

State's recall effort could set example for nation

Current campaign seen as 'parallel' to ouster of North Dakota governor Lynn Frazier in 1921

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LOS ANGELES -- If California's Republicans get their way, Democratic Gov. Gray Davis will join a club so exclusive it has only one member -- Lynn J. Frazier, governor of North Dakota during World War I.

Frazier served from 1917 to 1921, when he became the first -- and for now, the only -- governor recalled from office.

He was ousted as the economy faltered and his Nonpartisan League party's socialist policies fell into disfavor. The voters were exercising a power they had attained just a year earlier.

"It was a symptom of the whole time of discontent because we were going into a time of lower agriculture prices; the wheat market plummeted; then we had a lot of banks that were starting to fail," said Marilyn Snyder, curator of education at the State Historical Society of North Dakota. "You've got a perfect parallel going on there."

A millionaire GOP congressman is financing a recall campaign against Davis, who is vulnerable because of voter wrath over the state's energy crisis and a budget deficit estimated at \$38 billion. His approval rating is down to 21 percent, the lowest on record for a California governor.

He could fall victim to a process that has largely been used against city councils or school boards.

If the Davis recall succeeds, California could once again set an example -- for better or worse -- for the rest of the country, just as it did in 1978 when Proposition 13 launched tax revolts across America.

"Most people had never even heard of recall prior to what's going on with Gray Davis out there, and that was similar to the initiative process prior to 1978. A lot of people had not heard of it, did not know how it could be utilized," said M. Dane Waters, president and co-chairman of the Initiative and Referendum Institute in Leesburg, Va. "If this recall effort is successful, there's no question there will be more interest in the recall mechanism."

Dennis Kucinich, now a congressman and Democratic presidential candidate, barely beat back a recall attempt as mayor of Cleveland in 1979. Arizona Gov. Evan Mecham was impeached and removed by the Legislature in 1988 for obstruction and misuse of state funds, averting a recall election. A recall aimed at Jesse Ventura when he was Minnesota governor in 1999 was stopped when a judge ruled the reasons for it were inadequate -- an outcome that could not happen under California law.

California's recall measure was passed under Republican Gov. Hiram Johnson in 1911. It was part of a wave of Progressive Era legislation enacted nationwide in response to political and corporate corruption.

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No provision for voter recall of federal officials exists.

Seventeen other states also have provisions for recalling state officials, but California is one of those in which recalls can be pulled off most easily, according to the National Conference of State Legislatures.

To get a recall on the ballot, most states require signatures from at least 25 percent of the number of voters in the previous election. California requires just 12 percent. (The Davis recall campaign, which hopes to put the measure on the ballot this fall, needs 897,158 signatures by Sept. 2; the state has recorded about half that number so far.)

In addition, California allows more time than most states to collect the signatures.

And while six states require recall supporters to specify reasons such as malfeasance or incompetence for ousting an official, California sets no such criteria. The California Constitution says that "sufficiency of reason is not reviewable."

Opponents said the Davis recall is a misuse of a tool that was intended to protect citizens from out-and-out crooks.

But recall supporters say the language of the law sets no such standard.

"Hiram Johnson was a reformer who wanted to make sure government was accountable to the people," GOP strategist Kevin Spillane said.

Even so, getting a recall on the ballot is difficult enough that of 117 attempts at the state level in California, only seven -- all of them involving state lawmakers -- have made it to the ballot, according to the secretary of state's office. Four of those seven attempts succeeded. All 31 past attempts to recall a governor failed to make the ballot.

If the Davis recall makes it onto the ballot, voters will be asked two questions: whether to remove the governor, and which candidate on the ballot they want instead. The only declared major-party candidate so far is Republican Rep. Darrell Issa, who is bankrolling the recall campaign.

"Many observers are concerned that this will set some kind of precedent. It has that potential," said Larry Sabato, director of the Center for Politics at the University of Virginia.
