

history. Not only in the federal government, but in all of the states, progress is being made toward more popular government. Each new constitution increases the safeguards thrown about the rights of the people, and gives to the people a firmer control over the instrumentalities of government, and upon the representatives who speak for the people.

The Arizona constitution, now before the people for ratification, has as many merits, and as few faults as any such document can be expected to have. If it is rejected and another one written, it is likely to be more radical than this, rather than less radical, because the tendency is everywhere toward the enlargement of the power of the voters. The Arizona constitution contains an admirable bill of rights. It begins by asserting that political power is inherent in the people, and every provision of the constitution is in harmony with this declaration.

The bill of rights preserves trial by jury, but permits less than a unanimous verdict in civil cases. This is a distinct improvement and is intended to prevent the hanging of juries by one or two jurors.

The election laws are good, including, as they do, publicity as to campaign contributions.

The governor is permitted to veto individual items in an appropriation bill, thus making it possible for him to protect the state from log rolling in the securing of appropriations.

It provides for the placing of the names of senatorial candidates on the ballot, thus making an approach toward the popular election of senators; and it also provides for the direct primary, which deprives the political boss of his power and enthrones the voters.

The educational system provided by the constitution cannot be improved upon.

The article on municipal corporations is very carefully drawn, and protects the rights of the citizens. No exclusive franchise is permitted—a very important provision. No franchise can be granted for more than twenty-five years, and no franchise can be granted, extended or renewed, without the consent of the people. The municipal corporation is authorized to engage in any municipal work which the people may desire to enter upon. These four provisions make the city government really representative of the people of the city, and protect the people from the great injustice that has come from long time-franchises, and from the betrayal of the public by municipal officers.

The article on industrial and commercial corporations will stand as a monument to the intelligence and fidelity of the members of the constitutional convention. Monopolies are forbidden. The issue of watered stocks and bonds is prohibited, and the state reserves the power to exercise the right of eminent domain over the property of corporations as over the property of individuals. The provisions relating to the control of industrial and transportation corporations reflect great credit upon those who prepared them.

The article on labor remedies about all of the known abuses of which laboring men have complained. It gives relief from the fellow servant law, relief from the limitation of the amount of recovery in injury cases, and the right to have questions of negligence determined by the jury. It also authorizes a working-man's compulsory compensation law.

But the best parts of the constitution are those providing for the initiative, the referendum and the recall. These are most important, because they put the government in the hands of the people, and enable the people to coerce obedience to their will.

Of these three provisions, the recall is least understood, and therefore most attacked. It is, however, of less practical importance than the other two, and less likely to be called into operation. The official terms provided by the constitution are not long, and the shorter the term, the less likely is the recall to be resorted to. Besides, there is a sense of justice in the masses, which will prevent a resort to the recall, except in extreme cases. The people are much more apt to overlook official wrongdoing that ought to be rebuked than they are to administer an undeserved rebuke. The recall is merely a form of impeachment in which the people are the jury.

There is no reason why the recall should not apply to judges, for they are as much servants of the people as other officials. There is no danger of a judge being recalled unless he deserves it. That respect for the bench which is now referred to by those who oppose the recall, will protect the judge in case he is unjustly attacked. Moreover, this provision of the constitution, like all others, can be easily

changed, if the people find that the recall is objectionable. One unjust removal of an official would result in the repeal of the provision, and the initiative provides an easy way in which the appeal can be secured.

The referendum is more important than the recall, but less important than the initiative, except where it is used for the protection of the people against the sale of franchises and the creation of improper indebtedness. The referendum gives the people a veto on the acts of their representatives—and why should they not have this? Who will justify the enactment of laws to which the people themselves object?

The initiative is more important, so far as it applies to state legislation, than the referendum or the recall. It really includes an indirect form of referendum; that is, it enables the people to force a repeal of a bad law in a short time, while the referendum prevents the objectionable law from going into operation.

But the main purpose of the initiative is to protect the people from that misrepresentation which manifests itself in the refusal of legislators to enact laws demanded by the people. It recognizes the people as the source of power, and makes that power effective. The initiative is like the referendum in one respect, namely, that it strengthens the representative to resist temptation, while it protects the people, in case he fails to resist the temptation. The influence of the lobbyist is reduced to a minimum when the people are in a position to enact, through direct legislation, any measure the lobbyists are trying to prevent, and when the people are in a position to defeat any undesirable measure which the lobbyist may favor.

The percentage which the constitution requires for the petition, in case of the use of the initiative, is ten per cent—a percentage higher than is required in most of the states which have it. The fifteen per cent required for amendments to the constitution is as high as is required in any state. Your constitution wisely requires that only a majority of those voting on the proposition shall be necessary for its adoption. Some of the older constitutions require a majority of all votes cast at the election for the adoption of an amendment, but this gives the negative side an unfair and undeserved advantage, for all who are too careless, too indifferent, or too ignorant to vote on a proposition, are counted on the side of the negative. Why should the negative have this advantage? Governors, congressmen, representatives, and other officials, are elected by a majority of the votes cast for that office, no matter how many votes may be cast at the election. Why should a heavier burden be placed upon those who desire, through direct legislation, to effect a change in the laws or in the constitution?

Do not expect a perfect constitution. No document could be prepared by so large a group of men without containing provisions that some object to, and without omitting other provisions that others desire. All constitutions are, to a considerable extent, compromises, and no new constitution that this convention, or any other convention, could prepare, would be likely to please more people than this does. But this constitution has the great merit of providing a means by which the people can change individual provisions, after adopting the document as a whole, and this is certainly the wise thing to do. When the federal constitution was adopted, there was a great deal of objection to it, but the people decided to adopt the constitution first and correct it afterwards, and ten amendments were adopted immediately. It is safe to say that many more objections were made to the federal constitution than are made now to the Arizona constitution. If the opponents of the Arizona constitution were to get together, they could not agree upon as many as ten amendments to be made. Why not follow the example of our forefathers and adopt the constitution, secure statehood, and then proceed to make such amendments as the people may desire; for, remember, that the people of Arizona can, without difficulty, remove every provision to which they object, while the federal constitution is very difficult of amendment. To amend the federal constitution, it is necessary that the proposed amendment shall be submitted by a two-thirds vote of both houses (or by a constitutional convention called by two-thirds of the states), and then ratified by three-fourths of the states. If the people of a century and a quarter ago could risk the securing of amendments so difficult to secure, why cannot the people of Arizona risk the securing of any desired amendments when they can be so easily secured?

It has been suggested that President Taft

will refuse to approve of the constitution in its present form. There is no way to determine this except by trial, and it will take no longer to write a new constitution, in case he does reject this one, than it will to reject this constitution, and write a new one, out of fear of rejection. If a new one is written, you will still have to take the chances of rejection. Even if the chances of ratification and rejection were even, it would be better to ratify first, and change afterwards, if found necessary, than to delay statehood in order to make changes that may not be necessary. But, as a matter of fact, the chances of rejection are very remote. The trend toward progressiveness is so marked that no one can fail to observe it. The next congress will be progressive by a large majority and the next senate will be in the hands of progressives—the democrats and the progressive republicans having a clear majority. The president will not be likely to throw down such a challenge to the progressives with two years of administration yet before him. He may even have changed his own views as a result of the last election. Since the enabling act was passed, Ohio, the president's own state, has, by a large majority, declared in favor of the initiative and referendum. Is that not likely to have some influence on the president's views on the subject?

Three years ago, President Roosevelt sent Mr. Taft to Oklahoma to protest against the initiative and referendum clauses in that constitution, then before the people, but when the people rejected the advice of the administration and ratified the constitution, President Roosevelt bowed to the will of the people of Oklahoma and approved the constitution. Is there any reason to doubt that President Taft will, in like manner, respect the right of the people of Arizona to write their own constitution?

There is another fact that should be remembered by those who fear the rejection of the constitution, namely that ex-President Roosevelt has, within a few weeks, declared himself for the first time in favor of the initiative, referendum and recall. Is President Taft likely to make an issue between himself and the man who contributed most largely to his nomination and election? It must be remembered, also, that a progressive republican league has been organized, numbering among its members the senators and representatives from a number of prominent republican states, and these republicans endorse the initiative, referendum and recall. Is President Taft likely to attack their platform merely for the sake of obstructing the will of the people of Arizona? Do not allow yourselves to be driven away from your own view of what is right by the fear that somebody in Washington will force upon you a constitution which you do not like. The friends of President Taft render him a poor service when they accuse him, or even suspect him, of a willingness to thus deny the people of Arizona the right to frame their own state government.

Neither should you be afraid of hostility in congress. This congress will do nothing to delay statehood; it will not allow the next congress to secure the honor of bringing Arizona into the union. The fact that the next congress would approve your constitution will prevent rejection by this congress. Do not allow Senator Lodge to scare you. He opposed popular election of senators in the same speech in which he denounced the recall. The senate would not agree with him on either proposition.

Let this constitution be ratified or rejected upon its own merits. You have elected your representatives, and they have presented a document which embodied their understanding of your views. If the constitution were so written as to make it difficult of amendment, you might be justified in rejecting it, if you seriously opposed important provisions in it, but how can you afford to reject it when it is so easy for you to purge it of any imperfections.

Ratify the constitution, and enter upon the great career that awaits Arizona. You are about to secure the right to control your own local affairs—a right which ought to have been recognized years ago. Do not distrust the wisdom and intelligence of your people. Your constitution makes the government a government of the people and by the people. It will be their own fault if they do not make it a government for the people. If your people declare themselves unfit to exercise the power which the constitution confers upon them, they will declare themselves inferior to the people of those states which have adopted the reforms to which objection is being made. Can you afford to enter the union handicapped by an