

# EDUCATIONAL SERIES

## The Fight for Direct Legislation

The fight for direct legislation has already resulted in many victories. The Equity Series, published by Dr. C. F. Taylor, Philadelphia, prints the following under the headline, "Steps Toward Pure Democracy:"

1897. Iowa applied referendum to all franchise grants.

1897. Nebraska made initiative and referendum optional in cities.

1898. South Dakota adopted initiative and referendum amendment.

1900. Utah adopted amendment, for which legislature has never passed enabling act.

1901. Illinois passed public policy law providing for advisory referendum.

1902. Oregon by constitutional amendment secured an effective form of the initiative and referendum.

1903. Los Angeles, Cal., applied initiative and referendum to municipal affairs.

1905. Nevada by constitutional amendment adopted the referendum.

1905. Grand Rapids, Mich., applied initiative and referendum to municipal affairs.

1906. Montana adopted initiative and referendum amendment.

1906. Delaware by popular vote instructed legislature to provide for the initiative and referendum.

1906. Nebraska gives to cities power to adopt initiative and referendum, which has been quite generally accepted.

1906. Des Moines, Iowa, adopts initiative, referendum and recall in connection with commission plan of government.

1907. Cedar Rapids, Iowa, adopts initiative, referendum and recall.

1907. 1—Oklahoma placed initiative and referendum in the constitution to be submitted to the people. 2—Maine legislature voted to submit an initiative and referendum amendment. 3—Missouri legislature voted to submit an initiative and referendum amendment; this must be passed on by another legislature before it can be submitted to the people. 5—Delaware legislature placed the initiative and referendum in the charter of Wilmington.

1908. 1—June 1, the people of Oregon demonstrated the people's ability to legislate more clearly than was ever done before by voting very discriminatingly upon nineteen measures, four being amendments to the constitution, four measures referred to the people by petition, and eleven measures initiated by petition. 2—September 15, the people of Maine adopted a direct legislation amendment to their constitution by a vote of over two to one, in spite of influential opposition. 3—November 3, Missouri adopted a direct legislation amendment to the constitution by a majority of 35,868, though it was disadvantageously placed on the ballot; four years ago this same amendment was defeated in Missouri by a majority of over 53,000. 4—Ohio adopts referendum in regard to franchises in cities. 5—Numerous minor victories for direct legislation, and demonstrations of the efficacy of direct legislation resulted from the November 3 elections. 6—Movement started in Ontario and other provinces in Canada for initiative and referendum. 7—Movement started in England for initiative and referendum headed by committee of most influential citizens.

### WHAT THE INITIATIVE AND REFERENDUM IS

(From the Equity Series, Philadelphia, Pa.)

The call for facts concerning the working of the initiative and referendum is very frequent and at times very urgent. To answer all these calls by personal letter is impossible. At the expense of some repetition, therefore, we herewith give the leading facts in favor of direct legislation in order to put a resistless weapon in the hands of those who are called upon to make aggressive campaigns, or to answer the objections of opponents. The facts given are taken largely from the Arena and from previous numbers of Equity.

We begin with Switzerland. A great many lies are told by the opposition about this country. We say "lies" because there is no other term that will suit. They are downright, bold-faced, inexcusable lies, and speakers favoring

direct legislation should keep this fact in mind.

Now here is the truth about Switzerland as it comes to us from the highest authority. Hon. Numa Droz, former president of Switzerland, says: "Under the influence of the referendum a profound change has come over the spirit of parliament and people. The net result has been a great tranquillizing of public life."

Prof. Charles Borgeaud, of the faculty of the University of Geneva, one of the most distinguished educators and economists of Europe, in a paper prepared expressly for the Arena, has this to say on the results of the referendum in Switzerland: "The referendum has won its case. Unquestionably it has proved a boon to Switzerland and has no more enemies of any following in the generation of today. Let me give one instance to illustrate what I advance. In one of the cantons that was among the last to introduce the referendum—the canton of Geneva—where the bill bears the date of 1879, both parties, conservative and radical, are just now quarreling in lengthy articles and in political speeches about the real promoters of the same. The novelty of twenty-five years ago is such an unqualified success that every party feels inclined to boast of being the country's benefactor who introduced it in the cantonal constitution. As a matter of fact it was inaugurated at Geneva by the conservatives, who from that time really deserved the name which they assume, of democrats.

"Now, why is that institution so popular in Switzerland that no one would dream of proposing that we should do away with it and go back to the purely representative system of 1848? Because it has proved an efficacious remedy, meeting in a large measure the evils which may be consequent upon that form of government."

The late Prof. Frank Parsons, of Boston, who recently visited Switzerland and conversed freely with all classes, says: "I did not find one man who wishes to go back to the old plan of final legislation by elected delegates without chance of appeal to the people."

Charles Edward Russell, writing for Everybody's, declares that the Swiss are "by all means the happiest people in Europe. They are not called upon to endure anything which they do not approve. They have at all times in their hands a machine, mobile, swift, and efficient, by which they can work reforms and effect changes."

So much for Switzerland. Let us now turn to America. Here we find the politicians very much alarmed lest the people, not having legal minds, will be unable to discriminate properly concerning the laws they really desire. If by the legal mind is meant the ability to so frame laws that they must be obeyed by the poor while the rich may violate them with impunity, the point will be conceded. To frame laws thus is pre-eminently the work of professionals. But if it is meant that the people do not know what they want, and can not vote intelligently when the case is put fairly before them, the point is denied. We will now cite some instances which prove decisively that the people do know what they want. Here is what the people did in Boston nine years ago, as stated by the late Prof. Frank Parsons in the Coming Age for February, 1900:

"Among the many benefits of direct legislation there is reason to lay special stress on its tendency to improve the conditions of labor and to destroy the rule of monopoly. These points have been enforced by the advocates of direct legislation both by history and philosophy—they have been true in fact and they must be true in the nature of things, and now we have a new and brilliant illustration of the strength of the referendum in directions just indicated. The people of Boston have just voted overwhelmingly to adopt the eight-hour day for all city laborers, and to refuse the street railway monopoly the privilege of replacing its tracks on Boylston and Tremont streets, in the heart of the city. The legislature gave its consent, but the people turned down the monopoly. Here are the votes:

	Yes.	No.
On the eight-hour question . . .	62,625	14,518
On relaying the car tracks . . .	26,254	51,585

"The track affair shows that, although a giant monopoly may manage the legislature and con-

trol the press, it is not able to bend the people to its will. It is only a little while since the tracks on Tremont and Boylston streets have been taken up. These streets used to be crowded to stagnation with cars and other vehicles. The subway was voted by the people and built on purpose to relieve this congestion. It was part of the plan to take up the surface tracks in the heart of the city. The company was required to do this. We now go in five or ten minutes the distance that used frequently to require twenty or thirty minutes, and carriages travel with reasonable speed on the streets where the tracks used to be. The subway is far from being used up to its capacity, yet the Boston Elevated company, which controls the street railways, wishes to relay the tracks on Boylston and Tremont streets. The people vote a subway to relieve the congestion in the heart of the city and get rid of the tracks about the Common, and a few months after it is done the company asks to be allowed to relay the surface tracks. The legislature was agreeable; would have passed the act without a referendum, it is said, if Governor Wolcott had not made it understood that a bill without a referendum would be vetoed. The papers were filled with the company's arguments; only one, I believe, took ground against the relaying, and even it was loaded with instructions to 'Vote yes' on the track question, put in large type on the front page and paid for as advertising matter. Yet, in spite of all the monopoly could do, it was snowed under by the people."

The case of the divorce law in South Dakota, where the people were in the right by a two to one majority, is especially to the point. In the January Equity we said: "This South Dakota case is the very one that those papers which are opposed to the initiative and referendum used prior to the election as a warning against the danger of letting the people rule. The argument was that the few who were interested in the divorce industry would be active and use money freely, while the people at large would be indifferent. As a consequence, it was affirmed, this bad law would remain on the statute books. Now that the result is so different, those papers for the most part maintain a vociferous silence."

We now come to Oregon. Here we find the most overwhelming proof of the people's willingness and ability to decide measures for themselves. The facts are given in the October Equity and should be frequently referred to.

Nineteen questions were voted on. Pamphlets of about 120 pages, containing, describing, and arguing for and against each one of these measures, were issued by the secretary of state on April 1st, and a copy mailed to every voter. Discussions galore were held on these measures by all sorts of societies and clubs and were engaged in by citizens of every rank and class. Such a campaign of education in civics and training in public interest is an altogether too unusual occurrence in American life. If the referendum had had no other result this would amply justify its cost.

A careful study of the results will leave no doubt that the people of Oregon know what they want and how to get it. Whether or not they are always wise is another question. Whether they are or not does not affect their fundamental right to self government. It is believed, however, that for the most part the people of Oregon voted not only with discrimination but with wisdom. Not being ready for some advanced measures they voted them down, as they had a right to do. When they are ready for them they will enact them. However wise measures may be in themselves, it is not wise to force them on a people till they are prepared for them. Some well-meaning legislators try to force their reforms on an unwilling people. To prevent this is nearly as important as to prevent other forms of bad legislation. Thus the referendum works both ways for good.

As to the general result in Oregon Mr. Robert Treat Paine, Jr., says: "The recent election emphatically emphasizes the lesson of the two preceding ones, that the people of a sovereign state are sufficiently qualified and interested to settle directly through their ballots the great questions of government in which they are concerned. Oregon has demonstrated the success of popular government."

So much for Oregon. We now turn to one of the grandest referendum systems ever known in the history of human government, the New England town-meeting system. Mr. B. O. Flower, commenting on this system in the Arena for October, 1904, truthfully says: "Nowhere in the history of American municipalities has government been so free from all taint of cor-