

EDUCATIONAL SERIES

Governors for Direct Legislation

From Dr. Taylor's Equity Series:

State legislators and politicians who are anxious to stand well with the people will make no mistake, in reading the signs of the times today, if they conclude that the man who opposes the initiative and the referendum is inviting political decline if not political death. Good evidence of this is the fact that the governors of states in which the reforms have been broached are rapidly falling in line as outspoken advocates of them. Here are quotations that tell the story and present some strong arguments besides:

Governor Joseph W. Folk, of Missouri, in his message to the legislature, January, 1909:

"At the last general assembly an amendment to the constitution providing for the initiative and referendum was submitted to the people and was adopted at the recent election. I urged the submission of this amendment because I believed that the nearer the government can be brought to the people the better and purer that government will be. By this system eight per cent of the voters of two-thirds of the congressional districts of the state can, by petition, propose legislation to be voted upon at the next election, which, when adopted by a majority of the voters, becomes the law of the state. The same number of voters can likewise require that a measure enacted by the general assembly be submitted to the voters of the state at the next election for approval or disapproval. While this seems radical, it is merely a power retained by the people which will, I believe, be exercised at rare intervals and on important measures. The fact that the people have such a power reserved will do much to end corruption in the legislature permanently, for there would be little use to bribe a legislature to defeat a measure if the people have the right to enact that measure over the head of the legislature. So it would be futile to bribe a legislature to pass a bill when the people have the power to veto the measure. As a means of enacting all laws the initiative would be too cumbersome. But as a check upon legislation, in my opinion, the initiative and referendum will prove very effective. The initiative and referendum do not destroy the character of representative government, but are merely the power the people reserve over their representatives in order that the government their representatives give be representative of the people in fact as well as in name. I believe the people of the large cities of the state should be given the referendum as to all ordinances enacted by the municipal assemblies of such cities."

Governor John A. Johnson, of Minnesota, in his inaugural message, January, 1909:

"I desire to renew the recommendation made by me to the last legislature in the matter of the enactment of a law covering what is generally known as the advisory initiative and referendum, which would permit the people of the state, county, city, village, or town to express their views upon questions affecting their organization. This principle is fast gaining ground upon the theory that the duly elected officers of the people are after all but the servants of the people, and that the people ought to have the right to express their views with the hope that the public servant might in some measure at least be guided by those views. This principle is but a step further than the right of petition, and is not binding upon the officers. The enactment of a law providing for the advisory initiative and referendum can be accomplished without constitutional amendment, and I firmly believe that such legislation is desirable. In my last message I stated that there was no good and valid reason against a submission to the people of a proposed constitutional amendment providing for the direct (i. e., mandatory) initiative and referendum. This would give the people of the state as a whole the right to declare whether or not they believed in the principle; but whether or not you would care to go so far in this direction, I am certain that there could be no objection to a plan providing for an advisory initiative and referendum."

Hon. John F. Shafroth, of Colorado, the recently elected democratic governor, in his inaugural address, January, 1909:

"In the platform upon which we were elected is a demand for the initiative and referendum as to legislation, by which the people can com-

pel legislation to be submitted to a popular vote. Under the provisions of the present constitution of this state the legislative power is vested in the general assembly, and no right exists to delegate the same.

"I therefore recommend that an act be passed, submitting to the voters an amendment to the constitution permitting the initiative and referendum as to legislation by the people. Such a constitutional amendment has been adopted by South Dakota, Oregon, Nevada, Oklahoma, Montana, Maine, and Missouri, and in modified form by many other states of the union.

"This character of legislation, under such a constitutional amendment, has been tried with most excellent results. As the people, under such laws, become the real legislators of many measures, it puts a stop to the attempt to improperly influence members of the legislature as to acts in which the public are vitally interested. It also tends to make legislators more careful of their votes, because of the apprehension that their work might be annulled by popular expression."

Governor Dawson, of West Virginia, in his annual message of January 13, 1909, spoke of the "overwhelming public sentiment in this state which demands that the people be allowed to choose their political party nominees from United States senator to constable." And he added:

"Half-way measures will not suffice. The people are in no humor to be trifled with. The day of the initiative and referendum is already here; we may retard the time of its full effect, but our efforts will be in vain long to postpone the operation of the program that the people have made up their minds to carry out with reference to their government. He is a poor observer of the signs of the times who does not see that the people propose to take larger action in the initiation of policies, to concentrate power and responsibilities—policies for the people, methods to the officers—in short, to have efficient government."

Acting Governor Denver S. Dickerson, of Nevada, in his message to the legislature, January 19, 1909:

"Provision has already been made in our state for the reference of laws enacted by the legislature to the voters for their rejection or approval (the referendum), and it has given general satisfaction.

"Closely identified with this law is that of the initiative in legislation, whereby the electors, without the intervention of the legislature, may enact into law such measures as they deem beneficial and necessary.

"The advisability of amending the constitution so as to provide for the initiative in legislation is commended to the favorable consideration of the legislature."

Hon. Joseph K. Toole, democratic governor of Montana from 1900 to 1909, who helped to establish the initiative and referendum in that state, in one of his annual messages to the legislature:

"I know of nothing more in accord with the genius and spirit of American institutions than what is popularly known as direct legislation. It had its birth in Switzerland. It is the very essence of government by the people.

"It fosters and encourages the formation and exercise of deliberate and independent judgment upon the part of the voter, instead of a perfunctory, blind following of disloyal, dissembling, and designing leaders.

"It is the sure defense of the people against misrule and oppression.

"It is the beacon light of safety when public servants are recreant to their trusts and defy public opinion.

"It is our hope for the present, our refuge and safe anchor for the future.

"It is the sure weapon with which to put to flight the briber and the lobbyist, and drive them, like Hagar, to the wilderness.

"It is a guarantee against the universality with which private interests take precedence over public interests.

"It is no longer an experiment in the United States. It exists to a greater or less degree in every state in the union.

"It is already applied to matters which we consider the highest concern of the citizen, such as the removal of state capitals and county

seats; the issue of state, county, and municipal bonds; the adoption of city charters, local option, municipal ownership of public utilities, etc., etc.

"Manifestly, the truth is, if the people are fit to delegate power, they are fit to exercise power primarily.

"If such a change is made in our fundamental law as will permit the people at the ballot box to approve or reject certain legislation, those having private interests to serve will not infest these chambers or obstruct the public business. Moreover, the legislature and executive will exercise more care as to the nature of the measures passed and approved if the voters have the power to demand that their voices be heard at the ballot box directly upon these measures.

"I accordingly recommend the submission of a constitutional amendment, providing for direct legislation, in substance and form like the Oregon amendment.

"The professional lobbyist has, I regret to say, become one of the features of legislative assemblies. Do not understand me to suggest that the halls of legislation should be inaccessible to either the individual or the corporation. The lobbyist, however, who is for anything or against anything for hire, whose mission is to promote one measure or defeat another, who haunts the chambers of legislation and taints this atmosphere with his corrupt designs, who sends for members for interviews in the cloak room, who carries a tally sheet and watches for roll call, who shadows the members at their homes and hotels, injecting at all hours and at all places his poison into the public service, is a criminal, whose approach is an insult, and to whom the doors of the capital should never swing inward.

"The initiative and referendum would abolish both.

"It is urged against the initiative and referendum that if it were adopted, only a few of the voters, comparatively, would vote on the questions submitted. I believe this would not be true if the measures so submitted were placed on separate ballots, as already suggested.

"One admirable feature of direct legislation is that it would often accomplish good results without being used.

"Before concluding this subject I wish to disclaim in emphatic language any reflection or knowledge which would justify reflection upon the assembly or any member of it. I speak for the future—a future pregnant with hope and fear. No man can tell what the unrestrained modifications now going on in the world of finance, commerce, and transportation may bring forth, what riff-raff the ebb and flow of politics may drift into places of honor and public trust. Against these contingencies, it seems prudent to prepare, while we may, for a system which will put into the possession of the people the constitutional machinery by which eight per cent of the voters can resurrect a good measure which has been summarily pigeonholed, and by which five per cent of the voters could stop the operation of a bad law until a sovereign people can pass upon it at the ballot box. This, in my opinion, would be an effective check on the killing of good bills and the passage of bad ones.

"Direct legislation has been in operation in South Dakota several years, yet it has never been appealed to; a fact urged against the measure, but, in reality a strong argument in its favor.

"It remains, just the same, a 'flaming sword' in the hands of the people, constantly reminding the unscrupulous lobby and the designing 'boss' that there is a reserve power which, when the occasion demands, can and will be brought into requisition."

Hon. Charles N. Herreid, while governor of South Dakota:

"Since the referendum has been a part of our constitution, we have had no charter mongers or railroad speculators, no wildcat schemes submitted to our legislatures. Formerly our time was occupied by speculative schemes of one kind and another, but since the referendum has been a part of our constitution, these people do not press their schemes on the legislature, and hence there is no necessity for having recourse to the referendum."

Governor Coe I. Crawford, of South Dakota, a republican, and now a member of the United States senate:

"This provision works well in South Dakota and meets with the approval of a great majority of our people, including the most thoughtful and intelligent. About one-third of our population is foreign-born, but, as a rule, our foreign