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State Recall Movement Stands Alone in U.S. History

By CRAIG GILBERT

Number of state lawmakers removed from office by recall in all of American history: 13.

Number of state lawmakers currently facing recall campaigns in Wisconsin: 16.

Those figures hint at the oddity and immensity of what's going on in the Badger State. But it's not just their breadth that makes the recall drives in Wisconsin unprecedented in American politics. It's the national dimension they've taken on.

State lawmakers in America have been recalled from office over tax hikes, legislative pay raises, lying, corruption, sexual impropriety and collaborating with the other party. They've been recalled in California, Oregon, Idaho, Michigan and Wisconsin.

But none of those previous campaigns transcended personal, local or state politics. None was viewed by important interests on both sides as a defining battle in a big national struggle. None invited the kind of outside fundraising and advertizing we have begun to see here.

"This is much greater than the politics over the Wisconsin budget," says Dan Smith, a University of Florida political scientist who did his doctoral work at Madison.

"No other recalls -- including the failed ones that have been launched and rejected as unconstitutional by the courts against US Senators and Congressmen-- have ever had the broad national overtones of the proposed Wisconsin one," says Joshua Spivak, a senior fellow at the Hugh Carey Institute for Government Reform in New York, who has written extensively on the history of recalls.

Here's a list of all the state legislators in the U.S. who have ever lost recall elections, based on data gathered from Spivak and numerous other sources and cross-checked with the National Conference of State Legislatures:

- 2003 – Wisconsin – Gary George (D)
- 1996 – Wisconsin – George Petak (R)
- 1995 – California – Doris Allen (R)
- 1995 – California – Paul Horcher (R)
- 1988 – Oregon – Bill Olson (R)
- 1985 – Oregon – Pat Gillis (R)
- 1983 – Michigan – David Serotkin (D)
- 1983 – Michigan – Phil Mastin (D)
- 1971 – Idaho – Aden Hyde (R)
- 1971 – Idaho – Fisher Ellsworth (R)
- 1935 – Oregon – Harry Merriam (R)
- 1914 – California – Edwin Grant (D)
- 1913 – California – Marshall Black (R)

The first obvious point about the list is how seldom the recall has been used successfully. Only 18 states give their citizens the power to remove their state legislators by recall, and in only five has it actually happened. No one knows how many recalls have been attempted, but only 20 have succeeded in gathering enough valid signatures to force a recall election, and only 13 have succeeded in removing a legislator from office.

History tells us that most of the 16 recall attempts under way in Wisconsin are likely to fail. It also tells us that if three or four succeed, it would be entirely without precedent.

The situation in Wisconsin today echoes some of the circumstances of past recalls: a recent partisan shift in power; policy initiatives that take opponents or the public by surprise; and extreme or dramatic legislative conduct.

Surprise, shock and outrage are mobilizing. The prelude to the current recall drives has been a series of jarring events for both sides: Gov. Walker's sweeping plan to take away collective bargaining rights, which wasn't part of his election campaign; the Democrats' extraordinary decision to leave the state; the protracted protests that invigorated labor and the left while offending the right; and the sudden parliamentary moves Wednesday that paved the way for passage of the union changes.

While it came after the recall drives were launched, that last step could have a major effect on their outcome. It concluded the legislative stand-off in a way that left Walker's opponents united instead of divided, as they might have been had it been the Senate Democrats' return to Madison that enabled passage of Walker's plan or had they come back under a negotiated compromise. It also added to what political scientist David Schecter calls the "circus atmosphere" of the whole legislative saga. Past recalls suggest that "the public has very low tolerance for that kind of stuff," says Schecter, a professor at California State University, Fresno, who has written about gubernatorial recalls.

In other ways, the Wisconsin recall drives stand apart historically.

Most successful recall drives have been non-ideological in nature or have drawn their energy from the right, not the left. The Michigan lawmakers in 1983 were ousted for supporting tax hikes. The California legislators in 1995 were targeted for collaborating with legendary Democratic legislative leader Willie Brown. In the only two successful gubernatorial recalls-- in California in 2003 and North Dakota in 1921 -- the targets were left-of-center governors replaced by more conservative politicians.

Many successful and failed recalls were intra-party fights in which incumbents were ousted for straying from the party or ideological line. But the Wisconsin recalls pit party against party and left against right. That will make it all but impossible for either side to prevail in state Senate districts where the incumbents' party dominates, which describes at least two of the eight GOP districts and four of the eight Democratic districts where recall efforts are active.

No previous successful recall has featured simultaneous efforts by both the right and left to recall different sets of legislators over the same issues. That means the Wisconsin recalls could plausibly claim victims in both parties. Republicans so far appear to have more to lose in this year's recall drives, because of the intensity of the anger on the left against Walker, the early polling evidence that independents have been breaking against the governor, and the ready-made organizing infrastructure of the unions themselves. Losing a major policy fight, as Democrats have just done, is usually more galvanizing than winning one (just as "Roe v. Wade," a setback for abortion opponents, has proven such an organizing force for social conservatives).

If the depth of Democratic anger is almost a given, the level of Republican intensity is more of a wild card in the recall equation. State GOP chair Mark Jefferson says that anger in some districts over the way the Senate Democrats handled the budget debate "is not to be underestimated." In one recent poll, 69% of self-identified Democrats in Wisconsin had a "strongly unfavorable" opinion of Gov. Walker, but roughly the same share of Wisconsin Republicans (72%) had a "strongly unfavorable" view of Democrats in the state Senate.

Finally, the most distinguishing factor about the Wisconsin campaigns is their national dimension, which has not been a feature of past recalls. While the recall of California Gov. Gray Davis and his replacement by Arnold Schwarzenegger in 2003 drew huge national attention, it didn't have the national policy and partisan overtones of the Wisconsin fight.

The national parties and outside groups are hugely invested in the outcome in Wisconsin. Many Republicans regard what Walker has done as an expression of their 2010 national election mandate. For Democrats, it's the epitome of overreach. The two sides are not only preparing for the next election but still fighting over the meaning of the last one. Along come the Wisconsin recall elections, in a highly symbolic battleground-state setting, occupying the space between the 2010 and 2012 campaigns, to offer validation and energy to the winners.

"It's all about the momentum," AFL-CIO president Richard Trumka said this week about the Wisconsin recalls.

At the same time, there's a danger in seeing the Wisconsin recalls in purely national terms. Just because national groups on both sides will be frantically fundraising off the Wisconsin fight and pouring bodies, expertise and money back into it, doesn't mean the battle here is a manufactured top-down creation of outside forces and interests. This particular debate has come to a state with a highly developed political infrastructure and a pronounced culture of engagement. Outside money and attention stoke engagement. But as the past several elections have shown, there is plenty of homegrown anger and energy to go around.