

majority and has never been opposed in enforcement. The nation annually distributes several million francs among the cantons for the erection of new school houses and gymnasiums, raising teachers' salaries, clothing and feeding school children, etc.

A fourth and last group of measures may be mentioned here—the codification of the civil laws. Every canton had its own civil and police laws, but for fifty years Switzerland has been endeavoring to bring about uniformity in the dispensation of justice, and, by degrees, parts of the civil laws have been harmonized. The nation created, for example, in place of the "cantonal rights," general or "national rights." This has never been questioned by the optional referendum. Later on a "collection and bankruptcy law" was drawn and sanctioned by a people's vote. In 1898, a referendum vote secured the right of introduction for a uniform civil and uniform police code, which has been worked out by the government and silently sanctioned by the people.

But you ask me if there have not been referendum elections which have been disappointments, or, at least, doubtful; the practical value of which have been questioned. I answer by saying, yes. Such has been and is the case, for we must never expect the result of a referendum will please everybody. I mention a few elections, the results of which have been questioned by many clear-headed men. First, the vote on the federal law abolishing capital punishment. Personally I am opposed to capital punishment, but it must be considered that it still exists in most countries. It would therefore be unjust to censure the Swiss people too severely when they decided not to sanction such a statute, but rather to let the cantons decide for or against for themselves. After the revocation of the statute it was found that most cantons did not re-establish the death penalty, and those which did so have made use of it in but very few cases.

A compulsory sick and accident insurance measure was also rejected by a large majority, although such an institution would no doubt have been a great step forward. There were probably three reasons for its defeat. It was couched in complicated terms; the private companies opposed it strongly; and there was great uncertainty as to its probable cost. But the final settlement of this question was only postponed, and, in the meantime, funds are steadily increasing which the government is depositing for this purpose. The people are divided on the prohibition of absinthe, which was accomplished at a recent election. Wine, beer, cider and whisky may be used as beverages in Switzerland. Why not absinthe? Representatives from the French cantons maintained that in their districts it had become such an evil, causing poverty and crime, that only prohibition could curb it. The permission to conduct brothels is left to the discretion of the cantons. In Zurich they are suppressed; in Geneva they are still in existence.

Individual opinion upon the outcome of certain referendum votings can not determine the value of direct legislation.

We must fix our eye upon the sum total of its workings. Do this, and it must be said that the system has taken root so deeply in the hearts of the Swiss people that today no party or faction would either oppose or dispense with it. All political parties submit willingly to the decisions of the majority, each hoping to win a majority to its own program in the future. The Swiss people recognize in the initiative and referendum their shield and sword. With the shield of the referendum they ward off legislation they do not desire; with the sword of the initiative they cut the way for the enactment of their own ideas into law. The people may reject a progressive measure when first presented and embrace it when another opportunity presents itself. In any event it is better not to force laws—even good laws—upon the people, but to leave the decision to their own free will. Possibly they may try by the initiative to do some erratic thing, but they will take note and rid themselves of it eventually. The initiative has frequently been called an "escape valve" by which the will of the people finds expression. New ideas are given a chance to court investigation and enlist a following. Later they may become law. Besides this, the Swiss form of the initiative permits the legislative bodies to work out and submit proposals of their own along with those of the people.

I do not defend a thoughtless or indiscreet use of the initiative. On the contrary, I insist that the leaders of the people should, before putting the initiative machinery in motion, give an exact and literal account of the meaning and

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extent of any proposed measure. Only in this manner may they insure victory or make a creditable showing. As to the value of the initiative I am able to present a most competent witness. An official document of the government of Zurich says:

"The use of the initiative in past years proves, without a doubt, the popularity of this right. This popularity has not been attained by degrees; it was evident from the first that the people rejoiced in the privilege of influencing directly the administration of public affairs. Although the privilege has been used frequently during the past thirty-five years, it can not be said that it has ever been misused. At times ill-considered proposals have been made, but they found their correction either in the critical attitude of the cantonal council, or in the people themselves at the election. As far-reaching as this institution (the initiative) may seem to be, it has never led the canton astray or prompted irrational political results. On the contrary, it has essentially aided in stimulating and creating a healthy political atmosphere in the canton; it has broadened and improved the political life of the citizens. Direct legislation is, therefore, the best political school for the people. In addition, it must not be forgotten that the political activity of the cantonal council would sometimes have been less expeditious had it not been for this popular agency. The mere fact of its existence has been influential upon the deliberations and decisions of the council. Direct legislation democratizes the representative system and prevents the formation of an abyss, which, as experience shows, has frequently arisen between the people and their representatives, to the detriment of good government. The workings of the law initiative in Zurich have been entirely satisfactory up to this time. If, in the future, its form should be altered, the change will be to make it more easy, not more difficult, of operation. Dread of the people must never be the counsellor of the law-maker."

Indeed, then, the mere existence of the institution of direct legislation operates favorably, forcing the legislators to a better consideration of the feelings, the desires, the will, and the needs of the body politic. They are more liable to draw their resolutions and laws in such wise as to pass muster at the referendum election. In the possession of unlimited power they tend to become a "class," a "caste," but constant control of affairs by the voters, and the fact that the latter are at all times judges of the legislators, guards them against such a possibility. At the regular elections the people judge candidates alone and may be deceived by their true characters. Political managers often succeed in forcing certain men upon the people, but in the referendum elections principles are judged, the worth of which every voter may determine for himself, independently of any pressure brought to bear by professional politicians. Consequently the occupation of the minds of the people with proposed laws is much more valuable as a civic educator than is the ordinary campaign. A nation possessing the initiative and referendum is far less liable to become the victim of political apathy and lethargy than one which has the representative system alone. The former will be better informed, more watchful of public affairs, and less apt to become fettered by a bureaucracy or fall into the pitfalls of corruption. In Switzerland, at least, no one doubts that through the use of the direct vote system, the people have become more enlightened and mature politically and that the general welfare has been augmented.

But could not direct legislation, on account of certain topographical conditions and historical traditions, be expedient for some countries only—for example, Switzerland? I have already answered this question in the negative at the beginning. The referendum has not a mere local character but a universal mission. The state of Ohio has a population of over four millions, and Switzerland over three millions. It is just as possible to have a popular vote there as in Switzerland, and it will be found practical for even larger states. But it would be necessary to use it only in matters of general interest.

It must be admitted that the American people have long been intellectually ripe for direct legislation. Their training in self-government, their liberty-loving instincts and traditions, their advanced state of education through the public schools, and their practical understanding of the

problems of the times, enable the American people, more than any other, to use the referendum and initiative wisely and profitably. Modern democracy, blossoming out of the Landsgemeinden of Switzerland, will bloom also in America, and the political progress of the land of William Tell is certainly possible for the land of George Washington and Abraham Lincoln.

THEODORE CURTI.

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Practical Tariff Talks

An excellent illustration of the taxing methods of the tariff may be gleaned from an inquiry into the press cloth schedule. Press cloth is used very largely by the cotton seed crushing mills of the country. These number 800, and are largely located in the south. The industry is a large one, representing about \$80,000,000 in capital, employing 50,000 persons and pays out about \$25,000,000 a year in wages. It utilizes as a raw material about four and a half million tons of cotton seed that formerly went to waste, and yearly adds about \$100,000,000 to the material wealth of the country. An important item in the cost of manufacture is the cloth from which is made the wrappers which are used to contain the cotton seed while the oil is being extracted through hydraulic pressure. These are called press cloths, and most of them are made from camel's hair, which long experiment has proved to be the best fitted for the purpose.

This press cloth is manufactured by four or five companies in America. It is also made in England, but there are no importations because the tariff thereon is prohibitive. These four or five manufacturers maintain a very close community of interest, although they strenuously deny being in any combination. Each sells for the same price, around about 62 cents per pound. In an attempt to break this combination of prices the association of cotton seed crushers has pooled orders repeatedly and offered them to one or the other of the mills. Word has invariably been sent to all the other mills, and not a cent shading in the price could be secured. The manufacturers have entirely eliminated competition, and even utilize the same selling agency to dispose of the output of the various mills.

In England a better press cloth sells for 38 cents a pound. When the Dingley bill was passed the cotton seed oil manufacturers supposed that this cloth would come in under section 431, which levied a duty of twenty cents a square yard, or about 4 cents a pound, on "hair press cloth." But the appraisers and the courts decided that this was a mistake, that it meant horse hair, and that camel's hair cloth came in under paragraph 383, which says that "whenever in any schedule of this act the word 'wool' is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca or other animal." This was inserted, it is presumed, to protect the American sheep on the theory that if camel's hair is used for something for which wool may be used the law ought to compel, through the tariff, the employment of wool instead of the hair of the foreign-born and bred animals. But experiment has shown that for press cloth wool is unsuitable.

An ordinary mill will use three or four thousand dollars' worth of press cloth in a year. Parenthetically it may be stated that this press cloth is also used by linseed, rape seed and castor bean mills. The price in England is 38 cents, the duty is 53 cents, and the American mills sell at 62 cents. The duty, therefore, is about 185 per cent of the foreign selling price, and the only fact advanced by the press cloth manufacturers before congress was that because they didn't add the full 53 cents to the English price and ask 86 cents a pound as they might, the tariff ought to be maintained. Curious reasoning, of course, to contend that because they didn't need that much tariff it ought to be retained. Strong representations were made to the ways and means committee for a reduction of the duty that would enable the users of press cloth to break the combination of the makers, but because it had been agreed upon by the wool manufacturers and the woolgrowers that the wool schedule should be untouched, no redress was given, and the cotton seed men will continue to pay the heavy tax easily calculated from the statements made above. C. Q. D.