

The Commoner.

ISSUED WEEKLY

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THE COMMONER, Lincoln, Neb.

TOM L. JOHNSON

A Man is passing. Hail him, you
Who realize him staunch and strong and true.
He found us dollar-bound and party-blind;
He leaves a City with a Civic Mind,
Choosing her conduct with a conscious care,
Selecting one man here, another there
And scorning labels. Craft and Graft and Greed
Ran rampant in our halls and few took heed.
The Public Service and the Public Rights
Were bloody bones for wolf and jackal fights.
Now, even the Corporate Monster licks the hand
Where once he snarled his insolent demand.
Who tamed it? Answer as you will,
But truth is truth and his the credit still.

A Man is passing. Flout him, you
Who would not understand and never knew.
Tranquil in triumph, in defeat the same,
He never asked your praise nor shirked your
blame,

For he, as Captain of the Common Good,
Has earned the right to be misunderstood.
Behold! he raised his hand against his class;
Aye, he forsook the Few and served the Mass.
Year upon year he bore the battle's brunt
And so, the hiss, the cackle and the grunt!
He found us, striving each his selfish part.
He leaves a City with a Civic Heart,
Which gives the fortune-fallen a new birth
And reunites him with his Mother Earth,
Which seeks to look beyond the broken law
To find the broken life, and mend its flaw.

A Man is passing. Nay, no demi-god,
But a plain man, close to the common sod
Whence springs the grass of our humanity.
Strong

Is he, but human, therefore sometimes wrong,
Sometimes impatient of the slower throng,
Sometimes unmindful of the formal thong,
But ever with his feet set towards the height
To plant the banner of the Common Right;
And ever with his eye fixed on the goal,
The Vision of a City with a Soul.

And is he fallen? Aye, but mark him well,
He ever rises further than he fell.
A Man is passing. I salute him, then,
In these few words. He served his fellow-men
And he is passing. But he comes again.
—Edmund Vance Cooke.

The American Homestead, a monthly farm journal of national scope, will be sent to all Commoner subscribers, without additional cost, who renew their subscriptions during the month of May when this notice is mentioned.

An Interesting Debate on People's Rule

In its issue of April 10, the New York World made an attack upon the initiative, referendum and recall. In that issue the World said:

"Is the initiative and referendum in conflict with that section of the federal constitution which provides that 'the United States shall guarantee to every state in this union a republican form of government?'"

"This question is answered in the affirmative by Fred A. Baker of Detroit, one of the leading constitutional lawyers of Michigan, a democrat and for many years a warm supporter of Mr. Bryan. Mr. Baker has prepared a pamphlet setting forth his belief that congress has power to invalidate the initiative and referendum in every state in which it has obtained a foothold. Mr. Baker contends that a deliberative assembly of one kind or another is an essential part of republican government and has always been so considered. The initiative and referendum eliminates the deliberative assembly and hence disestablishes republican government.

"Mr. Baker's argument is at least worth consideration:

"The initiative and referendum is the most insidious, vicious and unconstitutional proposition ever brought forward in the entire history of democratic institutions and representative government.

"A meeting of the people themselves, or of their representatives immediately and directly elected by them, in a deliberative assembly, is absolutely essential to any exercise of the power of taxation or of the power to enact, amend, modify or repeal a law; that is to say, there must be a meeting or assembly, by whatever name it may be called, at which the proposed tax or law can be considered, discussed, amended, adopted or rejected.

"To levy a tax or enact a law by an initiative petition and a referendum, with each voter expressing his opinion in isolation and without a legislative assembly at which the opponents of the measure can be heard and their objections and arguments considered, and the amendments and modifications of both friends and foes passed upon, would make any democratic or republican form of government ineffective and absorptive or tyrannical and self-destructive.

"It would prevent the electorate from acting with that full information necessary to the exercise of a sound judgment and discretion; it would cut off all the right of the minority to be heard and permit the mere numerical majority to impose their ill-considered views upon the whole people regardless of their interests and welfare; it would carry the mere counting of noses to such extreme and absurd limits as to make democracy and representative government tyrannical, oppressive and odious."

"These theories, however, are derived from certain antiquated notions of government absorbed from the Magna Charta, the bill of rights, the debates in the constitutional convention, the federalist papers and the decisions of the United States supreme court. The Commoner and the Outlook have repealed all that and the constitution must adjust itself to the new dispensation.

"If the initiative and referendum involves the denial of a republican form of government, that proves only that a republican form of government is inferior to Bryanism and Rooseveltism. The fittest must survive."—New York World.

In its issue of April 11, the New York World printed this editorial:

"NOT A CHANGE BUT A REVOLUTION"

"Under the initiative and referendum and recall, what would become of the constitutional guarantees of human liberty? What would become of the constitutions themselves?"

"Under a republican form of government, constitutions are created to protect the rights of the minority, not to protect the rights of the majority. All the guarantees of liberty written into American constitutions have had this single purpose. The majority, by reason of its superior force, can take care of itself.

"When legislation is initiated by petition, enacted by referendum and the judges are made subject to recall, constitutions might as well be torn up. Laws are then made by the same authority that establishes the constitution, and hence must have equal force with the constitution. Each statute brought into existence by the initiative and referendum becomes in effect an

amendment to the constitution and nullifies anything that conflicts with it.

"Should judges still persist in declaring initiative and referendum statutes invalid, the judges would be subject to removal under the recall. The power of the majority thus becomes absolute as the power of the czar; for the majority enacts the law and the majority removes the judges who refuse to sustain the law. The minority is thereby stripped of all its rights and all its protection. Government is no longer the rule of the people; it is the whim of the numerical majority, and individual liberty is held at the mercy of this majority.

"The World is aware that these are very unpopular sentiments. Men like Mr. Roosevelt and Mr. Bryan, who are emotional rather than thoughtful, have held up the initiative and referendum and recall as the ultimate means of making government responsive to public opinion. Their shallow arguments are eagerly accepted by persons who are not accustomed to dig to the roots of great questions, and who fail to understand that instead of gaining new liberties by these populist processes we shall in reality be surrendering our old liberties—liberties that have been won by the English-speaking people through long centuries only by drenching the land in blood.

"It is time the American people devoted a little sober consideration to this initiative and referendum and recall mania. It is time they looked ahead to see where it will lead them. Mr. Roosevelt and Mr. Bryan to the contrary, there is still a grain of truth in old Montaigne's maxim, 'Be not wiser than you should, and be soberly wise.'"—New York World.

SENATOR OWEN'S REPLY

Senator Owen, of Oklahoma, sent to the World the following letter: "To the Editor of the World—Is the initiative and referendum constitutional? Mr. Fred A. Baker of Detroit thinks it is not. The only possible ground for this absurd contention is the plea that the constitutional provision (Article IV., section 4) that 'the United States shall guarantee to every state in this union a republican form of government' is inconsistent with the initiative and referendum; that is to say, that the initiative and referendum is not 'republican' in form.

"The guarantee of a republican form was agreed upon in the constitutional convention as a protection against a monarchy or an oligarchy.

"The term 'republican' has been applied to political organizations representing the most adverse principles."

"During the years 1791-1792, under the leadership of Jefferson, the exponents of decentralization in the national government called themselves republicans and later became the democratic party. The term 'republican' was most conspicuously used as applied to the party organized in 1854-1856, which elected Lincoln in 1860."

"Lincoln himself, the leader of that party, upon the field of Gettysburg raised to Heaven a mighty prayer, which has been heard around the world, for the preservation of a government 'of the people, by the people and for the people.' Lincoln emphatically believed in the initiative and referendum and so expressed himself.

"The terms 'democrat' and 'republican' are synonymous, the Jefferson party having assumed the official name 'democratic-republican,' and later being called republicans and finally becoming the democratic party.

"The terms 'democratic' and 'republican' both mean in fact the rule of the people.

"The guarantee of a republican form was inserted in the constitution on the motion of Governor Randolph of Virginia. Mr. Madison moved an amendment as follows, and it was adopted:

"The republican constitutions and the existing laws of each state to be guaranteed by the United States." (Elliott's Debates, page 543.)

"Governor Randolph explained why he was for the amendment, and said: 'A republican government must be the basis of our national union, and no state in it ought to have it in its power to change it into a monarchy.' In letter No. 43, Hamilton, Madison and Jay explained in the Federalist that this was 'republican,' defending this expression and saying: 'The superintending government ought to possess authority to defend the system against aristocratic or monarchial innovations.'

Letter No. 39 is of like purport.

"Mr. Justice Story in his 'Constitution,' sec-