

NOTES

COLLECTIONS:

THE EMPEROR'S CANE, P. 3

Bibliographic note: Robert Ernest Cowan wrote "Norton I, Emperor of the United States and Protector of Mexico: Joshua A. Norton, 1819-1880," *California Historical Society Quarterly* 2,3 (1923), 237-245 (and also published as a separate booklet by CHS in 1923). Other sources on Norton's life and times are David Warren Ryder, *San Francisco's Emperor Norton: The Story of Norton I, Emperor of America and Protector of Mexico* (San Francisco: Alex. Dulfer Printing and Lithographing Co., 1939); William Drury, *Norton I, Emperor of the United States* (New York: Dodd, Mead, 1986); and William M. Kramer, *Emperor Norton of San Francisco: A Look at the Life and Death and Strange Burials of the Most Famous Eccentric of Gold Rush California* (Santa Monica: N.B. Stern, 1974), all of which are available in the North Baker Research Library at CHS headquarters in San Francisco.

Images credits:

Portrait of Joshua A. Norton, "Emperor," Bradley and Rulofson. Photographers: San Francisco, ca. 1875. California Historical Society, FN-08608

Emperor Norton Lunching with Bummer and Lazarus. George A. Berton Collection, California Historical Society, FN-13631

Emperor Norton's cane, n.d., approx. 36" long x 2 1/4" diameter. California Historical Society.

THE MERRY TRAMPS OF OAKLAND

BY MEREDITH ELIASSEN, PP. 6-19

William H.H. Murray inspired millions of Americans to go camping for enjoyment, creating the first wave of recreational camping in America, referred to as "Murray's Rush" in his *Adventures in the Wilderness, or, Camp-Life in the Adirondacks*, (Boston: Fields, Osgood & Co., 1869).

Helen Penniman Pardee's autograph album is the primary source for identifying members of the Merry Tramps. Single women may have included Helen and Etta Penniman, Sascha Amaset, Sarah (Sadie) P.E. Brown (of San Francisco), Georgietta Congdon, Gussie Kloss, Ella May Mason, and Mollie L. Melvin. Single men may have included

Marius Dahlgren, Archibald Dewing, Frank and T. H. Fisher (of El Paso), M. J. Madison, Charles Mason, Harry Melvin, William Melvin, Samuel H. Smith, Will Stewart, E. P. Vandercook (of El Paso), and F. H. Wagner (also of El Paso). The album is in the collections of the Pardee Home Museum. Vicki Wiese, Registrar at the Pardee Home Museum, described the autograph book and Helen Pardee's quilt in "Helen Pardee and the Merry Tramps: New Exhibit on View at the Pardee Home," *Pardee Home Museum Newsletter* (June 1999).

Young, Terrence, quoted on the significance of "Murray's Rush" on American popular culture, in "Camping Technology," *Modern Marvels*, a VHS documentary produced by A & E Television Networks, c1990, 2000, VHS, Documentary Cat. No. AAE-42862. Young is a geography professor at California State Polytechnic University, Pomona.

CALIFORNIA'S RECALL

BY JOSHUA SPIVAK, PP. 20-37

¹ Thomas Sitton, *John Randolph Haynes: California Progressive* (Stanford: Stanford University Press, 1992), 85. Also see "Espee Directors Meet," *Los Angeles Times*, (September 7, 1900) for example of the use of the term "Espee."

² Fremont Older, *My Own Story* (New York: MacMillan Co., 1926), 176-177.

³ Richard L. McMormick, "Public Life in Industrial America, 1877-1917" in *The New American History* Eric Foner, ed., (Philadelphia: Temple University Press, 1990), 106-107.

⁴ Thomas K. McCraw, "The Progressive Legacy" in *The Progressive Era*, Lewis Gould, ed., (New York: Syracuse Univ. Press, 1974), 185.

⁵ The Initiative and Referendum Institute at http://www.iandrinstute.org/statewide_i&r.htm. The popular referendum is different than the legislative referenda, which allows voters to approve legislative acts. Every state has the legislative referenda in some fashion.

⁶ Joseph Zimmerman, *The Recall: Tribunal of the People* (Westport: Praeger Publishers 1997), 15. Eighteen allow its use for state officials. <http://www.ncsl.org/programs/legman/elect/recallprovision.htm>

⁷ See Peter Schrag, *Paradise Lost: California's Experience, America's Future* (New York: The New Press, 1988). Also see David Broder's *Democracy Derailed: Initiative Campaigns and the Power of Money* (New York: Harcourt Inc., 2000) for a look at the initiative industry.

⁸ Erica Werner, "California recall campaign could be example for nation," *Associated Press*, (July 7, 2003).

⁹ "Destruction of a Republican Form of Government," *Los Angeles Times* (September 9, 1911). In addition, President William Howard Taft vetoed Arizona's constitution because it provided for the use of the recall against the judiciary.

¹⁰ William Howard Taft, *Popular Government: Its Essence, Its Permanence and Its Perils* (New Haven: Yale Univ. Press, 1913), 81.

¹¹ Dr. John Randolph Haynes. *Direct Government in California*, Address read at the National Popular Government League on July 5 and 6, 1916. Senate Document No. 738. 4.

¹² Thomas Cronin, *Direct Democracy: The Politics of Initiative, Referendum, and Recall* (Cambridge: Harvard Univ. Press: 1989), 131, and Laura Tallian, *Direct Democracy* (Los Angeles: People's Press, 1977), 13-15.

¹³ Sitton, *John Randolph Haynes*, 38. Also see Frederick L. Bird and Frances M. Ryan, *The Recall of Public Officers* (New York: Macmillan, 1930) 3. Regardless of which version is correct, Haynes became acquainted with the Switzerland version of direct democracy; as he discussed it at length before the Board of Freeholders. *Los Angeles Times* (September 29, 1900).

¹⁴ Robert Luce, *Legislative Principles* (Boston: Riverside Press, 1930), 488. The laws for the General Court of the Massachusetts Bay Colony, adopted in 1631, called for the election of Assistants and a provision that they "shall see cause for any defect or misbehavior to remove any one or more of the Assistants." The Massachusetts charter of 1691 said, "Councillors or Assistants or any of them shall or may at any time hereafter be removed or displaced from their respective Places or Trusts." The Federal and State Constitutions Colonial Charters, and other Organic Laws of the States Territories and Colonies now or heretofore forming The United States of America, Francis Thorpe, ed., (Washington, D.C.: Government Printing Press, 1906), 1879.

¹⁵ Pennsylvania's constitution of 1776 said "any delegate (to the Continental Congress) may be superseded at any time, by the General Assembly appointing another in his stead." Vermont adopted the same language in their 1777 constitution

¹⁶ Article V of the Articles of Confederation held: "For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year." According to delegate and anti-Federalist John Lansing, the recall was never exercised. *The Debates in the Several State Conventions on the Adoption of the Federal Constitution by the General Convention at Philadelphia in 1787*, Jonathan Elliot, ed., (Philadelphia: J.J. Lippincott Company, 1891), 2:299-300.

¹⁷ The Virginia Plan, proposed by Edmund Randolph, allowed the recall for the members of the first house of the legislature, who would have been directly elected by the people. The convention passed Charles Pinckney's motion to strike out the practice, along with a ban on reelection for the members of the first house. Elliot, *The Debates*, 5:12, 5:185.

¹⁸ Alexander Hamilton, *The Papers of Alexander Hamilton*, Harold Syrett, ed., (New York: Columbia University Press, 1962), 5:69.

¹⁹ State legislatures used "Instructions" to try to control their senators, but it was up to each individual senator to decide whether these Instructions should be followed. Many senators resigned rather than oblige; others simply ignored them. Regardless, Instructions did not have the force of law that recalls have. See Rod Farmer, "Power to the People: The Progressive Movement for the Recall, 1890s to 1920," *New England Journal of History* (Winter 2001), 59-83. Also see Cronin, *Direct Democracy*, 24-26, Luce, *Legislative Principles*, 461-491.

²⁰ *National Party Platforms 1840-1972*, compiled by Donald Bruce Johnson and Kirk H. Porter (Urbana: Univ. of Illinois Press, 1973) 96. Zimmerman, *The Recall*, 9.

²¹ Sitton, *John Randolph Haynes*, 35-36.

²² Before Oregon approved the state-level recall in 1908, South Dakota, Utah (1900), Oregon (1902), Nevada (1904), Montana (1906), Oklahoma (1907), Maine (1908) and Missouri (1908) all accepted some of the other direct democracy provisions. Cronin, *Direct Democracy*, 51.

²³ Sitton, *John Randolph Haynes*, 36.

²⁴ *Los Angeles Times* (September 29, 1900).

²⁵ Board of Freeholder member Sherman Page said "it would be an experiment for which no necessity exists." "Initiative and Referendum: Freeholders Adopt Those and a Recall Clause - Latter was Opposed." *Los Angeles Times*, (October 10, 1900). Haynes was able to fight off this opposition.

²⁶ See Sitton, *John Randolph Haynes*, at 41 for use of the term "Grand Bounce."

²⁷ See Bird and Ryan, *The Recall of Public Officers*, 27-28, for why the charter took several years to be approved. Cronin mentions that several small localities had adopted the recall prior to 1900, though he does not name them. Cronin, *Direct Democracy*, 130. Thanks to Rod Farmer for pointing this out.

²⁸ In an attempt to stave off the recall, Harper resigned before the vote. This gambit failed, as the court held that the recall would go forward against his successor. Bird and Ryan, *The Recall of Public Officers*, 239-240. In 2003, some commentators discussed a similar proposal to prevent the Gray Davis recall, with Davis resigning and Lieutenant Governor Cruz Bustamante taking over and preempting the recall. Nothing came of this plan. Harley Sorensen, "How Davis Could Stop the Recall Madness," *San Francisco Chronicle* (July 28, 2003).

²⁹ James Barnett, *The Operation of the Initiative, Referendum and Recall in Oregon* (New York: Macmillan, 1915), 189.

³⁰ Frank Norris, *The Octopus: A Story of California*. See William Deverell, *Railroad Crossing: Californians and the Railroad, 1850-1910* (Berkeley: University of California Press, 1994), for an in-depth examination of this school of history and the impact of *The Octopus* on reformers as well as latter-day historians.

³¹ George Mowry, *The California Progressives* (Berkeley: University of California Press, 1951), 9.

³² Deverell, *Railroad Crossing*, 41. Sitton, *John Randolph Haynes*, 86.

³³ Haynes, originally wary of the League's chances of success, preferred to focus his attention on the Direct Legislation League. His view changed with the League's successes. Sitton, *John Randolph Haynes*, 90.

³⁴ Franklin Hichborn felt that the Ruff prosecution was critical to the Progressives' later success. "Had there been no San Francisco graft prosecution, there would in 1910, have been no successful political uprising in California." Franklin Hichborn, *"The System" as uncovered by the San Francisco Graft Prosecution*, (San Francisco: Press of James H. Barry, 1915), 464.

³⁵ See Franklin Hichborn, *The Story of the California Legislature 1909*. (San Francisco: Press of the James H. Berry Company, 1909) for a story of the Espee's chief political lobbyist stopping passage of the initiative with one phone call.

³⁶ Spencer Olin, *California's Prodigal Sons* (Berkeley: University of California Press, 1968), 20.

³⁷ *Fresno Republican* (Oct. 31, 1906), as quoted in Mowry, 62.

³⁸ Johnson took over the graft trials after the first prosecutor, Francis Heney, was shot in the head and wounded. Heney was also discussed, and rejected, as a possible candidate for governor. He later became a bitter enemy of Johnson.

³⁹ Michael A. Weathers and Hal Bochyn, *Hiram Johnson: Political Revivalist* (Latham, MD.: University Press of America, 1995), 22.

⁴⁰ Kevin Starr, *Inventing the Dream* (New York: Oxford University Press, 1985), 253.

⁴¹ Olin, *Prodigal Sons*, 31. Bell was backed by the Southern Pacific as "the lesser of two reform evils." Sitton, *John Randolph Haynes*, 91.

⁴² Franklin Hichborn, *The Story of the California Legislature of 1911* (San Francisco: Press of the James H. Berry Company, 1911), 47

⁴³ Inaugural Address of Governor Hiram Johnson. January 3, 1911. Hichborn, 1911, iv.

⁴⁴ Mowry, *California Progressives*, 14. The state Supreme Court had decided fifty-seven of seventy-nine cases in the company's favor from 1895 to 1910. Olin, *Prodigal Sons*, 3.

⁴⁵ In addition to the recall of judges, there was a popular movement for the recall of judicial decisions. This recall would allow a “popular curb” on the judicial power to declare acts unconstitutional. It has since nearly disappeared from the literature, and it was not mentioned by either of the two most recent books on the recall. According to Bird and Ryan, after the Supreme Court of Colorado declared it void in 1921, it disappeared as a topic of debate. However, in 1911-12 it was a major issue, and in fact played a large role in the Taft-Roosevelt split in the 1912 election. See Edward Hartnett, “Why is the Supreme Court of the United States Protecting State Judges from Popular Democracy?” 75 *Texas Law Review* (April 1997) at 907 for an interesting discussion of the 1912 recall of judicial decisions debate.

⁴⁶ Alfred Kelly, Winfred Harbison, and Herman Belz, *The American Constitution* 7th Edition (New York: W.W. Norton, 1991), 404.

⁴⁷ Hichborn, 1911, 138.

⁴⁸ Taft, *Popular Government*, 171.

⁴⁹ Hichborn, 1911, 102.

⁵⁰ *Ibid*, 103.

⁵¹ *Ibid*, 103.

⁵² *Los Angeles Times* (February 4, 1911).

⁵³ *Ibid*.

⁵⁴ *Los Angeles Times* (February 5, 1911).

⁵⁵ Page Smith, *America Enters the World: A People’s History of the Progressive Era and World War I* Vol. 7 (New York: Penguin Books, 1985), 797.

⁵⁶ *Los Angeles Times* (February 4, 1911).

⁵⁷ Bird and Ryan, *Recall of Public Officers*, 49.

⁵⁸ Hichborn, 1911, 112. See also Mowry, *California Progressives*, 142.

⁵⁹ *Sacramento Bee* (March 7, 1911).

⁶⁰ *Los Angeles Times* (February 16, 1911).

⁶¹ Hichborn, 1911, 137.

⁶² *Los Angeles Times* (October 10, 1911).

⁶³ *Los Angeles Times* (October 11, 1911).

⁶⁴ Olin, *Prodigal Sons*, 5.

⁶⁵ “Triple Freak of Initiative, Referendum and Recall certainly carried.” *Los Angeles Times* (October 11, 1911).

⁶⁶ Haynes, *Direct Government*, 9.

⁶⁷ See Cronin, *Direct Democracy*, at 139-141 for a detailed look at the Feinstein recall. The radical left-wing White Panthers, who opposed Feinstein’s support of gun-control provisions, started the recall. As with the later Gray Davis recall, there was a low ten percent signature requirement to get on the ballot. Other interest groups glommed onto the recall, but Feinstein garnered eighty-one percent of the vote in the election.

⁶⁸ “Rose Bird” *California Journal*, November 1, 1999. Bird, Justices Joseph Grodin and Cruz Reynoso were voted out of office in a mandatory retention election, a separate provision in the California Constitution. It is widely, though erroneously, believed that Bird was recalled. See John Balzar, “Few Rules to Go By: Justice Bird’s Recall Becoming Epic Battle,” *Los Angeles Times* (April 7, 1985) and the subsequent correction on April 10, 1985 for an example of this error.

⁶⁹ “Recallers’ Bark Likely Bigger Than Their Bite,” *The Recorder* (May 16, 2000). Bird and Ryan cite four cases of judicial recalls. There was an attempt to recall the judge who granted O.J. Simpson custody of his children, though it didn’t get on the ballot. *Associated Press* (March 6, 1997).

⁷⁰ In addition to Harper, Mayor Frank Shaw was recalled and removed in 1938. Shaw’s administration “considered the most corrupt in city’s history,” was supported by Haynes. Sitton, 243. Haynes died before the Shaw recall.

⁷¹ No other official elected by a state-wide vote, such as the Treasurer or Attorney General, has ever faced a recall.

⁷² Dean E. Murphy, “A Rebellion on the 32nd Try,” *New York Times* (October 8, 2003). *Los Angeles Times* (October 30, 1994). Recalls since 1994 were added to the *LA Times* total.

⁷³ Black pleaded guilty to the charges and received a 10-year jail sentence.

⁷⁴ *Los Angeles Times* (October 19, 1912).

⁷⁵ *Los Angeles Times* (January 3, 1913).

⁷⁶ Bird and Ryan, *Recall of Public Officers*, 272-273.

⁷⁷ *Ibid*.

⁷⁸ *Ibid*, 274.

⁷⁹ The act allowed citizens to sue the owner of a house of prostitution, and close the building as a nuisance. Franklin Hichborn, *The Story of the California Legislature 1915* (San Francisco: Press of the James H. Berry Company, 1915), 67. Also see “Senator Grant Faces Recall Poll Thursday,” *San Francisco Bulletin* (October 7, 1914).

⁸⁰ Bird and Ryan, *Recall of Public Officers*, 276.

⁸¹ Hichborn, 1915, 78.

⁸² *Los Angeles Times* (October 10, 1914).

⁸³ “Senator Grant Faces Recall Poll Thursday,” *San Francisco Bulletin* (October 7, 1914).

⁸⁴ “Grant Recall a Sensation. Was a Democratic Tool of Gov. Johnson,” *Los Angeles Times* (October 10, 1914). The article describes the recall as an “absolute repudiation of Gov. Johnson’s administration.” Johnson was reelected later that year.

⁸⁵ Governor Johnson’s biennial message to the 1915 Legislature as quoted in Hichborn, 1915, 102.

⁸⁶ *Ibid*, 101-102.

⁸⁷ Lawrence Sych, “State Recall Elections: What Explains Their Outcomes?” *Comparative State Politics* (October 1996), 20. The only recall was a Wisconsin legislator in 1933.

⁸⁸ *Ibid*, 9.

⁸⁹ The recall proponents attempted to use other issues, such as corruption and voter anger in the campaign, but newspaper accounts focused on the gun-control issue. See William Hamilton, “Gun Control Stance Makes California Legislator Target of Recall” *Washington Post* (April 10, 1994). “NRA Endorsed bid to recall gun-control advocate Roberti” *Associated Press* (April 1, 1994).

⁹⁰ Lisa M. Krieger, “Gun Lobby draws bead on Roberti for recall; State Senator’s foes organize to make him an example because of his assault-weapon bills,” *San Francisco Examiner* (March 27, 1994). “Roberti Slays NRA dragon,” *California Journal* (May 1, 1994).

⁹¹ “Treasurer” *California Journal Weekly* (November 21, 1994).

⁹² *Orange County Register* (June 9, 1994).

⁹³ Edward Epstein, “Recall Victory Gives Roberti an Edge in Treasurer’s Race” *San Francisco Chronicle* (April 14, 1994). Also “Roberti slays NRA dragon” *California Journal* (May 1, 1994).

- ⁹⁴ *Fresno Bee* (June 25, 1994).
- ⁹⁵ The change allowed recalls to be delayed and combined with a regularly scheduled election if the recall was scheduled to take place within 180 days of the election. "Senate Tries to Amend Recalls," *San Francisco Examiner* (May 10, 1994).
- ⁹⁶ "C.A. Upholds \$1.1 Million Fine on Roberti Antagonists, Largest Penalty Ever Imposed Under Reform Act," *Metropolitan News Enterprise* (May 30, 2003). With interest, the penalty has increased to \$1.1 million.
- ⁹⁷ *California Journal Weekly* (December 18, 1995).
- ⁹⁸ Jon Matthews, "Republican says he'll seize Assembly post from Brown," *Sacramento Bee* (November 11, 1994).
- ⁹⁹ James Richardson, *Willie Brown: A Biography* (Berkeley: University of California Press, 1996), 373. See also *ibid.* According to Richardson, the Democrats were especially concerned that Brulte would be able to consolidate the victory and manage to keep the Assembly Republican for years to come.
- ¹⁰⁰ A Republican, Richard Mountjoy, was elected to both the Senate and the Assembly. By a 40-39 vote, which Mountjoy was not allowed to participate in, he was forced to take his Senate seat. A Republican was later elected to the seat. See E. Dotson Wilson and Brian Ebbert, *California's Legislature* (Sacramento: Office of the Chief Clerk, California State Assembly, 2000) 93-95 and Richardson, *Willie Brown*, 377-379, for a discussion of the maneuverings.
- ¹⁰¹ "Assemblyman Defeats GOP Recall Attempt," *San Francisco Chronicle* (August 23, 1995).
- ¹⁰² Greg Lucas, "GOP Backed Recall Succeeds – Horcher Thrown Out Vote could affect S.F. mayoral race," *San Francisco Chronicle* (May 18, 1995). See Richardson, *Willie Brown*, 102, 156, for some discussion on the length of the Wilson-Brown relationship.
- ¹⁰³ "Horcher Recalled – Emphatically," *California Journal Weekly* (May 22, 1995). The California Assembly has a history of cross-party voting for Speakers. Willie Brown was elected Speaker due to Republican votes, and he used Republican support to ward off a challenge to his rule in 1988. See Richardson, *Willie Brown*, 265-271, 342.
- ¹⁰⁴ *Sacramento Bee* (July 2, 1995).
- ¹⁰⁵ Editorial, "Abuse of the Recall," *San Francisco Chronicle* (August 24, 1995).
- ¹⁰⁶ "Assemblyman Defeats GOP Recall Attempt," *San Francisco Chronicle* (August 23, 1995).
- ¹⁰⁷ Charles Price, "Paying the Tab for Recall Elections," *California Journal* (June 1, 1996). While Price points out the other benefits that Republican leaders expected to receive from a successful recall, specifically increased power over a host of local issues, there is little doubt that the reason for the recall was the Speakership fight.
- ¹⁰⁸ There was approximately twenty-eight percent voter turnout. By the time of the Machado recall vote, Brown was no longer Speaker. Zimmerman, *The Recall*, 85. An additional postscript for the Machado recall was that Machado sought \$889,000 in reimbursement for his recall expenses as allowed by California law. Machado's request was denied, and he chose not to fight it in court. Sam Stanton, "Davis win could cost state millions," *Sacramento Bee* (July 31, 2003).
- ¹⁰⁹ B. Drummond Ayres Jr., "California Speaker Frustrates G.O.P. One Last Time," *New York Times* (June 6, 1995).
- ¹¹⁰ A.G. Block, "A Twisted Tale of Revenge," *California Journal* (January 1, 1996). Allen's discontent with the Republicans was based on Brulte's support for one of her opponents in a primary for a state Senate seat. After Allen's election, Brulte stepped down as a Republican leader to run for the state Senate.
- ¹¹¹ "Two-Cents Commentary," *California Journal* (February 1, 1996).
- ¹¹² Greg Lucas, "Denouncements of New Assembly Speaker Get Uglier; Republican fax attack fuels rumors," *San Francisco Chronicle* (June 15, 1995).
- ¹¹³ *San Francisco Chronicle* (June 15, 1995).
- ¹¹⁴ Mary Lynne Vellinga and Jon Matthews, "Republicans Get Their Revenge on 'Traitor' Setencich," *Sacramento Bee* (March 28, 1996).
- ¹¹⁵ "3rd Speaker's Aide to admit election fraud; Pringle worker implicated in Allen recall campaign," *San Francisco Chronicle* (March 13, 1996).
- ¹¹⁶ Peter Schrag, "Recall Ad Absurdum," *Sacramento Bee* (August 2, 1995).
- ¹¹⁷ "The Politics of Recall" *California Journal* (July 1, 1995).
- ¹¹⁸ North Dakota Governor Lynn J. Frazier was recalled and removed in 1921. Frazier was later elected to the United States Senate. Arizona Governor Evan Mecham was scheduled to face a recall vote in 1988, but he was impeached and convicted before the vote took place. The Arizona Supreme Court then ruled that the new Governor would not have to face the recall vote.
- ¹¹⁹ See Michael Lewis, "The Personal is the Antipolitical" *New York Times Magazine* (September 28, 2003), for an interesting search into the motives for the recall.
- ¹²⁰ Tom Chorneau "Davis downfall rooted in his personality and political style," *Associated Press* (October 8, 2003). Matt Welch, "Bad Boys Get Spanked: Recall was about one important issue – firing Gray Davis," *Reasononline* (October 9, 2003).
- ¹²¹ Alan Greenblatt, "Total Recall," *Governing* (September 2003).
- ¹²² "Crisis in California," *California Journal* (August 1, 2003).
- ¹²³ Michael Finnegan, "Davis Seeks to Shift Focus to Recall Backers," *Los Angeles Times* (June 24, 2003).
- ¹²⁴ Dan Weintraub, "The Making of a Revolt and a 2-Man Race for Governor," *Sacramento Bee* (October 5, 2003). "Davis had become the modern day equivalent of the California pols who did the railroads' bidding."
- ¹²⁵ David Leshner, "The Rise of the Voter," *California Journal* (September 2003).
- ¹²⁶ Mitchell Landsberg, "The Recall Campaign; Question of Fairness," *Los Angeles Times* (September 14, 2003).
- ¹²⁷ Lisa M. Krieger, "Gun Lobby." Kathie A. Smith "Machado Recall Faltering? Richter Questions Wisdom of GOP Effort," *Modesto Bee* (July 25, 1995).
- ¹²⁸ Daniel Weintraub, "Facts and Fiction about the California Recall Election," *Sacramento Bee* (October 7, 2003). 129. Weintraub, "The Making of a Revolt." Megan Garvey, "Talk Radio Beats the Drum for Recall," *Los Angeles Times* (July 27, 2003).
- ¹²⁹ Robert Salladay, "Davis recall drive runs low on funds," *San Francisco Chronicle* (April 27, 2003); Margaret Talev, "Long Road for Davis Recall Try," *Sacramento Bee* (May 11, 2003).

¹³⁰ Dan Morain and Gregg Jones, "Rep. Issa Launches New Davis Recall," *Los Angeles Times* (May 6, 2003). Margaret Talev, "California' governor's recall no impulse aim for Rep. Darrell Issa," *Sacramento Bee* (June 16, 2003). According to Weintraub, "Facts and Fiction" 900,000 of the 1.6 million signatures for the recall were gathered by paid professionals, rather than volunteers.

¹³¹ See Bird and Ryan, *Recall of Public Officers*, for a discussion of the rules of cities in California. San Francisco also placed a requirement that called for a minimum of 7,000 and maximum of 15,000 signatures needed to qualify.

¹³² This law is only for state-wide officers. There is a twenty percent signature requirement for state legislators.

¹³³ Olin, *Prodigal Sons*, 44-45.

¹³⁴ Tim Rutten, "Politics in the public interest," *Los Angeles Times* (August 27, 2003).

¹³⁵ Margaret Talev, "Stress Elections Cost, Pollsters Tell Davis," *Sacramento Bee* (July 25, 2003). One of the committees defending Davis was named "Californians against the costly recall."

¹³⁶ Timothy Noah, "Does the GOP Subvert Democracy: Gray Davis may be onto something," *Slate* (August 21, 2003); "Independents Are Urged to Vote Against Recall," *San Jose Mercury News* (September 8, 2003).

¹³⁷ According to the Secretary of State, the Democrats have a 7% voter registration advantage, which translates into 1.3 million more Democrats than Republicans. However, the number of independents has been rising. Jewel Gopwani, "Party affiliation rates wane for state voting," *Contra Costa Times* (February 12, 2002).

¹³⁸ 3.2 million absentee ballots were requested, and according to one report, 2.2 million were returned. However, there has not been an official number released by the state. Mike Zapler, "Returned absentee ballots hit record numbers before today's election," *San Jose Mercury News* (October 7, 2003).

¹³⁹ Phillip J. LaVelle, "Issa quits race, but is confident of 'brighter day,'" *San Diego Union-Tribune* (August 8, 2003).

¹⁴⁰ John Broder, "Prominent Republican Withdraws From California Race," *New York Times* (August 24, 2003).

¹⁴¹ New Jersey in 1995 and Minnesota in 1996.

¹⁴² National Civic League and 2001 ICMA Municipal Form of Government Survey, at <http://www.iandrinstitute.org/Recall.htm>

¹⁴³ Sych, *State Recall Elections*, 7.

¹⁴⁴ Leonard Sykes, Jr. "Voters give George the boot; Coggs wins 6th District Recall," *Milwaukee Journal Sentinel* (October 22 2003). State Senator George Petak was recalled in 1996, which switched the Senate from Republican to Democrat. Zimmerman, *The Recall*, 90.

¹⁴⁵ "Group Plans Nevada Gov. Kenny Guinn Recall," (August 26, 2003). "Dane said the recall effort against California Gov. Gray Davis has emboldened the committee." There was an attempt to recall Governor Jesse Ventura of Minnesota in 1999, but the state judiciary blocked it, as provided for by Minnesota law.

¹⁴⁶ Cronin, *Direct Democracy*, 5.

¹⁴⁷ H.J. Res. 86, 105th Congress. Another Congressman, Mark Neumann signed a petition to recall Wisconsin's two Democratic Senators over their position on abortion. Julie Cohen, "Mark Neumann, Republican Hothead," *The Economist* (May 3, 1997). The courts ruled that a U.S. Senator cannot be recalled. In addition, in 1995, California Senatorial candidate Michael Huffington, who spent \$30 million of dollars of his own money in a losing Senate bid in 1994, and whose ex-wife Arianna ran for election in the Davis Recall, was set to hold a press conference calling for the recall of Senator Dianne Feinstein, the winning candidate in the election. According to the *San Francisco Chronicle*, Huffington did not hold the press conference after he "was advised that, by law, a U.S. Senator cannot be recalled" Susan Yoachum "Huffington Plan for a Recall is Recalled," *San Francisco Chronicle* (February 27, 1995).

¹⁴⁸ "Term Limits for Judges," *New Jersey Law Journal* (September 4, 1995)

GOLDEN GATE CASTAWAY BY ROBERT F. OAKS, PP. 38-58

¹ For the background of these laws and for a good sample of drifter stories, see Katherine Plummer, *The Shogun's Reluctant Ambassadors, Japanese Sea Drifters in the North Pacific*, (Portland, OR: Oregon Historical Society, 1991); Charles Wolcott Brooks, "Report of Japanese Vessels wrecked

in the North Pacific Ocean, from the Earliest Records to the Present Time," *Proceedings of the California Academy of Sciences VI*, 1875 (1876).

² Plummer, *Shogun's Reluctant Ambassadors*, pp. 7, 9-19; Brooks, "Report of Japanese Vessels wrecked in the North Pacific;" Katherine Plummer, *A Japanese Glimpse at the Outside World 1839-1843: The Travels of Jirokichi in Hawaii, Siberia and Alaska* (Kingston, Ontario: The Limestone Press, 1991), vii-x; Masao Miyoshi, *As We Saw Them, The First Japanese Embassy to the United States (1860)* (Berkeley, Los Angeles, and London: University of California Press, 1979), p. 8.

³ Stephen W. Kohl, "Strangers in a Strange Land: Japanese Castaways and the Opening of Japan," *Pacific Northwest Quarterly* (Seattle) 73, 1 (January 1982); Grace P. Morris, "Wreck of a Japanese Junk, 1834," *Oregon Historical Quarterly* (Salem, OR) 38, 2 (1937). In 1875, Charles Wolcott Brooks presented to the California Academy of Sciences in San Francisco one of the earliest studies of Japanese castaways. He analyzed sixty occurrences, four in the seventeenth century (1613 to 1694), three in the eighteenth century (1710 to 1782), six from 1804 to 1820, eleven from 1831 to 1848, and thirty-six from 1850 to 1876. In the twenty-three cases where numbers of survivors were mentioned, there were 293 people, averaging 12 per junk, ranging from three to thirty-five. In fifteen cases where the duration of drifting was mentioned, the average was slightly more than seven months. Brooks, "Report on Japanese Vessels."

⁴ Amasa Delano, *Narrative of Voyages and Travels* (Boston: E.G. House for the author, 1817), 400-403, 410-411.

⁵ Stephen W. Kohl, "Strangers in a Strange Land;" Plummer, *A Japanese Glimpse at the Outside World 1839-1843*, pp. vii-x.

⁶ Hikozo (Joseph Heco), *Hyoryu Ki: Floating on the Pacific Ocean* (Los Angeles: Glen Dawson, 1955) trans. Tush Motofuji from the 1863 edition, p. 5; Joseph Heco, *The Narrative of a Japanese; What he has seen and the people he has met in the course of the last forty years*, James Murdoch, ed., 2 vols. (Yokohama: Yokohama Printing & Publishing Co., Ltd., [1892, 1895]), I, 33-50. The account of the shipwreck and rescue is based on these two books written by