

Underwood on the Referendum

From the Alabama Citizen.

[We are printing this speech of Senator Oscar W. Underwood before the Catholic Club of New York City to show that in 1911 he was publicly opposed to a referendum on measures, urging that we adhere to our representative form of government. He and his friends are now urging a referendum on national prohibition.—Ed.]

The framers of the federal constitution were familiar with repeated failures of governments based on the principle of a direct democracy, where the people were the direct law making power and in some instances the ultimate judicial power of the country.

They knew from the history of the past that these governments had failed in their purpose; that the liberties of the people had been destroyed by the extremes and excesses which marked the administration of a government where the laws were made in the forum by the assembled multitude and were not the mature product of selected men especially trained for the work in hand.

They knew that the failure of every direct democracy was due not to the lack of honesty of purpose on the part of the aggregate citizenship assembled in the forum, but to the fact that they were often swayed by their desires, passions and prejudices, and lacked intimate knowledge of the resultant effect of their actions.

Realizing the danger and excesses of a direct democracy, the framers of our constitution would protect the rights and liberties of the individual and at the same time reflect ultimately the will of the majority in the enactment of the law of the land.

To accomplish this end they established a representative form of government designed to create a law-making power responsive to the will of the people and at the same time they wrote in the constitution certain checks and balances designed to prevent the mere brutal force of a majority from destroying the liberty and property rights of the individual.

(After enumerating the rights reserved to the states.) It is evident that the framers of the constitution were unwilling to trust a selected legislative body, held in check by the veto power of the executive, fearing even then an unbridled use of power. They established constitutional guarantees of liberty. That a majority of the people could not trample upon, or the government itself destroy.

Some may say that a majority of the people will not endanger the rights and liberties of the individual. I wish that this were true, but the history of every government has shown that at times the people, when unchecked by constitutional guarantees, have destroyed individual rights and individual liberty.

It is now proposed by some that we shall in part abandon the representative government enacted by the revolutionary fathers, and adopt a system that in the end would establish a direct democracy when the ultimate power to make the laws would be placed directly in the hands of all the people and the independent judiciary intended to protect the constitutional guarantees of individual liberty, would become subservient to the will of the majority through political compulsion.

We may forget that Madison and Hamilton soldiers of the war for American independence brought their great minds and mature judgments to the framing of the constitution of the United States, but there is one whose sincere judgment will not be doubted as to the value of a representative government as compared with a direct one.

I recognize that in some local matters when a distinct issue, one that is clearly and easily understood, has been presented to the people, the initiative and referendum has worked out satisfactorily. The temperance laws of our state provide that a certain number of our voters may petition and the people can then determine whether the county shall be wet or dry. Here the people clearly understand the issue and the result probably expresses true desires.

Can it be truthfully said that the congress has failed ultimately to place on the statute books the laws that a majority of the American

people were in favor of as a result of their permanent and deliberate judgment?

The response may not be as rapid, but it is probably more permanent, and there is certainly not as much danger of enacting hasty legislation. Can not a committee of congress, composed of representative men, initiate legislation within the limitations of the constitution, guard against excesses and abuses, protect the rights of the minority, voice the wishes of the majority, as well or better than the partisan friends of a measure who, in order that they may accomplish one result, are tempted to reach so far that they leave a wave of destruction as to collateral matters the measure touches?

It is true that under the system proposed, a petition by a percentage of the voters would have to be obtained.

But let every man ask himself how often he has signed petitions to please or get rid of the person who presented the paper, to determine what thought and deliberation will be exercised by the average man who signs a petition.

Can it be said that the voting population of the United States will give the mature and careful deliberation to the technical questions that arise in the enactment of laws where the percentage of responsibility is far removed when it is referred to them for approval, that is given to the passage of the same law by selected representatives who must record his vote and be responsible to his constituency?

You tell me that the people can not elect honest and faithful servants. I tell you the masses of the people are far better judges of men than they are of measures and are far more likely to select an honest man than an honest measure.

LEAGUE STATEMENT IN THE ANDERSON-BRYAN CASE

[The following report of a special committee appointed by the executive committee to prepare a statement in reference to the Anderson-Bryan matter was adopted by the executive committee of the Anti-Saloon League of America as the league statement in the case.—The American Issue.]

Your committee to which were referred the publications of Superintendent William H. Anderson concerning the Honorable William Jennings Bryan and related matters, reports as follows:

The Anti-Saloon League of America is composed of state leagues. These leagues have common interests and the officials of each state league should conduct the affairs of their league with due regard to the success of the work at large. It follows that in matters of national scope a state superintendent should not take action without conference with, and the approval of the national officers.

1. In the present instance it is the judgment of your committee that Superintendent Anderson made a mistake in the following respects:

(1) In putting forth an utterance upon a matter, which, while it had its local aspects, was national in character, and called for consultation with, and the approval of, the general superintendent.

(2) In making an attack of a personal nature upon an outstanding friend of prohibition, in which he departed from the established policies and fundamental principles of the league.

2. Notwithstanding this mistake Superintendent Anderson has shown himself an unusually able and efficient leader, as evidenced by the results achieved under his leadership in New York and elsewhere.

3. That we have given full consideration to the communication from some of our fellow prohibition workers in New York; that we accept and appreciate the assurances of their earnest desire to co-operate with the league, which desire for co-operation we heartily share; that we are sure that these friends will cheerfully recognize that each organization must determine for itself the personnel of its officers and will not allow this fact to affect in any way, or to any degree, their co-operation either in spirit or in deed.

4. That we hereby record our deep sense of appreciation of the devotion of Mr. Bryan to prohibition and of the efficient and far-reaching services he has rendered and is rendering to this, our common cause.

5. That the executive committee hereby expresses its approval of the statement recently made in The American Issue by the national officers of the league with reference to the National Dry Federation.

CLEAN BOYS IN THE AMERICAN ARMY

Debauchery and intoxication have been deemed well-nigh essential to successful warfare. The soldier of fortune was so often a libertine that loose morals were accepted as a part of the price of fighting. Not so now.

The soldier is a much more "moral" individual than the civilian. The fighting man is protected from temptation to a degree hitherto unimagined.

Hygiene, not puritanism, accounts for this marvelous change. The soldier, to be effective, must be well. Health is a part of the price of victory. Consequently the morally degrading conditions which eventuate in disease are no longer tolerated.

At the beginning of the war vice was condoned in many quarters. In consequence it was reported that more Austrians were rendered unfit for fighting by certain diseases than by wounds.

Incredible figures were given to show the manner in which tolerated lewdness destroyed the morale of a fighting force. Secretary Baker was convinced, and from the beginning of America's participation in the war took steps to prevent it in the American army. The benefits of the precautions decreed are now revealed. According to an apparently authentic dispatch from France, only one soldier in every thousand is receiving hospital treatment for diseases of that type. This is an unprecedented record. The most trustworthy reckoning places the frequency of such infections among the civil population at a much higher figure.

It is encouraging to learn of the soundness of the boys in France. They are being safeguarded from contamination. Parents and others concerned about the welfare of the soldiers given to the nation need have no fear on this score. The boys are clean.—San Francisco Examiner.

The government is asking intelligent, whole-hearted and enthusiastic co-operation from the people in its food and fuel conservation programs. It is not asking anyone to deprive himself of what he actually needs. It desires him to have sufficient food to make him an efficient soldier in the home army of producers, and it wants him to keep fit in every way. What it is doing is simply to impress upon every citizen the fact that if good common sense is used and a spirit of sacrifice shown there will be enough to go around for everybody, ourselves and our allies. Doing this or that thing will not in itself win the war. It helps. That's what the government wants you to do.

The order of the government that every man must work or fight is aimed at the pool hall loafers, the cabaret frequenters and the gambling house devotees. Here is another use of the power of the government that is certain to bring such good results that it is likely to be continued after the war. Just why the government permits the manufacture of loafers and criminals for whom it must later provide methods of restraint is an inquiry likely to be pressed with considerable force when we get around to re-ordering our affairs.

Most of the perturbation seen in profiteering circles these days is over the excellent demonstration the government has given that whenever it wants to fix prices it can fix them. The people have suffered so long from monopolistic extortion that they will never be willing to endure it again after the war is over when they have found a weapon that has so strongly proved its effectiveness.

The democratic party can well afford to be charged with playing politics when it determines upon holding congress in session all summer for the purpose of passing a new revenue law that will place a greater burden of taxation for war uses on excess profits and large incomes. Any party that has the nerve to undertake to take the profits out of profiteering will not suffer in the public esteem.

At the Nebraska university the board of regents is trying a dozen professors on charges of failure to verbally support the war, and one of the specifications against one is that he said that if he had to live under the rule of a dictator he would just as soon live under kaiser Wilhelm as Kaiser Teddy. If T. R. ever hears of that he will have the laugh of his life.