

EDUCATIONAL SERIES

Governors for Direct Legislation

old week closed. The nomination by President Taft of Governor Hughes to succeed Mr. Justice Brewer in the supreme court GAVE GENERAL SATISFACTION IN FINANCIAL CIRCLES because of the conservatism that Governor Hughes has shown in his official acts when the interests of capital have been concerned. He has vetoed, for instance, the two cent per mile maximum passenger rate for New York state; he appointed a committee to investigate speculative methods in the state whose report did much to restrain popular and unwise legislation based on lack of knowledge; and in other ways he has shown himself a man with a proper appreciation of the protection guaranteed to property under the constitution. IT WAS FELT THAT WITH SUCH AN ADDITION TO THE HIGHEST TRIBUNAL, THAT DECISIONS IN SUCH CASES AS THE STANDARD OIL AND AMERICAN TOBACCO WOULD BE IN SAFE HANDS.

"At the close the market showed a disposition to steady itself."

"THE BEST EVER"

Andrew Carnegie has given to the newspapers an interview in which he declares that the Payne-Aldrich tariff law is the best ever placed upon the statute books. Of course it is "the best ever" for Mr. Carnegie as well as for other tariff barons who provide the republican party with its campaign funds.

A certain republican editorial explains to those who are in the dark on this subject just why Mr. Carnegie is so deeply in love with the present republican tariff law. In its issue of May 18, 1902, the Chicago Tribune, republican, had an unusually interesting editorial entitled "The Arrogance of Wealth." The Tribune was considerably disturbed because Andrew Carnegie had offered to pay \$20,000,000 for the Philippine Islands provided only that he was permitted to assure the Filipinos that they would be given their independence. The Tribune said that the steel magnate "has tried the patience of his friends severely in some of his late bids for notoriety;" that he is constantly posing; and has "scattered libraries broadly throughout the country, all of which are to be called for him, and every one of them is 'a contribution to the conscience fund.'" Then the Tribune explained:

"Mr. Carnegie made his money in a magnificent way, but he should never forget that he made it through the undue favoritism of the government of the United States. Owing to the discrimination practiced in his favor by the tariff, he was enabled to amass a fortune of two hundred millions of dollars or more, most of which came out of the pockets of his countrymen through the operation of unequal laws. Much has been said of the benefit arising to the workingmen from the establishment of the Carnegie works. The beneficent tariff system permitted the works to survive and flourish, but there are some people who have not forgotten the Homestead strike, nor the outrageous manner in which the workingmen were treated at that time by employers whose brutality has seldom been exceeded in the history of labor agitations."

A DISGUSTED REPUBLICAN

General James S. Clarkson retired recently from the office of surveyor of the port of New York. General Clarkson, speaking to the New York correspondent for the Chicago Record-Herald, republican, said that he was glad to get rid of the load. He said that his efforts for honest administration were constantly thwarted. Then he said:

"I worked for a scales that would tell the truth, but my efforts were constantly thwarted at Washington. The Fairbanks company experimented for two years until it had perfected an automatic scales that would have been most suitable for our use. I had them tried and they were satisfactory, but when the president of the company went to Washington he was turned down. Why? Perhaps you all know as well as I. Another time we secured a satisfactory scales, and when it was sent to Washington for approval it was laid away in some cellar. It was never sent back. What prevented the adoption of the scales I do not know. But I do know that we haven't got the scales, which would have saved the government \$1,000,000 since I have been in office."

When "Ret" Clarkson deserts the republican ship it must be plain that the old vessel is sinking.

The governors of most of the states of the union have spoken emphatically in favor of the initiative and referendum. It will be interesting at this time to read some of the things written by American governors with respect to this proposed reform.

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 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. Srafroth, of Colorado, 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 compel 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 in 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 referendum 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