

Editorial: Preserve citizens' broad right of recall

Constitutional recall process shouldn't be narrowed by politicians protecting themselves

By The Detroit News

Self-preservation is no less powerful an instinct in politics than any other walk of life. So it's not surprising there are now both Democratic and Republican legislative proposals that would make it harder for Michigan citizens to remove politicians without waiting for the next election. But a round of lawmaker recall efforts engineered by the two parties this year, however misdirected, shouldn't become an excuse to tinker with the state Constitution.

The best argument against change is that our unfettered right to recall politicians is a powerful protection against abuse of power and government overreach, always among top concerns for people who value their freedom. Furthermore, there already are built-in safeguards against frivolous use of the process: Running a recall campaign is costly and time-consuming with no real certainty of success.

This year's skirmishing between the two parties illustrates that fact and should encourage us to stick with what we have rather than clamp some narrow restrictions on the constitutional right to recall. At one point, each party was targeting as many as two-dozen lawmakers from the opposing party for ouster from the Legislature. Yet when the dust settled, just one recall had gone forward; former Rep. Paul Scott, R-Grand Blanc, was tossed out of office in the Nov. 8 election.

The Michigan Education Association reportedly spent \$140,000, and maybe more, to knock Scott out of the Legislature. Published reports indicate the state GOP, Michigan Chamber of Commerce and their allies invested something like \$600,000 in an effort to save him. Republicans then acknowledged that potential costs were a key factor in their decision not to go ahead with recall plans against several House and Senate Democrats.

The spending totals are alarming to some, as are the two parties' efforts to use the recall right as a political weapon. Count among them Gov. Rick Snyder, who was correct to criticize the distracting spectacle when Michigan has

important issues he's trying to resolve. He has said he believes the state's recall criteria ought to be changed in a way that would limit such efforts in the future.

Some lawmakers agree. A new Senate resolution, aimed at amending the state Constitution, would eliminate "the discretionary performance of a lawful act or of a prescribed duty" as a reason for attempting to remove a politician from office. Lawmakers couldn't be removed for political reasons.

Chief sponsors are Senate Majority Leader Randy Richardville, R-Monroe, and Senate Majority Floor Leader Arlan Meekhof, R-West Olive. The proposal would limit recalls to elected officials guilty of felonies, breaches of the public trust and/or other misconduct.

While that has a nice ring to it, Mackinac Center for Public Policy President Joseph Lehman points out that the legislature already has the power to impeach members engaged in corrupt conduct, crimes or misdemeanors. The recall provision in our Constitution, in other words, would be narrowed to the point that citizens could remove only officials who their peers already should have kicked out.

The recall language was written in broader terms by delegates to the 1963 convention at which Michigan's Constitution received its most recent rewriting. Lehman makes note of statements from that convention indicating the framers clearly intended to allow recalls for political reasons. One quote, in fact, states that it gives the electorate the right of recall "without giving reasons."

Prospects for the Senate resolution are unknown at this point. It would have to get two-thirds majority approval in each legislative chamber, followed by a statewide vote of approval to become law.

Before going to all that trouble, lawmakers should pause, take a deep breath and reconsider. Pursuing this unneeded change only would compound the time, energy and expense already squandered on the abortive recall attempts of earlier this year.