

# CALIFORNIA'S RIGHT OF REMOVAL: Recall Politics in the Modern Era

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## ABSTRACT

This article compares the first gubernatorial recall of 1921 with the second such recall of 2003. North Dakota Governor Lynn J. Frazier had always been a footnote in history with his removal from office over 80 years ago, but much can be learned by systematically comparing the first recall campaign with the whirlwind campaign surrounding the demise of California Governor Gray Davis and the rise of political neophyte Arnold Schwarzenegger. An initial review of the Progressive period is given, followed by an in-depth analysis of America's first recall, which occurred in the City of Los Angeles in 1903. The article then moves through a detailed discussion of the 1921 campaign to oust Frazier. This first recall is then compared and contrasted with the 2003 California governor's race. The article concludes with a theoretical discussion of the power of the recall provision and how it may be applied to senior executives in California and elsewhere in the future. This "right of removal" has been both a threat to gubernatorial power and a tool for citizen activism.

Imagine a political race where a recently reelected governor faces a tremendous state-wide budget crisis, a well-organized and financially strong opposition, and plunging support from a cynical and frustrated electorate. Adding to this incumbent's problems, the state is one of only a handful with a rarely used recall provision in its Constitution that some opponents, still bitter from the last race the previous November, plan to exploit. In fact, an unusual, but strong, candidate to challenge the struggling incumbent has surfaced. This person has only minor political experience, is European-born with what observers describe as a thick accent, and is a moderate on most issues. Imagine a volatile October recall campaign that ends with the incumbent being removed from office and the newcomer succeeding.

California in 2003, right? Not exactly. These events describe the first-ever gubernatorial recall in American history, which took place in the rural state of North Dakota in October of 1921. The troubled governor in question is Lynn J. Frazier and the triumphant challenger is Scandinavian-born Ragnvold A. Nestos. While the above events also describe the 2003 recall campaign of California Governor Gray Davis and the rise of his eventual replacement, Arnold Schwarzenegger, it is important to look at the nation's first gubernatorial

recall campaign and how the events compare. To date, there has been no complete evaluation of the Frazier race, and this gap in the political science literature is remedied here with a thorough review of these historical events. This follows a review discussing how the Progressives viewed direct democracy and why so many states adopted direct democracy provisions concerning the recall, along with the frequently analyzed initiative and referendum. After this analysis it is possible to compare and contrast the 2003 race and to look for clues of how future recall races may play out.

### **THE RECALL AS PART OF A LARGER MOVEMENT: THE PROGRESSIVE ERA AND THE CALL FOR DIRECT DEMOCRACY IN THE STATES**

The direct democracy movement and the standard recall provision itself were products of the Progressive era.<sup>1</sup> While a number of political scientists have covered the history of direct democracy in the states by discussing the early rise of the Populist Party and the Progressives (Smith, 1998), some primary and secondary sources are revisited here to better gauge the specific relationship between this period, the direct democracy movement, and the recall, in particular.<sup>2</sup>

As various historians have noted, direct democracy was one of several reforms used in the era between, roughly, 1890 and 1917 to transform government at the national, state, and local levels. At the national level, the ascendance of Theodore Roosevelt to the presidency in September of 1901 marked the beginning “of an epoch in American political life” in which new responses to industrialism, prohibition, the demand for women’s suffrage, and governments’ relationship to the economy were developed (Kennedy, 1971, p. vii). Even though the national government’s role in Progressive reforms was dramatic, many political actors, including Roosevelt, had honed their skills at the state level prior to 1901.<sup>3</sup> The states were really the loci of several key tenets of the Progressive approach.

William Allen White, a Kansas newspaper editor, expressed this attitude toward the states best when he declared the remedy for the ills of democracy was more democracy (Kennedy, 1971, p. 19).<sup>4</sup> He stated that work done in the states is “most fundamental” as “it affects more people than the work either in the cities or in the federal government” (White, 1910, p. 25). The attitude that state democratic institutions should be more accessible and more responsive to the public was embodied in several states eventually adopting the initiative, referendum, and recall. Direct democracy was seen as a key to unlock the special interest grip on a number of partisan state legislatures (Link & McCormick, 1983, p. 34; Derthick & Dinan, 1999, p. 97) and a way to secure more legislation that upheld particular moral beliefs (Hofstadter, 1963, p. 4). In White’s words, the recall provision was vital to make “statesmen nervous” (Zimmerman, 1997, p. 11), and the state was viewed as the initial place to bring more power to the people.

It took some time for all of the major tenets of direct democracy to work their way through the states, and most simply entertained the initiative and referendum without adding a recall provision. The initiative and referendum permitted voters themselves to

propose and enact legislation even against the will of the legislature, and they were "adopted in twenty-two states ...between 1898 and 1918" (Link & McCormick, 1983, p. 58). The first state to amend its state constitution to adopt these two provisions was South Dakota in 1898 (Smith, 1998). When Oklahoma joined the Union in 1907, it was the first state to do so with direct democracy provisions already in its original constitution (Schmidt, 1989), and the first state to vote on a proposition was Oregon in 1904.<sup>5</sup>

The growth and adoption of the recall were considerably different. As Zimmerman (1997, pp. 6–7) has noted, while the recall had been used as far back as ancient Rome, American states had few such provisions. The Pennsylvania Constitution of 1776 stated that "the people have a right, at such periods they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular election". The Articles of Confederation allowed states to replace their delegates to Congress, but the voters did not directly have the right of removal in this case.

Did the Founders take a position on the recall? Zimmerman does not specifically discuss this important point, but it does not appear so, although James Madison does discuss his distaste of direct democracy, in general, in Federalist Paper #10 when he stated: "...pure democracy...can admit of no cure for the mischiefs of faction." Additionally, in defending the new system of representative democracy spelled out in the Constitution, Madison suggested that pure democracies "have ever been spectacles of turbulence and contention...and have in general been as short in their lives as they have been violent in their deaths." The Founders did set up a system of impeachment for the executive, however, and this can be found in Article II, Section IV of the Constitution. This section allows for the legislative branch to act as a judge and jury to remove the executive, when "high Crimes and Misdemeanors," or other offenses are committed. An actual recall provision is not found in the Constitution.

Through the Jacksonian period and the remainder of the 1800s a number of government reformers called for implementation of the recall (along with the initiative and referendum), and they looked to its use in Switzerland as proof of its necessity. There, under Cantonal law, qualified voters could sign petitions and ask the sitting government to call recall elections, and this "imperative mandate" was frequently used. Heavy debate ensued on this topic in the United States with the Socialist Labor Party adopting such a provision in its 1892 and 1896 platforms. In a number of states, the Populist Party also called for the recall provision (Zimmerman 1997, p. 9).

In other words, for the Progressives any system that allowed the legislative branch, for example, to remove an executive did not go far enough, and only when the voters could directly pull someone from office would there be true democracy in action. Part of the reason that the Progressives wanted reform in the first place was because of their deep-seated (and often justified) fear of state legislative corruption, so they were particularly interested in having someone else carry out the duties of removing an executive.

The only method to remove the executive then, in the Progressives' mind, was for the people to be given an opportunity to circumvent the legislative branch and recall an executive as necessary. They understood that many executives had come out of state legislatures.

These executives would often reward the legislators with jobs and other appointments in the executive branch, so this was a classic case of the fox guarding the henhouse.

What the Progressives devised with the recall suggested that only “the people” would be up for the job. There is an odd irony to all of this because the two gubernatorial recalls, as discussed here, could not necessarily be said to follow the truest pattern of what the Progressives intended. Both of these recalls began as elite movements to oust the incumbent, even though a pseudo-grassroots movement eventually arose. After all, signatures needed to be gathered for each recall, and citizens were ultimately involved in their “right of removal” by voting at the ballot box. Also, as the Progressives might have guessed, in the case of the California recall described next, most state legislators of both parties were in early opposition and willing to stick with Gray Davis.

Last, the Progressive Party Platform of 1912 also offers insight into the general importance of direct democracy during this period. Besides calling for “equal suffrage” and “direct election of United States Senators,” the platform called for citizen rights to be “secured by the initiative, referendum, and recall...” (Progressive Party, 1963[1912], p. 129). The commitment to direct democracy has been called the “centerpiece” (Milkis, 1999, p. 7) of the entire platform. The platform also suggested the Republican and Democratic parties had become tools of corrupt interests that were part of “an invisible government owing no allegiance and acknowledging no responsibility to the people” (Progressive Party, 1963[1912], p. 128).<sup>6</sup>

Butler and Ranney (1978), drawing partly on the work of Hofstadter (1955), provided a strong summary of the Progressive position. They suggested the Progressives felt “that truly democratic government consists of all the John and Jane Q. Publics observing, discussing, pondering, deciding, and, finally, voting” (Butler & Ranney, 1978, p. 28). As well, the Progressives appeared to have appreciated the fact that every aspect of direct democracy, from signature gathering to voting results, was a matter of public record and available to all. In the Progressives’ viewpoint, a citizen’s human potential is maximized in an open, direct system. Voting will lead to “other forms” of political participation in this logic, and “...when popular votes become the true coin of political power, people will make it a point to cast them at every opportunity. People will participate in their government because they believe in it, and they will believe in it because they participate in it and control it” (pp. 32–33).<sup>7</sup>

Cronin (1989) also summarized the Progressive position well: The “referendum, initiative and recall are nonviolent means of political participation,” and “direct democracy (according to its supporters) increases voter interest and election-day turnout” (p. 11).<sup>8</sup>

### **THE PROGRESSIVE MOVEMENT IN CALIFORNIA: AMERICA’S FIRST RECALL PROVISION—LOS ANGELES, 1903**

No level of government in the United States actually adopted the recall until voters in the City of Los Angeles took up the charge in January of 1903. Bird and Ryan provide the

most thorough review of this period in their 1930 book, *The Recall of Public Officers: A Study of the Operation of the Recall in California*. As they suggested, California cities at that time were concerned that the state was basically running the show, even at the local level, and they had no ability to replace their local representatives. They felt that the recall was their only opportunity to respond to state controls coming from the party machines, which were dominated by the Republicans in most cases, and the railroads.

In addition, in the City of Los Angeles things became particularly heated when the issue of government contracts came up, and some citizen groups felt their elected officials were not forthcoming on how contract bids were being handled. With on-again, off-again support from the *Los Angeles Times*, the city charter was amended with a recall provision after a vote of 9,779 in favor of such a provision and 2,469 opposed. The provision was part of a larger package of charter changes that included the initiative, referendum, and civil service reform (Bird & Ryan, 1930, p. 32).

Ironically, one year later the *Los Angeles Times* would be at the heart of America's first recall election when a Los Angeles City Council member was removed from office in 1904 for his support of a controversial printing contract with the *Times*. The petition for his removal suggested Councilmember J. P. Davenport had "violated his oath of office and betrayed his trust" (Bird & Ryan, 1930, p. 229). The local typographical union started the suit but ended as the losing side in the contract bidding with the *Times*, and Davenport was removed by a 1,837 to 1,083 vote on September 16, 2004.<sup>9</sup> Davenport became America's first political casualty caused by a recall provision.

Once Los Angeles adopted its provision and other cities saw this being used for the first time, many quickly followed suit with provisions of their own, including Fresno, Pasadena, San Diego, San Francisco, and Santa Monica. According to Bird and Ryan (1930), roughly two-dozen municipalities had the recall provision in their charter before the state adopted it in 1911 (p. 33).<sup>10</sup>

With the support of Progressive Governor Hiram W. Johnson, and after intense debate in the legislature, a recall provision became one of 23 charter amendments considered for the state Constitution on the special election ballot of October 10, 1911. Of the most controversial amendments facing California voters that day, the *Los Angeles Times* editorialized the following on the morning of the vote:

The whole situation is one of haste, of undue, fanatical eagerness to have the work approved before it has been studied. ...Women suffrage should be defeated because it tends to unsex society and destroy the home. ...The initiative and referendum should be defeated because they are instruments of the turbulent few and their adoption means recurrent elections of frivolous character. ...The recall should be defeated because it makes official and judicial cowards and destroys stability and independence. (quoted in Bird & Ryan, 1930, p. 54)

Despite these pleas, women's suffrage, the initiative, referendum, and recall all passed.<sup>11</sup> The "right of removal" for state executives, members of the judiciary, and members of the legislature in California was then a reality.

## NORTH DAKOTA IN 1921: THE FIRST GUBERNATORIAL RECALL

With this background in mind, relative to the larger Progressive movement and the early recall movement in California, it is now possible to delve more deeply into America's first gubernatorial recall in 1921.

In North Dakota that year, battle lines were drawn between farmers and the business community that came to a head after several years of political infighting in the state. The story of the 1921 recall needs to begin with an accounting of some economic and political factors to give context to the historic election. For this we must go back 6 years to the early days of World War I and the rise of the Nonpartisan League.<sup>12</sup>

For several decades, North Dakota had swung back and forth between Populist Party leadership, Farmers' Alliance leadership, Democrat Party leadership, and Republican Party leadership for control of state government, with some leaders proposing state regulation of certain industries. Supervision of corporations, insurance companies, and state banks was considered, and along these lines a number of "regulatory offices and boards were created" (Federal Writers' Project, 1950, p. 57).

Progressive Republicans worked with Democrats to elect North Dakota's first three-term governor, "Honest John" Burke, in 1906, and his policies ushered in a number of changes that regulated big business even further. The classic battle between farmers and the big businesses they dealt with became fiercer, with farmers mainly perturbed by the intricate workings of the grain trade.<sup>13</sup> Basically, farmers could not market their products without going through the powerful grain elevator companies (often based out of state), and in 1915 they failed to get a bill through the North Dakota legislature creating a state-owned elevator system. "Indignation at the defeat of the bill resulted in the birth, in February 1915, of a new political party, the Nonpartisan League" (Federal Writers' Project, 1950, 58).

At this point, over 70% percent of North Dakotans were farmers, and former Socialist Party state organizer Arthur C. Townley led the Nonpartisan League. He traveled the state extensively, visiting farmers and gaining support for the League, or NPL, as they became known. Townley advocated state ownership of elevators, mills, and the like along with state hail insurance and reasonably run rural banks (Remele, 1981, pp. 73-77). Understanding the power of the media in getting his message out, Townley began a newspaper, the *Nonpartisan Leader*. By the time the 1916 state election calendar rolled around, he had organized precinct-level caucuses to nominate candidates for state office, including a Pembina County farmer for governor, best known for his prohibitionist tendencies. When the November elections were over that year, the NPL slate, including newcomer Lynn J. Frazier, had successfully won the governorship, control of the state house, and a good number of members in the senate.

Governor Frazier, 42 years old at the time of his inauguration, called for immediate implementation of the NPL platform in the first legislative session with behind-the-scenes organizational help coming from Townley and NPL legal counselor William Lemke (who would play a large role in the 1921 recall campaign). Moving fast to change

policy, the League was not without its detractors, however, and a new group formed in opposition, the Lincoln Republican League, which later became the Independent Voters Association (The Independents, or IVA—dropping the word *Republican* in hopes of appealing to more Democrats). Both of these groups, then, were factions of the Republican Party at the same time. The IVA received considerable support from the business communities impacted by the NPL program, but most of their candidates were defeated in the 1918 election cycle. By the time the 1919 legislative session had commenced, the NPL was in firm control of the executive and legislative branches. Lynn Frazier had won reelection in November 1918 with 60% of the vote (North Dakota Votes, 1993).

The Nonpartisan League's centralization of power by this point firmed up its legislative agenda, but the leadership of the group began to splinter over a number of turf battles in late 1919. The IVA kept plugging away with its own anti-NPL agenda, and drought "crippled" the North Dakota farm economy that year (Remele, 1981, p. 88).

The IVA also understood the continued power of the media and used its own newspaper, *The Independent*, to criticize the NPL at every turn. According to one researcher: "Through the last half of 1919 and nearly all of 1920, the official newspaper devoted hundreds of column inches to stories about the Socialist evils of the League leaders and the dangers of their programs" (Contois, 1986, p. 80).

Ironically, on March 6, 1919, the NPL-led legislature passed what seemed like a standard resolution for any Progressive-leaning state at the time, allowing for the greater use of direct democracy in North Dakota. The concurrent resolution provided "for the Recall of Congressional, State, County, Judicial and Legislative Officers by the People." The process for recalling an officer was laid out fairly clearly, with much of the language duplicating what had been done in a number of other states, including California 8 years earlier. It called for filing a petition against an officeholder, the collection of signatures, and a special election to be called should the recall qualify. The resolution ended by stating, "Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict or impair the right of recall" (Laws, 1919).<sup>14</sup> Following up the next year on March 16, 1920, the constitutional amendment adding the recall provision in North Dakota was officially adopted. In the presidential primary vote that day, voters approved the measure 63% to 37% (North Dakota Votes, 1993).

By the end of 1920, the Nonpartisan League was clearly in some trouble even though Frazier was reelected to a third consecutive term with 51% of the vote that November (North Dakota Votes, 1993). The IVA did well during the election cycle that year, infighting continued among the NPL leadership, and the state's financial crisis was getting deeper. Most important, a number of state-supported enterprises were being challenged on the grounds of mismanagement and corruption. Calls for an official investigation of the state bank, one of the state mills, and the state's Home Building Association were being made, and when the legislature convened on January 4, 1921, power had begun to shift away more dramatically from the League. In this session, the "IVA controlled the House 59 to 54; the League still held the Senate 25 to 24" (Contois 1986, p. 83).

With control of the House the IVA went full-speed-ahead with an audit and investigation into various state-sponsored activities, hoping to damage the League's reputation further and aid IVA candidates in the next election cycle. For its part, the NPL was not doing much to protect itself at this time and was on the defense for much of the year. The NPL-controlled Senate decided to do its own investigation, but attention would soon focus on the blistering House audit when it was released March 4, 1921. The report blasted the management of the state bank and criticized one of the NPL-sponsored programs for debt relief calling for the sale of bonds.<sup>15</sup> The report ended by stating,

These impractical theorists have launched the State into an orgy of financial excesses and delirium of socialist experimentation, born in hate and nurtured in prejudice, the result of which are such that it will require years of conservative, practical administration of public affairs to eliminate the nefarious consequences resultant therefrom (Report, 1921).

As historian Edward Blackorby (1963, pp. 125–126) has noted, the IVA wasted no time in using the results of the report to chastise Governor Frazier and other NPL leaders. Three weeks before the final report was released, there was talk of using the new recall provision to replace the governor, other senior officers, and even members of the state Supreme Court.

Eventually, the IVA focused their attention and effort on what was called the Industrial Commission in the state. This body oversaw a number of state-sponsored entities and was made up of three people: Governor Lynn Frazier, Attorney General William Lemke (now the titular head of the NPL, as well), and Commissioner of Agriculture and Labor John Hagen. On March 30 and 31, 1921, the Independents nominated Ragnvold A. Nestos for governor, Sveinbjorn Johnson for attorney general, and Joseph A. Kitchen for commissioner of agriculture and labor.

The background on Ragnvold Nestos is particularly interesting when telling the story of the recall. North Dakota had a heavy Scandinavian population at this time, particularly from Norway, and they comprised both farmers and upwardly mobile professionals. According to Theodore B. Pedeliski, they "expressed a high degree of political efficacy for first and second generation foreign born" citizens, and they were "instrumental in supporting the Nonpartisan League" (October 10, 2004, personal communication). Nestos was a lawyer by trade, had served one term in the legislature, and was now state attorney in Ward County (Tweton, 1981, p. 115). By this point, however, he had become disillusioned with the NPL and was working for the Independents.

More important, Nestos was considered "politically available. He was not a reactionary but one of the more liberal of the Independents and as a result one likely to appeal to the border-line vote." Also, it was said he "spoke with a decided Scandinavian accent—a political asset in North Dakota" and that he was a "popular speaker" (Blackorby, 1938, pp. 47–48).

It should be noted, however, that not all IVA members were enthusiastic about Nestos or the recall as a whole. As Blackorby (1938) wrote: "One faction of the Independents thought that the best way to defeat the Nonpartisans was to allow them to face

the financial stringency with their wrecked program" (pp. 45–46). This might allow for an easy NPL defeat in the next election cycle, and there were also fears that voters would question why the IVA supported the recall concept now but had been opposed to it 2 years earlier.<sup>16</sup>

Regardless, the recall campaign was now on, and "the IVA filed petitions containing 74,000 signatures" on September 15 (Morlan, 1955, p. 321). The vote was scheduled for October 28, 1921. During the spring and summer, the Independents campaigned heavily in favor of the recall, stressing the "inefficiency and financial bankruptcy brought about by the League leadership." They understood there was great public support for a state mill, and they agreed to keep that part of the NPL program, but they often chastised Frazier for mismanagement and Lemke, in particular, for benefiting personally from the financial arrangements made with the Homebuilders Association. Another campaign issue concerned the charge that "dummy corporations" were set up by NPL leaders to benefit their own interests and that the NPL had been too close to labor in the state, particularly the Industrial Workers of the World. Last, Independents argued that "outside confidence" in the state of North Dakota had been jeopardized and that future funding of farm programs could be halted (Blackorby, 1938, pp. 51–52).

Nonpartisan League leaders were unsure of how to handle this assault and were consistently on the defensive during the campaign. The rival newspapers each side owned did not do much beyond publishing materials to support one's own viewpoint, and voters seemed genuinely torn in the weeks leading up to the election. The NPL and the IVA had precinct workers soliciting contributions for their respective recall funds (Balazadeh, 1988, p. 168), but this appears to have been more problematic for the League. As Morlan (1955) noted, "[A] succession of poor crop years followed by a depression meant of course that the farmers had little money for political campaigns, and the League solicited contributions from all states to save the North Dakota program" (p. 324).

Unfortunately, we know very little about what was going on in the mind of Lynn Frazier during this period. He worked vigorously during the campaign to sell state bonds and relieve some of the states' debt (Balazadeh, 1988, p. 171), but not much else is known about his activity during this period. According to historians and others in North Dakota who have attempted to detail these events, he left no papers concerning his terms in office in North Dakota. It has been suggested that the Frazier family may have thrown them away or they were lost in a 1928 fire that burned down the Capitol building.<sup>17</sup>

Blackorby (1963) has suggested that the most important point in the campaign came 10 days before the election, when the governor was served with a restraining injunction orchestrated by the Independents and their followers in the judiciary. The injunction "was so sweeping in its nature that it impeded continued functioning of the state government and made operation of the Bank of North Dakota impossible. The administration at Bismarck was immobilized." This setback meant that Frazier and the others had to stop campaigning for several days to deal with the restraining order in the courts and "many voters were confused by the incident and were thus more easily turned against the League" (pp. 137–138).

The recall election results were as close as the gubernatorial results from the previous year, but not in Frazier's favor this time. He lost to Nestos 107,332 (49%) to 111,434 (51%) (North Dakota Votes, 1993).<sup>18</sup> Lemke and Hagen also lost their seats, both by similar margins.

Interestingly, on the ballot that day the voters also faced seven measures that spoke directly to the NPL's program of greater government control of entities. The measures asked voters to consider continued funding for the Bank of North Dakota, whether to reorganize the Industrial Commission, establish a rural credit system, and similar NPL program ideas. The voters decided to keep these programs in place and basically gave the nod to the NPL-style of governance, while still voting to remove from office the three most important leaders of the program. The IVA was now faced with the political reality that they would have to support many of the ideas that they had earlier protested.

Nestos proclaimed after the election that "business management" principles would be the rule in his administration and that the state should be run as a "public business." He called for reducing the "tax burden," reducing government spending, and promoting "greater economy in the public service" (Balazadeh, 1988, p. 179). We would hear many of these same ideas touted by Arnold Schwarzenegger during and after the California recall.

And what became of Lynn Frazier? A year later, he ran for and won a U.S. Senate seat from North Dakota by garnering 51% of the vote on June 28, 1922 (North Dakota Votes, 1993). He went on to serve in the Senate until 1940, and he died in January of 1947.

### CALIFORNIA IN 2003: THE SECOND GUBERNATORIAL RECALL

Exactly 100 years after Los Angeles had adopted a recall provision, the voters of California would participate in the most interesting recall election in American history.<sup>19</sup> Since the recall provision had been placed into the California Constitution in 1911, Article II, Section 1-20, on 31 separate occasions governors were faced with opposition that threatened to use the recall and went so far as gather signatures to place it on a future ballot. As Gregg Jones and Evan Halper of the Los Angeles Times reported on July 8, 2003, none was successful in getting past the signature stage. In other words, in the largest state in the union, no governor had really ever had to take the threat of the recall very seriously.

This all changed in 2003 for a variety of reasons, the crux of which focused on the leadership of sitting Democratic Governor Gray Davis. During a lengthy career in state politics, Davis had moved up the political ladder and had held several important positions in Sacramento. He had been chief of staff to former Governor Jerry Brown, state controller (1987-1995), and lieutenant governor (1995-1999) before being elected to the governorship in 1998. Prior to this election, one longtime follower of state politics said Davis was "perhaps the best prepared governor-in-waiting that California has ever produced" (Trounstine, 2003, p. 19).

Davis' first term was a tumultuous one, however. As Bibby (2003) noted, governors are "widely perceived to be powerful officials" and are likely to be "held accountable for conditions within their states" (p. 370). Unfortunately for Davis, the conditions in California

by 2001 were not the conditions any governor would want to be held accountable for. Most of these troubles were caused by a major energy crisis that swept through the state in 2001 and a state budget deficit that seemed to be growing monthly.

Hyink and Provost (2004, pp. 194–196) do an excellent job summarizing the energy debacle and what led to the problems in 2001. It is interesting that Gray Davis was not even in office in 1996, but the governor at the time, Republican Pete Wilson, worked with the legislature and power industry to dramatically change how the industry would be regulated. They moved to a deregulation model that, theoretically, was going to increase competition and lower prices. However, there were several holes in the deal, which allowed for “the possibility that major suppliers might attempt to manipulate the power market,” and that is, indeed, what occurred.

The costs that electric companies were being charged for their electricity supplies began to soar, and they started passing those additional costs on to customers. Rolling blackouts occurred in some areas, “restaurants put an ‘energy surcharge’ on their meals” (Hyink & Provost, 2004, p. 195), hotels increased their rates, and citizens were truly up in arms.

How did Governor Davis react? Not well. For a time that spring, many elected officials felt the problem would work itself out over time, and they hoped that the Federal Energy Regulatory Commission (FERC) would step in. When FERC balked at this notion, the Davis administration began entering into long-term contracts with the industry suppliers in hopes of stabilizing prices, but much of that work was seen as too-little-too-late. The manipulation of rates turned out to be the key cause of the run-up in prices, but Davis’ inability to tackle the issue quickly and decisively played into the hands of his critics, who often argued that he was not tough enough for the job.

Additionally, while the state was enjoying some increased revenues during Davis’ first 2 years in office, by 2001 money was getting tight in Sacramento, and a brutal fight was taking place in the legislature over the governor’s spending priorities. The state literally had to do more, with a lot less. In the polls, Davis was taking a hit throughout 2001 and early 2002 and appeared in jeopardy of winning reelection, even though every governor since 1942 had enjoyed a second term in California.<sup>20</sup>

By early 2002, Gray Davis had become the personification of both the energy and budget crises and all other ailments affecting the state. Although the entire nation was in a post-September 11 recession, the Golden State seemed particularly adrift and off-course. It was in this context that the Republican Party felt inspired to topple the governor, and several candidates emerged to do so.

Bill Jones, the Republican secretary of state, stepped forward, as did former Los Angeles Mayor Richard Riordan and political neophyte Bill Simon. Riordan was encouraged by the Bush administration in Washington to enter the race and was immediately deemed the frontrunner. Bill Jones was considered a reasonable candidate with a strong resume, but his home base was the Central Valley of California—making it difficult to gain votes in the key population centers of Southern California and the San Francisco area. Simon’s father had been Treasury Secretary under former President George H. W. Bush, but the son had never run for public office before. But Bill Simon had a personal fortune in the millions he

was willing to put on the line and solid conservative credentials that impressed the party faithful. Clearly, however, the more centrist Dick Riordan would be the toughest candidate for the centrist governor to face in the November 2002 general election, so the Davis campaign immediately went to work poisoning the well.

In its effort to influence the March Republican primary, the Davis campaign poured nearly \$10 million dollars into a flurry of advertisements criticizing Riordan on such issues as abortion and the death penalty.<sup>21</sup> Because the target audience was Republican primary voters, the Davis camp was doing a careful job balancing spending money in the campaign against what it might need in November with the hope of influencing the primary enough to get the candidate it wanted.

By the end of the race, Riordan's numbers had been pulled down considerably, and Simon won the primary with 49% of the final vote. Davis was willing to spend a tremendous amount of cash in the primary, and one observer keenly noted: "The Democratic governor was the single biggest spender in a GOP primary." Simon's total spending amounted to roughly \$4.4 million, and Riordan spent a little over \$8 million (Goldstein, 2002).

Even though his first term was marked with several controversies, the voters of California reelected Davis to a second, and final, 4-year term in November 2002. He defeated Simon, winning the race 47% to 42%, a margin suggesting that the sitting governor was still not popular with a majority of voters. Similar to the way things were going for the NPL in North Dakota after the 1918 election cycle, Democrats in California controlled the governorship, both houses of the legislature and almost every other executive office by the time 2003 rolled around.<sup>22</sup>

It should be noted that the future governor, Arnold Schwarzenegger, was also involved in the 2002 general election campaign, but not as a candidate as might be expected. During that campaign, Schwarzenegger was getting his feet wet, so to speak, barnstorming the state on behalf of a ballot initiative he was supporting—Proposition 49. This proposition earmarked roughly half-a-billion dollars each year for after-school programs and Schwarzenegger spent nearly \$1.1 million dollars of his own money to push the initiative along. He was the number one donor to the cause, beating out even the California Teachers' Association by half-a-million dollars (California Online, 2002).

Prior to the November 2002 election, Schwarzenegger repeatedly traveled the state on behalf of Prop 49 and made no secret of the fact that he was supporting education this time around and supporting his own political ambitions at the same time.<sup>23</sup> In short, while Schwarzenegger has been accused of being a newcomer to California politics, this is not really the case. He did not hold public office before 2003, but he did campaign on behalf of many candidates and issues prior to the recall campaign—building up a nice list of contacts for himself filled with the state's most important players and interest groups.

Against this backdrop and immediately following the November election, a small group of Republican leaders began circulating a petition to recall Gray Davis. Media coverage of this signature-stage of the process was relatively light. Most political reporters, pundits, and academics understood that other governors had faced the threat of recall before and

that only one governor in history had ever been removed from office. The media coverage became more intense, however, after the state Republican Party convention was held in Sacramento on Saturday, February 22. Nearly 1,400 Republicans attended the convention and every major newspaper in the state covered the event and noted the convention rallying cry: "Dump Davis!"

In an article, titled "Davis Recall Bid Has Supporters and Doubters at GOP Convention," published in the *Los Angeles Times*, February 23, 2003, Michael Finnegan reported that the "nascent move to try to oust the Democratic governor in a special election became a centerpiece of the state Republican convention here as a few hundred delegates and other Davis foes held a demonstration outside the Capitol to show support for a recall." Republicans, however, including top leaders in the Assembly and Senate, were not very supportive of the recall idea, stating that "key resources" would be wasted on such an effort and that talk of a recall would jeopardize their ongoing discussions with Davis concerning the latest state budget. This was similar to some IVA proclamations in 1921 that the recall might not be reasonable at that time.

The anti-tax group, People's Advocate, led by Republican Ted Costa, was the real driving force behind the recall, and Costa was quick to point out in interviews that this was a nonpartisan effort, with support from Democrats and independents. A few months down the road, Costa would be proven correct as signatures were gathered and votes were counted. His comments about the recall are similar to those made in 1921 by IVA leaders who knew that Democrats would have to align with Republicans for the recall to be successful, and they did.

Governor Davis' initial reaction to the pro-recall events at the GOP convention was reported in the *San Francisco Chronicle* on February 24, 2003. John Wildermuth quoted Davis as saying: "This is simply sour grapes. My opponents lost the election fair and square. Now they want another election. I'm focused on the job they elected me to finish. I'm not going to forecast the results of this recall". It would prove to be more than just sour grapes as the recall effort proceeded into early March.

By March 25, pro-recall forces had filed all of the necessary paperwork with the secretary of state's office to begin collecting signatures and they put together a Web site ([www.recallgraydavis.com](http://www.recallgraydavis.com)) to help raise funds. By the end of April, much of the media focus on the recall began to fade temporarily and headlines such as the "Davis Recall Drive Hurting for Cash" appeared in the *San Francisco Chronicle* on April 27.

However, the *Oakland Tribune*, across San Francisco Bay, and the *San Diego Union-Tribune*, in Southern California, were running stories that same weekend about a well-known United States Congressman from California, Darrell Issa, who was rumored to be interested in bankrolling the recall effort. With some mixed messages coming from Issa, Steve Geissinger reported in the *Oakland paper* on April 25 that "Issa said he would not donate directly to the recall campaign but that he might contribute funds to independent efforts aimed at advancing the cause." Within 10 days, Issa made up his mind and pledged \$100,000 to the pro-recall efforts. He also began gearing up his own not-so-subtle campaign to replace Davis if the recall succeeded. Within weeks, Issa would pledge nearly \$1.5 million of his

own money to the cause, and for a while he looked like the only candidate who could afford to face Davis and be willing to put his money where his mouth had been.<sup>24</sup>

On the Democrat side of the ledger, most potential candidates by mid-May were sticking with the party line that the recall was a Republican “coup” attempt and they would stick by their newly reelected governor. No Democrat wanted to be the first to break ranks and come forward, and it is important to review the structure of the recall ballot momentarily to see why this is the case. The structure of the ballot worried Democrats, because the recall ballot in California (unlike in North Dakota) is actually divided into two questions on which the voters had to choose. The first question pertained only to Gray Davis and stated, “Shall Gray Davis be recalled (removed) from the office of Governor?” Voters were asked to simply say “Yes” or “No” to this question. They then proceeded down the ballot to view a list of names of those qualified by the secretary of state to run for the seat. The governor in question must beat the recall on the first ballot question; in doing so, no successor is even needed. If the sitting governor gets fewer than 50% of the “No” votes, he or she is removed from office and the replacement is chosen from among those qualified on the second question. There is no run-off, either, in this type of format; a simple plurality of votes determines the winner.

This presented a problem for the Democrats because it was widely believed that any prominent Democrat who came forward to challenge Davis could take votes from him on Question 1, by providing a reasonable Democratic alternative to the voters, and thus raise the chances of his defeat. For Davis and his supporters to win, they needed to impress on voters that this was a Republican-led effort that should not be supported by loyal Democrats and that all votes and campaign cash should be steered toward Davis and Davis only. By mid-June, however, a number of prominent Democrats began questioning this logic and several felt that providing a reasonable alternative to Davis on Question 2 might keep the governorship in their hands.

On July 23, 2003, 120 days after initiating the recall drive, proponents had obtained the proper number of signatures and Secretary of State Kevin Shelley, a Democrat, certified their number. Fulfilling his constitutional duties, on the following day Lt. Governor Cruz Bustamante, also a Democrat, called for a special election on October 7 to pose the recall questions to the voters.

It was official—California would have its first recall election for a governor, and candidates were given until Saturday, August 9, to submit nomination papers to their local election office. The threshold to qualify was tremendously low. Candidates were required only to complete their paper work correctly, pay the \$3,500 filing fee, and submit 65 valid signatures from registered voters from their own party. By August 6, 621 individuals had pulled papers to run.

In the meantime, Arnold Schwarzenegger announced that on Wednesday, August 6, he would appear on NBC's *The Tonight Show With Jay Leno* and make an official announcement about his plans. The former *Dating Game* contestant was wrapping up his world tour, promoting his latest film, *Terminator 3: Rise of the Machines*, and would return to Southern California for the late night television appearance. There are numerous, competing expla-

nations of exactly who-knew-what-and-when, but Schwarzenegger certainly made the most of his moment in the national spotlight and stunned the political world with his announcement. After all, how many governors or governors-in-waiting can be guests on the most popular late-night show in America and surprise everyone in attendance at the same time?

Of all of the accounts of the incident, Karen Tumulty and Terry McCarthy's in *Time* magazine did a good job capturing the moment. They reported that prior to the show, Jay Leno had asked Schwarzenegger if he was going to run, and the former star of the film *Running Man* said he would not, adding, "I am bowing out." His top advisor, George Gorton, a former advisor to previous Republican Governor Pete Wilson, stood on the set of the show, and as Schwarzenegger was introduced, Gorton was holding the concession speech that they had prepared. At that moment, Schwarzenegger "threw a muscular arm around his shoulder and said, 'Let's do it'" (p. 23).

The show taped in the afternoon on the West Coast, and as Schwarzenegger announced his intentions to the live studio audience, they went crazy. Gorton, at first, thought Schwarzenegger was possibly joking with the crowd, but after the first commercial break, he was ejected from the studio for "using his cell phone to begin alerting Schwarzenegger's other clueless advisers."<sup>25</sup> During the taping, Schwarzenegger spoke excitedly with Leno and promised to "pump up Sacramento" because the politicians there were not doing their job.

He blamed Davis by name and paraphrased a famous scene from the film *Network* by stating: "We are mad as hell and we're not going to take it anymore." He added, "I know they're going to throw everything at me and say I have no experience and I'm a womanizer and I'm a terrible guy...[but] I do not have to bow to any special interests. I have plenty of money. No one can pay me off. Trust me: No one." With that, Schwarzenegger left the stage and held an impromptu press conference with reporters. While there had been earlier concerns that his wife, Maria Shriver, of the famous Kennedy clan, had not wanted him to run, he immediately said that she supported him "no matter what."

How did Gray Davis react to the hullabaloo surrounding the Jay Leno announcement? In a post-election interview with Beth Fouhy of the Associated Press, published November 9, Davis "recalled the sinking feeling he had when Schwarzenegger" made the announcement. "I knew it wasn't good news. These superstars are in the subconscious of all Americans—we've seen these folks for years. And the only reason they're superstars is there's a reservoir of good will for them. I've beaten plenty of wealthy people, but they were just mere mortals. I had to take down a megastar."

Darrell Issa quickly retreated from the scene even after basically bankrolling the entire signature-gathering drive. The 49-year-old Issa understood the star power associated with Schwarzenegger, and in an emotional, teary-eyed news conference on Thursday, August 7, he backed out of the race. He stated that his mission was "accomplished" and that "in 61 days [Davis] will be gone."

The list of candidates who filed to run 2 days later, August 9, included Schwarzenegger and a who's who of oddballs, former stars, and wannabes. *Hustler* magazine publisher

Larry Flynt joined the group, as did child-star Gary Coleman (from the 1970s show *Diff'rent Strokes*). Many dubbed Coleman "the other Arnold," because of the name of his famous television character. His trademark, "What you talkin' 'bout, Willis?" was resurrected from the lexicon and used throughout the campaign. The comedian Gallagher, of watermelon-smashing fame, got involved, as did an electrical engineer named Michael Jackson; an Edward Kennedy; a Richard Simmons; a George B. Schwartzman; a Los Angeles billboard model named Angelyne; Ned Roscoe, owner of the Cigarettes Cheaper! discount chain; Jack Grisham, front man for the punk band TSOL; a porn star; and a gentleman named Trek Thunder Kelly who asked people to vote for him, "thus breaking the Seventh Seal and incurring Armageddon" (California, 2003, 18).

After all was said and done, 135 candidates' names appeared on the October 7 ballot—50 Democrats, 42 Republicans, and 43 independents. These numbers are particularly interesting, considering the early charge by Davis that the recall was a blatant attempt by the right to take over the governorship. It appeared there were more Democrats than Republicans willing to replace him, with the floodgates partially being opened by Lt. Governor Cruz Bustamante's entrance in the race.

This left Schwarzenegger and Bustamante on the replacement side of the ballot as the most serious contenders in the sprint-to-the-finish, 8-week race, and things never really looked good for Davis. In the closing days, it was reported that his internal poll numbers, mainly from polls taken by the state teachers' union, were poor, and on Friday the 26<sup>th</sup> of September he publicly challenged Schwarzenegger to a debate, "right here, right now." Followers of American political campaigns know that, for the most part, incumbents avoid their opponents at all costs, and it appeared here that Davis was breaking this cardinal rule in a last minute attempt to save his job.

CNN's Larry King offered to host a debate between the two candidates that weekend, but the Schwarzenegger camp declined immediately. Davis humorously countered, "I don't know what Mr. Schwarzenegger is afraid of. I mean I never participated in a Mr. Universe contest. I weigh maybe 165 pounds on a good day. [Why is he] on the run?"<sup>26</sup>

A majority of California newspapers weighed in that Sunday with their endorsements, and it did not look good for the Democrats. The *Los Angeles Times*, *San Jose Mercury News*, and *Sacramento Bee* urged a "No" vote on the recall and declined to endorse any candidates as a replacement. The *San-Diego Union-Tribune* called for Davis' removal, and they supported Schwarzenegger as a reasonable replacement. In total, Schwarzenegger received the endorsement of four major dailies; Bustamante and the others received none.

When Tuesday, October 7, rolled around, it was relatively clear to most observers that Gray Davis was not going to be able to save his seat and that Arnold Schwarzenegger would be the next governor. Following a turnout rate of roughly 51% in November 2002, turnout on this day was strong—61% of eligible voters, or 15.4 million Californians. On the first ballot question to recall Davis, the official votes were 55.4% (4,976,274) "Yes" and 44.6% (4,007,783) "No"; 4.6% (429,431) chose not to cast a vote. Davis became only the second governor in U.S. history to be removed from office by the voters. On the second question of who should become the new governor, the results were startling: Schwarzenegger won

outright with 48.6% (4,206,284), and Bustamante came in a distant second with 31.5% (2,724,874). Of note, *Hustler* publisher Larry Flynt pulled in 17,458 votes in seventh place, and Gary Coleman came in eighth place with 14,242.<sup>27</sup>

Schwarzenegger took the oath of office from State Supreme Court Chief Justice Ronald George on November 17.

## DISCUSSION

Throughout this article, I have tried to show some of the interesting parallels between the 1921 and 2003 recall campaigns. At the same time, I admit that it is a stretch to see too many things as similar as we look back at these two events in hindsight. Nevertheless, perhaps it is important to begin a discussion on this topic by focusing on what I might call "conditions for a recall." In other words, if certain political events do come together simultaneously, might other governors be susceptible to recall in the future? What are those conditions? Admittedly, many of these same conditions would be similar to what one might expect to beat any gubernatorial incumbent, but thinking of them just relative to a recall possibility adds to the literature on elections in general and the literature on the pros and cons of direct democracy itself.

First, for recalls of this nature even to be considered at the state level, recall provisions clearly need to be in the state constitution. Like many other provisions, these are often buried deep in lengthy documents and rarely see the light of day. Currently, only 18 states have such a provision, so it is fair to say that any future gubernatorial recalls can and will take place only in those locales, unless other states amend their constitutions to include the proper language. According to the National Conference of State Legislatures, the qualifying states are as follows:

Alaska	Kansas	New Jersey
Arizona	Louisiana	North Dakota
California	Michigan	Oregon
Colorado	Minnesota	Rhode Island
Georgia	Montana	Washington
Idaho	Nevada	Wisconsin

Second, it is imperative that there be a divided or confused electorate, or both, in a state considering a gubernatorial recall. This may be true especially if the last election cycle produced close races for any statewide office. What also seems to push the recall agenda along quickly is if there are bad feelings over the previous election. If the incumbent does not make a good faith effort to heal wounds after a victory, this may sow the seeds of discontent for a future recall.

Third, in this same way, lingering doubts about the incumbent's standing, stature, competency, and truthfulness are aplenty in the Frazier and Davis recalls. Both became associated, fairly or not, with impropriety and charges of mismanagement. This was exacerbated by tough economic times. Contextually, this may be the most important variable, as both Davis and Frazier were caught up in economic issues that appeared way beyond their

control. Yet, as the literature often suggests, governors are held responsible for these failings more times than not and need to be better prepared for this fallout. An interesting commonality between these two recalls seems to be the impact of the wheat crash in 1919–1921 and the dot.com crash in California in 2000–2002. Bonds were a part of both Davis's and Frazier's plans to close their structural deficits and put the state on better footing, but more drastic measures were needed. It did not help Frazier, in particular, to be charged with scandals and malfeasance. If a governor is seen to be personally gaining in the job while others suffer, the opposition will exploit that.

This leads to an important fourth condition, an organized and well-defined opposition. One or two key players appear to be able to lead recall movements with some success, particularly if personal wealth comes into play, but in 1921 and 2003, they were able to bring new people along with them. Without Issa, there would have been no recall in California I believe it is fair to say. Also, Schwarzenegger's personal wealth allowed him to dump roughly \$10 million of his own money into the race. The opposition seems to favor moderates as reasonable replacements, however, knowing that a campaign must be waged attracting all kinds of voters (particularly if the ballot is nonpartisan in structure).

A fifth condition might be considered a complacent, biased, or otherwise disinterested media that allow the recall to take root. Media coverage played a large role in each of these recalls, and their influence cannot be underestimated. The other side of this argument might be that while political coverage rarely tops the news each evening, at least in the 2003 recall, the media covered nearly every detail of the story from start to finish. So at one point they were complacent, rarely covering the recall during the early logistics stage; and then they more than made up for it later by hyping the story constantly.

Last, recalls seem to need a contentious legal environment to develop. What I mean by that is court cases are an inevitability in recall campaigns. I do not go into detail here, but in North Dakota there was a court challenge to the signature-gathering phase of the recall, and talk of recalling members of the Supreme Court occurred until they supported the IVA in one particular case; in California, a variety of lawsuits met nearly every phase of the campaign. As Bird and Ryan stated in 1930, the "history of obstructive litigation" (p. 227) on recalls began with the first one in Los Angeles in 1904. The media enjoys these court dramatics and both sides need to gear up for extensive, constant litigation.

What can we learn from this analysis? I believe we now have a better grasp on how recall elections develop and play themselves out. While much can be learned from an analysis of both gubernatorial recalls separately, I believe a full telling of both stories, side by side, provides a somewhat haunting and important lesson similar to the oft-quoted "History repeats itself" refrain. Direct democracy is alive and well in the states, but I am unsure if the original supporters of the movement would be pleased with how things have developed. I think that any governor serving in a recall state would do well to learn about these events and figure out ways to shield oneself from the possible fallout. There was no rash of recalls throughout the nation following the events in California in 2003, but that is not to say future elections will not hinge on the voters' constant "right of removal."

## REFERENCES

- Balazadeh, N. H. (1989). *The process of power and the relative autonomy of the state: Nonpartisan League in North Dakota, 1915–1922*. Unpublished doctoral dissertation, Southern Illinois University at Carbondale, 1989 (Order # 8922373).
- Banducci, S. A. (1998). Direct legislation: When is it used and when does it pass? In S. Bowler, Todd Donovan and Caroline E. Tolbert (Eds.), *Citizens as legislators: Direct democracy in the United States* (pp. 132-148). Columbus: Ohio State University Press.
- Barber, B. R. (1984). *Strong democracy: Participatory politics for a new age*. Los Angeles: University of California Press.
- Bibby, J. F. (2003). *Politics, parties, and elections in America* (5<sup>th</sup> ed.). Belmont, CA: Thomson-Wadsworth.
- Bird, F., & Ryan, F. M. (1930). *The recall of public officers: A study of the operation of the recall in California*. New York: Macmillan.
- Blackorby, E. C. (1938). *Political factional strife in North Dakota from 1920 to 1932*. Unpublished master's thesis, University of North Dakota.
- Blackorby, E. C. (1963). *Prairie rebel: The public life of William Lemke*. Lincoln: University of Nebraska Press.
- Bowler, S., & Donovan, T. (1998). *Demanding choices: Opinion, voting, and direct democracy*. Ann Arbor: University of Michigan Press.
- Broder, D. (2000). *Democracy derailed: Initiative campaigns and the power of money*. New York: Harcourt.
- Butler, D., & Ranney, A. (Ed.). (1978). *Referendums: A comparative study of practice and theory*. Washington, DC: AEI Press.
- Burdick, U. L. (1944). *History of the Farmers' Political Action in North Dakota*. Baltimore, MD: Wirth Brothers.
- California Statewide Special Election Official Voter Information Guide, Tuesday, October 7, 2003, Secretary of State, 1500 11<sup>th</sup> St, Sacramento, CA 95814.
- California Online Voter Guide: A Project of the California Voter Foundation. (2002). *Top Ten Contributors to California Propositions*. Available from <http://www.calvoter.org/2002/general/propositions/topten.html>.
- Contois, T. M. (1986). *The fight against the Nonpartisan League: The Independent Voters' Association*. Honors thesis, Department of History, Duke University, Durham, North Carolina.
- Cronin, T. E. (1989). *Direct democracy*. Cambridge, MA: Harvard University Press.

- Derthick, M., & Dinan, J. J. (1999). Progressivism and Federalism. In S. M. Milkis & J. M. Mileur (Eds.), *Progressivism and the new democracy* (pp. 81-102). Amherst: University of Massachusetts Press.
- Erickson, N. (1986). *The gentleman from North Dakota: Lynn J. Frazier*. North Dakota Mini-Biography Series. Bismark: State Historical Society of North Dakota.
- Federal Writers' Project. (1950). *North Dakota: A guide to the northern prairie state*. American Guide Series. New York: Oxford University Press.
- Formisano, R. P. (1999). The 'Party Period' revisited. *Journal of American History*, 86(1), 93–120.
- Francis, W. L., & Kenny, L. W. (2000). *Up the political ladder: Career paths in U.S. politics*. Thousand Oaks, CA: Sage.
- Glassheim, E. (1992). *To fuel a fire: Gender, class, and ethnicity in the North Dakota Nonpartisan League—1915–1921*. Honors thesis, Department of History, Dartmouth College, Hanover, New Hampshire.
- Goldstein, K. (2002). *Over \$100 million in political TV ads in 2002*. [Press release of the Wisconsin Advertising Project]. Retrieved June 13, 2002, from: [www.polisci.wisc.edu/tvadvertising](http://www.polisci.wisc.edu/tvadvertising).
- Gorton, G. (2003). Post-recall conference, sponsored by the University of California, Berkeley. Retrieved from <http://www.uctv.tv/library-public.asp?tabs=all&summary=show&sort=date>.
- Hofstadter, R. (1955). *The age of reform*. New York: Random House.
- Hofstadter, R. (Ed.). (1963). *The Progressive movement: 1900–1915*. Englewood Cliffs, NJ: Prentice Hall.
- Hyink, B. L., & Provost, D. H. (2004). *Politics and government in California*. San Francisco: Pearson Education.
- Jonassen, C. T. (1983). *Value systems and personality in a Western civilization: Norwegians in Europe and America*. Columbus: Ohio State University Press.
- Kennedy, D. M. (Ed.). (1971). *Progressivism: The critical issues*. Boston: Little, Brown.
- King, A. (2000). Running Scared. In Bruce Stinebrickner (Ed.), *American Government, Annual Editions 2000/01* (13<sup>th</sup> ed.) (pp. 144-154). Guilford, CT: Dushkin/McGraw-Hill.
- Laws passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota. (1919). *Bismarck Tribune* [Bismark, ND], Chapter 93. State Printers, Bismarck, ND.
- Link, A., & McCormick, R. (1983). *Progressivism*. Arlington Heights, IL: Harlan Davidson, Inc.
- Magleby, D. (1984). *Direct legislation: Voting on ballot propositions in the United States*. Baltimore, MD: Johns Hopkins University Press.

- Magleby, D. (1994). Direct legislation in the American States. In D. Butler & A. Ranney (Eds.), *Referendums around the world: The growing use of direct democracy* (pp. xx-xx). Washington, DC: AEI Press.
- Manin, B. (1997). *The principles of representative government*. Cambridge, MA: Cambridge University Press.
- Milkis, S. M. (1999). Introduction: Progressivism then and now. In S. M. Milkis & J. M. Mileur (Eds.), *Progressivism and the new democracy*. Amherst: University of Massachusetts Press.
- Morlan, R. L. (1955). *Political prairie fire: The Nonpartisan League, 1915–1922*. Minneapolis: University of Minnesota Press.
- North Dakota Votes. (1993). Bureau of Governmental Affairs, University of North Dakota, Grand Folks, ND 58202. Not copyrighted.
- Pateman, C. (1970). *Participation and democratic theory*. New York: Cambridge University Press.
- Price, C. M. (1975). The initiative: A comparative state analysis and reassessment of a Western phenomenon. *Western Political Quarterly*, 27, 243-262.
- Progressive Party Platform of 1912. (1963[1912]). In R. Hofstadter (Ed.), *The Progressive Movement: 1900–1915* (pp. 128 – 132). Englewood Cliffs, NJ: Prentice Hall.
- Remele, L. (1981). Power to the people: The Nonpartisan League. In T. W. Howard (Ed.), *The North Dakota Political Tradition*, pp. 73-77. Ames: Iowa State University Press.
- Report on Legislative Investigation of Public Industries*. (1921, March 4). House Committee, Seventeenth Legislative Session Assembly. Source: State Historical Society.
- Robinson, E. B. (1966). *History of North Dakota*. Lincoln: University of Nebraska Press.
- Schechter, D. L. (2003, March 27–30). *Poison in the well: A Depensation model explanation for voter behavior in primary elections*. Paper presented at the Western Political Science Association, Denver, Colorado.
- Schechter, D. L. (2004). Lights, camera, and an action hero! Arnold Schwarzenegger and the media frenzy in the California recall. In D. Schultz (Ed.), *Lights, camera, campaign! Media, politics, and political advertising* (pp. 239-272). Peter Lang Publishing. (Material used here is with permission of the publisher).
- Schmidt, D. (1989). *Citizen lawmakers*. Philadelphia: Temple University Press.
- Smith, D. (1998). *Tax crusaders and the politics of direct democracy*. New York: Routledge.
- Stansbury, J. (2002, January 19). *Workers and the municipal state: Los Angeles in the Progressive era, 1890–1915*. Paper presented at the Institute for Labor and Employment Conference, University of California, Santa Cruz.
- Trounstine, P. J. (2003, November 19–21). Democratic daze. *California Journal*, p. 19.

- Tumulty, K., & McCarthy, T. (2003, August 18). All that's missing is the popcorn. *Time*, pp. 23–26.
- Tweton, D. J. (1981). The anti-League movement: The IVA." In T. W. Howard (Ed.), *The North Dakota political tradition* (pp. 93-122). Ames: Iowa State University Press.
- Waters, M. D. (2001, August). Do it the Warren Way. *Campaigns and Elections*, p. 56.
- Watson, H. L. (1997). Humbug? Bah! Altschuler and Blumin and the riddle of the Antebellum electorate. *The Journal of American History*, 84(3), 886–893.
- White, W. A. (1963[1910]). The revival of democracy. In R. Hofstadter, R. (Ed.), *The Progressive movement: 1900–1915* (pp. xx-xx). Englewood Cliffs, NJ: Prentice Hall.
- Wilkins, R. P., & Wilkins, W. H. (1977). *North Dakota: A bicentennial history*. New York: W.W. Norton.
- Zimmerman, J. F. (1997). *The recall: Tribunal of the people*. Westport, CT: Praeger.

## NOTES

- 1 Occasionally, discussions of direct democracy begin with an evaluation of changes made during the colonial period (Broder, 2000; Cronin, 1989), or to trace its roots even earlier to Athenian democracy (Manin, 1997). While it is recognized here, as Manin (1997) noted, that representative governments have never given an institutional role to citizens, as the direct democracy states do, the discussion of direct democracy and the recall are studied in a twentieth-century context only. See Manin for a rich discussion tracing the roots of direct democracy from the drawing of lots in Ancient Greece through the Philadelphia Constitutional Convention of 1787. For an assessment of why certain states adopted direct democracy and what reasons account for current usage, see Price (1975) and Banducci (1998).
- 2 Several political science researchers have studied important aspects of the Progressive era, but few have given any considerable time to the recall other than Joseph Zimmerman, who will be reviewed here. Bowler and Donovan (1998) covered the history of the movement in seven pages—mainly retelling the history quoted by Magleby (1984 and 1994). Smith (1998) covered the history in two pages, relying heavily on Schmidt (1989), Magleby (1984), and Cronin (1989). Although these researchers have done an excellent job in combing through the direct democracy literature, they have often tailored their citations and discussions to more general explanations and research questions. The current research project looks specifically at the use of the recall and direct democracy while reexamining primary and secondary sources.
- 3 Hofstadter (1963) made an interesting point on this subject by listing the ages of several Progressive era political leaders in 1900: Robert La Follette was age 45, Woodrow Wilson and Louis Brandeis were 44, Roosevelt, 42, and W.J. Bryan, 40 (p. 7).

- 4 Interestingly, a similar argument was offered in Barber's (1994) "strong democracy" thesis three quarters of a century later when he stated, "...[It] is more rather than less experience of government that will insulate voters against manipulation and prejudice" (p. 282). In contrast, King (2000) provocatively suggested that "when Americans become dissatisfied with government, they call for more democracy. The more they call for more democracy, the more of it they get. The more they get, the more dissatisfied they become" (p. 141).
- 5 See Schmidt (1989) for a thorough overview of the state-by-state growth in the direct democracy movement. Of Oregon, he suggested that their 1904 votes were the product of 7 years of organizing by one person, in particular, controversial Populist leader William Simon U'Ren, whose motives are discussed more fully in Broder (2000). The citizens of Oregon approved two ballot issues on June 6, 1904: "The first gave voters the right to choose candidates for state office in primary elections (instead of in party conventions); the second gave counties the right to ban liquor sales" (Schmidt, 1989, p. 8).
- 6 Expressing an antiparty mood was not new to the Progressive era. There is strong evidence that the Gilded Age (the political participation / party period) concept of the late nineteenth century, where it is argued that political parties held broad power, may be somewhat overstated. Recent debate among historians suggests the existence of strong antiparty fervor (ironically, even expressed by new parties) through much of the mid- and late nineteenth centuries. This is found to be the case at the state level, but perhaps it is more pronounced at the local, township level. For more on this debate about party strength and antiparty sentiment, see Watson (1997) and Formisano (1999).
- 7 Butler and Ranney (1978) admitted that some writers feel the act of voting, in and of itself, does not improve human potential, for it can be an easy task that requires little real commitment. Some have argued that democracy can be (and should be) more than that. Butler and Ranney cited Pateman (1970), in particular, for this take on the Progressive argument.
- 8 Cronin (1989) stated later, however, "Few promoters of direct democracy ever claimed that everyone would vote and that the public would vote with equal levels of enthusiasm on all measures put before them. They merely wanted a 'safety valve' process..." (p. 210).
- 9 For an interesting take on the role of labor unions in the adoption and implementation of the recall in Los Angeles, see Stansbury (2002). He argued that the recall was a bottom-up movement, which was brought by labor dissatisfaction with city contract implementation, among other issues.

- 10 A good example to explain the rash of recall provisions in municipal charters between 1903 and 1911 might be to compare this time period with the term-limits period in the 1980s and 1990s (see Francis & Kenny, 2000). During that period, a number of states adopted term limits one right after the other, which suggested the heavy copycat nature of direct democracy, in general. Another example might be the spread of lotteries, gambling provisions, same-sex marriage proposals, and eminent domain issues of the last 2 decades.
- 11 Albeit some of the votes were close—while the recall passed 178,115 to 53,755, the women’s suffrage vote was 125,037 to 121,450 (Bird & Ryan, 1930, p. 54).
- 12 For a more complete evaluation of the history of the Nonpartisan League, see Morlan (1955), Burdick (1944), Tweton (1981), Remele (1981), Robinson (1966), Federal Writers’ Project (1950), Wilkins and Wilkins (1977), Glassheim (1992), Contois (1986), Balazadeh (1988), and Blackorby (1963).
- 13 I use the phrase “classic battle” because this is reminiscent to me of the farmer-business struggles that took place after the American Revolution. These culminated in Daniel Shay’s Massachusetts rebellion in 1786, leading, in part, to the Founders’ desire to revamp the Articles of Confederation.
- 14 I wish to specifically thank Dr. Theodore B. Pedeliski, University of North Dakota Professor Emeritus of Political Science and Public Administration, for his diligence in tracking down copies of this resolution and others reviewed for this section.
- 15 The “sale of bonds” issue is an important piece of the Nonpartisan League puzzle, but I am not going into detail on it here. Most, if not all, of the sources mentioned in footnote 12 cover this issue. In short, trying to avert further financial crisis, Governor Frazier and the NPL leadership sought continued relief on the bond market, but with little success. Opponents understood that if the bonds did not sell, for instance, that would make the NPL look even worse, and so there appears to have been no statewide, bipartisan effort to sell them. This is similar to Gray Davis’ problems in late 2002, when heavy bonding was also considered (and used) as the state tried to balance its budget.
- 16 Blackorby (1938) also suggested that some IVA members may have liked the fact that the recall ballot itself would be a “no-party” ballot, implying that would give “conservative Democrats an opportunity to vote for the Independent candidate without abandoning their Democratic Party” (p. 46).
- 17 These ideas come from my personal discussions with Theodore Pedeliski, D. Jerome Tweton, and Sandy Slater. A biography of Frazier exists and includes three paragraphs on the entire recall. It suggests that “the recall did not embitter” him. Frazier’s son, Vernon, later remarked that “the recall election, after the initial shock, actually didn’t disappoint my parents too much.” He added, “The governor was losing money on the \$3,000 a year salary and was glad to get back to run the farm where he could

make some money" (Erickson, 1986, p. 18). A number of important papers do exist on Lemke and can be found in the special collections library at the University of North Dakota. I thank Sandy Slater for sharing them with me.

- 18 For an excellent breakdown of the vote across several counties by gender, class, and ethnicity, see Glassheim (1992).
- 19 For a more thorough review of the 2003 recall, with particular emphasis given to the role the media played in the race, see Schechter (2004). Part of the material in this section can be found in that work.
- 20 For a further discussion on the history of California gubernatorial races, see Hyink and Provost (2001).
- 21 All of the major newspapers in the state covered this aspect of the race, but for more specific articles on this topic, see Werner, 2002; Smith, 2002; and Berke, 2002 (as quoted in Bibby, 2003).
- 22 One thing that did stand out during the fall campaign, however, was that Davis may have misled the public as to the actual size of the state deficit in early 2002. This would come back to haunt him following his victory in November. Unlike Governor Frazier of North Dakota, Davis did not enact any particular program to have the state become more involved in any industries, but like Frazier he may not have understood completely the political ramifications of the deficit or the problems faced by 'average' voters.
- 23 Dubbed the "Warren Way," after former California Governor Earl Warren, M. Dane Waters of the Initiative and Referendum Institute has written that this is "the strategy by which a candidate uses a statewide ballot initiative to increase his or her name recognition" for future political runs (Waters, 2001, p. 56 ).
- 24 It is difficult to gauge the exact amount Issa spent during the recall campaign, as there were numerous pro-recall committees gathering signatures and coordinating efforts and it appears he gave to nearly all of them. Numbers ranging from \$1.3 million total to \$1.5 million to \$1.73 million to \$2.96 million were reported at different times during the campaign. The number most often cited is \$1.5 million, which is why it is used here.
- 25 Gorton would later say publicly that "[t]he story is absolutely true. He went out and shocked me." Schwarzenegger campaign members Sean Walsh and Don Sipple agreed. None knew he would enter the race and all three later suggested that Maria knew but had not said anything to them. For a post-recall interview with campaign representatives from all of the parties involved in the recall, see Gorton (2003).

- 26 Except as otherwise noted in this section on the California recall, the chronology of events and specific quotes from reporters were taken from the *Fresno Bee*, August 1 – October 7, 2003. Copies of these articles and all materials quoted in this section are available from the author upon request.
- 27 For complete results, see the secretary of state Web site: [http://www.ss.ca.gov/elections/sov/2003\\_special/sum.pdf](http://www.ss.ca.gov/elections/sov/2003_special/sum.pdf)