Campaign. Keep Ed Struiksma's name and presence out of the picture as it would only serve to help the wrong effort at this time.² Win the recall [petition] first and then candidates will emerge. **COALITION ORGANIZATION** -- Broad-based representation from all communities affected. ... The individuals recruited can anticipate vicious attacks from Linda's office if past actions are an indication of her typical responses. The makeup of the coalition should remain confidential

until the ground work is laid. CONCLUSIONS—1. RECALL definitely indicated and could be for both [John] Hartley and Bernhardt. Focusing on Linda appears the best bet. ... MAKE SURE ALL SIMILAR EFFORTS ARE BROUGHT INTO ONE MAJOR EFFORT AND NOT FRAGMENTED. THE TENOR FOR RECALL IS PRESENT. BRING ALL THE ELEMENTS TOGETHER FOR MAXIMUM EFFECT AND SHOOT FOR EARLIEST RECALL (Anonymous 1990; emphasis in original).

The First Golden Hall Hearing

Timing, indeed, was crucial for fulfilling the plans of the recall proponents. In order for the City Council to receive public testimony on the Redistricting Advisory Board and Hartley maps, three court-mandated redistricting evening meetings were scheduled downtown.³ Pallamary attended the first in order to begin spreading rumors of recall in the Fifth District. More than 600 angry citizens attended the Golden Hall hearing that evening to show their concern and express their resentment over the City Council's unconventional redistricting process. Michael Pallamary stood inside the lobby of Golden Hall earnestly distributing a bright pink flyer which stated simply, "District Five Unite! Recall Bernhardt!" (M. Pallamary, personal communication, March 16, 1992). If Bernhardt and her supporters were aware that a recall was brewing against her, she appeared unconcerned. She ignored Pallamary.

The hearing dragged on until the wee hours of the morning. There had never been a meeting quite like it in the city's history. An exhausted City Council listened to speaker after speaker's angry testimony. Many citizens spoke in support of or against the

Redistricting Advisory Board and its map; the Hartley-environmental map; the City Council in general; the "Gang of Five" in particular; and Councilwoman Linda Bernhardt.

Michael Pallamary took advantage of the first Golden Hall hearing to look for people who were vocal and angry. He wanted to recruit them for the recall campaign (M. Pallamary, personal communication, March 27, 1992).

Kathy Gaustad, a member of the Serra Mesa planning group, was a very angry speaker; she became co-chair of the Recall Bernhardt Committee. Aurie Kryzuda remembered the debacle between Bernhardt's office and Gaustad which led to Gaustad's public outburst. Kryzuda said, "We were trying to get support [for the Hartley map] and we would call people to testify on our behalf. One was Kathy Gaustad. Wrong person! She came and blasted Linda. 'Your staff told me to come down here and support this map. I resent that you called. I resent what you're doing! I resent you! It was very embarrassing but that was the start" (A. Kryzuda, personal communication, March 29, 1992).

Kathy Gaustad remembered stating what she believed to be a common view: that Bernhardt was using back-room politics to get the plan she wanted and was trying to trick the community into supporting her. Gaustad was angry and vindictive and said so at the meeting. By that time, plans to recall had begun (K. Gaustad, personal communication, March 9, 1992).

Removing Bernhardt from office was not the only purpose the recall would serve. Pallamary said he blamed Filner more than Bernhardt for the redistricting: "I think he is political evil incarnate. He ... was the mastermind, and Bernhardt ... [the] patsy."⁴

Pallamary added that he almost felt sorry for Bernhardt, but felt the recall would restore government to the city by breaking up the progressive majority. He said he still would like to "take out" Filner. "I was equally concerned with restoring government to the city.... These jackasses are sitting up there arguing petty politics, provincial district-only politics..." (M. Pallamary, personal communication, March 27, 1992).

*The Progressive Majority's Loss of Credibility
and the Role of the Copley Press*

The Golden Hall hearing marked the beginning of the end for the Council's progressive majority. They were negatively perceived by the general public and the local press for making a blatant power grab.⁵ They suffered a loss of credibility in the eyes of an offended and resentful public and on the editorial pages of the Copley Press, publisher of the *San Diego Union and Tribune*. In the months to come, as the signs pointed to Bernhardt's imminent recall from office, the progressive coalition would disintegrate.

Early on, the *San Diego Union* outlined their concern with less animosity and bitterness than would be forthcoming in the weeks and months ahead. They resented the process used in the adoption of the Hartley map. The *Tribune's* July 23, 1990 editorial explained, "The map ... is no more or no less 'political,' no more or no less 'fair' than other maps considered by the Council. The problem is the process. The ... majority showed contempt for the public by approving a redrawn map that communities and civic organizations barely had time to review" (*San Diego Tribune*, 1990a).

Shortly thereafter, the Copley Press initiated a barrage of editorials and articles that appeared in print several times weekly. They were exceptionally critical of the Gang of Five, particularly Linda Bernhardt. Robert Kittle, editorial page editor of The *San Diego Union-Tribune* said, "...Our criticism of her [Bernhardt] became more intense ... [because she was] part of the redistricting plan and the Gang of Five.... It was a betrayal of the public trust. It was a classic, terrible kind of back-room politics that puts the voters' interest in the back seat" (R. Kittle, personal communication, June 5, 1992).

M. James Lorenz, attorney for Councilwoman Bernhardt, said the paper took every opportunity to back the Mayor and put Linda Bernhardt and the Gang of Five in a bad light in an effort to ruin the Gang of Five by removing Bernhardt (M.J. Lorenz, personal communication, April 28, 1992).

The Copley Press continued publishing negative editorials until Bernhardt was removed from office and the progressive faction was dissolved.⁶

Mayor Maureen O'Connor's Lack of Leadership

Mayor Maureen O'Connor was not spared in the press for her lack of leadership in resolving the redistricting dispute. The *Los Angeles Times* stated, "Mayor Maureen O'Connor ... could have been the peacemaker. But she has allied herself with the Council's three Republican conservatives, effectively blowing that opportunity" (*Los Angeles Times*, 1990b). The *San Diego Union*, a long-time friend and generally supportive of the Mayor, concurred (*San Diego Union*, 1990d).⁷

A *San Diego Union* staff writer pointed out O'Connor's situation in basic terms, "... Although O'Connor is a loser in the redistricting battle, the result is simply a reaffir-

mation of the obvious: that she does not have the ability to muster a majority on many key issues" (Flynn, 1990d).⁸

For all of the Mayor's limitations as an effective leader at City Hall, citizens blamed the Gang of Five, particularly Bernhardt, not her. Political consultant Dan Greenblat said, "Linda became the focal point for the anger and frustration of the broader community as well as her district. She never had a prayer in that redistricting" (D. Greenblat, personal communication, March 17, 1992).

The Recall is Organized

With the help of unnamed city hall insiders and business executives, Pallamary used his prodigious network to obtain phone numbers of the people who expressed their anger toward Bernhardt and the progressive majority that summer evening at Golden Hall. He also phoned people who might be sympathetic to the cause.⁹

Pallamary said he would call and say that he was an active community member and was upset about the redistricting, and intended to take action by organizing a recall campaign against Bernhardt. He would say, "Your name has been given to me as someone with similar concerns.... Tom or Joe suggested I call you ... this conversation is confidential.... People were usually persuaded [that I was for real]." Then he would ask for their help and confidentiality (M. Pallamary, personal communication, March 27, 1992).

The mechanics and laws governing recall are ponderous, but after the redistricting hearings, recruiting volunteers proved relatively easy.¹⁰ More than 30 people attended

the first organizational meeting in Scripps Ranch in August 1990 (M. Pallamary, personal communication, March 27, 1992).

The Scripps Ranch activists needed no encouragement. Tired and angry from years of community civil war over Miramar Ranch North, and deeply offended by their Councilwoman's abrupt divestiture of their community, they became a prime source for recall volunteers. Ed Struiksma said people there knew how to organize efficiently, did so, and attacked (E. Struiksma, personal communication, March 11, 1992).

On the day the Recall Bernhardt Committee members met for the first time, The *San Diego Union* reported that the City Attorney's office was examining Bernhardt's six-figure campaign debt to determine if she was guilty of a misdemeanor violation (Flynn, 1990b). Hours later, on Friday night, August 3, 1990, 14 angry people attended the first meeting of what became the official Recall Bernhardt Committee. Michael Pallamary was there, along with political consultant Bob Trettin and community leaders representing the communities of the former Fifth District.¹¹ Those who did not know each other introduced themselves and explained their interests. They decided to use the analogy of firing an incompetent employee to explain the reasons for recalling Bernhardt.

The committee knew they would not raise much money, but Pallamary said their strategy was not to raise money but to talk to people. Each attendee was asked to contribute \$20.00 to cover the cost of publishing the notice of intent to recall Bernhardt in the *San Diego Daily Transcript* (Recall Bernhardt Committee, 1990; M. Pallamary,

personal communication, March 27, 1992; B. Trettin, personal communication, March 7, 1992; D. Borlek, personal communication, June 8, 1992).

From then on, committee meetings were held every Tuesday in private homes and rotated around the Fifth District "so that no one person would dominate ...; a different person hosted each time." After the first two meetings, the committee dispensed with keeping written minutes to reduce the risk of distribution of unauthorized copies (M. Pallamary, personal communication, March 27, 1992).

Tom Behr of Scripps Ranch was one of the original attendees but subsequently resigned because he intended to run for the Fifth District Seat. Pallamary said they were not upset because the committee did not want to be used as a vehicle (M. Pallamary, personal communication, March 27, 1992). Behr did run to replace Bernhardt, was the highest vote getter and was elected to complete the remainder of Bernhardt's term.

Bob Trettin said he did not think the committee had much chance. He believed they would not be able to raise money or convince business people to support the effort. The community, though, was convinced they would get volunteers from the neighborhood. Trettin said he thought that if Bernhardt had apologized, there would not have been a recall.¹² He believed she had exhibited an incredible arrogance for a first term in office.¹³ "She never apologized. Never would admit that she had made a mistake ... never tried to be humble. Because of that, she was perceived as being arrogant (B. Trettin, personal communication, March 7, 1992).

As Pallamary predicted, Bernhardt found out about the growing recall movement (M. Pallamary, personal communication, March 27, 1992). Bernhardt said, "One of my

supporters, who they thought was a Struiksma supporter, was invited to ... someone's home ... to discuss the potential recall of Linda Bernhardt. That's really how I found out" (L. Bernhardt, personal communication, April 7, 1992).

Bernhardt believed that the recall rumors were focused on removing Abbe Wolfsheimer. She said, however, that "It wasn't too long before the scenario switched to me.... [The conservative faction] needed a fifth vote and [Bruce] Henderson was so desperate to get the [redistricting] map they wanted" (L. Bernhardt, personal communication, April 7, 1992).

Bernhardt, detailed her problems: she was in debt, Scripps Ranch was angry at her, as were Struiksma's supporters. She had not yet concluded the Miramar Ranch North redesign, Save Miramar Lake Committee was uncomfortable, and some who had voted for her had really been voting against Struiksma (L. Bernhardt, personal communication, April 7, 1992).

Pallamary was working to commence the recall before the second reading of the map, which would recognize the new boundaries. The Recall Committee's first task was to give Bernhardt formal notice of her impending recall.

Struiksma said the timing was critical because the committee had to get signatures before the Council vote so the petition could circulate in the old Fifth District (E. Struiksma, personal communication, March 11, 1992).

Pallamary and several associates worked secretly and quickly. They set up a timetable to conform to the Municipal Code requirements and holiday considerations. [See Appendix 12] "As soon as we moved to filing, it was like an explosion. We lit the

fuse and the firecracker went. The rumor mill helped that get going" (M. Pallamary, personal communication, March 27, 1992).

*Recall Begins:
Councilwoman Linda Bernhardt Versus the Recall*

While the Recall Bernhardt Committee was coalescing, Bernhardt's situation was steadily worsening. A scathing editorial appeared in The *San Diego Tribune* which clearly indicated their negative opinion of the Councilwoman:

Linda Bernhardt's chameleon-like behavior during her brief tenure on the City Council is a case study in unabashed opportunism. The most recent example is her flip-flop on receiving money from special interest groups. After campaigning as a populist who said she would rather lose an election than accept money from developers, she is now accepting post-election contributions from ... members of San Diego's building industry. Bernhardt's change of heart was occasioned ... by the need to retire a \$155,000 campaign debt.

The Councilwoman has tried to rationalize her latest reversal by insisting she won't take money from builders who have had projects reviewed by the Council within the last year. She needn't worry about damage control because hardly anyone takes her seriously anymore (*San Diego Tribune*, 1990b).

Yet Bernhardt maintained her demanding Council schedule as if nothing had changed. She continued involvement in negotiations over Miramar Ranch North. By

early August, a compromise plan was drafted but promptly rejected by the City Council. Bernhardt told the *San Diego Union*, "This is petty politics. It (the vote) has nothing to do with this proposal, it has everything to do with how Linda Bernhardt voted on redistricting" (Weisberg, 1990).

Pressure on Bernhardt mounted daily. On August 10, 1990, the Recall Bernhardt Committee published its notice of intention to circulate a recall petition [see Appendix 13]. The Committee issued its first press release stating their reasons for recalling Bernhardt. It included, in part:

(1) her vote to raise her own salary after serving less than six months; (2) her selection of an administrative assistant, at \$47,000 a year, with no significant experience in city government, and who is also the owner of the Scripps Ranch home and roommate of Bernhardt; (3) influence of lobbyists on Bernhardt's decisions—[she] owes \$30,000 to a member of a lobbying firm that is also being paid by Bernhardt's campaign committee to raise money from developers and building industry associates to retire Bernhardt's campaign debt; (4) broken promises about not accepting developer contributions; (5) her callous disregard for voting for a secretly manufactured redistricting map that splits the community of Scripps Ranch into two separate districts, further divides the community of Clairemont, and eliminates both Scripps Ranch and Mira Mesa from the 5th District. Community leaders were not consulted on this map; it is the creation of

a small group of people, many of whom are not elected officials (K.

Gaustad, personal communication, August 9, 1990).

Bernhardt immediately issued a press release accusing her accusers of being part of San Diego's "old guard" and forcing her to endure a "local witch-hunt" (Bernhardt, 1990d). In an article in the *San Diego Union*, which focused on the formation of the Recall Bernhardt Committee, Bernhardt acknowledged some discontent within her district, but doubted it was enough to fuel a serious recall drive. Bernhardt said, "I don't think it has any merit whatsoever" (Flynn, 1990c).

On August 13, 1990, the second of three evening public hearings to discuss redistricting was held at Golden Hall. After five and a half hours of testimony, the progressive faction on the City Council approved, on a vote of 5-4, an amended version of the original Hartley-Environmental map.¹⁴ Out of public view and away from the media, after the meeting had adjourned, Bernhardt was quietly served the papers that formally noticed her of an impending recall (M. Pallamary, personal communication, March 27, 1992; B. Trettin, personal communication, March 7, 1992; L. Bernhardt, personal communication, May 28, 1992).¹⁵

In the following three weeks, recall volunteers organized for a drive to collect 11,240 valid signatures, 15% of registered voters in District Five, to qualify the petition for a recall election [see Appendix 14, the recall petition, and Appendix 15, the City Clerk's notice of the number of eligible signatures required to certify the recall petition] (K. Gaustad, personal communication, March 9, 1992). In contrast, Bernhardt spent her time fighting the recall using legal means. Her goal was to have the recall take place

inside her new Fifth District boundaries without Scripps Ranch and Mira Mesa. To that end, she had hoped to prevent signatures, gathering of which was slated to begin on August 31st, from being collected in her old Fifth District.¹⁶

On August 27, 1990, the day of the final public redistricting hearing at Golden Hall, the Council, in its second reading on the amended Hartley-environmental redistricting map, voted 5-4 for adoption. The following day, August 28, the City Attorney issued an opinion which identified those eligible to sign the recall petition of Linda Bernhardt. He stated that the boundaries as they existed on August 10, 1990, the date that formal notice to circulate petitions to recall Bernhardt was published, would serve as the boundaries for recall (Witt, 1990a).¹⁷

Bernhardt and her legal team were disheartened by the opinion. It would require her to continue aggressive fund raising, not only to retire her old campaign debt, but to raise campaign support to wage a battle against the recall. Bernhardt appeared calm. Her demeanor was described in an article in the *San Diego Tribune* which noted that, "when prodded, she [Bernhardt] still speaks of a willingness to consider running for [Mayor] O'Connor's seat in 1992 'if people came and talked to me about it'" (Ristine, 1990c).

On August 31, the Recall Bernhardt Committee had its signature gathering kick-off in Mira Mesa. "We had over 200 volunteers to help us" (K. Gaustad, personal communication, March 9, 1992). Volunteers sought signatures at Mira Mesa and Scripps Ranch shopping centers, but were intimidated by Bernhardt supporters who attempted to block citizens from signing petitions. The Committee, instead, went door to door where there

was less chance of encountering adversarial Bernhardt supporters (K. Gaustad, personal communication, March 9, 1992).

In Scripps Ranch, residents commenced an innovative dialogue with Bernhardt through the community's newsletter. Bernhardt was criticized for "not making clear enough if faced with the choice of the city's needs as a whole and her personal desire to continue to represent Scripps Ranch, that she would choose the needs of the city" (Hertzka and Olson, 1990, p.2). Another resident voiced his dismay and confusion. "How can constituents, expressing their concerns and desires to their elected representatives be considered blackmailers? To communicate your desires and needs to your elected representatives is the essence of our democracy" (Dingeman, 1990).

Councilman Bruce Henderson also joined in the newsletter dialogue. He said it was against his wishes that he was the new representative for Scripps Ranch, which was now joined to his Sixth District. "I would love to represent Scripps Ranch. Who wouldn't? Yet would you want me if I didn't fight hard to protect my current district?... Please understand that I plan to continue working to unify Clairemont and Pacific Beach in District 6.... In this effort I will need your help" (Henderson, 1990).

Bernhardt said she tried to pacify both her old and new districts. She offered to help Henderson deal with issues in the portion of her district which was to go to him, but "he refused to represent them." She had a press conference to air her criticism of Henderson. She was also still trying to resolve the Miramar Ranch North project (L. Bernhardt, personal communication, May 28, 1992).

The Miramar Ranch North Compromise is Approved

On September 18, 1990, under Bernhardt's leadership, a compromise was reached and approved by the San Diego City Council on the Miramar Ranch North project.¹⁸ Rick Taylor said that was the best thing Bernhardt did while in office. He said 90% of the community was happy with the plan because "Corky McMillin was smart enough to hire me who understood that we couldn't run this like a normal development." He added they should have done the same thing with redistricting, turned protesters like the Save Miramar Lake Committee into "extremists, unreasonable people ... You "can't let 100 people dictate to 10,000 people! That's what was happening... (R. Taylor, personal communication, March 25, 1992).

Gary Underwood remembered events differently. He said there was pressure from Bernhardt for a settlement because of her belief it would derail the recall effort. She pushed Save Miramar Lake Committee to agree. Underwood was exhausted after two years of struggling, so they settled for 50% of what Save Miramar Lake Committee wanted. He felt they could have done better. [See Appendix 16 for the final map of Scripps Ranch North.]

It's very painful to talk about because I feel sometimes I let a lot of people down. They put a lot of trust in me. You can't help but feel a little responsible about things like that although there isn't a lot more that we could have done.... I think she [Bernhardt] allowed a vocal minority, [combined] with the advice ... from Rick Taylor, to convince her that the French Revolution was about to start. Which I don't think would have

ever happened.... She [Bernhardt] didn't stand by the people who got her there originally and would have stuck by her. She created her own revolution (J.G. Underwood, personal communication, March 22, 1992).

Bernhardt's Loss of Credibility and Recall Fund-raising

Although Bernhardt now spent less time on Scripps Ranch and Miramar Ranch North issues, she was consumed with Council duties, the redistricting battle, the recall, and intensive campaign fund-raising. Bernhardt's reputation for flip-flopping on decisions seriously undermined her credibility. Council colleagues could not count on her vote and potential contributors were receiving virtually nothing in return for their support. Bernhardt said she wanted to please everyone, but expected some kind of rapport. She said voting against issues was not personal and didn't expect people to get angry about it (L. Bernhardt, personal communication, March 11, 1992).

Leo Wilson, Bernhardt's first campaign treasurer, offered a different perspective. He said Bernhardt did exactly what others had done, but did it awkwardly. She was perceived as not giving contributors anything in exchange for their checks, but she still expected people to donate because she had a debt. And she was blamed for taking money from developers because of the perception that they were paying her for voting their way. Her behavior lacked finesse and people complained that they could not depend on her word (L. Wilson, personal communication, March 21, 1992).

The recall movement was building strength. Rick Taylor remembered that Linda told him she saw people at a market running to sign the petitions (R. Taylor, personal communication, March 25, 1992) Leo Wilson recalled that a recall petition table, left

unattended in Scripps Ranch, had people lining up to sign petitions (L. Wilson, personal communication, March 21, 1992).

Jean Andrews, Bernhardt's fund-raiser, was aggressively trying to counteract the recall. The *San Diego Union* reported that Bob Trettin contended that Bernhardt and her forces had tried to block the contributions to the recall drive. He claimed she told the business community that if the effort failed, they would have to deal with Bernhardt for another three years. Trettin said it amounted to blackmail. Bernhardt's supporters ridiculed the allegation.... Jean Andrews was quoted as saying she believed in raising money for her candidate and shutting off the other guy's money (Flynn, 1990e).

The Recall Bernhardt Committee also tried raising money to pay for recall administration, petition gatherers and recall literature. [Appendix 17] All together, only \$20,000 was raised.¹⁹ Bob Trettin said traditional donors were not helpful, but some donations came from people willing to contribute \$99.00 anonymously to prevent possible retaliation from Bernhardt.

The Recall Committee sent an educational fund-raising letter to developers and businessmen, seeking their support. Many business people believed erroneously that Bernhardt would not be vulnerable because of her overwhelming victory in the 1988 election. The Committee tried to overcome those arguments (B. Trettin, personal communication, March 7, 1992).

*Could the Recall Be Stopped if Bernhardt
Changed Her Vote on the Hartley-Environmental Map?*

In an effort to halt the recall, Aurie Kryzuda, Bernhardt's second chief of staff, begged Bernhardt to switch her vote on the Hartley map or develop a new map (L. Bernhardt, personal communication, May 28, 1992; A. Kryzuda, personal communication, March 29, 1992).

Bernhardt said Kryzuda believed they should try to keep Scripps Ranch residents as allies because they "screamed louder and were more obnoxious and powerful. Bernhardt told her she refused to give in to a group merely because they were wealthy "yuppies." "If I was going to cave in to every screamin' meemie because they were a bunch of white, little snobs, making over 50-60 grand a year, with their 2.5 kids and their two B-mers out in the garage, then I didn't belong in this job!... I was angry that a bunch of yuppies were going to dictate what I thought we should be doing in the city! It wasn't just about the district. It was about the philosophy of the whole city for the next decade!" (L. Bernhardt, personal communication, May 28, 1992).

Bruce Henderson also met with Bernhardt to discuss bargaining on the Hartley map. Bernhardt remembers Henderson telling her if she would vote for their map, he would drop the recall. She said she often wondered if he really had that power. She concluded, however, that the recall was based on Henderson's group's anger about the map, Struiksma's vengeance, O'Connor's need for control, and Roberts' belief that the map didn't do enough for him. In addition, the business community was against her. Bernhardt believed that nothing could save her; too many people had a lot at stake about

running the city and the direction of the Council (L. Bernhardt, personal communication, May 28, 1992).

By mid-October 1990, the city and the Chicano Federation had reached agreement on the revised Hartley map, now known as Map 23-A, which was validated by the federal court. The new map unified Scripps Ranch but it remained in Bruce Henderson's Sixth District, along with Mira Mesa.

Supplemental Recall Petitions

The City Council's Rules Committee, comprised of Bernhardt and members of the progressive majority, asked City Attorney, John Witt, for an opinion to eliminate supplemental petition-gathering in local recall elections. The Municipal Code allowed recall proponents an additional 30 days to circulate petitions if their original petition had insufficient signatures. The opinion was another blow to Bernhardt. It stated: ... Recall is a right reserved to the people by the state constitution, it is afforded federal constitutional protection, and limits on the exercise of recall rights are subject to constitutional challenge.... We are ... alert[ing] you to the possibility that constitutional issues may be raised if the Municipal Code is amended to shorten substantially the time period for circulating recall petitions (Witt, 1990b. p.1).

On October 25, the city clerk found that the Recall Bernhardt Committee was short 2,975 signatures. Based on the Municipal Code, however, the committee had 30 days more, to November 25, to file a supplemental recall petition (Abdelnour, 1990a).

Inside the City Council Offices

Bernhardt's opponents discovered gold in the recycling bin by Bernhardt's office. Bernhardt's staff never considered that someone would search the trash, and discarded Bernhardt's documents without shredding them, even though they knew a Council aide was looking for evidence. When they realized what happened, Bernhardt's staff "started taking our garbage home with us" (A. Kryzuda, personal communication, March 29, 1992).

By the end of November, when the Recall Committee submitted its supplemental petitions, the Council floor was a virtual war zone. Bernhardt said:

You could cut the tension with a knife.... Just in the hallways, forget about going into individual offices because that was really bad. When you entered the reception area, you could see the tension flowing out of the doors, it was seeping out of the seams!.... There was such animosity ... between the different offices.... Henderson and Maureen [O'Connor] were real cocky. Jim Sills [chief of staff to Henderson] and Henderson would laugh at me. "Linda, just face it, you're going to be recalled. Why don't you get another job!" Henderson thought I was wasting taxpayers' money. Resign today and save taxpayers all this money (L. Bernhardt, personal communication, May 29, 1992).

Sierra Club and Recall

The San Diego chapter of the Sierra Club was embroiled in the city's raging recall battle. The Club had backed Bernhardt's Council candidacy and considered her the Council's number one environmentalist. They became her most visible and ardent backer as she attempted to retain her Council seat. As a result, the Club became a prime target for the Recall Bernhardt Committee. In a press release, the Recall Bernhardt Committee attacked the Sierra Club for engaging in "political terrorism." The release stated:

The San Diego Sierra Club is ... nothing more than a political organization run by people who will lie and cheat and distort the facts for sleazy political purposes. *The members of the executive committee of the San Diego Sierra Club have been caught in a bald faced lie and they should apologize to the people of San Diego and then resign their positions immediately. If they will not apologize and resign, the dues paying members of the Sierra Club should rise up and force them out of office. Only new leadership will restore the good name and efforts of the Sierra Club.... The Sierra Club, has clearly demonstrated that its officers no longer can be trusted. It's time for Linda to resign* (Recall Bernhardt Committee 1990; italics in original).

This was followed by a damaging internal Sierra Club memorandum that was subsequently widely distributed and published by the local press. Former executive committee member, Mark Zerbe, alleged a number of inconsistencies in Bernhardt's fundraising. Zerbe wrote, in part, "There is no doubt she will lose the [recall] election....

Because of the Club's relentless support for her, credible candidates have been reluctant to enter the race.... The Club's staunch support for Linda in the face of certain defeat is embarrassing and may result in the loss of an environmental majority on the City Council. The Club now smells as bad as the dead horse it chained itself to" (Zerbe, 1990).

The San Diego chapter of the Sierra Club, whose political influence had been slowly gaining credibility over the years, sustained substantial financial and political damage for its unswerving commitment to Bernhardt. So focused were they in their efforts, the Club did not encourage members and supporters in the Fifth District to vote for an environmentally sensitive alternative candidate in the event Bernhardt was recalled. As a consequence, the Club lost its environmental majority on the City Council when Bernhardt was recalled.

*The Recall Qualifies and
Bernhardt Is the Target of a District Attorney Investigation*

In December 1990, the recall petitions were verified and found to contain "... signatures sufficient to qualify the petition ... requiring a recall election be called by Council" (Abdelnour 1990b. p.1). The Committee had collected 11,289 signatures—only 49 more than the minimum required.

A story now broke and made headlines in the *Los Angeles Times*. Bernhardt was the target of a wide-ranging investigation by the district attorney that focused on her campaign finances (L. Bernstein, 1990b). Another newspaper commented, "Over the past two months, an investigator has interviewed former Bernhardt chief of staff Chris Crotty,

recall chairman Kathy Gaustad, recall political consultants Jack Orr and Bob Trettin, and a Glendale printer who produced Bernhardt's campaign literature and is owed about \$40,000..." (*San Diego Daily Transcript*, 1990).

Curiously, Bernhardt had not been informed that an investigation was proceeding. In a memo Bernhardt wrote to the district attorney, she stated, "According to today's *Los Angeles Times* ..., your office 'may or may not' be conducting an investigation focusing on my 1989 campaign. If ... an investigation is proceeding ... I request that I become involved immediately and provide you with any and all information you may need to determine this investigation is ... without merit" (Bernhardt, 1990e).

The district attorney's investigation was advantageous to the Recall Bernhardt Committee's efforts. Bob Trettin said they welcomed the press coverage of Bernhardt's legal problems because it encouraged people to volunteer for the recall campaign. "People got madder and madder as this thing went on" (B. Trettin, personal communication, March 7, 1992).

Can Bernhardt Survive the Recall?

In December 1990, a revealing telephone poll, commissioned by JR Consulting, Bernhardt's campaign consultants, identified voters' perceptions of Bernhardt in the old Fifth District. Conducted over several days, before newspaper revelations of the district attorney's investigation of Bernhardt and her political consultants²⁰ and before the final approval of the recall signature gathering officially qualified for the ballot, the poll stated:

... Among the findings are that Bernhardt has a name recognition of over 90%, but a negative favorability ratio of greater than two to one. This is

among the lowest rating of any incumbent public official we have ever measured.... The few open-ended questions show few positive comments and many negative comments. The negative comments are dishonesty, broken promises, failure to serve the district, indecisiveness and her untrustworthiness. Voters believe she has failed to live up to her commitment to the district and has abandoned Scripps Ranch.... Opponents of recall oppose the process. They do not necessarily support Bernhardt's performance (Decision Research, 1990).

Bernhardt did not have time or personal finances to use extensive legal strategies to battle and appeal the issues surrounding recall as they arose.²¹ She attempted to block the recall election in the old Fifth District, but the City Attorney issued an opinion that the recall election would be held in the new boundaries of the Fifth District because "... the focus of the recall is retrospective and not prospective" (McGuire, 1990, p.1). Bernhardt had no money to appeal the decision.

The *San Diego Union*, disgusted with the ploys Bernhardt was using, said, "... In a brazen attempt to manipulate the outcome of the recall election, Bernhardt and her allies are eager to change the rules in the middle of the game, even if it means violating fundamental voting rights. But simple fairness demands that the voters who elected Bernhardt and know her record should be the one to pass judgment on her performance" (*San Diego Union*, 1991).

Bernhardt, remembering over a year later, said, "We wound up in the old district and I knew I was screwed.... There was no way I could win. The numbers weren't

there.... It's really hard to muster enough energy to just stay there and save face" (L. Bernhardt, personal communication, May 29, 1992).

She thought about resigning her Council position:

... which politically would have been smart, and was an option. It would have allowed me to appoint my successor.... But I thought if I stayed in the position, then I could keep fighting them and try to make as many points as I could as I was going down. At that point, I had a City Attorney investigation, an FPpersonal communication [Fair Political Practices Commission] investigation pending, and I had a district attorney investigation pending.... It appeared in the paper daily and always made it look, because it was criminal prosecution, that I was a criminal.... I said, "No, let them recall me." I'll accept that and let it go down in the books as a recall (L. Bernhardt, personal communication, May 29, 1992).

The recall election was scheduled for Tuesday, April 9, 1991. Bernhardt was now walking her former Fifth District precincts alone. She received no support from her Council colleagues. "No staff was assigned to my campaign from any of the Council offices on or off city time." Campaigning was difficult "because I was working on the Council, I was assigned to every committee, so it was tough time-wise. I couldn't and I didn't run a grassroots campaign" (L. Bernhardt, personal communication, May 30, 1992).

In fact, at the end, Bernhardt had no campaign volunteers left. "I was a criminal to some of my supporters," Bernhardt said. She continued, "A lot of my supporters were not Bernhardt supporters. They were 'Anybody But Struiksma' supporters."

Gary Underwood added: "Linda was more than shrewd but less than sagacious.... She didn't dance with the people that brought her! ... You cross people, they become enemies. They will not come to your support. In the time of the recall and all those people who helped get her elected, you'd think they'd really work hard to prevent the recall? No! They didn't help. They probably voted against the recall, like me, but I didn't work on it. I was angry!" (J.G. Underwood, personal communication, March 22, 1992).

Bernhardt sought advice from former Mayor Roger Hedgecock. Bernhardt said: Hedgecock told me what was being done to me was exactly what [had been] ... done to him.²² ... His advice was to resign my position and get on with my life [and] to make sure if I lost, to not fight it.... He did feel that I would be charged with something.... He felt that there was a very good possibility that I'd be charged, have to spend a fortune to defend myself, like he did.... Perhaps I would wind up being found guilty of something. He went as far as to say that I would be serving jail time. [Hedgecock said,] "Would you rather have that against you with the possibility of them really finding something or fabricating something and you winding up with your butt sitting in jail, and having a half million

dollar bill that you can't afford to pay?" (L. Bernhardt, personal communication, May 30, 1992).

As the time drew closer to the recall election, candidates for Bernhardt's Council seat were vigorously campaigning. Community forums were held in the old Fifth District. The forums were split into two segments, the first half was dedicated to the question of should Bernhardt be recalled, and the second half provided each Council candidate an opportunity to present his/her platform. Bernhardt attended the first half and defended her tenure, while a member of the Recall Bernhardt Committee debated Bernhardt's points.

By now, Bernhardt was deeply frustrated with the advice she received from her political advisers in view of the mounting evidence that she would not survive the recall. She said:

Their advice was too political.... These people [voters] were human beings that I needed to connect with and relate to. Until we got them back and past the abandonment issue and the sense of betrayal, they're not going to vote for me!... You guys [consultants] don't want to see that because you know it's almost impossible to win. How can you get past betrayal or abandonment! Those are real core issues for most people in childhood that they don't get over! ... I knew those were the issues. Although I knew the bigger issue to sell was the issue of fairness [see Appendix 19] (L. Bernhardt, personal communication, March 18, 1992; emphasis in original).

The Media's Role in the Final Days Before Recall

By March 1991, as the election approached, Bernhardt received the endorsement of the *Los Angeles Times*. "Are Bernhardt's missteps and political cowardice sufficient to merit throwing her out of office less than halfway into her term? We think not. Although Bernhardt's performance has been a disappointment, local government is better served if recall is saved for more serious cases" (*Los Angeles Times*, 1991a, p.II-5).

Bob Trettin's said a recall for not keeping promises held officials responsible for their actions. He called Bernhardt's actions an "egregious moral crime" and said the Recall Bernhardt Committee did not want to wait two and half years to remove her (B. Trettin, March 7, 1992, personal communication).

Bernhardt said she was "slaughtered in the papers, as well as by the independent [expenditure] campaigns, and independent candidates. They all started attacking me in the last ten days. I could not, because of lack of money and grassroots volunteers, sustain the attacks. It was brutal" (L. Bernhardt, personal communication, May 30, 1992).

Bernhardt achieved top newspaper headline status, and also became the favorite target of political cartoonists [see Appendix 20 for a collection of political cartoons]. She said, "Before I ever went out, I always read the [San Diego] *Union*.... I used to be sick to my stomach even before I got out the door" (L. Bernhardt, personal communication, June 2, 1992).

Two very powerful political cartoons appeared in The *San Diego Union* days before the recall election. Bernhardt remembered them:

During the recall stuff that was going on, political cartoonist Steve Kelley ... had a real problem with me. [He did a] cartoon ... of me with an ax in my hand with a tree laying [sic] on the ground and said something about being an environmentalist. It was a perfect cartoon during the recall [Appendix 20]. The Recall Committee copied and started handing that out as mail pieces, and then [Roger] Hedgecock put it on his TV show, which gets, God knows, how many viewers in the 4:30 pm edition; enough to do me damage. You know what a picture does. That is, to me, a thousand times more magnified than written words.... For the average person who didn't connect me to being the biggest supporter of the environmentalists, I was dead meat! And I was really shocked at how much damage that [cartoon] really did.

Also on Hedgecock's [television show] ... Steve Kelley, ... showed some of his cartoons [about me]. I said to him, "You and I have never met, but what is your problem?... Do you have a problem with women?"... The next Sunday [prior to the election], the hooker cartoon appeared in the papers [see Appendix 20]. He had me dressed up as a hooker, with a car with developers in the back ... and showed me as a prostitute.... My father called me. I could not respond. You literally had to peel me off the ceiling because I was screaming.... I don't know if that pissed me off, but it was the reaction I got from my father ... that I will never forget. It was the last straw. I thought, "I don't really care what

the perception is out there anymore. I'm just going to call people the way I see it." That was really the last straw for my family. That was way over the line in terms of what you consider justification of what's politics (L. Bernhardt, personal communication, June 2, 1992).

Robert Kittle, editorial page editor of The *San Diego Union* gave his perspective on the Kelley hooker political cartoon:

She had called Struiksma a prostitute ... [This occurred at a campaign debate in Serra Mesa (E. Struiksma, personal communication, July 7, 1992)]. Steve [Kelley] was drawing the contrast ... that she called Struiksma a whore of the developers while she, herself, had made this deal with the developers, either regarding campaign contributions or some kind of development going on up there [Scripps Ranch]. It was the hypocrisy issue that he was drawing on. And he did it very effectively. It was really one of the most searing cartoons.

We had given careful consideration before we went along with it.... What he drew, frankly, was so graphic.... After considering it, we decided it was legitimate. Certainly it was fair comment.... It sort-of lampooned her, as all political cartoons do. They exaggerate things.... They exaggerate a sentiment, which is both a drawback and the strength of the cartoon. They appeal to your feelings, not your intellect.... That was a very powerful cartoon (B. Kittle, personal communication, June 5, 1992).

*Recall Election Results and Recall Bernhardt
Committee Victory Celebration*

On April 9, 1991, Linda Bernhardt was recalled from office. The vote was 15,240 (71%) for recall, and 6,251 (30%) against. Seven candidates campaigned to complete her term. In a winner-take-all race, Tom Behr emerged as the new Fifth District Councilman, winning with 4,898 votes (25.67%), although 75% of District Five voters had supported other candidates. [See Appendix 21 for a Registrar of Voters official vote breakdown.]

The Recall Bernhardt Committee held a victory celebration. Kathy Gaustad, co-chair of the Committee, remembered that she was both sad and happy: happy that they had won, but sorry that it was necessary. She knew Mike Pallamary was jubilant, but she regretted having to get rid of Bernhardt (K. Gaustad, personal communication, April 7, 1992). [See Appendix 22 for a newspaper editorial by M. Pallamary.]

With Bernhardt out of office, the myriad investigations ceased and no wrongdoing was ever found. Bernhardt said, "The reason why they were never going to be resolved during the recall was the fact that they [prosecutors] had nothing but they wouldn't dismiss them [the charges] and they would allow them to keep pending so they could continue to beat up on me just in case I won the recall battle and stayed in office" (L. Bernhardt, personal communication, April 7, 1992).

*The City of San Diego Adopts Its Final Decennial Redistricting
Map and Restores Scripps Ranch to the Fifth District*

On May 3, 1991, with new 1990 census figures, the San Diego City Council finalized and concluded the city's long and painful decennial redistricting process. With newly-elected Fifth District Councilman Tom Behr joining them, the Council adopted Councilman Ron Roberts' revised map, known as Map E-1-C. It restored Mira Mesa and Scripps Ranch to the Fifth District and contained these significant elements:²³

- Restoration of the San Pasqual Valley in the same district as Rancho Bernardo in District Five.
- Restoration and reunification of the community of Clairemont in District Six.
- Reduction of the number of Council districts covering Pacific Beach from four to two (Districts Two and Six).
- Adjustment of Districts One and Six so that all precincts within the La Jolla community plan were in District One and all precincts within the Pacific Beach community plan are restored to District Six. [Pacific Beach was eventually almost entirely absorbed into District Two, with only a tiny portion being in District Six.]
- Reunification of the Asian/Pacific Islander communities of Linda Vista and Mira Mesa in District Five. Zappe (1991)

The Lessons Linda Bernhardt Learned

Linda Bernhardt discussed several lessons she learned while in office. Here are her words:

It is a very big mistake to confuse friendships with people [Council colleagues] who have to move their agendas forward. They are associates, colleagues but these people are never going to be your friends. The advice

they're giving you, or the things they're saying, you don't realize how that's transferred into friendship, but that what they're doing or saying may actually harm you politically and may be helping them. Whatever they do, they're not looking at the consequences for you.... That includes [Councilors] Bob [Filner], John [Hartley], Abbe [Wolfsheimer], and Wes [Pratt].... Do I have respect for them as human beings? No, I do not. I respect that they are going to have long, long political careers and have found a way to be very skillful to allow themselves to be placed in a position for 20 years and survive it.... I couldn't and I didn't.

Never hire friends in politics. It does not work. Shortly thereafter, they will no longer be your friends. ... If you're too close to them, it will take years to rebuild the friendships because more than likely, the friendships will have been destroyed.

For elected officials who have to deal with redistricting, forget any other issue you're dealing with. You and your staff should concentrate on that. That is the issue of the decade. Don't ignore it.

You can't change the system on your own. That was the hardest lesson for me. I was young and idealistic and I really did believe, and a part of me still believes that, after all I went through. You can make changes, but you can't change the system by yourself. That will take years. I don't know if we'll ever see it in my lifetime (L. Bernhardt, June 2, 1992; emphasis in original).

Linda Bernhardt's accomplishments in public office are located in Appendix 23.

Summary

Chapter Nine concludes the story of Linda Bernhardt's political rise, a discussion of Linda Bernhardt's tenure in office including significant people and events, a detailed discussion of the city's redistricting process, the role of the media in her political tenure, and the successful recall of Bernhardt. Chapter Ten, the final chapter of this dissertation, provides an analysis of some of the areas covered in Chapters 4-9, general lessons learned, and recommendations for future research.

Notes

1. Linda Bernhardt said, "I think from the day that John [Hartley] and I were elected, and I still believe this, ... and the first votes were going, and in the [ensuing] months it got worse, that there were groups researching, bringing in attorneys, having strategy meetings, looking for a way to take somebody out of office. One of the main reasons was not having the biggest control of all—they [conservatives] didn't have their five votes for redistricting. That would control who's elected to the City Council for the next ten years." (L. Bernhardt, personal communication, March 11, 1992)

2. Linda Bernhardt said "Ed Struiksma planned the recall. [He said,] 'I'm going to make her life miserable. Make sure she's not re-elected.'... I can tell you from the day I was elected he planned on my demise." (L. Bernhardt, personal communication, March 18, 1992)

Ed Struiksma replied, "I stayed away from it. I was not involved, and Linda will never believe this, but I was never involved in the recall campaign against her! The reason I wasn't involved was that I felt that my involvement would undercut anything the recall committee was going to do!... I got a lot of credit—credit that was undeserved. I'd like to be able to take credit for her recall but I can't (E. Struiksma, personal communication, March 11, 1992; emphasis in original)

3. The first meeting, on July 23, 1990, fulfilled the mandate of Judge John Rhoades, who was handling the redistricting lawsuit, and the Voting Rights Act settlement agreement between the Chicano Federation and the city of San Diego. Judge Rhoades issued a compelling memo to the parties in the lawsuit: "I agree with Judge McCue's decision to intervene and I disagree with the argument that it was premature to intervene at this time.... The spirit of the settlement agreement requires the Council to honor the basic democratic values of openness and participation in the redistricting process. Regardless of whether the people were shut out, or whether the members of the Council who presented the Hartley plan on July 9, 1990, gave the required notice, the perception of the public that they were not privy to what was going on—that there was the faint sound of a distant railroad engine whistle—made the whole process suspect.... I urge each of the attorneys and each of the Council members to consider above all what is best for our city, to lay aside partisan and personal concerns, and to act in a manner that best reflects a truly democratic government and its traditions. I recognize that this is a hard task. It is, however, a task that persons of good heart can and must undertake—particularly when one considers the heavy costs of the alternatives." (J. Rhoades, July 24, 1990)

4. Bob Trettin, political consultant to the Recall Bernhardt Committee differed with Pallamarry. Trettin stated that the speakers at Golden Hall who were upset with redistricting felt they had been ignored by the progressive majority and that "Linda was the ringleader." (B. Trettin, personal communication, March 7, 1992)

5. The *San Diego Union* stated angrily, "...[W]ithin months, with their votes on redistricting and a handful of other issues, [they have] recharted the course of San Diego politics." (The *San Diego Union*, August 12, 1990, B-6)

6. Lorenz continued, "The power of certain people in this community, when combined with the press of one major newspaper, even though the [LA] *Times* is here, the [San Diego] *Union* is the source. You have one major newspaper that is leveling its guns at you and a number of

significant politicians, such as [Councilman] Bruce Henderson at the time and the mayor [who] would do nothing to give her [Bernhardt] any ability to redress the issues.... I think that it caused some of the council members to be less vocal. They saw the array of guns lined up against them if they didn't adhere to, in my opinion, the party line." (M.J. Lorenz, personal communication, April 28, 1992)

7. Robert Kittle, editorial page editor of *The San Diego Union-Tribune* added, "Maureen O'Connor has a long memory over political feuds.... [T]hat's a big liability and it's usually not good for good government.... I wouldn't say Bob Filner and Linda Bernhardt or members of the Gang of Five alone were responsible for the divisiveness. I tend to blame Filner more than anyone else because he can be very personal in his attacks. But he had a different agenda ... to shake up what existed.... He was the guerilla revolutionary...." (R. Kittle, personal communication, June 5, 1992)

8. Mayor O'Connor, unaccustomed to negative news coverage of her council activities and tenure in office, fought back in a speech in which she vented her frustration for being unable to break the council's majority voting bloc. A reporter covering the speech wrote, "... [D]isgusted with chronic infighting on the City Council, ... she plans to implement her own agenda without support from her colleagues.... In remarks riddled with bitterness, the mayor complained that the council's 'confrontational' attitude had jeopardized all she has accomplished as mayor.... Acknowledging her lack of influence among colleagues, O'Connor said she would refuse to sign the [settlement] agreement. "That map is not in the best interest of the city." (K. Thorton, September 14, 1990, A-1)

The San Diego Daily Transcript added a week later, "... [T]he mayor ... said she plans to spend a portion of her remaining time overseas.... Councilman Bob Filner, the mayor's chief foe, responded, 'She's basically abdicating her responsibility. But she hasn't governed the city well and I think the council can work better without her.'" (K. Callen, September 24, 1990, A-1)

9. Aurie Kryzuda said, "The recall movement [would not have been successful if it had not been] ... fueled by Bruce [Henderson], Ron [Roberts], and certain big business people downtown, who[m] Linda had offended.... They had the power behind them, the money behind them, and the organizational structure. The grassroots would not have done it." (A. Kryzuda, personal communication, March 29, 1992)

Kryzuda continued: Linda was getting very powerful and had, prior to [redistricting], a lot of publicity, a lot of support. She had power on the council. She was always getting her five votes, and it wasn't always the same bloc of votes.... [Her opponents on the Council] ... [and] they didn't like it.... I know that they worked with the [City] Attorney's office, ... insiders, ... the business community. [O'Connor, Roberts and Henderson] work[ed] against Linda to fuel the recall.... Linda's mistake was [believing] that they weren't going to see through [what she was doing] and ... that she was still powerful enough that they weren't going to do anything about it. That was her blind ambition! She just could not see the writing on the wall. (A. Kryzuda, personal communication, March 29, 1992)

10. Recall in San Diego was deemed so extraordinary that it was viewed as having little chance for success. Bob Trettin said, "The [recall] committee gave direction to a mass [of people] in

these communities who were upset, but would have [not taken action otherwise]." (B. Trettin, personal communication, March 7, 1992)

11. Many people contacted by Pallamary were supportive of the proposed recall but chose not to participate and explained that "they were generally dismayed at [Bernhardt's] performance, but for fear of political reprisal or some kind of conflict, felt it was inappropriate to get involved." (M. Pallamary, personal communication, March 27, 1992)

12. Later in the interview, Trettin reconsidered his statement that an apology from Bernhardt would have been enough to call the recall off. For the members of the Recall Bernhardt Committee, an apology would have been unacceptable at that point. (B. Trettin, personal communication, March 7, 1992)

13. Political consultant John Kern stated, "There was this feeling on the [part of the] Bernhardt people, including Linda, herself, that the [election] victory was permanent. When we won it was, 'Now we will always win, and we will always be here. We have no need to deal with these people [in Scripps Ranch] because we are here.' But they weren't. It was a victory, just like any other political victory. Win some, you lose some." (J. Kern, personal communication, June 5, 1992)

14. At this council hearing, Scripps Ranch was reunited and placed in Bruce Henderson's Sixth District.

15. On the day Bernhardt was formally noticed of the impending recall, The *San Diego Tribune* published an editorial cautioning about the use of recall. "It would be unfortunate if, on the new frontier of district elections, council members must constantly glance over their shoulders, fearful of what could happen if they offend special interests. This hardly seems the breeding ground for strong civic leadership. And strong leadership is what the city needs. The recall procedure ... is provided by law, and the voters have every right to use it. We make no judgment on the merits of this recall effort at this time, especially as no one has any idea who would be Bernhardt's successor." (*San Diego Tribune*, August 13, 1990, B-6)

16. Bernhardt said, "Most of my time was spent on the legal stuff because those were the issues that were critical—keeping the thing off the ballot, keeping the recall in the new district, getting the [redistricting] map ratified on a certain date, so there was a lot of procedure and maneuvering." (L. Bernhardt, personal communication, May 29, 1992)

17. The scope of this dissertation precludes presenting a detailed description of the legal maneuvering that was involved in initiating a recall in the middle of a municipal redistricting. Further information about the legal opinions issued at the time can be obtained from the City Clerk's office.

18. The terms of the settlement agreement are lengthy and complex. Chapter Seven of this dissertation provides some background.

19. Jack Orr, a consultant to the Recall Bernhardt Committee, left to run an independent expenditure committee to defeat Bernhardt. Bob Trettin said, "His independent committee collected funds from special interest groups, like the Board of Realtors, Golden Eagles [conserva-

tive Republicans], in amounts larger than \$250, not written on personal checks. They collected according to state rules. Then he put [out] a real hit piece mailer going into the recall election, which I think helped immensely for Tom Behr and also helped us [Recall Bernhardt Committee]. He helped in that regard. That's probably a ten to fifteen thousand dollar effort that went out." (B. Trettin, personal communication, March 7, 1992) [See Appendix 18 for an example of the independent committee's direct mail piece.]

20. Jean Andrews and Rick Taylor, partners in JR Consulting, were also under investigation by the district attorney's office for alleged influence peddling practices. No charges were ever filed against them.

21. The focus of this dissertation precludes a discussion of the legal battles that occurred over who would be eligible to vote in the recall election and who would be allowed to run as a candidate in the Fifth District. Both controversial questions were raised because the recall was initiated in the middle of an incomplete redistricting process. To obtain information, contact the San Diego City Clerk's office.

22. Former San Diego Mayor Roger Hedgecock, May 23, 1983 - December, 1985, resigned from office after being convicted of perjury and conspiracy related to campaign violations. For further information about Hedgecock's tenure in public office, his trials and settlement, contact the San Diego county courthouse.

23. Several months after Bernhardt was off the City Council, in November, 1991, Bernhardt's council colleague and recall foe, Sixth District Councilman Bruce Henderson, lost his re-election bid to challenger and political neophyte Valerie Stallings.

CHAPTER 10

ANALYSIS AND RECOMMENDATIONS FOR FUTURE RESEARCH

Introduction

This chapter answers the final research question concerning lessons that emerged from the city's switch of electoral systems, redistricting, and the recall of Linda Bernhardt. They are presented in the form of an analysis. The chapter also includes a comprehensive review of areas for future research and concludes with a final note on leadership.

Participants in this study raised many issues concerning Bernhardt's recall and the lessons to be learned. They included:

- Reasons for Bernhardt's selection as the councilor to be recalled, including her credibility, personality, staff problems and errors in judgment;
- The need to temper the power and influence of the short-lived council progressive majority;
- Shifts in influence and allegiance of community activists and special-interest groups;
- The flawed 1990 redistricting process; and
- Issues that had no bearing on this study but, nonetheless, remain significant concerns for local politicians and citizens.

The following are what I found to be significant issues and lessons.

*There Was Going to Be a Recall;
the Only Question Was Which Council Member Would Be Chosen*

Research indicates that recall was a real possibility for any of the "progressive" council members during the 1990 redistricting process, when an angry mood gripped the city. Councilors John Hartley and Abbe Wolfsheimer were both vulnerable; Bob Filner was often cited as the ringleader of the progressive majority, but he was considered strong with voters in his district, who were unlikely to organize a recall against him. Bernhardt was the easiest target, partly due to her personality and errors in judgment. Therefore, as Briscoe (1977) noted, an advantage of a recall is that the electorate can obtain instant accountability from its officials and immediate satisfaction should they be unsatisfied. This was true in the case of Linda Bernhardt's recall.

With the cooperation and endorsement of members of the city council minority, senior City Hall staffers, the Copley press, and the business community, all the elements were in place to ensure that the recall of one of the progressive councilmembers would succeed.

Once the recall was under way, Bernhardt became the symbol of both cause and consequence of many of the city's ills. The case against her quickly became a groundswell. She came to exemplify many of San Diego's problems: growth management, dissent on the Council, disaffection of voters with politicians in general. Metaphorically, Bernhardt was the lightning rod for voter discontent. Her recall reflected voters' angry disappointment with politicians at all levels of government.

Linda Bernhardt often described herself as a coalition builder. There is no evidence, however, that she built any coalition during her tenure in office. More to the

point, it appears that she was instrumental in fomenting more dissent than had existed prior to her election and that grassroots coalitions that had been in place dissolved during her term. Bernhardt was provocative, confrontational, and combative; she set terms and conditions for groups which caused them to resent her. This impeded the progress of real, meaningful agreements that might have resulted from a combined effort.

Before she was elected, Bernhardt used coalitions to her advantage, an important tactic because subunits in communities tend to compete with each other and later join together to achieve a common goal at a higher or more important policy level (Molotch, 1976). The effective interplay of local coalitions could have been important and useful to Bernhardt as a political leader. In a shrewd, strategic move, she became active in the Save Miramar Lake Committee, which was a strong, cohesive, volunteer group of 200 individuals from the northern communities in District Five. She requested the committee's support in her campaign. In return, she championed Save Miramar Lake Committee's cause and promised solutions. Committee volunteers became her volunteer labor force; they tirelessly walked precincts and conducted telephone get-out-the-vote drives on her behalf.

Once in office, Bernhardt neither sustained connections with Save the Lake nor forged coalitions of her own. She failed to build coalitions with downtown business leaders, developers and other groups, and irritated the builder of Miramar Ranch North. She did not build coalitions within the environmental movement except for a small circle of supporters on whom she relied during her tenure.

More to the point, Bernhardt caused splits in the environmental movement over her decision to redistrict out two of her five council neighborhoods. Her continued association with the executive committee of the San Diego chapter of the Sierra Club, as the recall election drew closer, caused internal schisms and contributed to the negative press the Club received. By the time Bernhardt was recalled from office, the prestige and credibility of the Sierra Club were seriously damaged.

The City Council Progressive Majority's Shift in Power and Influence Upset San Diego's Status Quo

Bernhardt's affiliation with the so-called "Gang of Five," the progressive majority on the City Council, was not positively perceived. This first liberal faction on the San Diego City Council was a result of the city's first district-only elections. They upset and challenged traditional, more conservative power brokers in the city. This unstable coalition changed the balance of power by creating and supporting a different set of priorities from previous councils. Yet there was little history and precedent to support their efforts. Personal political agendas, strong personalities and an unwillingness to share power ensured that the fragile cohesiveness of the coalition would collapse when Bernhardt was recalled.

Bernhardt Did Not Make a Good First Impression

The success, or lack thereof, Bernhardt experienced in her city council position, may be traced directly to her first day on the job and the negative impression she made on others. Bernhardt never got a second chance. Negative judgments were based on her decisions and votes, and on her professional and personal relationships.

To fit into San Diego's City Hall culture of elected officialdom, it was crucially important for Bernhardt to learn the system and accommodate herself to the culture of City Hall. Leaders must not only understand and appreciate the culture they enter, but may need to accommodate themselves to it before gaining the support of followers or seizing the opportunity to bring about changes the leader may believe are long overdue and urgent. Bernhardt had served as a City Council aide for several years, yet as a councilwoman, she appeared to lack comprehension of the different demands now placed on her and the professional affiliations, symbols and rituals she was expected to honor and maintain.

Bernhardt Ignored Both Constituents and Opponents

District-only elections made it imperative for politicians to pay close attention to district-related issues and special interests. Bernhardt was faulted for providing inadequate service to her constituents. She did not recognize their efforts or give community groups credit and visibility for work they had accomplished, a failing, Briscoe (1977) posited, that can lead to a recall movement. Her failure to acknowledge their contributions irked the leadership of community planning groups who later worked to recall her.

Bernhardt also failed to listen to opponents. She was arrogant, disagreeable, indifferent, and sometimes hostile to those who did not share her opinions. Issues of gender bias have been cited as a significant problem for women in leadership positions (Rosen, 1984). Yet, Bernhardt's gender never arose as a concern during her time in elected office or throughout her recall. Research participants clearly stated that Bernhardt's personal foibles, and not her gender, rendered her ineffective as a political leader. Those she

considered enemies could not obtain appointments or were banished from her circle of advisers. This angered constituent and special-interest groups whose numbers rapidly increased. They became visibly antagonistic toward Bernhardt and her staff. All of this created the conditions that set the recall in motion. Even so, it is possible that had Bernhardt apologized for her mistakes graciously, forthrightly and quickly, she might have been saved from recall.

Bernhardt Broke Her Campaign Pledge

Bernhardt the political leader, ran as an outsider, pledging that she would do things differently once in office. The reality was that she did not. Yet to her advantage, she used her political campaign to persuade her followers into believing that she would carry forth their message because not only was she part of their group but she was expressing their will (Burns, 1978). Within a brief period, Bernhardt's council performance and popularity were as negatively rated as Ed Struik's in his final year in office. The striking difference was that Bernhardt's popularity fell almost immediately, whereas Struik's popularity declined after eight years in office.

Bernhardt's pledge not to accept developer contributions was short lived. She contrived a complicated definition of who was a developer, to give the appearance of not accepting developer contributions from individuals connected to the development industry. The notion that certain categories of developers were acceptable while others were not was beyond the capacity of most people to understand, and was seen by voters and the media as deceptive. They believed Bernhardt reneged on her campaign promise and betrayed a public trust.

The Perception of Bernhardt's Involvement in Influence-Peddling Practices and Securing Contributions from Developers Damaged Her Credibility with Supporters

Linda Bernhardt's political campaign consultant, Rick Taylor, with her consent, used his connections to her council office to get business. Many clients expected him to lobby her regarding projects they had pending before the council, and to receive favorable treatment. Although the ethics of this practice are questionable, that is not uncommon in the City of San Diego.

Three problems arose for Bernhardt:

1. Rick Taylor went to work for the developer of Miramar Ranch North, a focal point in Bernhardt's council tenure. This passionately contested community dispute pitted Bernhardt's strongest supporters against the developer. As a candidate, Bernhardt had pledged to resolve the community's issues and, in fact, she subsequently played a central role in negotiations. Her supporters, however, were outraged when they learned of Taylor's involvement on behalf of the developer, with Bernhardt's blessing, and believed that he was working against them. Bernhardt was then perceived as a traitor and sell-out.

2. Despite her campaign promise to refuse developer money, Bernhardt did seek contributions from developers to retire her campaign debt.

3. After her election, Bernhardt hired Jean Andrews, Taylor's business partner in JR Consulting, as her fund-raiser. Andrews had previously raised substantial sums for developer initiatives, which contributed to the perception that Bernhardt had sold out as an environmentalist.

Bernhardt's Provocative Personality Alienated Builders and the Press

Shortly after getting elected Bernhardt began accepting developer contributions, while simultaneously voting against their projects and interests. She bullied and threatened members of the industry, despite her promises to cooperate with developers. Instead, her tone and behavior were arrogant, attacking and defensive.

Powerful business interests felt Bernhardt was trying to have it both ways—accepting their contributions while giving nothing back. She threatened industry leaders with voting against their projects unless the projects were perfect, promising that she would otherwise make their lives miserable; she thus challenged them to battle. They made sure she would lose her council seat.

Bernhardt's bumpy adjustment to office and lack of understanding of the political arena were often covered and editorialized in the local press. The Copley press's editorial section, in particular, took a critical view that began on her first day in office and did not end until her departure. The constant barrage of negative newspaper coverage can be difficult for even the most seasoned or financially secure politician to overcome. Bernhardt was neither experienced nor wealthy.

Linsky (1988) stated that the press plays an enormous role in politics because they serve as the vehicle for shaping public opinion. The Copley Press has performed this role in San Diego for over three decades and is considered the only mainstream newspaper in the region. In the case of Linda Bernhardt, regardless of how egregious her mistakes were, both real and imagined, the Copley press's persuasive power painted an unflattering and—toward the end of her tenure—criminal portrait of her. They portrayed her as an

incompetent person who betrayed the public trust, probably committed crimes because she was under investigation by three government bodies, and did not belong in public office.

Bernhardt Lacked an Appreciation for Mayor O'Connor's Power and Influence

On her first day in office, Linda Bernhardt alienated Mayor Maureen O'Connor and thereby ensured that when her situation became grave, she would receive no mayoral support. Instead, the mayor, as the highest elected municipal leader of the city, used her prodigious power and influence to move Bernhardt's recall along. Frustrated and angry with Bernhardt's active affiliation with the council's progressive majority, O'Connor colluded with the Copley press against Bernhardt. She provided them with damaging leaks and leads about Bernhardt's council activities and practices.

Bernhardt Hired Her Friends as Staff

Linda Bernhardt mixed her personal and political life while serving on the City Council. She worked and socialized with her staff; her roommate served as her second chief of staff. This caused Bernhardt personal confusion and added to her staff's disarray. Were they arguing friend-to-friend or superior-to-subordinate? Jealousies and fights related to office politics were rampant and fed the hungry rumor mill at City Hall. Common sense should have prevailed in separating friendship from politics. Bernhardt could have prevented the appearance of impropriety and favoritism.

Bernhardt's Redistricting Strategy Was a Mistake

Bernhardt made a bad decision when she agreed to accept the Hartley-Environmental map, which cut Scripps Ranch and Mira Mesa from her district. The citizen-based Redistricting Advisory Board, and Bernhardt herself, had been informed that her constituents wanted to remain in the Fifth District. She believed, however, that in order to survive politically and get re-elected, she had to move district boundaries to the south. The southern portion of the district was comprised of older, less affluent communities with few of the complex growth-control problems that challenged her in the north.

Her decision to remove Scripps Ranch from her district was a strategic error—it cut her strongest base of support before she could replace it with a new base. She was left politically and financially vulnerable. When the recall was initiated and conducted inside the boundaries of the old Fifth District, Bernhardt had no supporters or volunteers to assist her nor could she raise any money to fight the recall.

Bernhardt also believed that by divesting herself of Scripps Ranch, she was no longer expected, nor did she intend, to resolve the dispute over Miramar Ranch North. But the strategy failed when Bruce Henderson, whose district now included portions of Bernhardt's former district, refused to represent the area. It forced Bernhardt, for the remainder of her term on the City Council, to continue representing Scripps Ranch and Mira Mesa while simultaneously serving her new Fifth District.

*The Sierra Club of San Diego Made a Strategic Error
by Not Endorsing Other Council Candidates*

Linda Bernhardt enjoyed the vigorous support of the San Diego chapter of the Sierra Club throughout her candidacy and tenure in office. The club's prestige and clout, however, could neither hold back nor reverse the growing recall movement.

The Sierra Club is a large, national organization. The San Diego chapter operates city-wide. Because the recall was focused in one small geographic area, the club's ability to influence the outcome of the election was negligible. In addition, San Diego members' interests focus on recreational and environmental pursuits; few engage in political activism. This was evident in Bernhardt's situation when the Club did not have the manpower to marshal volunteers to come to her aid.

The Sierra Club (and at least one local union political action committee) decided to encourage voters to vote no on the recall, but not cast a vote for a candidate to replace Bernhardt, should she lose. This strategy seriously undermined the ability of environmental groups to achieve a voting force to elect a progressive candidate. Since many environmentalists followed the directions of their organizations, no votes were cast for progressive candidates. There was, therefore, little expectation that such a candidate could win. This contributed to the election of conservative Tom Behr, effectively destroying the progressive majority on the Council which had been created by Bernhardt's election.

On the other side, the more conservatively-oriented activists who supported Bernhardt's recall, supported candidates who more closely matched their values. Thus, a more conservative, less environmentally oriented candidate won the election.

*The Deeply Divided Scripps Ranch Community United
Over Losing Bernhardt As Their Council Representative*

The Miramar Ranch North conflict spawned a bitter and contentious community in Scripps Ranch. This hotbed of discontent would have tested the mediation skills of a seasoned politician, which Bernhardt was not. By redistricting Scripps Ranch out of her district, Bernhardt united community activists on both sides of the issue. For the first time in a very long while, they had a common cause: the loss of their council representative in the midst of a development battle. The two sides now directed their energies away from each other to a new focus—their dismay and displeasure over the redistricting.

The City of San Diego Had a Flawed Redistricting Process

Neither the Redistricting Advisory Board nor the progressive majority on the San Diego City Council were able to overcome the appearance that their efforts were partisan and biased. Each side accused the other of gerrymandering boundaries to satisfy political agendas. Below is a fuller account of the problems with the Redistricting Advisory Board and the progressive majority's actions related to redistricting.

- **First, redistricting is the most political act that politicians are called upon to perform.** Therefore, it seemed illogical and nonsensical to ask a citizens' group—with little or no experience in redistricting—to produce a new redistricting map. Its members, appointed by the mayor and City Council, had hidden agendas and conflicts of interest that contaminated the process. The board was given no budget and virtually no staff support or expert guidance to help with redistricting. No minutes were kept. Public meetings suffered from poor attendance. The City

Council majority's overt decision to hamper the board's ability to carry out its mission came to symbolize the board's impotence and lack of importance in the redistricting process.

- **Second, it appeared that the progressive majority engaged in secret, collusive activities to produce the Hartley-Environmental map.** No evidence of such improprieties was ever found. On the day the Redistricting Advisory Board map was rejected and the Hartley map was first adopted, the majority's actions appeared to have been orchestrated, and many believed they were insincere, disingenuous and self-serving at best; devious, manipulative and politically conspiratorial at worst. As a consequence, the progressive majority encountered an unexpected, vocal backlash from minority members of the City Council, the media and angry citizens.

District Elections Emphasize District Special Interests

Under district elections, a candidate can be propelled into office by a fraction or handful of community voters. Their particular interests take on greater urgency and meaning to district candidates. Cronin (1989) pointed out that recall is the ultimate exercise in constituent control over an elected official. Its reasons, in the end, may become irrelevant to the actual motives of voters. Many municipal candidates and district office-holders are now impelled to espouse views of importance to district voters. This is not uncommon in political races at the local, state or national level. Those who hold a different opinion from their district councilor find their interests eclipsed by the more vocal, dominant community members who support the politician elected to serve them.

In Bernhardt's case, she had the support of the volunteers of the Save Miramar Lake Committee, but never forged a cordial, working relationship with community leaders who held a different view; nor did she appreciate their ability to mobilize against her.

District elections have also made the recall process less burdensome and much more manageable. No longer is it necessary to obtain signatures from 15% of registered voters city-wide to recall a district representative. Today, a recall can qualify with signatures from 15% of those who voted in the last election. Politicians under threat of a recall must take it very seriously. Linda Bernhardt became the first elected official to be recalled in the 20th century in the City of San Diego, the first to be recalled under the City's reform charter adopted over six decades ago, and the first politician to be recalled following the advent of district-only elections (1988) in the City of San Diego.

Summation of Linda Bernhardt's Mistakes

History indicates that countless politicians at all levels have made far more flagrant, visible and publicized mistakes in office than Bernhardt. Many of them not only went on to complete their term but were re-elected to serve again. Why, then, was Linda Bernhardt's situation unique?

No single element would have ignited the recall. Rather, a combination of factors brought it about:

- Bernhardt lacked experience negotiating San Diego's political system;
- She was perceived as an arrogant bully;
- She supported a political consultant whose ethics were questionable;
- She established a poor relationship with the press;

- She suffered from ill-will and lack of communication between the mayor and council members;
- She was subverted by covert actions of council staffs who fomented the recall;
- The city was going through radical adjustments resulting from district-only elections;
- Constituents city-wide, but particularly in District Five, were angry at the City Council; and
- The first decennial redistricting since district elections was underway.

These ingredients made it possible for an overt and covert strategy to work swiftly and successfully to remove Bernhardt from office and dissolve the City Council's progressive majority.

Recommendations for Future Research

This case study represents a significant contribution to the scholarly literature and will help practitioners and scholars achieve a greater understanding of the City of San Diego's recent political landscape. As the sixth largest city in the United States, more research about San Diego's government structures, politics and policies should be undertaken. This dissertation touched upon specific key events that occurred after the city switched election systems. The following recommendations, therefore, are offered as areas for future research. The first five are the most urgent and should be studied within the next decade.

1. The cost of district elections should be studied to learn whether district elections result in less campaign spending than the previous at-large system.

2. Studies should be conducted to determine whether district elections result in a growing trend to use the recall device to remove council members from office.
3. Future research should focus on some of the ways municipal redistricting has been conducted in cities with a district-only election system. A comparative research study with the City of San Diego's system could be both useful and practical.
4. Decennial redistricting initiated and developed by impartial "special masters" should be investigated to identify if their efforts at drawing new districts lines yield a less political and more acceptable agreement than redistricting performed by local politicians.
5. The role of independent expenditure committees in San Diego elections should be studied to identify the ways their power and influence affects the outcomes of local elections.
6. Research should address possible correlations between (a) district-only elections and (b) increased emphasis on district-only interests, pork-barrel politics and less interest in city-wide concerns.
7. Future research should determine whether there is a correlation between developer-related campaign contributions to district-only candidates for city council and the subsequent voting pattern and behavior on developer-related issues once elected to office.
8. Since district elections are a new phenomenon for the City of San Diego, it is too early to draw conclusions about trends arising from the new election system. Future research should study what effect district elections have had on City Council

voting patterns, demands for services from specific city departments, long-term shifts in power and influence of special interest groups and voter satisfaction.

Leadership: A Final Note

This study indicates that a local populist politician, such as Linda Bernhardt, who made campaign promises that she did not keep, can be rendered powerless almost immediately if constituents perceive the politician as untrustworthy, arrogant, non-responsive and inattentive. What is more, if the political leader disenfranchises constituents by failing to include them in decision-making processes, engages in questionable ethical practices, or operates out of blatant self-interest, then the leadership covenant has effectively been broken. Bernhardt was not a charismatic leader and did not inspire her followers in any real way. More pointedly, by alienating other leaders and their constituents, she brought about her own, swift political demise. She became vulnerable to attack in light of the intensely competitive political environment that existed. There were more than enough prospective candidates waiting in the wings to point out Bernhardt's frailties and foibles. The consequences to her as a visible public figure and leader, was a rapid loss of her power, influence and followers. Simply put, Bernhardt no longer satisfied the needs and wants of her constituents; they no longer perceived her as their leader.

A leadership coalition comprised of registered voters in the Fifth District of the City of San Diego was organized for the mutual purpose of removing Bernhardt from office and breaking the City Council's progressive voting bloc. The City Council's progressive coalition, organized by five San Diego City Councilors, were determined to move a new, social agenda forward. The progressive coalition lost their leadership power

and credibility when the grassroots Recall Bernhardt Committee successfully mobilized citizens to their cause. At its height, the Recall Bernhardt Committee was powerful and persuasive. Its leadership evoked an emotionally laden citizen reaction that was strong and swift. The coalition was able to bring about an immediate transformation in influence relationships on the San Diego City Council and a shift in the council's political agenda. After achieving its goals, the Recall Bernhardt Committee dissolved forever.

Concluding Remarks

The complex story of Linda Bernhardt's political rise and recall has no happy ending and there are no heroes. The research shows that there was a pattern of mean-spiritedness and lack of cooperation on the City Council prior to Bernhardt's election. That pattern continued during Bernhardt's tenure and contaminated relationships with the media, business, special interest groups, and voters. Professional and personal relationships were destroyed. So were well-meaning citizen-based coalitions. Anger and divisiveness spilled over into every aspect of City Hall; the council was unable to work together. Political decisions were placed above the welfare of the city's citizens, all of which resulted in the city's first successful recall in the twentieth century and dissolved a fledgling, progressive voting bloc that sought to push its environmental, human-service-oriented agenda forward.

I hope that this study will provide some answers and increase understanding of how local political leaders can avoid the situations described herein and better serve their constituents. An appreciation of the mistakes we have made may prevent us from repeating them.

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APPENDIX 1 Consent form

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Linell Fromm, a doctoral candidate in the School of Education at the University of San Diego, is conducting a case study of district elections, redistricting and recall in the Fifth District of the City of San Diego from 1989-1991. Ms. Fromm has requested my participation in an interview about these subjects.

My participation is limited to this interview, except that I may be asked follow-up questions by telephone at a later date, when Ms. Fromm is writing the case study project. These follow-up questions may be needed to clarify points of information in the study.

My name and this consent form will be attached to my responses from the interview. This interview will be taped and later transcribed for the purposes of the study. There is a possibility of negative information/comments about my participation in the redistricting/recall process being made during the course of this study.

The product of the research will be public property and available to the public. The research, after acceptance by the University of San Diego, will be housed in the library of the University of San Diego and available through the University of Michigan dissertation abstract service.

Little risk or discomfort is expected as a result of my participating in the study. My participation is completely voluntary. There is no agreement, written or verbal, beyond that which is expressed in this consent form. I may refuse to participate or may withdraw from the study at any time without risk or penalty. If I choose to withdraw, items which include my name and are already in the public record, such as news reports, may be included in the final document.

Since my name is a matter of public record, it may be used in the final case study. I will have an opportunity to review a draft report of the case study prior to its publication, and to prepare a statement of rebuttal or clarification on materials in which I am named, which Ms. Fromm will include in the final report. Ms. Fromm will make the final decision about information that is included in the manuscript.

I understand that, since I have not incurred any expenses in connection with my participation, no reimbursement is expected. I may ask any questions at any time during my participation. I may contact Linell Fromm at (619) 298-9519 home and work, FAX #(619) 298- 4226, if I have further questions.

I, the undersigned, understand the above information and agree to participate in this interview. I understand that this interview is on the record and that the information gained from the interview is on the record and the interview will be used in the writing of the study.

Signature of Participant

Date

Location: _____

Signature of Researcher

Date

Signature of Witness

Date

APPENDIX 2 Interview protocol

INTERVIEW PROTOCOL

250

1. What were some of the strategies and events that led to Linda Bernhardt's 1989 election to the San Diego City Council?
2. Describe some of the key issues involving Linda Bernhardt during her political career.
3. Describe the environment of Bernhardt's Council office, the City Council, and the Fifth District between 1988 and 1991.
4. Describe the City of San Diego's 1990 municipal redistricting process.
5. Describe the events that led to Linda Bernhardt's recall from office.
6. What strategies did the recall proponents use to remove Bernhardt from office, and what strategies did Bernhardt employ to overcome the recall?
7. Were Linda Bernhardt's gender, age, or other personal characteristics issues in her recall?
8. What impact, if any, did the local media have in the city's switch from a citywide to a district-only election system; the 1989 race between Ed Struiksma and Linda Bernhardt; Bernhardt's tenure in office; the city's 1990 redistricting process; and the recall of Linda Bernhardt?
9. What role, if any, did the 1988 change in the city's election system play in:
 - (a) City of San Diego Council campaigning,
 - (b) addressing district and citywide issues,
 - (c) City Council alignments and issues of power, and
 - (d) the recall of Linda Bernhardt?
10. What are some lessons learned from
 - (a) changes that occurred as a result of switching electoral systems;
 - (b) redistricting and;
 - (c) the recall of Linda Bernhardt in 1991?

APPENDIX 3 Bernhardt consent form

Ms. Linda Bernhardt Former Councilwoman, 5th District City of San Diego San Diego, CA

The following will serve as an agreement for the protection of the rights and welfare of Linda Bernhardt as the principle subject of a dissertation research project by Linell Fromm:

1. The purpose of this study is to (1) identify some of the forces in the City of San Diego's redistricting process, particularly effecting the 5th Council district; (2) identify some of the forces in the City of San Diego's 1991 political referendum (recall) process; (3) provide some insights about the change from an at-large to a district-only election system, redistricting and recall in the City of San Diego.

2. The method of the research will be a qualitative case study which will be descriptive and exploratory. Instrumentation will include interviewing, including the use of audiotapes, and reviewing available documents and records. Interviews will be held with me, my former council and political campaign staff, City of San Diego elected officials and their staff, City of San Diego employees serving in line functions, and community stakeholders including members of the news media, military, clergy, private business, civic organizations, and officials of local government other than the City of San Diego. The interviews will take place after I and Ms. Fromm have discussed a list of participants. My interviews will take place at mutually agreeable locations between myself and Ms. Fromm. Ms. Fromm may accompany me to various activities which could add data to the project. Requests for additional periods of data gathering will be made to me as required.

3. My participation in this study is voluntary and I may be withdrawn at any time.

4. I have had the opportunity to ask questions regarding the procedures of this study and answers have been provided.

5. The duration of my participation in this study will be from November, 1991 through October, 1992.

6. There is no agreement between myself and Ms. Fromm, either written or oral, beyond that expressed in this consent form.

7. The data collected from the study concerning me will not be confidential. I will have the opportunity to edit and delete only my personal transcripts. That data will be destroyed by the researcher. Only Ms. Fromm will have access to unedited material.

8. I am aware of the potential for negative findings to occur and be reported as data.

9. The process and the product of the research, embodied in the doctoral dissertation, will be public property. The research, after acceptance by the University of San Diego, will be housed in the library of the University of San Diego and available through University of Michigan dissertation abstract service.

I, the undersigned, understand the above explanations and, on that basis consent to my voluntary participation in this research.

Linda Bernhardt, Subject Date

Linell Fromm, Researcher Date

Signature of Witness Date

Done at San Diego, California

APPENDIX 4 Photograph of Ed Struiksma



Ed Struiksma

APPENDIX 5 Photograph of Linda Bernhardt



Linda Bernhardt

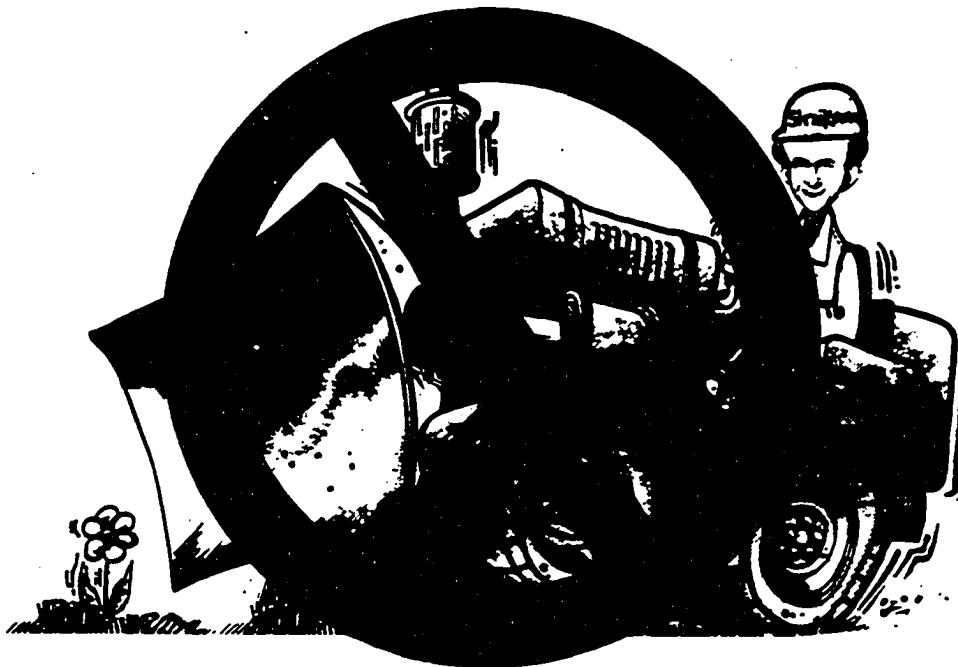
APPENDIX 6 Dump Ed Committee mailer

VOTE NOVEMBER 7

259

Ten Good Reasons to

DUMP ED STRUKSMA



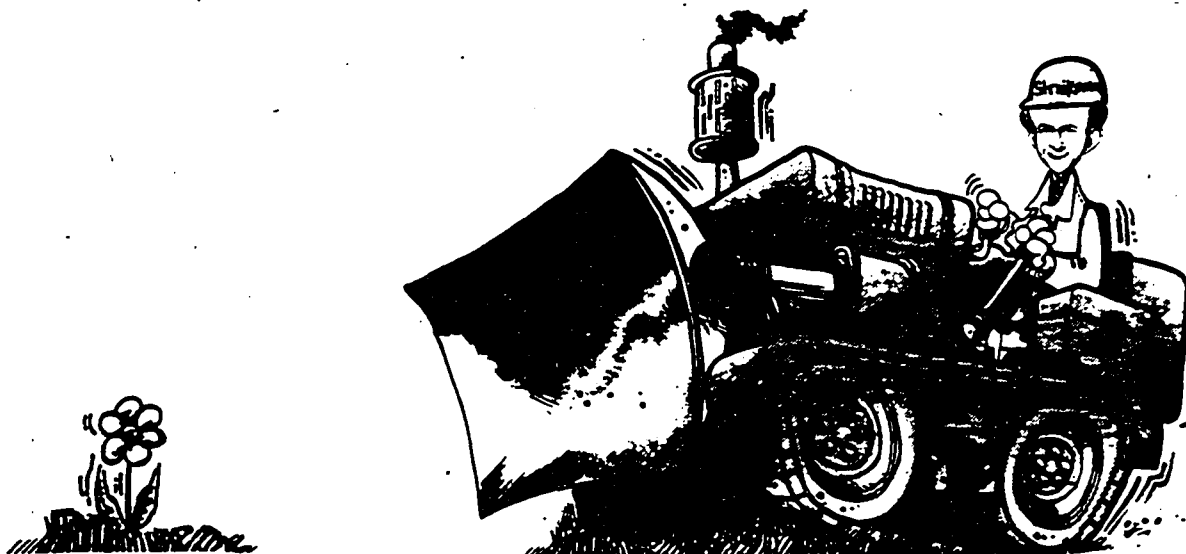
***You can't read this and
vote for Ed Struiksma!***

Bulk Rate
US Postage
PAID
San Diego, CA
Permit No. 316
Carrier Route Presort

PAID FOR BY DUMP ED CAMPAIGN '89; Mark Zerbe, Treas.: A Committee formed primarily to defeat
San Diego Councilman Ed Struiksma

#1

***Ed Struiksma
has NEVER met a
development he
didn't like.***



***Rated the WORST
member of the
City Council by
the Sierra Club,
Ed Struiksma's
anti-environmental
votes include:***

- Exempting virtually all of the I-15 corridor from development restrictions. (Source: Council minutes, 8/7/87)
- Approval of the SANDER trash-burning plant. The plant was ultimately voted down by the public. (Source: Council minutes, 6/29/87)
- Approval of the 2625-unit Park Village development in Los Penasquitos Canyon. (Source: Council minutes, 9/23/86)
- Approval of 9355-units in the Westview Casa Mira View, Scripps Eastview, Scripps Sunburst and Mercy Mira Mesa Developments. (Source: Council minutes, 9/20/88)
- Approval of the 3300-unit Miramar Ranch North Development adjacent to Miramar Lake. (Source: Council minutes, 12/12/88)

Environmentalists rate City Council

How the Sierra Club rated San Diego City Council members on their votes about environmental issues.

Council member	"Right" votes	"Wrong" votes	Absent votes	Environmental score
■ O'CONNOR	37	1	7	82%
■ WOLFSHEIMER	39	2	4	85%
■ FILNER	23	4	3	85%
■ PRATT	17	9	4	65%
■ ROBERTS	15	11	4	58%
■ McCOLL	21	20	4	51%
■ McCARTY	19	26	0	42%
■ HENDERSON	11	17	1	39%
■ STRUIKSMA	13	26	6	33%

SOURCE: Sierra Club

The San Diego Union

#10

262

***We have
another choice.***



LINDA BERNHARDT
Republican,
Environmentalist,
Planning Consultant



ED STRUIKSMA
Republican, Pro-
Growth, Anti-Gun
Control Incumbent,
\$200,000 campaign
war chest

	Opposes 3300-unit Miramar Lake Development	Opposes spending \$3 million for Russian Arts Festival	Supports a ban on sale of semi- automatic assault weapons	Refuses developer contributions
Linda Bernhardt	YES	YES	YES	YES
Ed Struiksma	NO	NO	NO	NO

It's time to DUMP Struiksma. Vote AGAINST Ed Struiksma.

***Linda Bernhardt has been endorsed by Floyd Morrow and
all the leading candidates who also ran
against Ed Struiksman in the primary election.***

**DUMP
STRUIKSMA!**

Vote, Tuesday, Nov. 7th

APPENDIX 7 Bernhardt campaign literature and fairness pledge

“I will not accept campaign contributions from developers. A City Council member must be able to make objective and impartial judgments, free from even the appearance of any undue outside influences. As your City Councilperson, I will not be owned by the special interests. Honesty and integrity must be the hallmark of a public official. ”

LINDA BERNHARDT
For CITY COUNCIL

Dear Friend:

We can't afford four more years of Ed Struiksma on the City Council. In the last four years, he has voted to approve just about every development that has come to the Council. In fact, he has approved over 11,000 new housing units to be built in our community during the next few years.

Our community is facing a traffic crisis, and we need public officials who are committed to working with the residents in solving those problems **now**.

I certainly don't claim to have all the answers, but here are some common sense approaches to getting our streets and freeways moving once again:

- ★ Halt development along I-15 until we bring traffic congestion under control;
- ★ Open up to all automobiles the I-15 Express lanes;
- ★ Work with both the private and public sectors to give real incentives in developing carpooling programs;
- ★ Bring the trolley (light rail transit) up I-15 and expand the DART and Express Bus systems.

We all know what the real problem is — Ed Struiksma has raised nearly \$300,000 of his campaign war chest from developers and he can't tell them **No**.

On Tuesday, September 19th, I hope you will join the Sierra Club, San Diegans for Managed Growth and Prevent Los Angelesization Now (plan) in voting for me for City Council. Working together we can make a difference.

Sincerely,

Linda Bernhardt

VOTE
Sept. 19th

LINDA BERNHARDT

For CITY COUNCIL

Dear Neighbor,

Get ready for the Struiksma smear campaign to start. Ed wants to win so bad he will do or say just about anything.

For example, last week Ed said I wouldn't debate him even though we have 5 debates scheduled prior to election day.

Ed's so desperate, he may continue to make many other ridiculous charges before November 7th. These allegations may range from calling me a communist to a lady of the evening or some other absurd charge.

The one thing you won't hear Ed talking about are the real issues like traffic, crime, the environment, and the quality of life in our district.

In the next few weeks, I will be sharing my views and positions on these important issues so you will be able to make an informed and intelligent decision on election day.

Sincerely,

Linda Bernhardt

P.S. If you have any questions, please feel free to call me at campaign headquarters at 271-7365.

**VOTE
NOV. 7th**

LINDA BERNHARDT
CITY COUNCIL DISTRICT 7
271-7365

APPENDIX 8 Save Miramar Lake Committee flyer against Struiksma

LOVE LIKE THIS CAN KILL!

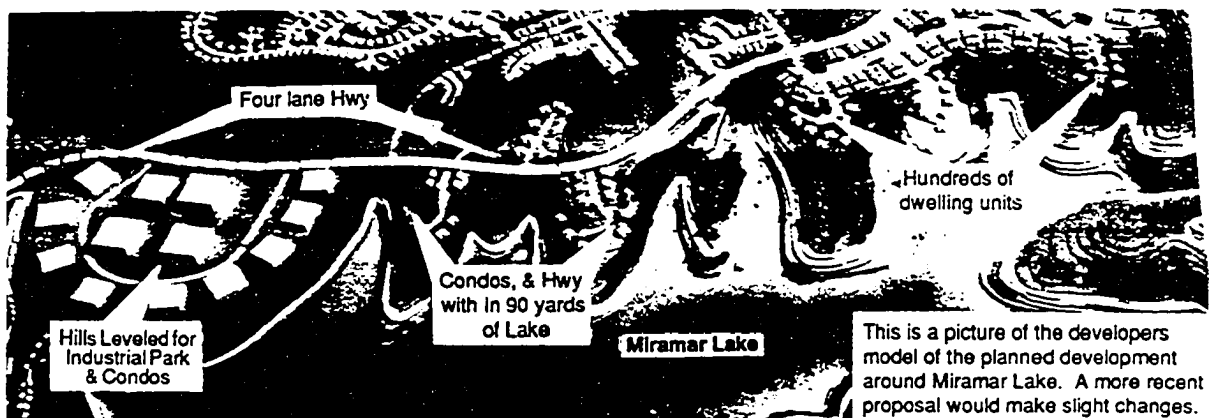
"I love Miramar Lake and would never do anything to harm it," stated Ed Struiksma on August 15, 1989.

The truth is that Struiksma has consistently acted to harm Miramar Lake and to increase his campaign contributions from developers.

HOW DOES ED "LOVE" THE LAKE? LET US COUNT THE WAYS:

1. In 1986 Struiksma tried to greatly increase the density of the development north of the Lake to 5700 dwelling units, but his proposal was rejected by the City Council.
2. In September 1987 Struiksma spearheaded an exemption for the developers to build the massive project illustrated in the picture below. The lake viewshed would be protected by Sensitive Lands Legislation if not for Struiksma's exemption.
3. In January 1989, Struiksma supported the efforts of the developers to defeat the referendum which has temporarily stopped development around the lake. The developers spent \$500,000 in an unsuccessful attempt to defeat the referendum of the Save Miramar Lake Committee which spent only \$22,000.
4. In June 1989, after refusing to allow a public vote on the project, Struiksma created the "Miramar Lake Task Force" which he stacked with the same groups who had previously approved of the development pictured below. Predictably, his "task force" made only cosmetic changes in the old development plan.
5. On September 3, 1989, the San Diego Union reported that "Struiksma has collected nearly \$250,000. in campaign contributions-- much of that from developers and development related businessmen."

SAY NO TO BULLDOZER ED!

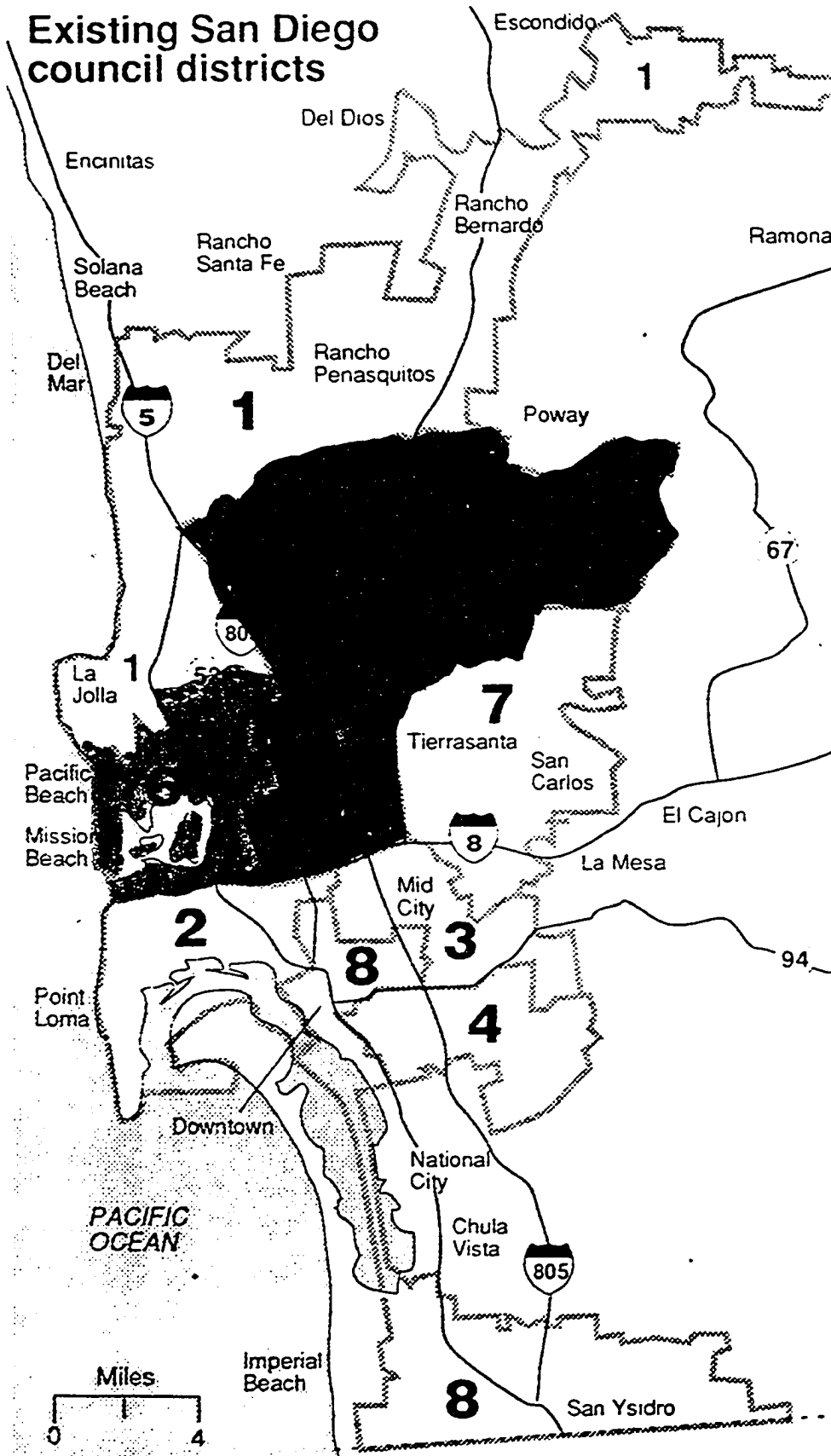


HOW CAN YOU HELP SAVE MIRAMAR LAKE?

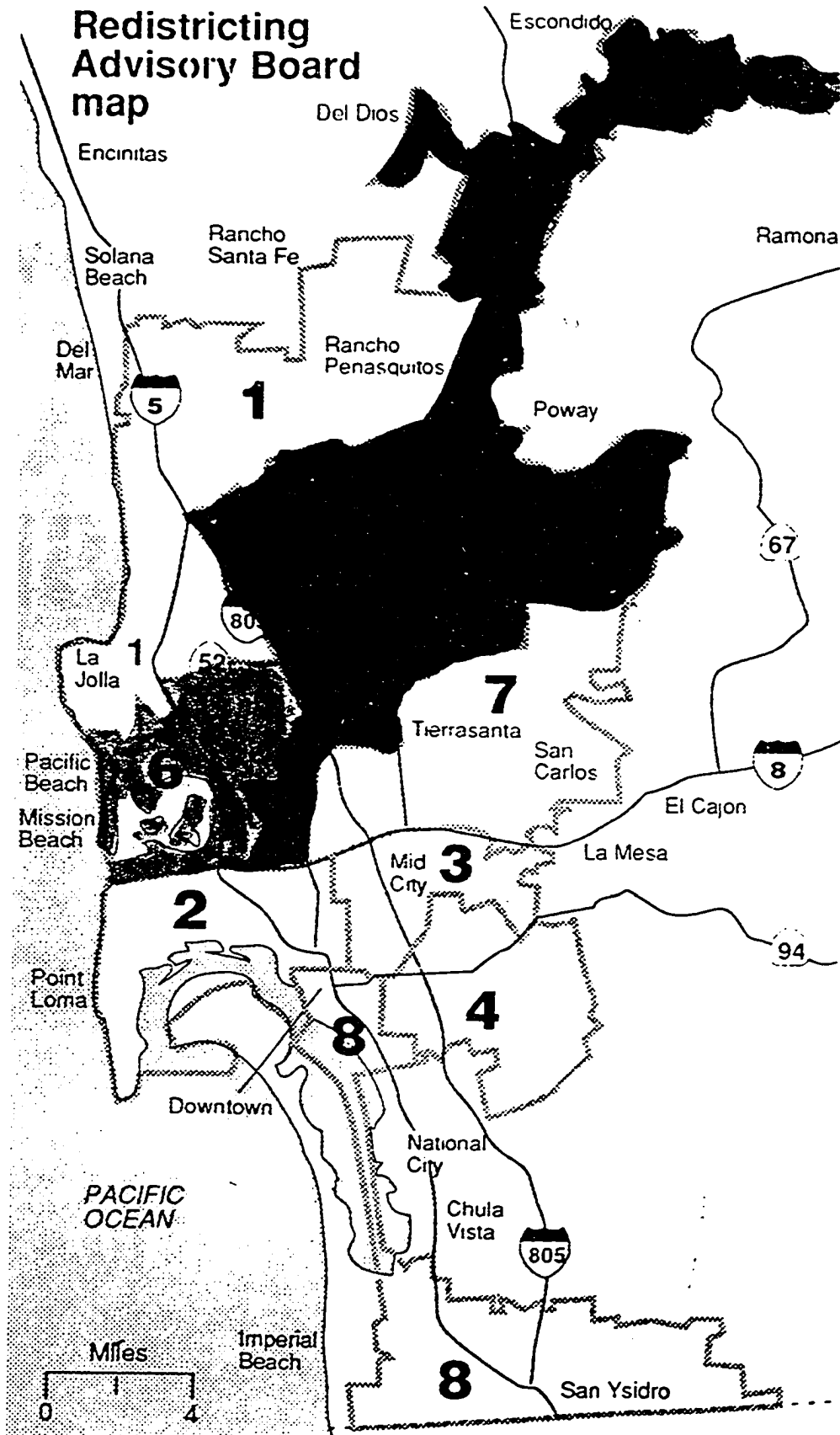
1. Send \$35.00 or more to "Save Miramar Lake Committee," P.O. Box 262307, San Diego, CA 92126.
2. Volunteer to gather 50 signatures in our upcoming initiative campaign or help in other ways. (Call 578-0332)

Paid for by Save Miramar Lake Committee

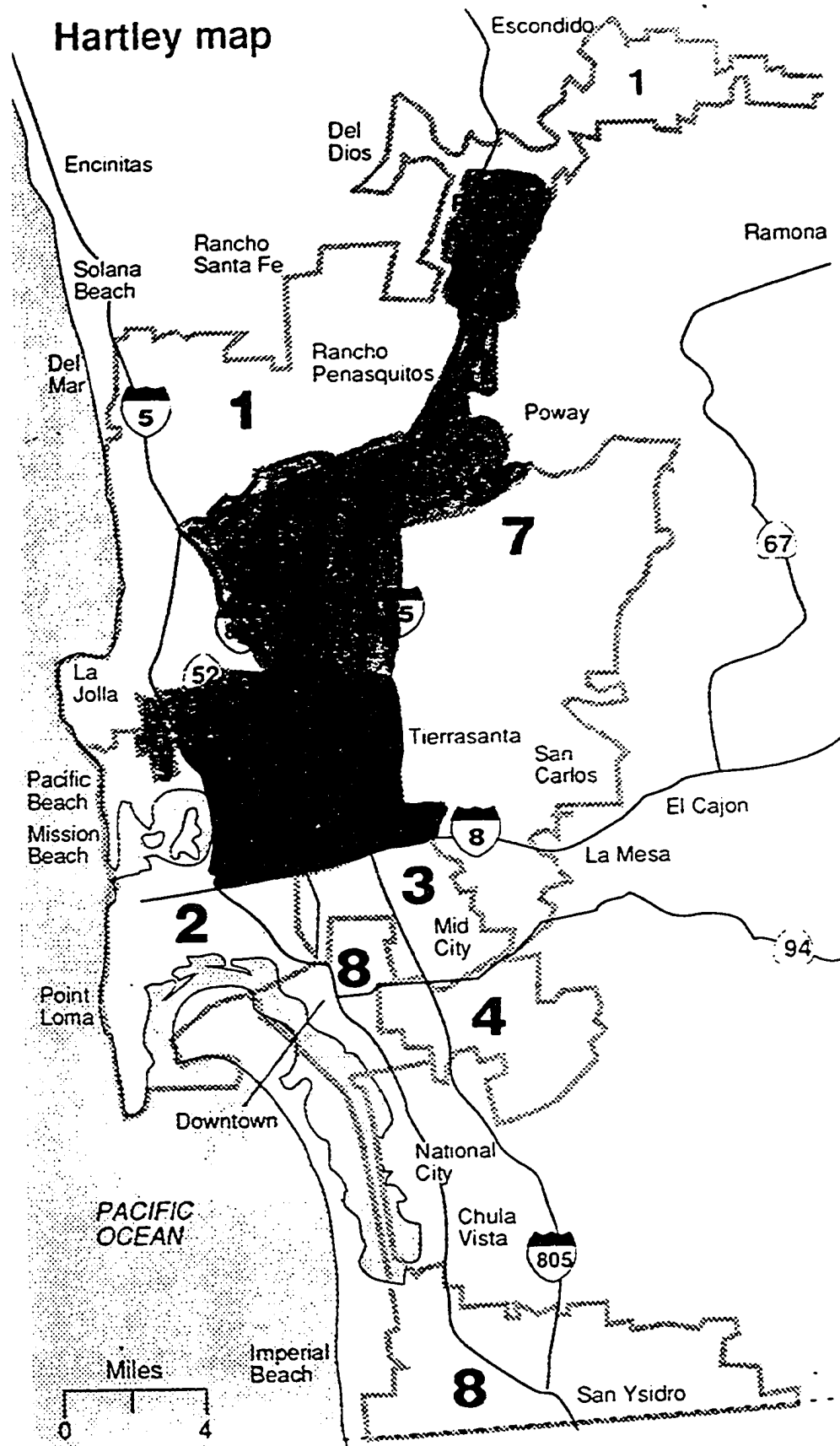
APPENDIX 9 Map of 1980 district boundaries



APPENDIX 10 Redistricting Advisory Board map



APPENDIX 11 Environmental-Hartley map.



APPENDIX 12 Timetable for recall process

PETITION & ELECTION PHASES
OF THE RECALL ELECTION PROCESS

STEP 1

DAY: 1

COMMENTS

* publish a notice of Intention to recall once in the Union-Tribune. Must include name of target, office held, names of 1 or 2 proponents, and a 300-word statement of reasons for recall.

The 300-word statement must be carefully written. It will be printed on every petition and on the recall ballot.

STEP 2

DAY: 2-5

* within 5 days after the Notice of Intent is published, proponents must serve a copy of the notice and 300-word statement on the targeted official, in person or by mail.
An affidavit of service must be filed with City Clerk

This can be done with suitable advance word to the news media at City Hall, perhaps during a Council or committee hearing.

STEP 3

DAY: 2-10

* within 10 days of publication, file an affidavit of publication with City Clerk and a copy of the notice and statement.

* fundraising: there is a \$250-per-person donation limit. No contributions from firms or unions. Same as for Council races.

STEP 4

DAY: 1-15

* targeted official may file a 300-word answer to the notice of recall within 14 days after publication.

If filed timely, the proponents must (at their expense) publish the answer once in the Union-Tribune. A published copy shall be filed by proponents with the City Clerk.

STEP 5

DAY: 21

* signatures may not be gathered on the petition until the 21st day after publication. All required notices must have been filed with the City Clerk first.

STEP 6

DAY: 21-60

* the petition must be in the form shown in the Municipal Code (copy attached) and include both the 300-word recall statement and the targeted official's 300-word reply.

* Who can sign? Only registered voters within the specific Council district.

* How many signatures? 15% of voters registered in the District (10,692 at the moment is 15% of 71,277 registered voters)

* Petition must be on white sheets of paper 8½" by 11" or 8½" by 14".

* All signatures must be gathered in the 39-day period beginning 3 weeks after publication of the notice of intent.

There are exactly 39 days to gather signatures, and no more. Ignore references to "supplemental" petitions. They are allowed only within the 39-day period if you turned in signatures early and they didn't meet the goal.

STEP 7

* Turn in the petitions totalling over 10,692 signatures (preferably 15,000 or more to allow for some invalid names) to the City Clerk.

* Clerk has up to 30 days to check the signatures. In practice he will take a week or less.

DAY: SIGNATURE TURN-IN +30

Clerk will examine a sample of 1500 or so signatures to see what % are invalid. If these validity rate projects the total petition exceeding 10,692 by at least 15%, each and every signature need not be checked.

END OF PETITION PHASE

BEGINNING OF ELECTION PHASE

STEP 8

DAY: ABOUT 75-100

* City Clerk places a notice on the Council docket advising that enough signatures have been gathered to force an election.

* Council approves an ordinance calling the election.

STEP 9

DAY: ABOUT 100-190

* Council must call a special election for a date 60 to 90 days after Council places measure on the ballot.

* The election would be held only within the district, so a mail ballot might not realize great savings. It is still possible however.

STEP 10

* The recall ballot includes 2 sections. Section 1 asks for "yea" and "Nay" votes on whether to recall.

* Section 2 lists candidates nominated to succeed the incumbent of the recall succeeds.

* These candidates qualify for the ballot by gathering names of 200 registered district voters on a petition and doing other things normally required of Council candidates.

Candidates who would succeed the incumbent cannot take out papers until and if the recall petition is certified to contain enough signatures.

STEP 11

* the ballot itself will contain these 2 sections and will reprint the original 300-word statement of charges and the 300-word defense.

* Only voters who vote "yes" or "no" on the recall may vote on the issue of a successor.

* Plurality vote wins: should the recall succeed (majority vote) the successor candidate who receives the most votes wins, even if it is under 50% of the vote. The victor is elected to the full portion of the unexpired portion of the incumbent's term (until Dec. 1993 in this case).

STEP 12

DAY: ABOUT 200

* recalled official continues to serve until the City Clerk presents the final certified results to the City Council, and the Council passes a resolution accepting them.

APPENDIX 13 Notice of intention to circulate a recall petition

**NOTICE OF INTENTION TO
CIRCULATE RECALL PETITION**

**PETITION FOR THE RECALL OF
LINDA BERNHARDT FROM
THE OFFICE OF CITY COUNCIL
- DISTRICT 5**

We, the undersigned registered voters of the City of San Diego District 5, demand the recall of Linda Bernhardt from the office of San Diego City Council, District 5.

The following are our reasons for seeking Linda Bernhardt's removal from the office of City Council:

The residents of San Diego's Fifth City Council District have expressed their outrage at the irresponsible lack of representation provided by their Councilmember, Linda Bernhardt. This recall petition will allow all District 5 residents the opportunity to vote for Linda Bernhardt's removal from office. And, at the same time, voters will be able to cast their ballot to elect a new Councilmember who will effectively represent our neighborhoods - not abandon them.

PAY RAISES AND POLITICAL PAYBACKS. Just months after taking office, Linda Bernhardt voted herself a \$4,000 pay raise, and placed her roommate on the city payroll as her chief aide at an annual salary of more than \$47,000.

POLITICAL CORRUPTION. Linda Bernhardt has hired a political lobbying firm which also represents several large San Diego developers. Bernhardt is paying this firm to raise campaign contributions from builders and developers to retire her \$120,000 campaign debt - a debt which city election law prohibits. Furthermore, as 1990 began, Bernhardt owed \$30,000 dollars to one partner of the lobbying firm.

DEVELOPER CONTRIBUTIONS. In 1989, Linda Bernhardt pledged not to accept developer contributions. Official records show that Councilmember Bernhardt has solicited and accepted thousands and thousands of dollars from the building industry since taking office.

UNSCRUPULOUS REDISTRICTING. Linda Bernhardt moved into Scripps Ranch so she could legally campaign for the 5th District City Council seat. Once elected, Bernhardt voted for a gerry-mandered redistricting map which:
 ** cuts Scripps Ranch in half!
 ** cuts Clairemont in half!
 ** eliminates Scripps Ranch and Mira Mesa from District 5!
 ** removes more than 50,000 residents from District 5!

Now, Bernhardt has moved out of Scripps Ranch, abandoning the residents she promised to support.

Councilmember Bernhardt has abused the office to which she was elected. She has ignored the communities of Scripps Ranch, Mira Mesa, Linda Vista, Serra Mesa and Clairemont. Linda Bernhardt has violated the public trust and must be removed from office.

Kathy Gaustad, Co-Chair
 "Recall Bernhardt
 Committee"
 Bob Fleming, Co-Chair
 "Recall Bernhardt
 Committee"

Pub. August 10 194197

APPENDIX 14 Recall petition

RECALL PETITION

PETITION FOR THE RECALL OF LINDA BERNHARDT FROM THE OFFICE OF CITY COUNCIL-DISTRICT 5

We, the undersigned registered voters of the city of San Diego, California, District 5, demand the recall of Linda Bernhardt from the office of San Diego City Council, District 5.

The following are our reasons for seeking Linda Bernhardt's removal from the office of City Council:

The residents of San Diego's Fifth City Council District have expressed their outrage at the irresponsible lack of representation provided by their councilmember, Linda Bernhardt. This recall petition will allow all District 5 residents the opportunity to vote for Linda Bernhardt's removal from office. And, at the same time, voters will be able to cast their ballot to elect a new councilmember who will effectively represent our neighborhoods—not abandon them.

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UNSCRUPULOUS REDISTRICTING. Linda Bernhardt *moved into Scripps Ranch* so she could legally campaign for the 5th District City Council Seat. Once elected, Bernhardt voted for a gerrymandered redistricting map which:

- ★ Cuts Scripps Ranch in half!
- ★ Cuts Clairemont in half!
- ★ Eliminates Scripps Ranch and Mira Mesa from District 5!
- ★ Removes more than 50,000 residents from District 5!

Now, Bernhardt has *moved out of Scripps Ranch*, abandoning the residents she promised to support.

Councilmember Bernhardt has abused the office to which she was elected. She has ignored the communities of Scripps Ranch, Mira Mesa, Linda Vista, Serra Mesa and Clairemont. Linda Bernhardt has violated the public trust and must be removed from office.

Kathy Gaustad, Co-Chair
Recall Bernhardt Committee
August 10, 1990

2802 Chauncey
San Diego, CA 92123

Bob Fleming, Co-Chair
Recall Bernhardt Committee
August 10, 1990

7765 Parkdale Cove
San Diego, CA 92126

LINDA BERNHARDT'S RESPONSE TO THE PETITION

DON'T WASTE TAXPAYER'S MONEY ON A \$100,000 RECALL ELECTION. SAY NO TO RECALL!

NAME	AFFILIATION*	NAME	AFFILIATION*
Lynn Benn	Planning Commission	Jeff Stevens	Mira Mesa
John W. Cheney	Linda Vista	Pam Stevens	Mira Mesa
Jan Fuchs	Route 56	Rosemarie Duke	Mira Mesa
Jean Jensen	Kearny Mesa Recreation Center	Peggy Chamberlain	Mira Mesa
Mike Kelly	Friends of Los Penasquitos Canyon, Mira Mesa Community Planning Group	Robert Chamberlain	Mira Mesa
Steve Kelly	Plumbers and Pipefitters Local 230	Ken Mitchell	Mira Mesa
Dan Krietzer	San Diegans for Managed Growth	Priscilla Fleming	Mira Mesa
Mike Massey	Plumbers and Pipefitters Local 230	Mark LaBree	Mira Mesa
Jerry Meier	San Diego	Linda Moog	San Diego
Phil Pryde	Audubon Society	Don Wood	C3
Patty Schreiber	Mission Valley Community Planning Group	Jane Gray	Clairemont
Robert Griffith	Serra Mesa	David Rodriguez	Clairemont
Doris Griffith	Serra Mesa	Marguerite Ferrante	Golden State Mobil Home Owners
C. S. Overstreet	Serra Mesa	Ruth Jaramillo	Kearny Mesa Business
Carolyn Ciota	Linda Vista	Hanz Gronbech	San Diego
Jeannie Olson	Scripps Ranch	Hilda Gronbech	San Diego
Robert Hertzka	Scripps Ranch	Jim Peugh	Friends of Famosa Slough
Mike St. Clair	Scripps Ranch	Bob Glaser	San Diegans for Managed Growth
		Verna Quinn	Sierra Club

*Affiliations are for individual ID purposes only and do not constitute a group endorsement

Linda Bernhardt
5th District Councilwoman

APPENDIX 15 City Clerk's notice of the number of eligible signatures
required to certify the recall petition



THE CITY OF

SAN DIEGO

CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIF. 92101

286

CHARLES C. ABDELNOUR, J.D.
City Clerk, C.M.C.

Office of the
CITY CLERK
533-4000

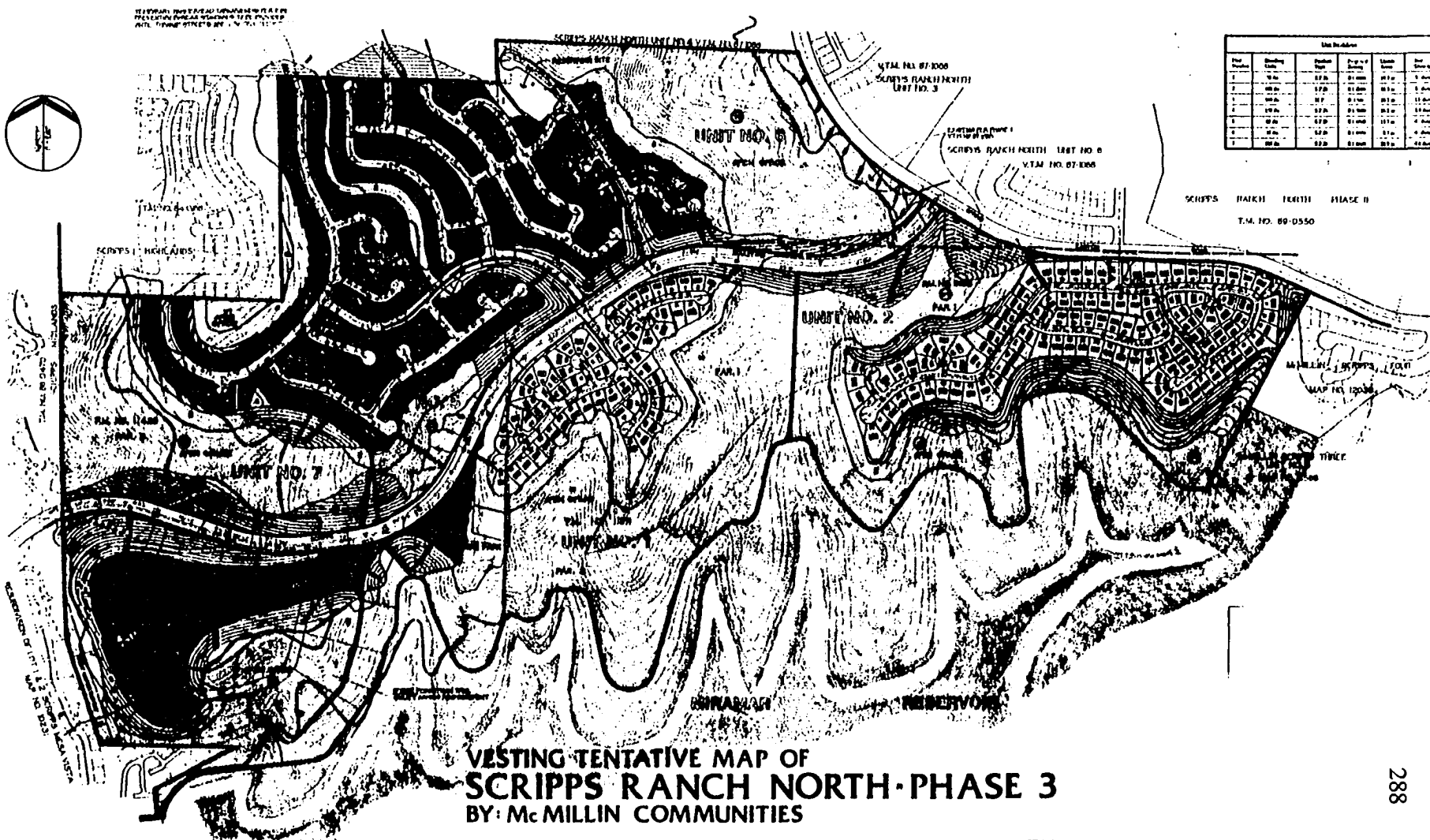
October 14, 1989

ELIGIBLE VOTERS
for November 7, 1989
City Council General Election


SAN DIEGO COUNCIL DISTRICT	REGISTERED VOTERS	REQUIRED SIGNATURES for RECALL
District 1	102,277	15,342
District 2	51,700	84,877*
District 3	70,017	10,503
District 4	56,160	84,877*
District 5	74,932	11,240
District 6	76,735	84,877*
District 7	73,528	11,029
District 8	<u>60,498</u>	84,877*
TOTAL REGISTERED VOTERS	565,847	

* For Mayor, City Attorney, and Councilmembers elected citywide,
the number of required signatures for recall proceedings is
based on 15% of total registered voters

APPENDIX 16 Final map of Scripps Ranch North



APPENDIX 17 Recall Bernhardt Committee solicitation letters



RECALL BERNHARDT

COMMITTEE

290

Kathy Gaustad, CHAIRMAN
SERRA MESA

Jim Abbott
RANCHO BERNARDO

Romeo Agrasani
MIRA MESA

Perry Basird
SCRIPPS RANCH

Dennis Borleck
SERRA MESA

Brenda Bowman
MIRA MESA

Donna Evans
SCRIPPS RANCH

R. J. (Bob) Fleming
MIRA MESA

Dawn Gutierrez
MIRA MESA

Peggy Lacy
SERRA MESA

Leigh Lumley
MISSION VALLEY

Anna Mathews
SERRA MESA

Karen McElliott
SCRIPPS RANCH

Ken Moser
MIRA MESA

Bob O'Hara
MIRA MESA

Michael Pallamary
CLAIREMONT

Manny Supnet
MIRA MESA

September 4, 1990

Michael Pallamary
Precision Survey and Mapping
1094 Cudahy Place #222
San Diego, CA 92110

Dear Mike:

As you have probably read, Councilwoman Linda Bernhardt is under fire from every direction, and a campaign committee has been formed to circulate a recall petition. Over the Labor Day weekend, volunteers gathered over 1500 signatures. This represents more than 10% of the signatures needed to force a recall election, and we still have 36 days left to reach our goal! These volunteers know how to work, and they are working!

In order to reach our goal of only 11,000 signatures, the committee needs the help of every person in San Diego who feels that Linda Bernhardt has betrayed both San Diego and the constituents of the 5th Council District.

There are two ways you can help. You can make a contribution to the Recall Bernhardt campaign, and you can sign and/or circulate a petition. The committee understands that you may be reluctant to make a contribution for fear of political retribution, and so I make this promise: If you make a contribution of less than \$100.00, your name will be kept strictly confidential.

State law requires that all signatures on a petition remain confidential, so you may sign the petition without concern. You must live in the 5th district in order for your signature to be valid, but you may circulate the petition as long as you are a registered voter in the City of San Diego. Completed petitions should be returned to this address.

Please support the Recall Bernhardt campaign today by writing a check to "Recall Bernhardt" and returning it in the enclosed envelope. And then take one more step and either sign or circulate the petition and return it before September 28th. Thank you.

Sincerely,

Jack Orr, Campaign Consultant, Recall Bernhardt Committee

Paid for by
Recall Bernhardt Committee
Chris Miller, Treasurer
FPPC #902127

Contributions and gifts to
Recall Bernhardt Committee
are not deductible as
charitable donations for
federal income tax purposes.

8020 Cornerstone Court West Suite 300 San Diego, CA 92121 619-535-0500



Public Policy Solutions 6020 Cornerstone Court West Suite 300 San Diego, California 92121 619-535-0500

September 27, 1990

Ron McElliott
11303 Lake Rim Rd.
San Diego, CA 92131

Dear Ron:

I'll make this letter short.

The Recall Bernhardt Committee volunteers have gathered over 8000 signatures in less than 20 days!!

All we need is another 4,000 signatures by October 9th. About 500 a day. If we get them, Linda Bernhardt will face a recall. If she faces a recall, she loses. Plain and simple.

We know that most members of the building industry in town have been hit by the Bernhardt campaign for money. Most have been threatened with political retribution if they fail to make a contribution to Linda Bernhardt, a council-member who then uses their money to attack "greedy developers" in her campaign literature!

I've got a better deal. I'll use your contribution to attack Linda Bernhardt's dismal record, and force her into a recall campaign, and then defeat her.

But you have to meet me at least half way. In order for me to run a campaign to defeat Linda Bernhardt, I need your contribution, and I need it today. Yesterday in fact.


If I can raise only \$5,000 before next Tuesday, I can assure you that Linda Bernhardt will be forced into a recall election. If I can't, the chances are less sure.

It's up to you. The choice is clear. Three more years of Bernhardt and the "Gang of Five," (which will cost you more money than you can possibly imagine), or make a contribution now, (\$99.00 if you desire anonymity), and help get this two-faced public official out of office.

It is said that "we get the government we pay for." Think about it, and then send the Recall Bernhardt Committee your check today. If you have any questions, give me a call at 535-0500.

Sincerely,

Jack Orr



RECALL BERNHARDT

COMMITTEE

292

October 1990

Kathy Gaustad, CHAIRMAN
SERRA MESA

Jim Abbott
RANCHO BERNARDO

Romeo Aguiar
MIRA MESA

Perry Baird
SCRIPPS RANCH

Dennis Borleck
SERRA MESA

Brenda Bowman
MIRA MESA

Donna Evans
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SCRIPPS RANCH

Ken Moser
MIRA MESA

Bob O'Hara
MIRA MESA

Michael Pallamary
CLAIREMONT

Manny Supnet
MIRA MESA

TO: CONCERNED BUSINESSMEN AND WOMEN OF SAN DIEGO
FROM: JACK ORR & BOB TRETIN
POLITICAL CONSULTANTS TO THE RECALL BERNHARDT CAMPAIGN
SUBJECT: STATUS OF THE RECALL BERNHARDT CAMPAIGN

YES! YOU HEARD RIGHT.

The Recall Bernhardt Campaign gathered almost 12,000 signatures and submitted them to the city clerk on October 9. Thanks to the tireless efforts of a small but determined group of community activists, **the first phase of the campaign to force a recall election was an outstanding success by any measure.**

The campaign now shifts into **PHASE II**. Once the city clerk determines how many signatures are valid and reports that number to the Recall Bernhardt Campaign, we have another thirty days to gather the balance of the signatures needed to force a recall election of Linda Bernhardt.

We believe that we have a signature validity rate of 75%. That means we have about 9,000 valid signatures, and we will need an additional 2,240 valid signatures to force the recall. We collected 12,000 signatures in thirty-nine days. We are confident that we will more than exceed our goal in the next thirty days.

HERE ARE SOME FACTS ABOUT THIS SUCCESSFUL EFFORT:

1. **It's a true grassroots volunteer effort.** The committee is made up of tenacious, committed community leaders. Over 9,000 of the 12,000 signatures submitted were gathered by *volunteers* under a severe time deadline and often physically threatening circumstances. This marks a first in San Diego politics.
2. Our goal was to raise \$20,000. *We didn't come close.* As of the day we turned in signatures, the campaign had raised only \$12,000, 80% of which was contributions of less than \$100. And by the way, we didn't spend more than we raised! The Steering Committee is very frugal.
3. Linda Bernhardt sent out at least two district mailings. These mailings cost her campaign at least as much as we spent, and actually increased the interest in signing our petitions. Bernhardt also had a professional petition-gathering firm working for her, and the Sierra Club spent what has to be a significant amount of money for literature. **It was a case of hard-working volunteers overcoming the well-financed, (or debt financed), Bernhardt campaign.**
4. The news media is not swallowing Bernhardt's charge that the recall campaign is made up of people fronting for developers. There's a good reason. It isn't true! What Linda overlooked when she voted for the redistricting map is that she was going to make a lot of people mad who couldn't care less about more development in San Diego.

Paid for by
Recall Bernhardt Committee
Chris Miller, Treasurer
FPPC #902127

Contributions and gifts to
Recall Bernhardt Committee
are not deductible as
charitable donations for
federal income tax purposes.

6020 Cornerstone Court West Suite 300 San Diego, CA 92121 619-535-0500

AND HERE'S WHAT ALL THIS MEANS

1. On November 16, the Recall Bernhardt campaign will turn in enough signatures to force a recall election. Phase I was the hardest part. In fact, we have already gathered over 1,000 new signatures toward that goal.
2. Once the city clerk has verified the signatures, declared a "sufficiency," and reported that fact to the city council, **the council must meet and call for a special election.** The election must be called no earlier than sixty days, and no later than ninety days. The following is a suggested time line.
 - a. November 16 - Supplemental signatures submitted.
 - b. November 27 - City council notified.
 - c. December 4 - Council calls for Special Recall Election.
 - d. February 4 - First possible day a recall election can be held.
 - e. March 4 - Last possible day recall election can be held.
 - f. May 1 - New councilmember takes office. (On or about.)

HOW THE RECALL PROCESS WORKS

Many people are still unsure about how the recall process works. Here's as simple an explanation as possible.

1. Once the city council calls for a Special Recall Election, two ballots will be prepared. The first ballot will contain a simple message: "Shall Councilmember Linda Bernhardt be recalled from the office of 5th District City Council?" If 50% plus one of the voters casting a ballot say "YES," then Linda Bernhardt loses her seat on the city council.
2. The second ballot determines who can replace Linda Bernhardt if the voters vote to recall her from office. Once the city council calls for a special election, a short filing period is created. Any registered voter in the 5th Council District can file to run for city council at that time. Only those voters casting a ballot for or against the recall will have their votes counted for a candidate. The candidate who gets the most votes, (plurality) wins and is sworn in after the vote has been officially verified.

Are there candidates waiting in the wings? Of course! In fact, even the Sierra Club is looking around for a candidate, now that it appears sure that Linda Bernhardt will face a recall election. They desperately need to hold on to the power they gained last year. It must be emphasized, however, that the Recall Bernhardt Campaign will not recruit, assist or endorse any candidate for city council. The goal of this committee is, and always will be, the successful recall of Linda Bernhardt.

WHAT CAN I DO FOR GOOD GOVERNMENT AT CITY HALL

Now, if you are pleased with the way things are going down at city hall these days, then use this letter to line your bird cage. If, however, you'd like to see a change, then here's how you can make sure a change takes place.

First, **make a contribution to the Recall Bernhardt Committee.** The maximum you may contribute at this time is \$250 and it has to be a personal check. And, remember, the next reporting date is January 31, 1991. If you are concerned that Councilmember Bernhardt may seek retribution if she finds out that you have made a contribution, then become a member of the "99" Club. For just \$99 you can assist this campaign and your name will never be publicly reported. Only three people see the checks which we receive, we and Chris Miller, our professional treasurer.

Second, **circulate the enclosed petition** among your friends, relatives, business associates and, where proper, your employees. Anyone who lives in the 5th Council District is eligible to sign the petition and any registered voter of San Diego may circulate the petition.

Contributions and petitions may be returned in the enclosed envelope, or sent to the address on this letterhead. **The time is now and the need is great. Please make a commitment today.**

If you have any questions, please give us a call at 535-0500.

Thank you!!

Jack Orr

Bob Tretin

APPENDIX 18 Linda Bernhardt fairness issue

**VOTE NO
ON RECALL!**

**IT'S JUST
NOT FAIR!**

3 1/2 FACTS

YOU SHOULD KNOW BEFORE VOTING ON APRIL 9:

- FACT #1** JUDGES, *NOT COUNCILMEMBERS*, ORDER RE-DISTRICTING.
(THE UNITED STATES FEDERAL COURT ORDERED THE CITY TO
DRAW NEW COUNCIL DISTRICT LINES THAT COMPLY WITH THE
FEDERAL VOTING RIGHTS ACT.)
- FACT #2** THIS RECALL WILL COST YOU OVER \$100,000 IN TAXPAYER FUNDS
THAT COULD HAVE BEEN SPENT ON MORE POLICE OR FIRE
PROTECTION, SENIOR CITIZEN PROGRAMS, OR YOUTH SERVICES.
- FACT #3** THE SIERRA CLUB HAS RATED LINDA BERNHARDT THE *TOP*
ENVIRONMENTALIST ON THE CITY COUNCIL.
- FACT #1/2** THE SAN DIEGO UNION DOES NOT LIKE LINDA BERNHARDT AND
IS USING THE POWER OF THE PRESS IN AN ATTEMPT TO
DESTROY HER — PLEASE REMEMBER THIS EVERY MORNING IF
YOU READ THAT PAPER.

VOTE NO ON THE RECALL.
IT'S JUST NOT FAIR!

Paid for by Citizens for Fairness
5804 Mission Center Road, #155, San Diego, CA 92108



**...BUT IT
DOESN'T HAVE
TO BE
THAT
WAY-**

Dear Friend,

We've never written a letter involving politics until now. But we also have never witnessed a more unfair and unjust attack upon a human being as the one being waged against City Councilwoman Linda Bernhardt.

No one should be subject to such a vicious and personal attack as the one Linda has had to endure during the past few months.

Politicians, newspapers and even our City Attorney have lost their sense of fairness when it comes to Linda.

*We've looked at all the allegations and have concluded that Linda Bernhardt certainly has done nothing to warrant a recall. In fact, she should be applauded for her strength and independence in living up to her campaign pledge: **She can't be bought and she won't back down!***

*Please vote **NO** on the recall. We think it's just not fair!*

Sincerely,

Rev. W.E. Manley

Rabbi Michael Sternfield

Rev. Marshall A. Shapiro, Jr.

Rev. Harvey W. Jessie

VOTE Tuesday, April 9th

CITIZENS FOR FAIRNESS

5694 Mission Center Road, Suite 155
San Diego, CA 92108

298

Dear Neighbors:

Thank you for taking a few minutes to talk to one of our campaign workers from Citizens for Fairness urging you to **VOTE NO ON THE UPCOMING RECALL.**

Just 14 months ago, we made history by electing city councilmembers by community. Linda Bernhardt campaigned against some very powerful special interest groups to return the "power to the neighborhoods." She won. They lost. They didn't like it then; they don't like it now.

So the anti-neighborhood interests are spending over \$100,000.00 of our tax dollars to try and regain their control. Because Linda has stood up to the developers and spoken up for neighborhood people like us, they want her removed. They want to return to the old days of running things their way downtown.

We said NO 14 months ago. We say NO today.

They say she broke her pledge about developer contributions.

WE SAY: Linda never took any money from principals in the development industry who had projects pending in front of the City Council, just as she pledged. The Sierra Club gave Linda their top rating as the year's best environmentalist on the City Council.

The recall committee also wants to blame her for redistricting.

WE SAY: The entire City Council (not just Linda Bernhardt) was ordered by a U.S. Federal Court judge to draw new district lines to comply with the Federal Voting Rights Act. San Diego City Charter also required a reduction in the number of people in her district because unmanaged growth had been allowed to occur under the previous pro-growth councilman.

Remember, if the Recall People have their way, we'll waste hundreds of our tax dollars recalling elected officials every time a group disagrees with a decision the council makes. This same group has already stated that now they want to recall several other councilmembers -- that could waste over half a million taxpayers' dollars!

Sincerely,

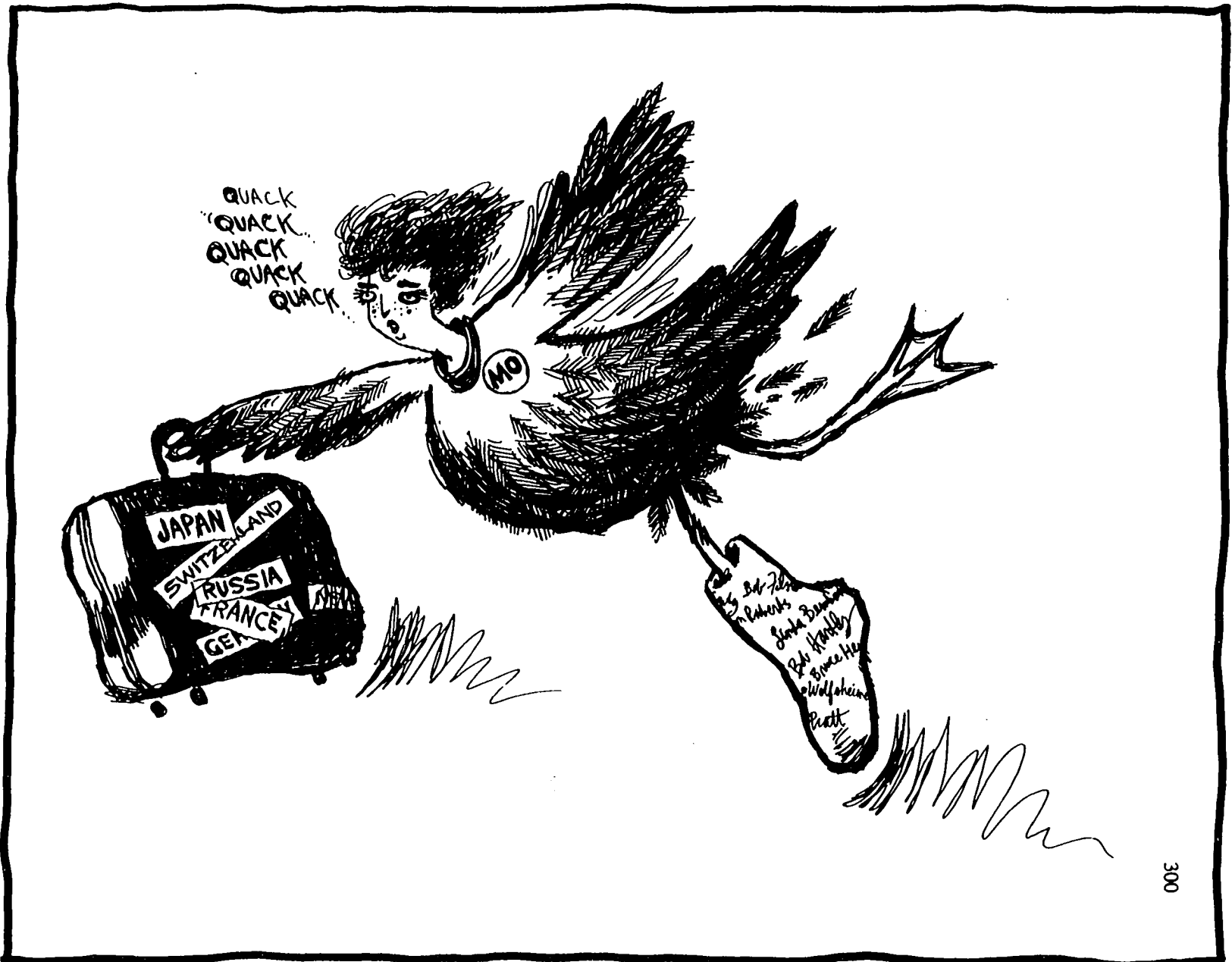
Rob Langsdorf
Chairman
Sierra Club,
San Diego

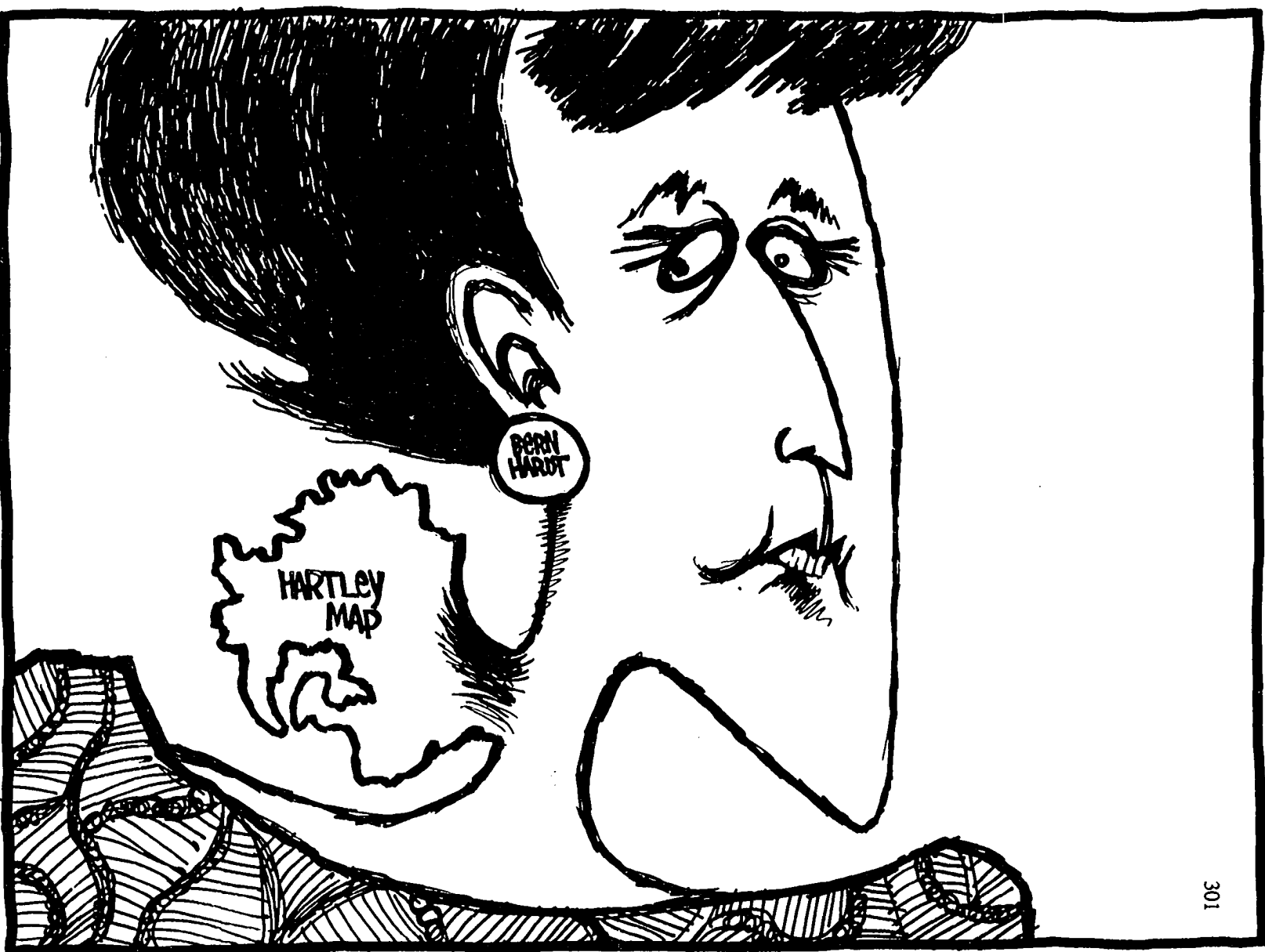
Bob Glaser
Former Chairman
San Dieagans for
Managed Growth

P.S. We're supporting NO on the recall on April 9th. We hope you will, too. IT'S JUST NOT FAIR !!

Paid for by Citizens for Fairness; 5694 Mission Center Rd., Ste 155, San Diego, CA 92108-9482; Kara Kobey, Treasurer

APPENDIX 19 Collection of political cartoons





A POORLY MANAGED GROWTH



WHEN THE CAT'S AWAY THE MICE WILL PLAY



SAN DIEGO TRIBUNE

HELEN K. COPLEY, *Publisher and Chairman, Editorial Board*



NEIL MORGAN, *Editor*

ROBERT M. WITTY, *Deputy Editor*

GEORGE W. DISSINGER, *Managing Editor*

RALPH BENNETT, *Acting Chief Editorial Writer*

San Diego, California, Thursday, December 27, 1990

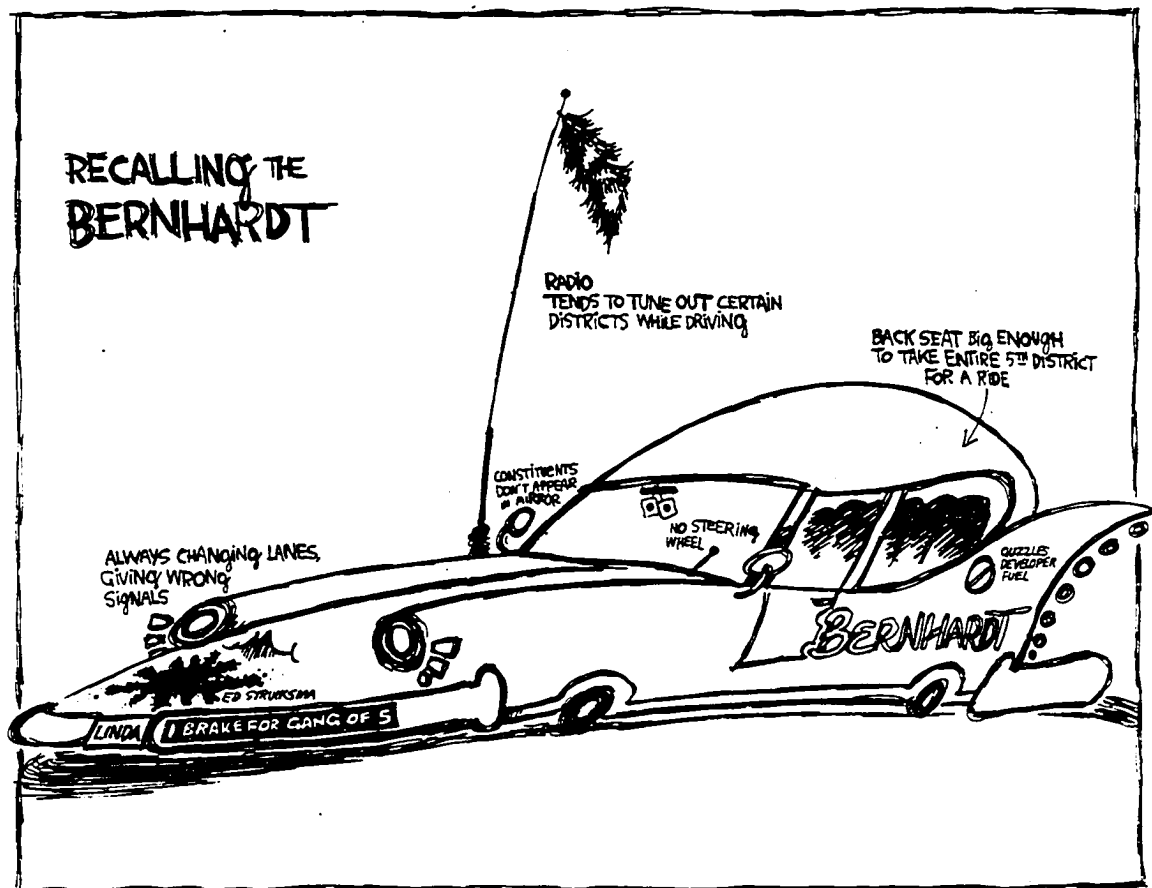
Telephone 299-3131

Page B-8





LINDA BERNHARDT'S SEAT





The San Diego Union

Col. Ira C. Copley, 1864-1947
James S. Copley, 1916-1973

Editorials/Opinion

Helen K. Copley, Publisher
Gerald L. Warren, Editor

Page C-2

 A Copley Newspaper

Sunday, August 19, 1990

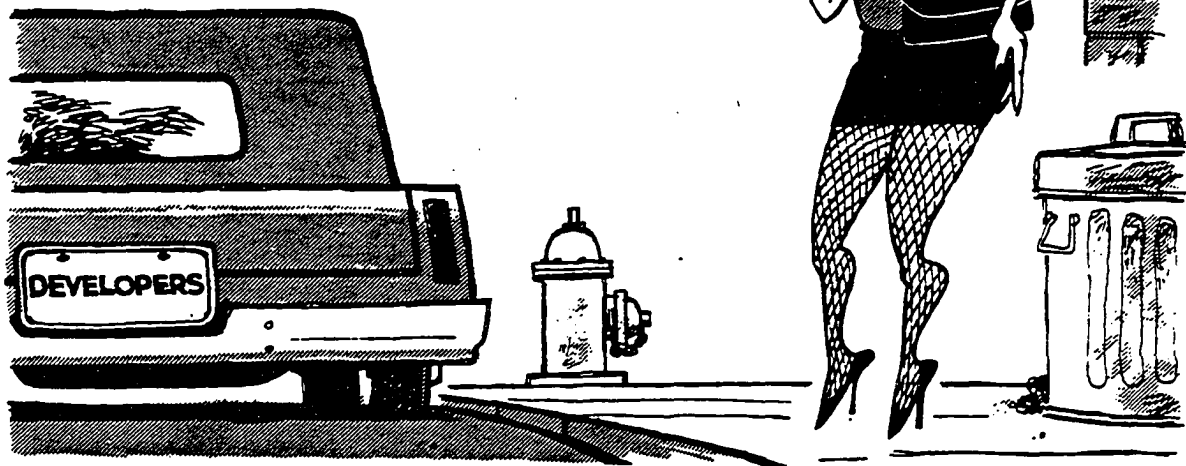


SAN DIEGO UNION

Sunday, April 7, 1991

SKELLY

OH SURE, I TOOK
MONEY FROM THEM.
BUT I'M REALLY NOT
THAT KIND OF GIRL...



APPENDIX 20 Independent committee's direct mail piece



COMMITTEE FOR ETHICS IN GOVERNMENT

FFC 091022

619 535 0500

San Diego, California 92121

Suite 500

9920 Pacific Heights Blvd.

311

March 15, 1991

Michael Pallamary
Precision Survey and Mapping
1094 Cudahy Place #222
San Diego, CA 92110

Dear Michael:

In less than four weeks the voters of San Diego's 5th council district will decide Councilmember Linda Bernhardt's fate. If Bernhardt retains her seat, there are two things you can depend on -- the Sierra Club will have a satellite office in City Hall, and Linda Bernhardt will be in your pocket for every dime she can get for the next three years, especially if you are in the building industry! Yes. It can get worse.

I'm sure you know the issues involved in this recall, and so I'll be brief. Bernhardt is down in the polls by a 2-1 margin, but she could still retain her seat unless a strong campaign is conducted against her.

I'm writing to ask you for a campaign contribution for an independent expenditure campaign against Linda Bernhardt. Without revealing the exact details of how your contribution will be spent, let me assure you that the problems which Linda has created for herself, dating back to the day she burned the BIA's questionnaire at a news conference, will be amply recounted before election.

Please send your check for at least \$99.00, in the enclosed envelope, and please, as soon as possible. Make your check payable to The Committee for Ethics in Government, (CEG). There is a \$250.00 limit, and checks must be drawn on your personal account. Contributions of less than \$100.00 will not be reported publicly.

One more point. If Linda Bernhardt is not recalled, look forward to a clean sweep of the council offices by the Sierra Club in November. That means there will be a "Gang of Seven" running San Diego. As I said, it can get worse. Think about it.

If you have any questions, please give me a call at 535-0500.

Sincerely,

Jack Orr, Executive Director

APPENDIX 21 Registrar of Voters official vote breakdown

** OFFICIAL ** ELECTION RESULTS BULLETIN

CITY OF SAN DIEGO - COUNCIL DISTRICT #5
RECALL ELECTION
TUESDAY, APRIL 9, 1991



APRIL 11, 1991

PAGE 1
11:06:28 AM

	COUNT	PERCENT
PCTS COUNTED - TOTAL (104)	104	100.00
REG VOTERS IN PCTS COUNTED (72424)	72,424	
BALLOTS CAST	22,024	30.41
PCTS COUNTED - POLLS (102)	102	100.00
REG VOTERS IN PCTS COUNTED (71547)	71,547	
BALLOTS CAST	15,072	21.07
PCTS COUNTED - DECLARED AV (1)	1	100.00
REG VOTERS IN PCTS COUNTED (877)	877	
BALLOTS CAST	180	20.52
PCTS COUNTED - REQUESTED AV (1)	1	100.00
REG VOTERS IN PCTS COUNTED (N/A)	0	
BALLOTS CAST	6,772	

SHALL LINDA BERNHARDT BE RECALLED FROM OFFICE?

	COUNT	PERCENT
YES	15,240	70.91
NO	6,251	29.09

TO SUCCEED LINDA BERNHARDT SHOULD SHE BE RECALLED:

	COUNT	PERCENT
TOM BEHR	4,898	25.87
FLOYD MORROW	4,594	24.08
LES BRAUND	2,946	15.44
JOHN BRAND	2,155	11.29
DENA HOLMAN	1,688	8.85
KEN MOSER	1,491	7.81
MIKE ECKMANN	1,309	6.86

* RECALL ELECTION RULES: *
* ***** *
* *
* The officeholder is recalled if over 50% of *
* the votes cast are "Yes." If 50% or more of *
* the votes are "No," the recall fails. *
* *
* IF THE RECALL OCCURS, the successor will be *
* the candidate with the MOST votes. A majority *
* vote is not required. Therefore, there will *
* not be a run-off. *
* *

APPENDIX 22 Newspaper editorial by M. Pallamary

San Diego Daily Transcript

Founded April 3, 1888
KEITH LISTER, Publisher
Volume 106 Number 14
OFFICIAL NEWSPAPER OF THE CITY OF SAN DIEGO
OFFICIAL MEDIUM OF THE COURTS

Address all communications to San Diego Daily Transcript, P.O. Box 86489, San Diego, CA 92186.

Martin Kruming, Editor
Gary Shaw, Managing Editor
Friedrich Lister, City Editor
Bill R. Davis, Real Estate Editor
Allen R. Zisch, Advertising Director
Thomas D. Kellner, Legal Advertising Manager
Joanna Lohm, Classified Advertising Manager
James Wright, Production Director
Craig Paulsen, Circulation Director
Robert Johnson, Controller

Member of
Associated Press
American Newspaper
Publishers Association

Adjudged a newspaper of general circulation
in Superior Court, San Diego County District
No. 14894, January 23, 1904.

315

Opinion and Comment

Reflections on Bernhardt's recall

"If we open a quarrel between the past and the present, we shall find that we have lost the future." — Winston Churchill

Today heralds the dawn of a new era for the City of San Diego. As a result of the efforts of a small band of citizens who, over the last nine months, have been ridiculed, threatened, harassed, insulted and attacked because of their fundamental belief in the democratic process, our city has grown wiser. What have we, as a community, learned from this exercise? What have our elected officials learned? Will we listen to the hollow rhetoric emanating from those that would dismiss this victory or shall we move forward together? For it has been our sense of government that has guided us in our actions. This spirit of democracy is ours by right. We have earned it and we must be a selfish people.

It has now been several days since the voters of the Fifth District have recalled Councilwoman Linda Bernhardt. Already the community's opponents, assailants of democracy, have wasted no time in bemoaning the name of Councilman-Elect Tom Behr. Why? What is hoped to be accomplished by this effort? Do Mr. Behr's critics have any basis for their charges? I think not. These unnecessary efforts will only serve to polarize a City Council sorely in need of healing. Compounded by these irresponsible actions I am similarly saddened at the loss of a respectable environmental organization for the citizens of San Diego.

As has been clearly proven by the stunning success of the recall effort, San Diego's self-anointed "environmental" organizations, the Sierra Club and the so-called "Citizens for Managed Growth," have been reduced to an embarrassment to the community at large. Whatever credibility the Sierra Club once had has essentially been negated. Meanwhile the spokesman for the Citizens for Managed Growth, Bob Glaeser, has eradicated any credibility that organization may have had by virtue of his sophomoric comments about the Citizen's Recall Committee. His most recent statement that "... The whole recall committee effort from beginning to end was one of the silliest political efforts in the city of San Diego" has only insulted his rapidly diminishing core of supporters. This level of pedestrian commentary should be reserved for intellectual fans of the Teenage Mutant Ninja Turtles and other cerebral elites who spend their vacant hours in search of alime.

To further confuse the issue, another peculiar organization, Prevent Los Angeles Now (PLAN), sent a warped message to its supporters when it offered candidate Lee Brandt up for consideration while publicly opposing the recall.

One is compelled to analyze the recall vote as it sheds some discriminating light on the credibility of these so-called "environmental" endorsements. The final election results reveal that 21,491 people voted on the recall question. Conversely, Ms. Bernhardt had advised her supporters to simply vote "No" on the recall question and then exit the voting booth.

Of the total ballots cast in the election, the seven candidates received 19,061 votes. Comparing this figure with the 21,491 votes cast one finds a difference of 2,410 votes. This represents the summation of Bernhardt supporters who followed her advice, roughly 3.5 percent of the voters in the district. The remaining 3,941 voters voted No on recall while at the same time hedging their bets by voting for an alternate candidate. The remaining 71 percent of the voters who participated in the election sent a clear and resounding message.

One is also impelled to evaluate the factors which contributed to Ms. Bernhardt's unprecedented fall from grace. Chief amongst the complaints of the recall committee and the Fifth District was Ms. Bernhardt's abhorrent role in the redistricting flap. Second, her surreptitious acceptance of developer contributions, combined with her overall lack of integrity and honesty earned her the honor of recall. One must properly consider these elements in order to fully appreciate the significance of the recall vote.

As has been well noted, Ms. Bernhardt was not the only culprit who voted for the gerrymandered redistricting map. Her partners in crime must accept partial responsibility for this deplorable act and the effect it had on Ms. Bernhardt's political career. Unquestionably the Fifth District vote mirrored a citywide opinion on the divisive issue. Have their voices been heard?

And what of Ms. Bernhardt's replacement? Her schizophrenic supporters, now transformed into critics of Councilman-Elect Tom Behr, are quick to point to his acceptance of developer contributions as "proof" he has been bought by the developers. Surely he must be a "pro-growth" they argue. Yet, he was elected to office by the abstemious voters of District Five. What does one make of this? I believe the consensus is evident. It is not the acceptance of developer contributions which breeds corruption, it is the integrity of the individual who receives the money that is of importance. District Five has accepted Mr. Behr — developer money and all.

What is abundantly evident is that there exists a serious credibility gap for those "environmental" organizations who have supported Ms. Bernhardt. Who shall we now trust to look after the environment? More importantly can these political organizations ever be trusted again? Ask the voters of District Five. They have heard. They have also spoken.

I must ask who has been looking after the environment over this last year? I am speaking of the Mother Earth environment — not the political environment which has so attracted the interest and energy of the Sierra Club and the Citizens for Managed Growth. Over this last year I have made several distinct observations relative to this subject. First and foremost I am still searching for the wondrous benefits that were to be derived from the adoption of the so-called "Environmental Redistricting Map." How has this odious document benefited the community?

And what of our city's real environmental problems? What have these organizations done to clean up our harbor and our magnificent bay? What of important environmental issues such as sewerage treatment and our landfill problems and our water problems? The list goes on and on. If the Sierra Club and the "Managed Growthers" spent half as much time working on solving these dilemmas as they did on degenerating local politics, perhaps our city would be a better place today than it was 18 months ago.

What of our elected representatives at City Hall? Will a new Gang of Five surface? Will the citizens of this city witness the same enmity that has embarrassed this city over the last year? Will our elected officials be brave enough to take a bold step forward and remove the hollow walls which have separated them? Will they bury the past and move forward or will we all suffer the pains of yesterday?

The answers to these and other vital questions will be revealed in the months ahead. Meanwhile I shall look and listen. We must all do the same. We must look and listen to our leaders. Let your heart guide you through these times before us. And if you must act, act with pride and honor. It is your right and obligation.

Michael J. Pallamary
Administrative chairman,
Recall Bernhardt Committee

APPENDIX 23 Linda Bernhardt's accomplishments in public office

- . Drafted a Growth Management Plan update specifying greater protection for the Urban Reserve and the creation of an "environmental tier" to establish an interconnected park and greenbelt system within the city.
- . Obtained passage of a City Council ordinance opposing aerial spraying of pesticides over residential neighborhoods without prior public hearings and environmental review.
- . Chaired the Los Penasquitos Canyon Preserve Task Force, which has taken several effective actions to protect the preserve.
- . Voted to oppose construction of the Jackson Drive Extension through Mission Trails Park.
- . Chaired the Housing Commission, and voted for the successful creation of a \$12 million Housing Trust Fund.
- . Received the second-highest overall rating (85%) in the Sierra Club's 1990 City Council Environmental Report Card.

¹ *Hi Sierran* (1991, March). San Diego Chapter Sierra Club, p.1

APPENDIX 24 Researcher's Biography

Linell Fromm

Linell Fromm, a native of Miami Beach, Florida, received her Associate of Arts degree from Miami-Dade Community College and her Bachelor of Arts degree in Health Science from San Francisco State University. She spent several years working in health education and social service programs targeted to the elderly poor living in residential hotels in the north of Market Street area in San Francisco. Ms. Fromm entered graduate school at the University of California, Berkeley, and obtained her Master's degree in Public Health in 1977. She became director of the City of Pacifica's (California) Human Services Program and in 1979, was named Executive Director of Planned Parenthood of Yolo County (now Planned Parenthood of Sacramento Valley).

In 1982, Ms. Fromm was appointed Director of Development and Public Affairs Officer for the Salk Institute for Biological Studies in La Jolla, California. In 1986, Ms. Fromm became Executive Director of the San Diego AIDS Project (now the AIDS Foundation San Diego). She returned to graduate school in 1988 at Harvard University's John F. Kennedy School of Government where she studied public policy and administration and obtained her Master's degree in Public Administration.

In 1989, Ms. Fromm spent one year consulting with the County of San Diego, Department of Health Services, Director's Office. In 1990, she began her consulting practice focusing on grant-seeking and proposal preparation for the governmental, proprietary and nonprofit sectors, speech/ghostwriting, and presentation coaching. She is an adjunct faculty member of Chapman University.

Ms. Fromm serves as the Public Member of the San Diego Local Agency Formation Commission (LAFCO), a California policy-making governmental body concerned with city incorporations, boundary changes, annexations, and planning and land use issues.

Ms. Fromm holds an academic certificate in human resources management from San Diego State University and is Certified in Fund Raising (CFRE) by the National Society of Fund Raising Executives.