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Power To The People:
The Progressive Movement for the Recall, 1890s-1920

Rod Farmer

Rod Farmer, Ph.D.
Franklin Hall
252 Main St.
University of Maine at Farmington
Farmington, Maine 04938
Phone: (207) 778-7161 (office)
(207) 778-9298 (home)
Email: farmer@maine.edu
Fax: 207 778-7157

Historian Warren Susman said of the people of the United States that: “The American is most characteristically a reformer and his history a series of reforms.” Susman saw “an almost continual impulse to reform from the days of the first English settlers on this continent who proposed from the start nothing less than.....the establishment of the Kingdom of God.”¹ Each generation of Americans has had its particular collection of reform efforts. That period known as

the Progressive Era, from the 1890s to around 1920, brought a great change to American life by implanting in the nation the idea that government should be more proactive in solving economic and social problems and more responsible for creating a just and humane society. However, for most progressives, this enlarged government was also to be a more democratic government, because only a more democratic government could be trusted with the new powers and responsibilities. Historian Arthur S. Link found that, beginning in the 1890s, there “were many progressive movements on many levels seeking sometimes contradictory objectives” and that “despite its actual diversity and inner tensions it did seem to have unity; that is, it seemed to share

² common ideals and objectives.” This paper will hold that the democratic ideal was one of those common ideals shared by most progressives, and this ideal can be identified in the crusade for the

recall. Theodore Roosevelt, in a 1911 Outlook article, said that of all the various progressive reform proposals: “The proposition that will excite most misgiving and antagonism is that relating to the initiative, referendum and recall.”³ Of these three reforms, historians have paid the least attention to the movement for the recall. A 1912 publication of the National Municipal League defined the recall as “the right of the electors in any state or municipality to end by an adverse vote the term of any elective officer before the expiration of the period for which he was

elected.” The recall would later also, in some states, include certain appointed officials. A 1915 debaters’ handbook on the recall issue explained the recall this way:

The manner in which it is employed varies considerably in the different states but the usual

form of procedure is as follows: A petition, containing a brief statement of the charges preferred against the official to be recalled, and signed by a fixed percentage of the voters.....is filed with the proper recording officer clerk.....[and] within a stated time an election must be called at which the officer in question must stand for re-election, usually competing with other candidates for the same office.

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A 1915 political science college textbook explained the recall this way: “In order to complete popular control over.....government the recall has been adopted.....[and].....it allows the voters to retire officials for any reason whatever which seems satisfactory to the electorate.” The recall rested upon the assumption that government officials should represent the direct will of the citizens.

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Any significant alteration in any particular representative government is often related to alterations of how citizens view government and themselves. In the case of American government, historian and progressive Charles Beard, writing in 1912, identified a series of evolutionary alterations for the purpose of extending the political power and activities of voters, from the time of independence when “the voters were practically restricted to the single function of choosing representatives and electing officers, except in town-meetings” to the early twentieth century when voters now participated “in determining public policy in matters great and small.” Beard pointed to the fact that before 1800 only three of the state constitutions had been submitted to the voters for their approval; but between 1840 and 1860 every state constitution adopted was put before the voters. For Beard, by the middle of the nineteenth century

“submission of constitutional provisions to popular ratification was a fundamental principle of American public law.” To the degree eighteenth-century authors of state constitutions distrusted strong executive powers, nineteenth and early twentieth-century citizens sought to curb

the power of the legislative branch. For example, during the nineteenth century many states adopted constitutional limitations on a legislatures’ abilities to tax and increase state debts.

Increasingly, state legislatures lost powers as voters decided the fates of constitutional amendments and bond issues. During the nineteenth century, state constitutional conventions often placed in new state constitutions limits on state legislatures, such as allowing legislatures to

meet only in alternative years, or placing a limit on the number of days a legislative session could

meet, or provisions forbidding the legislature from enacting certain types of laws. For Beard the history of the nineteenth century had been largely “a record justifying the extension of popular power.”⁷

The populists and progressives, those who supported the recall, initiative, and referendum,

were not an aberration but part of a century-long transfer of particular legislative powers from legislative bodies to popular votes. Historians have identified progressives as members of various

social and economic classes. Too often historians have waged arguments that the progressives were primarily of one particular class. Taken in the aggregate these historians have identified progressives in all classes, though some classes were more influential in some of the diverse reforms that fit under the title “progressive.” Not even all self-identified progressives could agree on who was and who was not a progressive. Progressives disagreed amongst themselves on many issues, especially on such issues as legalized gambling, prohibition, and other moral

issues. But the vast majority of progressives did agree on the value of democracy----thus the reason why most progressives supported extensions of democracy through the direct election of U.S. Senators, the addition of the initiative and referendum to state constitutions, and many other democratic reforms. For many progressives the passion for democracy outweighed all other considerations. Historian George Mowry, for example, found that for California progressives

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“democracy was a thing to venerate.” In our own skeptical age we sometimes forget that people

have, at times, been as motivated by and dedicated to political ideas as they are at times motivated

by religious, social, and economic ideas. In this paper it is assumed the progressives’ democratic

rhetoric was, usually, based on deeply held ideals. Ideals do not have to be achieved to be real.

In any period of history, most individuals motivated by ideals will have some intellectual and emotional contradictions in their lives and will at times not live up to their own deeply held ideals.

Historian Carl Degler argued that ideas can have a life of their own: “And by ‘life of their own’ I mean that men defend or oppose ideas for reasons not always related to their immediate self-interest, or to the socioeconomic character of their society.” Although economic and social

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pressures could be powerful, Degler believed that “ideals are tenacious.” A progressive’s

membership in a special interest organization, such as a labor union, the Grange, or a Chamber of

Commerce, does not rule out that individual’s attraction to and belief in democratic ideals. Most

progressives were both democratic and pragmatic in that typically they rejected both the extreme political right and the extreme political left. Although both wealthy business individuals and individuals who were socialists belonged to the progressive movement, most progressives were

looking for a pragmatic middle way, i.e. liberal solutions to contemporary problems. These liberal solutions, such as the initiative, referendum, and recall, required the assumed existence of what historian Richard Hofstadter called “the Man of Good Will.” This individual would have the common good at heart, and this liberal person would be capable of understanding the issues in initiative, referendum, and recall elections. It was assumed that the majority of voting Americans could become these well-informed liberal/progressive citizens. As Hofstadter pointed out: “Without such assumptions the entire movement for such reforms as the initiative, the referendum, and recall is unintelligible.”

Some of these liberal/progressive citizens were most comfortable with and identified with small businesses, others with the professions, others with unions, others with large corporations, and others with farming. Many vocal progressives may have been from the middle class; but there were progressives in all classes. In 1907 the progressive Los Angeles Express vehemently declared “class government is always bad.” The progressive movement drew upon the farmer and union protest movements of the preceding four decades, upon the Grangers, populists, socialists, and reform visionaries and critics such as Edward Bellamy and Henry George. Though the progressives had deep American roots, the progressive movement was part of a larger Western European reform movement, where a variety of nations were attempting various reforms so as to adjust democratic and humanitarian ideals to a fast growing industrial and urban culture. Because of these diverse roots, some American progressives were looking for panaceas, for one reform or a collection of reforms that would bring back a superior past or bring forth an improved future.

Both the past-oriented and the future-oriented progressives could at times be logical and honest about the past or possible future and at other times be highly romantic or visionary about a supposed golden past or perfect future. Some individual progressives were a mix of past and future orientations as well as mix of logic and romance.

The early roots of the recall concept may go back to the process of ostracism used in ancient Athenian democracy, whereby a vote of the citizens banished a politician from Athens for a period of ten years. In mid-seventeenth-century England, the Levellers sought the right to elect and subject to the recall government officers, judges, and local clergy. The 1780 constitution of Massachusetts provided for the recall of delegates to the Congress of the United States. These delegates could be recalled at any time during the delegates' one-year terms. The Articles of Confederation (1781-89) provided state legislatures with the right to recall congressional delegates. Here the recall power was with state legislatures and not directly in the hands of the voters; however, this was a recall and it was in this first constitution of the United States. The recall was proposed and discussed at the 1787 Constitutional Convention. During the following ratification process, a few critics refused to support the new constitution because it did not have a recall provision. Delegate Luther Martin informed the Maryland state legislature that the lack of a recall provision, especially for the six-year seats in the U.S. Senate, would lead to a lack of accountability. Martin held that: "The representative ought to be dependent on his constituents and answerable to them."¹² Martin was in the minority; however, his campaign is evidence of early recall roots.

Another pre-Progressive Era recall root can be found in the process of voters instructing representatives on how they should vote in the legislature. The recall assumes that voters should

have a degree of control over how government officials act in office. This same assumption supported the practice of instructing. Progressive recall supporters assumed that “the relation of the voters to an elective officer is that of principal and agent.”¹³ Some progressives were aware of the theoretical connection between instructing and the recall. A. Lawrence Lowell, president of Harvard University and a recall supporter, wrote in 1913 that the recall was “akin to the practice freely employed at one time in Massachusetts of adopting in town meetings instructions

to the representative.”¹⁴ With the process of instructing, New England towns, usually at town meetings, would issue either mandatory or advisory instructions to the town’s representative in the legislature. Massachusetts towns began instructing representatives as early as 1642. Boston’s first instruction was in 1653, and after 1700, Boston issued mandatory instructions with

increasing frequency up through the American Revolution.¹⁵ Overtime the process whereby colonial Boston’s representatives to the Massachusetts General Court were instructed became more democratic, more popular, in that the voters directly, in town meetings, assumed a greater role in the authorship of instructions at the expense of the selectmen. Historian Michael Zuckerman, in explaining the New England instruction process, said: “Implicit in the mandate was

a denial of autonomy to representatives which was, above all, a very direct denial of their separation from their constituents.” Zuckerman sited a Worcester, Massachusetts instruction which averred that “all officers are nothing more, than Servants to the People.”¹⁶

The instruction habit in some of the colonies had further roots in English political heritage.

Historian Bernard Bailyn pointed out that in the early years of the American colonies there was a partial recreation of a type of parliamentary representation that had flourished in medieval

England.¹⁷ In the medieval English Parliament local interests predominated and represented

towns and communities issued binding instructions to their representatives. This medieval instruction practice had lost ground in England by the sixteenth century; but the practice was reinvigorated in the English colonies. The instruction concept did make a comeback in England in

the eighteenth century when reformers called for the use of instructions as a means of making sure

members of the House of Commons represented the interests of their constituencies. Both the English Levellers of the seventeenth century and the Radicals of the eighteenth century believed that every voter possessed the reasoning ability to make the voter qualified to judge political issues. In English Radical thought Parliamentary representatives were “delegates,” the “proxies”

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and the “attorneys” of the people who had elected them. The English usage of binding

instructions may go back to the very beginnings of Parliament. In the American democracy’s English seeds was the old Whig belief “that the whole people had once been able to meet in a single assembly, and that the practice of representation had been instituted simply to avoid

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confusion as numbers grew too large.” This Whig belief supported the right to instruct

representatives. In America, the increased use of instructions during the colonial and Articles of Confederation periods was evidence that citizens had less confidence in their representatives.

This use of instructions was related to other power shifts, from government officials to the voters:

the growth of the idea of a written constitution being superior to government officials; the

demand for residence requirements for representatives; the growth of actual over virtual

representation; and the use of specially elected bodies, and not colonial or state legislatures, to

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write new constitutions. In the first Congress under the new U.S. Constitution, there was some effort to include the right to instruct representatives in the Bill of Rights; but the proposal did not

receive enough votes. The constitutions of Massachusetts, Vermont, Pennsylvania, and North

Carolina had provisions for instructing state legislature representatives. Not until the 1780s was

there a strong challenge to instructing, a challenge led partly by Alexander Hamilton and James Madison. Their argument was primarily against the intense localism often connected to instructing and in favor of representatives representing statewide and national needs and interests.

After all, the new Constitution had been created in part to overcome the threats and vices of localism. At the state level, as legislative districts grew to include more and more towns and larger populations, instructing of representatives to state legislatures became less workable.

What was a state legislator to do if three of the towns in his district instruct him to vote one way and the other three towns in his district instruct him to vote the opposite way? In the end, instructing was not rejected in the late eighteenth century for theoretical reasons but side-tracked by population and district growth. In the twentieth century the progressive movement for the recall would reinvent the concept of popular control over government officials.

Although there were conceptual roots for the recall in the English and early American past, the contemporary example for the recall was in Switzerland. The recall, in the form popular with progressives, was first employed, along with the initiative and referendum, by the Swiss. The Swiss had long allowed for the calling of a vote to discharge canton officials. This was part of the Swiss political culture, although the recall did not formally become law until the 1850s. The American progressives were enamored with the Swiss democratic habit (especially the initiative, referendum, and recall), and they often made references to Switzerland's democratic practices in both their theoretical and campaign literature. The modern recall made its first American appearance with the populists of the 1890s. At first populists referred to the recall under the name "imperative mandate."²² The populists believed that political and economic

justice would come only by bringing more democracy to a corrupt and distant government. Populist and Social Labor party state and national platforms called for the recall in the 1890s. The recall, like many populist ideas, would be picked up and implemented by the succeeding progressives. Progressive Benjamin DeWitt reported in 1915 that the initiative, referendum, and recall “have been more widely discussed, more bitterly condemned, and more loyally praised than

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almost any other measures connected with the whole progressive movement.” The recall was one of those issues that truly clarified the values differences between progressives and conservatives. William Bennett Munro, editor of the 1912 The Initiative, Referendum and Recall

for the National Municipal League, said of the recall: “There has been no more striking phenomenon in the development of American political institutions during the last ten years than the rise to prominence in public discussion, and consequently to recognition upon the statute-
book, of those so-termed new weapons of democracy----the initiative, referendum and recall.”
Contemporaries saw the recall, along with the initiative and referendum, at the heart of the progressive movement. A few small Western communities had adopted the recall by 1900; however, it was the adoption of the recall by a major city, Los Angeles, that initiated the momentum for the recall in many parts of the nation.

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It was Los Angeles physician and progressive Dr. John R. Haynes who led the city’s recall crusade. Haynes had studied the use of the recall while in Switzerland and had read about the recall in American populist, socialist, and labor union literature. He based his recall design on what he had observed in Swiss cantons and modified the provision to fit American government. Haynes would become known in America as the “Father of the Recall” because he was the first to

successfully bring the recall to a major city. Haynes was motivated by his desire to defeat the city's widespread political corruption. Many city citizens assumed that their city government was controlled by party bosses who were in turn controlled by major businesses and corporations, especially the Southern Pacific Railroad. Haynes and his allies were able to get the recall and other progressive provisions written into a new city charter, which was approved by a four-to-one margin in 1902. The charter then went before the California state legislature for final approval. Although the recall provision received much opposition from conservative state legislators, the charter was accepted, with the recall provision intact, in 1903. The movement for the recall had its origins in a progressive reaction to a corrupt and corporation-dominated city government. San Diego adopted the recall in 1905. By 1911 most California cities with home rule charters had added the recall. In some California cities the recall was applied to appointed as well as elected officials. Seattle, Washington voters added the recall to their city charter in 1906. Seattle's recall contained typical provisions. For example, to initiate the recall election, those supporting the recall had to have a petition signed by voters equal to twenty-five percent of the entire vote for all candidates for that office in the most recent election. The petition had to include a general statement on why the petitioners thought a particular elected official should be removed from office. The city clerk had ten days to check the authenticity of the petition's signatures. Then the city council set an election date that was not less than thirty days nor more than forty days from the date of the clerk's certification of the petition. The incumbent's name was automatically placed on the ballot, unless the incumbent declined. Other candidates were placed on the ballot by petition, with signatures equaling five percent of the total vote cast for the incumbent against

whom the recall was directed. Seattle's recall was a typical recall provision; however, the details of the provisions varied from city to city and state to state. For example, recall provisions often varied as to the number of signatures needed on recall petitions.

In 1909 the progressive journal The Independent spoke of the "rapid growth of the movement for the insertion of recall provisions in recent charters." Both supporters and opponents of the recall acknowledged that the adoption of the recall was closely connected with the growth of city home rule and commission charters. Recall critic Ellis P. Oberholtzer, in his 1912 The Referendum In America, a book often cited by both opponents and supporters of the recall, stated that: "A great impetus has been given to this particular movement by making the recall a feature of the commission form of government in cities. Nearly everywhere, like the initiative and the referendum, it goes hand in hand with the commission charter." A 1912 report

in the Annals of the American Academy found that "the circumstance which give to the recall its greatest vogue was its incorporation in the commission government laws." Iowa, Texas, and South Dakota soon had many city governments with the recall. In 1911 California applied the recall to all elective county officials.

Oregon was the first state to adopt the recall for all state officers (1908). The Oregon recall included the judiciary. This constitutional amendment came from a petitioned initiative. During the Progressive Era, Oregon, California (1911), Arizona (1912), Colorado (1912), Nevada (1912), Washington (1912), Michigan (1913), Kansas (1914), Louisiana (1914), and South Dakota (1920) adopted some form of the recall for state officials. It was during this time that the statewide recall gained the majority of its adoptions. Some historians believe that progressivism reached its flood tide around 1912. Certainly the recall made significant advances,

on the state level, in the 1912-1914 period. As of 1920 all of the states with the recall for state officials were Western or Midwestern states, except Louisiana. The recall was most popular west of the Mississippi River. When the California legislature approved the statewide recall and referred it to voters in 1911, the recall measure received greater voter support than other progressive measures on the ballot, such as provisions for the initiative and referendum and women's suffrage.

In the progressive's arguments for the recall, whether for the recall on the local or the state level, they did not see the recall as a replacement of representative government but as an improvement for, a savior of, representative government. A. Lawrence Lowell wrote in his 1913 book Public Opinion and Popular Government that the recall was "a new device for keeping the representative under control" and that "the recall assumes that the representative is essentially a delegate, whose duty consists in giving effect to the prevalent opinion of his district, instead of a public servant charged to exercise his own judgment." To opponents of the recall, this was radical thinking, a threat to the nature of representative government. When Haynes, the "Father of the Recall," began his movement in Los Angeles, he argued that the recall was not a radical idea, an argument echoed by the vast majority of recall supporters. A 1908 essay in the progressive journal Outlook argued that the recall, initiative, and referendum were 'measures intended to restore popular government to the people by destroying the control of private influences over legislative bodies.' Municipal reformer Charles F. Taylor considered the recall, along with the initiative and referendum, essential for authentic municipal reform. Taylor called these three reforms the "three graces" and the "Trinity of democracy." Although some of the first advocates for the initiative and referendum did not include a call for the recall, the recall was

soon connected to these two direct democracy methods in the minds of both progressives and conservatives. Overtime, the recall did become controversial enough that it was often debated “distinctly on its own merits rather than as part of a larger scheme,” according to the editor of the 1915 Selected Articles on the Recall, a volume in the Debaters’ Handbook Series.³²

The pro-recall progressives believed that democracy had been endangered by corrupt politics. Both progressive proponents and conservative opponents of the recall agreed that most Americans believed that political corruption was widespread in American government. William Bennett Munro, editor of a 1912 National Municipal League publication on direct democracy and

the recall, summed up the mood with this statement: “Popular distrust of the present system of law-making is undeniably widespread and deep.” According to Munro, in the popular mind there

was a belief that “various organized interests----political machines and economic corporations---

whose wishes do not usually run parallel to those of the electorate” were in control of state and municipal governments.”³³ Pro-recall George Guthrie made the common progressive argument

that bosses and machines controlled many state and local governments and blocked needed legislation. In Guthrie’s opinion: “No remedy has ever been suggested except the initiative,

referendum and recall.”³⁴ Charles Beard echoed the progressive assumption, that same

assumption that had underlay the earlier process of instructing, that elected representatives should

express and bend to the opinions of the voters. Beard argued that “the principle upon which it [the recall movement] is based is simple, namely, that elected officers are merely the agents of

popular will, and that the electors should have an opportunity at all times to pass upon the

conduct of their representatives.” Like some other progressives, Beard favored the recall if it was connected to a shorter ballot, i.e. that there would be fewer government positions that would

be elective and more would be appointive and that some elective positions would have longer terms. Beard was concerned that voters were often overwhelmed with voting for long lists of local and state officials, from city dog catcher to state veterinarian. Thus the recall would increase democracy and efficiency at the same time. For Beard, “the possibility of lengthening the

terms of public officers, a thing highly desirable for the sake of efficient administration, will doubtlessly commend the recall to the consideration of many.....who would otherwise be opposed

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to it in any form.” Beard was not unusual in wanting both more democracy and increased administrative efficiency at the same time. It was common for progressives to argue for the recall

as something that would allow for longer terms in office and shorter ballots. Making terms longer

and more positions appointive rather than elective would be a decrease in democracy for the sake of efficiency; however, the increase in democracy via making many of the remaining positions (with their longer terms) subject to the recall would make a more efficient government also more democratic. Most progressives were not blind democratic ideologues who believed increased democracy alone would improve government.

One of the primary debating points over the recall was whether or not the recall was a radical departure from American democracy, as claimed by many recall opponents. Benjamin DeWitt, in his popular 1915 book The Progressive Movement, made the typical progressive argument that the recall was not radical, holding that “the fundamental theory of the recall, far from being either revolutionary or strange, is quite simple and familiar.” DeWitt argued that the recall was related to the parliamentary system where members were elected to terms of a particular length but if the voting public became dissatisfied with Parliament’s performance they

could bring pressure for an earlier election. For DeWitt, since the completed recall petition did not automatically recall the official but merely called for an early election, the recall was not radical. He rejected the argument that the recall would stifle the independence of elected officials.

Instead, according to the influential DeWitt: “The recall is designed not to make men in office less

independent, but to remove the dependent.” He, like most progressives, believed many office holders were dependent on special interests at the expense of democratic government. DeWitt, like other progressives, always wrote glowingly of popular government. DeWitt believed that “every objection raised against these measures [the recall, initiative, and referendum] can be traced

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to a distrust of popular government.” The progressives saw themselves as the true democrats busy perfecting democracy. Merely having the franchise was an imperfect democracy. In the words of one Columbia University progressive: “So long as the voter may not at any time recall his chosen representatives his franchise is only a remnant. The right to elect and the right to

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recall---each complements the other.” Progressives saw the recall as one more step toward real democracy. Whether the step taken was acquiring the recall, the initiative, the referendum, or

direct election of U.S. Senators, the conservative opposition was viewed by progressives as less confident in democracy. William Jennings Bryan, around 1914, held that: “The attacks which were formerly made upon the initiative and referendum have been directed more recently against....the recall. But it will be found upon examination that the recall is an evolution rather than a revolution.” Bryan, like some other progressives, compared the recall to impeachment, something that was part of the American political tradition: “The only difference between the recall....and impeachment....is that in impeachments the trial is before a body of officials, while the

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recall places the decision in the hands of the people. Continually the progressives portrayed adoption of the recall as a normal evolutionary, liberal, moderate expansion of America's democratic heritage. The recall, it was pointed out, rested upon the traditional right of petition and due process of law, a political due process but still a due process procedure. A few progressives appealed to traditional business practices in their support for the recall. For instance,

it was argued that: "Adoption of the recall is nothing more than the application of good business principles to government affairs. Every wise employer reserves the right to discharge an employee whenever the service rendered is unsatisfactory." The primary argument for the recall

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was the expansion of democracy argument. In a 1910 North American Review article, Woodrow Wilson portrayed the device as a means of expanding the popular will over government officials. According to Wilson, "The recall is a means of restoring to administrative officials what the initiative and referendum restore to legislators-----namely, a sense of direct responsibility to the people who chose them"

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Progressives assumed that many government officials were either corrupt or incompetent or both; and at the same time the progressives assumed that the average citizen was more than competent enough to make political decisions. In the words of DeWitt, "The average member of a state legislature to-day is below rather than above the average citizen of the middle class in intellect and general ability."

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The pro-recall people usually labeled themselves as progressives and referred to the anti-recall people as conservatives. Progressives identified corporations and political machines as the primary opposition to the recall. John R. Haynes, in 1917, claimed that Senator Lodge and ex-President Taft were the main spokesmen for and leaders of those who opposed the recall. According to Haynes, Taft traveled the nation giving political lectures against the recall,

the initiative, and the referendum, labeling these devices “evil.” Generally, those who opposed the movement for direct democracy also opposed the recall. Soon after the progressives had won initiative powers in a city or state they would file an initiative petition for the recall provision.

Conservative critic of the direct democracy movement, Arnold Bennett Hall, held that: “The demand for the recall of public officers is the result of the same general spirit of discontent with the operations of representative government that found expression in the movement for the

initiative and referendum.” The anti-recall people were less discontent with the structure of the political system. They argued that any real problems in American politics could be corrected by having better people elected to office by a more responsible electorate. They pointed to low voter

turnouts as evidence of voter indifference and lethargy. America needed better citizens not new political machinery. According to President Taft, “The real solution of all our political

difficulties is found in the stimulation of good citizenship.” Often the opposition averred that the

recall would threaten the stability and order in American democracy. Typically they held that the

recall, along with the initiative and referendum, would create conditions for a tyranny of the majority. Senator Nicholas Murray Butler referred to the recall movement as reactionary. That

the recall had existed in the imperfect Articles of Confederation and had been rejected when it was

proposed for the for the new Constitution in its first (1787) draft was evidence, according to

Butler, that the recall was unsuited for American government. The conservatives tied their

position to their self-proclaimed desire to protect the Constitution. Some opponents of the recall

claimed the device was reactionary and from ancient Greece. The recall was, they claimed,

a return to the earlier and more primitive political methods of the republics of ancient

Greece, where Athens had foolishly recalled Thucydides, Alcibiades, and Pericles.
Conservatives

often argued that progressives were naive to think the recall could be used against urban political machines. Recall opponents held that the political bosses would use the recall to their own advantage. Opponents continually argued that the recall would bring political instability. One opponent, Congressman Samuel W. McCall, held that with the recall candidates defeated in an election could get supporters to sign a recall petition against the winners and force new elections; thus cities and states would “have perpetual warfare” in the ballot box instead of sensible elections. McCall argued that the existence of the recall would decrease the quality of people elected to office. He believed the recall would create a “government of the politician rather than government of the statesman.”⁴⁶

Recall opponents were often uncomfortable with how progressives described and labeled their opposition. Anti-recall Congressman McCall complained in 1911 that: “The quality assumed by the proponents of one or all of this trinity of reforms [recall, initiative, referendum] they express in the word ‘progressive.’ They are advocating ‘progressive’ methods of government, while those who disagree with them stand for reactionary methods. ‘Progressive is an alluring word.”⁴⁷ Other anti-recall folks referred to recall supporters as “wild-eyed reformers”

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with “uncontrolled zeal and unbalanced judgment.” Conservative critic Oberholtzer, in his often quoted The Referendum in America, referred to the recall, referendum, and initiative as “bludgeons” with which reformers hoped “to beat the heads of the slower-going parts of the population----the college-trained, the reflecting, the established property-holding parts of the nation.” Oberholtzer referred to recall supporters as “the same socialistic group of agitators who have been working in behalf of direct legislation, and who first made themselves prominent

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the Farmers' Alliance movement was flourishing." In his 1911 preface, Oberholtzer held that the

recall had become "inseparably joined with the initiative and referendum in the minds of those who have lately pressed forward to attack the representative system through the machinery of
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direct government."

Often both opponents and supporters of the recall saw it in a synthesis with the initiative and referendum. Recall supporter DeWitt argued that "the recall is complementary to the initiative and referendum in that it rounds out and completes popular control over all branches of state government." Yet DeWitt believed the recall was not as popular as the initiative and referendum and was seen by some reformers as too radical and was accepted by other reformers
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with great reluctance. At the time DeWitt made this statement (1915), seventeen states had the

statewide initiative and/or referendum but only eight states had applied the recall to state government. Beard, a progressive supporter of the recall, made the common argument that: "The movement for the recall has grown out of a lack of confidence in administration officials akin to that distrust of legislatures which was largely responsible for the establishment of the
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initiative and referendum." From the mainstream progressive perspective there was a natural

political evolution towards more democracy; and each democratic reform would be used to bring about additional democratic reforms. Typically, soon after a state or city acquired the initiative, that reform was employed to acquire the recall. Said one progressive in 1909: "Direct legislation
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is likely to result, before being long in operation, in the establishment of the recall." Some progressives did not consider the recall as necessary as direct legislation. Eltwood Pomeroy, President of the National Direct-Legislation League, placed the recall at a respectful distance from

his cherished initiative and referendum. For Pomeroy there was a problem of definition too, as he

pointed out in 1906:

The recall is not a part of the initiative or of the referendum, or of Direct-Legislation.

The recall is a democratic method kindred to Direct-Legislation in its underlying principle, and most of the advocates of Direct-Legislation believe in it, but it is not a part of Direct-Legislation. The National Direct-Legislation Convention, held in St Louis in 1896, by resolution permitted Direct Legislation and Referendum Leagues to attach the recall and proportional representation to their objectives, but expressly stated that neither of these was a part of Direct Legislation.

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Generally, within the progressive movement the recall campaign was parallel to the initiative and referendum campaign but of somewhat less importance due to the great value progressives placed

on direct legislation. Typically the same groups which supported the direct legislation crusade also supported the campaign for the recall: organized labor, civic reformers, socialists, and populists. Democrats were more likely to be pro-recall than Republicans. Citizens in the West were more likely to be pro-recall than citizens in the East. As with the opposition to direct legislation, this mostly unorganized opposition to the recall can best be labeled conservative. In both cases, these conservatives assumed that the average citizen had neither the interest nor the ability to intelligently vote in direct legislation and recall elections. Conservatives held that special interest groups would manipulate both direct legislation and the recall and thus thwart these particular efforts to improve government.

As the recall movement grew, some progressives began to call for the recall to be applied not only to elected and appointed officials but also to judges and to judicial decisions. The

application of the recall to judges and judicial decisions aroused more opposition than did the recall of executive and legislative officials. The American Bar Association, in opposition to the judicial recall, formed a committee to educate citizens about “the harmfulness of the recall as applied to judges and to decisions.” In 1913 this committee distributed 350,000 anti-judicial recall pamphlets. Also, ABA members published many anti-judicial recall articles in journals and

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newspapers. Some of the members of the anti-judiciary recall campaign accepted the recall concept when applied to the executive and legislative branches; however, they believed that the judicial recall would destroy the judiciary’s supposed independence from political influence. The

primary argument of the opposition was this concern for judicial independence, especially independence from elective politics, conformity to popular opinion, political passions, and policy debates. Supporters of the judicial recall, such as historian Charles Beard, rejected the idea that the judiciary was non-political and did not determine policy. According to Beard, in the United States judges were policy-making officials because of their power to rule on the constitutionality

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of legislation. Progressives believed that contemporary conservative judges had been politically

activist in voiding numerous pieces of progressive state and national legislation. This issue came

to a boiling point in the 1912 elections when ex-President Theodore Roosevelt, in his presidential

campaign, came out strongly for the judicial recall, including the recall of court decisions that had

declared a law unconstitutional. Roosevelt was asking for the voters to be given veto power over court decisions involving the constitutionality of laws. The “people” would have the final power

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of interpreting the national and state constitutions. Other nationally known progressives

supporting some form of judicial recall at this time were William Jennings Bryan and Senator LaFollette. Some progressives favored the recall of judges but not of judicial decisions. Some favored both. Of those who favored the recall of judicial decisions, some supported only the recall of constitutionality decisions while a minority believed any and all court decisions should be

subject to recall. DeWitt, and some other progressives, considered the recall of judicial decisions

a type of referendum and not really a recall at all. In which case, DeWitt argued, the so-called recall of judicial decisions was not at all radical because it was already common for voters to vote (via referendum votes) on newly written state constitutions and constitutional amendments. There was already a long tradition of popular votes affecting constitutions.

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Conservative opponents of judicial recall continually labeled this proposal a radical destruction of

judicial independence. Typical of this argument was a speech made by Congressman Legare of South Carolina and entered in the 1911 Congressional Record. For Legare the judiciary “is the only branch to which the minority can turn for preservation at all times. The executive and legislative are supposed to represent the majority.....but the judiciary is the harbor of refuge to which the minority can flee when pursued by the majority.” Conservatives argued that the judicial recall would destroy not only judicial independence but also all safeguards of private and

property rights. Conservatives used terms such as “socialism” and “tyranny of majorities.”

Congressman Legare saw in the recall mobs of “thugs and bums and loafers and sneak thieves and criminals” and “a howling mass of men drunk with power.” For Legare the judicial recall was

“radicalism run rampant” and “socialism gone mad” and would “mean rebellion and revolution,

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bloodshed and anarchy.” Congressman Littleton of New York employed the often used

argument that the already existing impeachment process was all that was needed to protect the judiciary from corruption. For Littleton, the judicial recall would replace the orderly process of impeachment with a radical process that would force judges to abandon justice due to intimidation

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by “the ugly faces of an angry mob.”

The opponents of the judicial recall saw themselves as engaged in a large-scale debate. One opponent wrote, in the 1913 Academy of Political Science Proceedings, that: “No public question in recent years has received more consideration. It has been the theme of debates, pamphlets, books and resolutions. Practically all the bar associations throughout the country have

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opposed it.” The judicial recall opponents often pointed to the need for checks on popular sovereignty. They agreed that popular sovereignty was in the foundation of American government but so too were checks and balances, such as the Bill of Rights, which protected popular sovereignty from self-destructive actions. Both sides of the judicial recall debate often quoted the Founding Fathers and Lincoln too. Both quoted The Federalist Papers, as if they were sacred writings in a great theological debate. For example, opponents often quoted Madison and Hamilton when arguing for an independent judicial branch. In numerous articles the

following Hamilton quote was used: “There is no liberty where the power of judging be not

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separated from the legislative and executive power.” Thus the debate over the judicial recall initiated a general debate over the nature of democracy, popular sovereignty, republican government, the Constitution, and the three branches of government. For example, Congressman

Hardy of Texas, when arguing in 1911 in the House of Representatives for support of the judicial recall, employed the following Jefferson quote: “A judiciary independent of an executive or king

alone is a good thing, but independence of the will of the nation is a solecism, at least in a republican government.”⁶² Continually supporters discussed the virtues of popular sovereignty.

Whereas impeachment of judges was conducted by a legislature, a “partisan tribunal,” the recall had the virtue of “going to the whole people where your case can be passed upon without

prejudice or partiality.”⁶³ These progressives had a great faith in a supposedly nonpartisan public. The rhetoric favoring the judicial recall was full of distrust of the courts, which appeared to progressives to be under the influence of corporate and conservative special interests. This was

similar to the distrust of state legislatures found in the rhetoric of those favoring the initiative and

referendum.

The progressives also made the argument that the recall of judges would actually increase stability and efficiency in the judicial branch because it would allow for longer appointments of judges and more life tenure appointments. This was the same argument made for the recall of elected and appointed officials in the legislative and executive branches; it was the idea that increased democracy via the recall would allow for longer terms of service and thus allow more order and efficiency. For many progressives the judicial role was to be respected but the judges themselves should not receive deference. In the words of pro-judicial recall Senator Robert L.

Owen: “A judge upon a bench is merely a lawyer employed by the people, at a salary, to interpret

law.”⁶⁴ Too often, said progressives, judges looked only after the welfare of big business and not

the people’s interest. A 1912 Illinois State Bar Association report, in supporting judicial recall, reported that: “From 1902 until 1908 the respective supreme courts of the different states.....

declared not less than 468 different statutes unconstitutional, and these were mainly statutes in the

interest of social and industrial justice, public health, safety and life.” According to these progressive lawyers, the courts had gone beyond interpreting to “making law, amending law and nullifying law, under the mask of interpretation” and all for the benefit of big business interests. 65

According to the author of a 1911 Atlantic Monthly article, a pro-judicial recall piece, judges through interpretation of law too often revealed that “they are more in sympathy with the trustsand those magnates popularly known as malefactors of great wealth” and this was a “serious 66 evil.” Another argument made by progressives was that since some judges were chosen by popular election in thirty-four of the forty-eight states, this assumption of the ability of the people to select judges supported the idea that the people had the judgement and knowledge to recall 67 judges.

In 1911 Congress engaged in a lengthy debate over the recall provision in the proposed Arizona constitution for this territory on its way to becoming a state. This recall provision included the recall of judges. Congress passed a resolution granting Arizona and New Mexico statehood on the condition that the Arizona constitution’s judicial recall provision be submitted to Arizona voters as a special item for their approval or disapproval. However, President Taft vetoed this resolution and sent a detailed message to Congress explaining his opposition. Taft did not reject the recall provision in the proposed Arizona constitution, only its application to the judiciary. Taft complained that it was wrong for Congress to admit Arizona with the judicial recall option. Taft did not want Arizona voters to vote on the judicial recall provision for fear they might accept the provision. Taft said: “This provision of the Arizona Constitution, in its application to county and State Judges, seems to me so pernicious in its effect, so destructive of independence in the judiciary, so likely to subject the rights of the individual to the possible

tyranny of a popular majority, and therefore to be so injurious to the cause of free government,
that I must disapprove a Constitution containing it.”⁶⁸ After receiving this veto message,

Congress passed a new resolution, which dropped the judiciary out of the Arizona recall provision. In these 1911 Congressional and Presidential actions, the recall as applied to non-judiciary officials was generally accepted by the majority. Only the judicial recall was fought

over. Progressives might feel the sting of defeat over the judicial recall in this debate; however, the debate was also evidence that the non-judiciary recall was now acceptable in the American political mainstream. The judicial recall would never make it into the mainstream political culture.

Many of those who supported the judicial recall of decisions, the judicial referendum, wanted it applied only to judicial decisions dealing with the constitutionality of laws. Theodore Roosevelt became the most well-known advocate for the recall of judicial decisions dealing with the constitutionality of laws. Roosevelt’s proposal was not that a court’s decision, its judgement in the case, would be recalled but only the court’s opinion and decision that a particular law was contrary to a constitution could be recalled. Both the progressives and the conservatives referred to Roosevelt as the author or creator of the push for the judicial referendum of judicial decisions.

Those progressives who joined Roosevelt’s judicial referendum movement often complained that recent court decisions were blocking “advanced economic legislation,” such as “legislation designed to rectify some of the more glaring evils of our present industrial system,
such as statutes regulating hours of labor, work in tenements, and workmen’s compensation.”⁶⁹

Roosevelt claimed that injustices had been created by some state supreme courts that had sided with the wealthy and powerful at the expense of the weak. These judges had, according to Roosevelt, blocked needed social justice reforms through “a monstrous misconception of the

Constitution, a monstrous perversion of the Constitution into an instrument for the perpetuation
of social and industrial wrong and for the oppression of the weak and helpless.”⁷⁰ Some
opponents of the judicial recall were sympathetic with the economic reform ideals of the judicial
recall supports; however, they objected to using the judicial recall as the means for obtaining
these
ideals. Despite the opposition, Colorado became the first state to adopt the recall of judicial
decisions in 1912. The recall of judicial decisions was added to Roosevelt’s 1912 Progressive
Party national platform.

Despite the size and heat of the national debate over the judicial recall, when the word
“recall” was used in newspapers and political debates it was usually in reference to the recall of
state, city, and county legislative and executive officials, typically a mayor or city council
member.

In 1902 Los Angeles became the first large city to adopt a recall provision in its charter. In 1904
Los Angeles voters were the first urban voters to use the new progressive device, when they
voted two to one to remove a member of the city council. Shortly after the new city charter had
been accepted, some Los Angeles citizens in the sixth ward became dissatisfied with their
member

of the city’s Common Council, J. P. Davenport. He was accused by some city newspapers of
selling city contracts, of being allied to liquor interests, and of selling his vote on the Council.
A

typographical union initiated the petition for a recall election. The union was upset because
Davenport had supported the Council’s awarding of the contract for city printing to the

Los Angeles Times, a Republican newspaper known for its opposition to organized labor.⁷¹

The newspaper had been awarded the contract even though its bid had been considerably higher
than the lowest bidder, another newspaper. Because there were many union members from a
variety of unions in the sixth ward, labor leaders decided to concentrate the recall against the

sixth

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ward's Council member, Davenport. The first petition was thrown out by the courts on a technicality related to questions about some of the signatures. But a second petition proved legally valid after a court battle, where Davenport had contested its legality. In this second court battle, the judge upheld the constitutionality of the recall. In the following recall election campaign, the Los Angeles Times supported Davenport and all other city newspapers supported Davenport's recall. Even though only the voters of one ward could vote in the recall election, the

whole city became involved in this first recall election. Davenport lost to Dr. Houghton, the candidate of progressives and unions. The Los Angeles Times blamed Davenport's loss on

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socialists and labor unions. The utility corporations and the Republican party had supported Davenport. Following Davenport's recall, various progressive publications celebrated this first successful employment of the recall. For example, an article in the progressive Independent

applauded this initial use of the recall where for the first time, in a "purely democratic act" a public official had been discharged from office "because his constituents did not like his actions."

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The second use of the recall in Los Angeles involved the 1909 recall of mayor Arthur C. Harper, an officer of a large bank and a Democrat. The Municipal League of Los Angeles circulated the recall petition. A city prosecutor, Thomas L. Woolwine, had accused the mayor of corruption and of protecting vice. Harper resigned two weeks before the recall election. The election was held and the Municipal League's candidate, George Alexander, won the mayoral election. Both progressive organizations, such as the Municipal League, and some conservative groups, such as the Chamber of Commerce, had supported the recall campaign and petitions. The

charge of corruption and graft lost Harper both liberal and conservative support. When even the

Southern Pacific Railroad, long an influential conservative and corporate special interest in Los Angeles, deserted Harper, he decided he could not win in the recall election and dropped his candidacy.⁷⁵ For the first time, a mayor of a major city had been removed from office via the recall.

Oregon became the first state (in 1908) to adopt the statewide recall, a recall that applied to many state and local offices. In 1911 Seattle, Washington ousted its mayor with the recall.

Seattle mayor Hiram G. Gill had been accused of corruption. This was the second time the recall had been successfully employed in a large city.⁷⁶ This recall action had been initiated by Seattle's

Public Welfare League, which accused Gill of allowing an alliance between the police department

and crime syndicates and a variety of other corrupt behaviors. In a 1912 National Municipal League publication, Fred Catlett, secretary to the mayor of Seattle, explained some of the mechanics of Seattle's recall:

Those favoring a recall of an officer have organized an association, collected funds, formulated certain very general charges of inefficiency, and maladministration, printed many hundreds of petitions, and placed them in the hands of anyone willing to take them.

Some of this passing of petitions is done gratuitously, but much of it is also undertaken by

paid solicitors----though sometimes paid by the day, more often it is at so much per name,

generally ten cents.....Behind Mr. Gill lined up all the old politicians, all the saloon and gambling element, the brewers, the pool-rooms, the cigar stands, the habitues of the

restricted district.....and a good many of the so-called "business men." On the other side

were the Public Welfare League, the Municipal League, all the Protestant churches, the

various women's clubs, and also a large part of the influential business and professional
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men.

Soon after the Seattle recall, the mayor of Tacoma, Washington was successfully recalled, after being accused of incompetence and vice. The West was leading the way in adoption and use of the recall. The first attempt to recall a judge was in Oregon in 1911; this first attempt to use the judicial recall of a judge failed because those who initiated the petition did not get the necessary
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twenty-five percent of the voters to sign it.

Charles F Taylor, a physician, editor of The Medical World, and editor of the progressive journal Equity, wrote an article for a 1914 issue of the National Municipal Review, a piece tabulating the successes of the direct democracy movement. Taylor had surveyed 335 commission-governed cities across the nation to discover how many had implemented the initiative, referendum, and recall. Of the 279 cities that completed the survey instrument, only eighteen had none of these three reforms, while 197 had all three and the rest had one or two of the three. Fourteen had only the recall. Of the 261 that had adopted at least one of the three, 219 had the recall (while 239 had the initiative and 239 had the referendum). So, the recall was almost
as common as the initiative or referendum in the commission-governed cities completing the survey. Also, many cities without the commission form of government had the recall. Taylor found that twenty-seven of the 219 commission-governed cities with the recall had employed it (as of September, 1914). Since thirty-one of the 239 cities with the initiative had used that device
and twenty-six of the 239 cities with the referendum had used that device, the recall had been used about as often as the initiative and referendum in commission-governed cities. Most of the cities with the recall had not used it, which progressives had argued would be the case when they began the movement for the recall. Taylor argued that since most cities with the recall had not

used the recall, initiative or referendum as of September, 1914, this was evidence that the progressives had not created these devices for radical purposes but as backup or reserve democratic tools to be used only when the traditional organs of democratic government had failed. Taylor reported on various uses of the municipal recall. Approximately one-third of these recall attempts had succeeded, and the officials had been removed from office. With the two-thirds of recall attempts that had failed, some had failed at the petition level while others had failed in the recall elections to remove the officials named in the petitions. Most of these recall attempts had been aimed at mayors, city commissioners, school board members, and in one case, a water and sewer commissioner.

During the Progressive Era (1890s-1920) ten states adopted some form of recall for state officials. Scores of cities and towns (including cities and towns in states without statewide recalls) also adopted the municipal recall. Some of the states without the statewide recall saw considerable recall action in some of their cities and towns. This was especially true for Texas, Oklahoma, Washington, and Wisconsin. After 1920 several states would adopt the recall for state officials; however, the greatest acceptance and growth of the recall concept came during the Progressive Era. Although twice as many states adopted some form of statewide direct legislation (either the initiative, the referendum, or both devices) as adopted the recall for state officials during the Progressive Era, the progressives made the recall a permanent part of the American political culture. The adoption of the recall on either the state or local level since 1920 has been slow; however, the adoption process has not stopped (Montana adopted the recall in 1976 and Georgia in 1978). The spread of the recall may have been slow since 1920, but no state

which adopted the recall has later dropped the device. The recall was a successful progressive

reform, because the recall gave hundreds of thousands of citizens greater influence, directly or indirectly, over their government officials. The campaign for the recall was one additional step in

the evolution of American democracy. The progressive movement led to a dozen or so steps on the democratic stairs: the initiative, the referendum, direct-election of Senators, etc.

As in other periods of liberal reform, such as the New Deal, the nation was educated by a great debate over the nature of democracy and representative government. Woodrow Wilson, in a 1910 essay, referred to the progressive movement as “a contest of ideals.” For Wilson, and for many progressives, the progressive reforms were aimed at America’s primary problem, which was, according to Wilson, “the control of politics and of our life by great combinations of

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wealth.” Due to the progressives’ great faith in democratic ideals, they sought to solve the problem, at least partly, by an increase in democracy. Every political culture, including the American political culture, is defined by its agreements, disagreements, shared assumptions, conflicting factions, and tensions. A political culture is a particular collection of ideas, arguments, and a particular structure of conflict. Historian Warren Susman pointed out that:

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“Cultures can actually be arguments or debates themselves.” Major debates in America’s political culture came to light during the progressive crusade for the recall: 1) the debate over how much democracy the citizens can handle; 2) the debate over the roles of the three branches of

government; 3) the debate over the roles of government officials, i.e. primarily the argument over

whether government officials are public servants, agents to represent the people’s wishes, delegates with a mandate from the voters, or are government officials free to exercise independent

judgement. These are old arguments, found in The Federalist Papers, found in today’s

newspapers. In the recall crusade, both sides saw themselves as the most honest advocates for American democracy. The conservatives saw democracy as best protected if it did not become too democratic or too quick to represent popular passions. The liberals, the progressives, wanted a significant increase in democracy and new political devices that would directly express popular beliefs and needs.

Different progressive reforms attracted different mixes and proportions of the social and economic classes. Progressivism contained a smorgasbord of reforms, with no two groups of progressives favoring exactly the same collection of reforms. Progressives were liberals in that they pragmatically and moderately approached social and economic problems. They generally rejected ideologies of the extreme left (such as Marxism-Leninism). They did not reject capitalism; but they did want a democratic capitalism rather than an aristocratic capitalism often favored by conservatives. As a whole, the progressives were moderates not utopianists; they were part of the American liberal, i.e. moderate and pragmatic, tradition that stretches from the American Revolution (a more moderate, liberal, revolution than either the French or Bolshevik Revolutions) through the moderate New Deal and Great Society reforms. The progressives, generally, did not want to abolish either big corporations or big unions but wanted neither to control government. Progressives sought democratic reforms such as the recall because they believed that these reforms would guarantee that the middle and working classes would be included in the decision-making actions of government.

American history is a history of recurrent, somewhat cyclical, reform. Jonathan Winthrop's "city on the hill" mentality periodically takes center stage. The city-on-the-hill ideal remains alive. Different Americans have viewed the hill from a variety of standpoints and perspectives. The city's color and skyline change over time, but the city-on-the-hill ideal remains

a mainspring of American political culture. Woodrow Wilson, writing during the Progressive Era,

said of that time of numerous political reforms that “this is just as much a constructive age in

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politics.....as was the great age in which our federal government was set up.” During this

period the city on the hill was shining; and one of the hill’s bright lights was the recall crusade.

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