

police affairs. The other theory is that elect representatives to legislate in obedience to our wishes, to the end that the people shall rule themselves. Each theory has found support in the thought and practice of the people of the United States. In the beginning state constitutions were short, being usually merely a statement of the bill of rights and accepted constitutional principles. Legislative authority thus but slightly checked became aggressive. Endeavoring to hold the activities of their representatives within proper bounds, the people amended the state constitutions, and quite generally called conventions to draft new constitutions. This practice was repeated until these state charters have grown from 1,000 or 1,500 words to the latest—that of Oklahoma—which is about 60,000 words in length. This whole procedure is evidence of the persistency with which the people struggle for genuine self-government. For more than one hundred years they have struggled to bring their legislatures into subjection. The means adopted has been a large increase of constitutional limitations. But in addition an increasing number of matters have been made to depend directly on the political action of the people themselves. In most states constitutional provisions are referred to popular vote. In many the people vote directly on loaning public credit, expenditure of money, city charters, granting franchises, methods and rates of taxation, subdivision of counties, organization of townships, highway control, public aid to private enterprise, Sunday closing, local option, civil service, direct primaries, and many other matters.

Direct legislation is the principle underlying this latter movement. It is in fact, safe guarding liberty by means of live men, rather than by dead forms.

REPRESENTATIVE GOVERNMENT NOT A FAILURE

We are supposed to possess popular self-government. But in fact the hindrances to its realization are so many as to cause a considerable percentage of our voters to despair. Capable men, who are earnest in their studies and in their efforts to improve existing conditions, are heard to declare that representative government has proved a failure. That these men are hasty is no doubt true; but, on the other hand, the evidence of seemingly almost fatal defects in our governmental machinery is overwhelming.

Why was it necessary to battle so many years in order to secure the interstate commerce commission? Was it not because the people had no means by which they could directly express themselves on that one question? The people must express themselves through representatives, and these have many duties, to engage their attention.

The resulting situation is that the representatives are not under positive command to do any one particular thing—are not even certain as to the desires of their constituents. These conditions inevitably give to political machines a controlling power, that, among a truly self-governing people, should reside with the voters alone. We have no reason whatever to despair of popular self-government until it shall first have had full and adequate trial under the most favorable circumstances, or in conditions giving the people every opportunity, when in their judgment the need arises, to completely control governmental action.

The intent of our governmental structure is right. Its defects are wholly in the details of administration. These are not of uncertain or indefinite character, but easily perceived, and as easily understood. So long as city or state legislative bodies may grant a privilege in highways—commonly known as a right-of-way—and the courts continue to declare such grant to be a contract, thus placing it beyond the reach of sovereign states, the people are helpless, unless we secure possession of the machinery for direct legislation.

Why should any man who believes in popular self-government hesitate to claim the right to review legislative action. Does he not know what he desires the legislature or the city council to do? If he does not, why does he vote?

Let us then recognize the very evident fact that the machinery originally installed for the realization of popular self-government is in some respects insufficient for the intended purpose. Let us observe that this insufficiency has been fully overcome by the commonly known and plainly correct methods of customary parliamentary law.

Having arrived at a clear knowledge of the simple remedy for the difficulty, let us demand that it be applied—and at once. We demand

the initiative, that we may carry our will into effect when legislative bodies fail or refuse to act. We demand the referendum, that we may resist legislative action when contrary to the popular will.

In other words, we demand the continuance of representative government with optional direct legislation. We want representative government as a mere matter of convenience—but demand direct legislation as our natural and inalienable right.

THE MISSOURI LAW

At the recent election the people of Missouri adopted the initiative and referendum by inserting the following clause in their constitution:

"The legislative authority of the state shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and amendments to the constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly.

The first power reserved by the people is the initiative, and not more than eight per cent of the legal voters in each of at least two-thirds of the congressional districts in the state shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon:

"The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of the state institutions and for the support of the public schools) either by the petition signed by five per cent of the legal voters in each of at least two-thirds of the congressional districts in the state, or by the legislative assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded.

"The veto power of the governor shall not extend to measures referred to the people.

"All elections on measures referred to the people of the state shall be had at the biennial regular general elections, except when the legislative assembly shall order a special election.

"Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be: 'Be it enacted by the people of the state of Missouri.'

"This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure.

"The whole number of votes cast for justice of the supreme court at the regular election last preceding the filing of any petition for the initiative, or for the referendum, shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he, and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor."

Credit for the adoption of this measure is due to the Missouri Federation of Labor, to the Referendum League of Missouri, and especially to the president of the league, Dr. William P. Hill, without whose large financial assistance, capable leadership, and untiring devotion to the cause of real democracy, the energetic campaign carried forward in Missouri in behalf of the foregoing constitutional amendment would have been wholly impossible.

THE PEOPLE ACT WITH MODERATION

The acts of the people with the machinery of direct legislation will compare very favorably with the activities of legislatures, as is shown by the following lists of measures adopted during the last three elections by the people of Oregon: On June 3, 1902, the initiative and referendum were added to the constitution of the state of Oregon, by a favorable vote of 62,024 for and 5,668 in opposition. The total vote for officers at the same election was 92,920. Thus a trifle over 72 per cent of the total vote was cast on the amendment.

In 1906 eleven laws were submitted to the

people. The vote on equal suffrage was over 84 per cent of the total, and the measure was lost by 36,902 to 47,075. This proposal carried in ten counties and lost in twenty-three.

One proposal was to sell an old road to the state (under the popular cry of public ownership), but an adverse vote of 44,527 to 31,525 defeated the scheme.

An appropriation by the legislature was held up by referendum petition, but the people sustained the legislature by a vote of 43,918 to 26,758.

An amendment of the constitution to enlarge the scope of the initiative and referendum was adopted by 47,661 to 18,751. This carried in every county, as did the six following measures: A constitutional amendment giving cities and towns power to enact and amend their charters, subject to the state constitution, adopted by a vote of 52,567 to 19,852.

A constitutional amendment for the initiative and referendum on local, special and municipal laws, by a vote of 47,678 to 16,735.

A constitutional amendment allowing the state printing and binding to be regulated by law by 63,749 to 9,571.

A law prohibiting free passes and discrimination by railroad companies and other public service corporations, by 57,281 to 16,779.

An act requiring sleeping car, refrigerator car, and oil companies to pay an annual license upon gross earnings, by 69,635 to 6,441.

An act requiring express, telegraph and telephone companies to pay an annual license upon gross earnings, by 70,872 to 6,300.

On June 1, 1908, nineteen proposals were submitted in Oregon. Four of these were referred to the people by the legislature; four were ordered by referendum petition, and eleven by initiative petition. Of the whole, seven were defeated and twelve adopted.

The total vote cast at this election was 116,614. The largest vote cast on any of the nineteen proposals was 95,528; the smallest 70,726.

The four matters referred by the legislature to the people were:

An amendment allowing state institutions to be erected elsewhere than at the seat of government, adopted by 41,975 to 40,868.

An amendment changing time of holding election from first Monday in June to first Tuesday after the first Monday in November, adopted by 65,728 to 18,590.

An amendment allowing increased compensation to members of the legislature, defeated by 68,892 to 13,691.

The four matters ordered by referendum petitions were:

An amendment to increase numbers of members of supreme court, defeated by 50,591 to 30,243.

An act giving sheriff the right to feed prisoners at a per diem rate, adopted by 60,443 to 30,033.

An act requiring railroads and other common carriers to furnish free transportation to certain state and county officials, defeated by 59,406 to 28,856.

An act appropriating \$25,000 annually for four years for state armories, defeated by 54,848 to 33,507.

The eleven measures proposed by initiative petitions were:

An act protecting salmon and sturgeon during certain seasons and from traps, adopted by 46,582 to 40,720.

An act protecting salmon and sturgeon from gill nets in parts of the Columbia river and tributaries, adopted by 56,130 to 30,280.

An amendment permitting the "recall" after six months in office, adopted by 58,381 to 31,002.

A law directing legislators to follow the popular choice for United States senator, adopted by 69,668 to 21,162.

An amendment permitting proportional representation, adopted by 48,868 to 34,128.

A law against corrupt practices and limiting election expenditures, adopted by 54,042 to 31,301.

A law preventing criminal trial save upon grand jury indictment, adopted by 52,214 to 28,487.

A law creating the new county of Hood River, adopted by 43,948 to 26,778.

An amendment to give equal suffrage defeated by 58,670 to 36,858.

An amendment to allow towns to regulate liquor trade, defeated by 52,346 to 39,442.

An amendment exempting certain forms of property from taxation, defeated by 60,871 to 32,066. This measure was urged by the single taxers.

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