

New Mexico and Arizona

THE ISSUE:

Control of Government by Special Interests Versus Control of
Government by the People.

"I shall not permit Arizona to be officially affronted and rebuked in the presence of the American people because it has adopted the Initiative and Referendum and Recall in its Constitution."

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA


IN THE

SENATE OF THE UNITED STATES

March 4, 1911

WASHINGTON

1911

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Committee of Government in General Assembly, Territory of New Mexico
Government of the People

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The Senate having under consideration the joint resolution (H. J. Res. 295) approving the constitution formed by the constitutional convention of the Territory of New Mexico—

Among other things, Mr. Owen said:

I favor the initiative and referendum because it has proven to be the most powerful weapon for the overthrow of the organized selfishness which has been exploiting our great Republic, and in so many States substantially nullified the chief purposes of our Government.

Through corrupt practices the public moneys, the public lands, the public properties, have been invaded for private benefit. The Oregon system provides a thoroughgoing remedy for this abuse. It has put the political boss and the political machine out of business; it has ended private graft in public affairs; it has terminated corrupt practices, the buying of votes, the coercing of votes, the hiring of voters for election day, hauling voters to the polls, soliciting voters on election day; it has abated blackmail, legislative incompetency, neglect or treachery. It has made legislative and administrative officers responsive to the public will. It has made speedy and satisfactory the civil and criminal court procedure; it has established the rule of the people and enthroned the intelligence and conscience of the State in the governing business.

I believe in the rule of the people, Mr. President, and the initiative and referendum has been the most useful agency in bringing this about.

On May 5, 1910, the Hon. JONATHAN BOURNE, Jr., of Oregon, delivered in the United States Senate an address on "Popular versus delegated government, and its effect on legislation." Over 2,700,000 of these speeches have been called for by the people. It explains the simple, honest method by which the people govern that great State and no answer has been made to the arguments presented by him, and, in my judgment, none can be made. He showed absolutely that this method of government is conservative, sane, and safe; that the people have not made a single mistake; that the petty and gross corruption prevalent in other States has been substantially terminated by this system.

SUMMARY.

Mr. President, permit me to briefly summarize the reasons which have impelled me to hold the floor of the Senate for the last few hours in opposition to the admission of New

Mexico and the exclusion of Arizona. I should have been willing to have them admitted together, notwithstanding the egregious corporation-written constitution of New Mexico, in which an educational qualification is not only prevented for the present, but made impossible for the future by the constitution itself.

I have refused acquiescence in the motion of my distinguished colleague from Texas [Mr. BAILEY] that New Mexico should be summarily admitted, and Arizona denied, because when we admit New Mexico we admit two stand-pat Republican Members of the Senate, two stand-pat Republican Members of the House of Representatives, and four stand-pat Republican presidential electors for 1912, which may hazard the next presidential election.

When we deny Arizona we deny two progressive Democratic Senators, a Democratic Member of the House of Representatives, and three progressive Democratic electors in the presidential campaign of 1912. I can not, Mr. President, follow my distinguished colleague in this proposal for these obvious reasons.

Nor do I think my honored colleague is justified in taking the lead in this matter for the reason that he is violating the unbroken custom of the Senate in assuming a leadership and taking charge of House Joint Resolution 295, admitting New Mexico, which comes from the Committee on Territories, of which he is not a member. Within two days the leader of the Republican Senators, the Senator from Maine [Mr. HALE], and the chosen leader of the Democratic Senators, the distinguished Senator from Mississippi [Mr. MONEY], and the distinguished Senator from Missouri [Mr. STONE] severely rebuked a violation of this fixed practice of the Senate on the open floor of the Senate.

The Democratic Senators trusted me with representing them on the Committee on Territories, and I feel it my bounden duty to point out to the Senate that the proposal of my distinguished colleague from Texas [Mr. BAILEY] would immediately result in very important Republican partisan advantages and very important Democratic disadvantages.

And for these reasons, Mr. President, and because my distinguished colleague has no commission to lead his party in this matter, and because he is leading in the wrong direction, I have felt compelled to resist his efforts to admit New Mexico without the admission of Arizona.

THE REAL ISSUE.

These partisan considerations, Mr. President, are not, however, the chief controlling motive with me. The purposes I have in demanding the rights of Arizona are far more important than these. My distinguished colleague is not willing to admit Arizona with the initiative, referendum, and recall, and I am not willing to permit Arizona to be denied and thus rebuked before the Nation on any such ground.

The initiative and referendum and recall, in my opinion, are devices by which the rule of the people can be promoted and corrupt practices abated throughout the country.

The special interests have captured New Mexico and have written a so-called conservative constitution, promotive of machine politics, so drawn that the special interests can easily retain the control they have demonstrated they possess, while Arizona, with the initiative and referendum and recall, is in the hands of the people of Arizona and will remain under the government of the people through the initiative and referendum and recall.

The real issue in this contest between Arizona and New Mexico is whether we shall permit a State controlled by the special interests to be admitted and deny the admission of a State whose government is controlled by the people.

THE PRETEXT AGAINST ARIZONA.

I waive aside the petty pretext that the constitution of Arizona is not officially before the Senate. A copy of this constitution, vouched for by the Secretary of the Interior, was placed in the hands of the Committee on Territories of the United States Senate on January 31, 1911—over a month ago—was printed as a Senate document and made available for the use of every Senator. The President and Secretary of the Interior Mr. Ballinger, can control the functionaries of Arizona, from the governor down, and the original of this constitution, properly vouched for, could have been here at any time since February 15, for the constitution was ratified on February 9. It could have been placed before Congress just as easily as the constitution of New Mexico. I do not approve this quibbling and trifling with the rights of a great State, nor am I willing that the Senate of the United States should give its sanction to petty political pettyfogging in denying a great State its right of admission.

ARIZONA SHALL NOT BE AFFRONTED.

Mr. President, I shall not permit Arizona to be officially affronted and rebuked in the presence of the American people because it has adopted the initiative and referendum and recall in its constitution. Seventy-six per cent of the people of Arizona voted in favor of this constitution. They acted wisely; they acted conservatively; they acted sanely; they acted with more judgment, with more discretion, with more common sense than those who antagonize these conservative measures by mere shallow epithet. I am amazed at those who denounce the great and vital doctrine of the initiative and referendum as a "populistic theory" or as a vagary, when they have offered no reasonable argument against the sound reasons which have been presented to justify the adoption of these necessary processes of government.

THE NEED FOR DIRECT LEGISLATION.

The need for the initiative and referendum is imperative because the government of the States, especially the government of the Eastern, Northern, and Western States, have been slowly drifting toward a condition of corruption in both the legislative and administrative branches.

The initiative and referendum is almost the only means available for putting a speedy end to corruption in government, as I shall immediately show.

The great corporations of this country—the railway systems, the gigantic commercial combinations, the so-called Protective Tariff League, and other commercial conspiracies—having discovered the value of the governing business from a money standpoint, have not hesitated to secretly engage in political activities in Nation, State, and municipalities. They have controlled cities and towns for the purpose of making money out of street railways, telephone and telegraph companies, electric-light companies, water companies, municipal activities, street paving, building sewerage systems, and so forth. They have undertaken the control of larger municipalities, of cities from New York, Pittsburg, St. Louis, and Denver, to San Francisco, and with what results?

The hideous exposures of crime, of graft, of municipal knavery, of vice, and the other results of such government have become an appalling national calamity.

THE SHAME OF OUR CITIES.

I beg you to look at the disclosures in San Francisco, for example, brought about by Francis I. Heney and Rudolph Speckles. I invite your attention to the shocking criminal conduct of the municipal management of the city of Denver, set forth by Ben Lindsay in *The Beast and the Jungle*.

I invite your consideration of the wholesale corruption and municipal graft of St. Louis, exposed during the determined campaign of the incorruptible and gallant and able Joseph W. Folk, of Missouri.

I call your attention to the bipartisan system of wholesale corruption in the city of Pittsburg, unearthed not by officers of the Government, but by the activities of private, patriotic citizens, who would not endure any longer the unspeakable corruption of that wonderful municipality. Do you recall that 116 men, members of the city council, leading bankers, and prominent business men of Pittsburg were indicted at one time for wholesale thieving of public property under cover of law?

Has the Senate forgotten the graft disclosed in the construction and furnishing of the capitol of Pennsylvania at Harrisburg?

Shall we close our eyes to the bipartisan system of corruption exposed in Albany, the capital of the greatest State in the Union?

Mr. President, it has been only a few years since public sentiment demanded the cessation of petty bribery of citizens by the railroads of this country through the issuance of hundreds of thousands of private passes.

The infamous conduct of machine politics in buying votes has been illustrated recently in Adams County, Ohio, where nearly 2,000 citizens confessed to having sold their votes, and in like manner in Danville, Ill., similar disclosures are now in progress.

THE SIGNIFICANCE OF CORRUPT PRACTICES.

The significance of these disclosures is not in the frailty of humble citizens who have been led to sell their votes. The bribery was bipartisan, and common men saw no hope of good government under this system of bipartisan purchase, and this may be account for their bad conduct. The significance of these disclosures is this: That some great sinister force, some mighty commercial power, with enormous wealth, has gone into the wholesale system of corrupting the citizens as well as the municipal officers, until graft is penetrating this country from the highest to the lowest, from the gigantic captains of finance, who control the power to expand the credits of the Nation or to contract the credits of the country and who make hundreds of millions at one operation, down to the cooks in our households, who make secret arrangements with the grocer and get their commissions, a petty graft in humble imitation of the larger grafter who deals on a giant scale. The time has come to end the corruption and dishonesty of American life, and the initiative and referendum is the only practicable means by which it can be speedily done.

HOW TO END CORRUPT PRACTICES.

Mr. President, how shall we be able, in the States which require it, to pass a thorough-going corrupt-practices act which the scheming, corrupt politician and his corrupt commercial allies can not evade? Can we pass it through a legislature whose members are the beneficiaries of corrupt practices and who themselves are elected by bribery and by machine politics?

Will they destroy the incubator out of which they themselves have been hatched?

Will they pass an act which will terminate their own political preferment?

Mr. President, it is obviously impossible to pass a thorough-going corrupt-practices act through a legislature elected by corrupt practices. The only available way, under such circumstances, to obtain honest government is for the people to go over the head of a legislature elected by such methods to the people themselves with the initiative and referendum. In this way the people can directly initiate a thorough-going corrupt-practices act and an honest election machinery by the initiative petition and bring it to a vote of all the people; and when they do, the people never have failed, and they never will fail, to pass a properly drawn act for the purpose of putting an end to corrupt practices.

Of equal practical importance is it that the corrupt politician dare not fight the initiative and referendum openly, and when it is demanded, as in Illinois, where jack-pot legislation flourishes, the people voted for it by over 4 to 1 in the last election.

THE PEOPLE'S RULE CONSERVATIVE, PROTECTING PROPERTY.

In 64 proposals under the initiative and referendum in Oregon not a single one has assailed private or corporate property. Even in England, recently, the Tories themselves appealed to the people against the Radical proposals of the representatives of the people in Parliament by a referendum against the proposed tax laws.

It has been highly interesting to observe that on questions of government the most ignorant elements voluntarily eliminate themselves by not voting on statutes submitted by the initiative and referendum. In the slum districts this is conspicuously the case. It might be anticipated, because the more ignorant man does not feel competent to pass upon the wisdom of a statute, nor does he feel a lively interest in such topics. He votes for the governor and the Senator, but does not vote on the statute. It follows, therefore, that in actual practice the exercise of the legislative power by the people, under the initiative and referendum, is exercised by the more intelligent classes of citizens, by the property-holding class, which accounts for the conservative character of the statutes passed by the people under the initiative and referendum.

The professors of the University of Oregon were found by actual inquiry to have voted on 32 proposals identically with the vote of the people, except in one instance, where the professors voted in favor of woman's suffrage and the people voted against it by a small majority. Under these circumstances the voter, being a property holder and belonging to the more intelligent class of citizens and being guided by his own proper and just self-interest, will vote for his self-interest and therefore for the interest of the body of the people, uninfluenced by any private graft or any unworthy motive. Such a vote, of necessity, must be "stable, conservative, safe and sane."

The self-interest of the people, Mr. President, will lead them along conservative, sensible lines and protect them from mistake. This has been abundantly demonstrated in Oregon, Oklahoma, Switzerland, and elsewhere. They are conservatively progressive. They can be fully trusted, as so well explained by the Senator from Oregon [JONATHAN BOURNE] in his great speech of May 5, 1910, in the Senate on the Oregon system of government. They will only pass wise laws, and when these acts are passed by the initiative they can not be repealed by the legislature nor made nugatory or ineffective by the legislature, because, with the referendum, the people can prevent such treachery on the part of a legislature.

It will not do to say, Mr. President, that you can promptly pass a thorough-going corrupt-practices act without the initiative and referendum, because the history of the United States offers an emphatic negative to this fallacious suggestion in so many of the States. In the Southern States of the Union, States made poor by the terrible war of 1861, controlled, as they have been, by patriotic men, corruption has not made such serious inroads, although it is in sufficient evidence to excite the apprehension of thoughtful men.

The Southern States apparently have not felt the need for the initiative and referendum for this reason, and but little consideration appears to have been given to it, although in two years it will be an issue in every Southern State.

REPRESENTATIVE GOVERNMENT MADE SURE.

I, of course, have frequently heard the thoughtless argument that the initiative and referendum would do away with representative government and undermine the foundations of the temple. The truth is that the initiative and referendum makes representative government secure. It puts an end to the undermining of the foundations of the temple by the thieves that are undermining the temple by honeycombing these foundations with gross corruption, bribery, and graft.

The initiative and referendum not only does not destroy representative government, it makes representative government really representative.

It is representative government we want, Mr. President.

It is representative government we earnestly desire, Mr. President.

It is representative government that we are resolutely determined to have.

Mr. President, we will not be denied in this demand by sophistry or by evasion.

The initiative and referendum will compel the representatives in the legislature to write the laws necessary for honest government under penalty of having the laws written over the heads of the representatives if they fail to perform their duty. The initiative enables the people to make good any omission, as the referendum enables them to make good any sins of commission; for, with the referendum, if the representative pass an act containing graft or fraud, if the representative pass an act giving away a franchise of enormous value to a corrupt corporation without consideration, the referendum can veto it and will veto it; but, what is more important, the representative, knowing that his action can be vetoed, is prevented by that fact from exposing himself to public condemnation. The corporation will not buy from a man or legislature which can not deliver. It prevents the legislator from passing acts containing graft for fear of the people, and the representative, in like manner, is led to pass the acts which the people desire because he knows that if he fails to do it the people will pass the acts they want in spite of him by the initiative. It will enforce a great cannon of the Lord's prayer. It will lead the representative not into temptation and will deliver him from evil.

Therefore the representative is made truly a representative by this system, which makes him responsive to the will of the people, which makes him write the laws the people want, and prevents him writing laws the people do not want; and if he fails, then the people, by the initiative, can write the laws they do want, and by the referendum they can veto the laws they do not want—and in this simple, common-sense way the people can rule.

DIRECT LEGISLATION WILL END CORRUPT PRACTICES.

It is by this process that the people of the various States of the Union can establish honest government in spite of the corrupt machine, and they can not do it in any other way. The corrupt machine is the agency through which corrupt special interests have obtained control of government in the United States, and have gone into the governing business for private profit.

The people of Arizona understand this perfectly well, and they are determined to protect their government against the corrupt processes that have scandalized and now dominate so many States of the Union, and which so strongly influence Congress itself. I could name many of these States, Mr. President, if the invidious distinction of mentioning them by name should not seem, perhaps, a stigma; but they are well known—certainly within their own borders—and need no direct mention. It is true that some of the States have honest government and do not need the agency of the initiative and referendum for this purpose, but most of the States do need it, and all of the States are going to have it for the reason that this method comprises the most stable and conservative form of government. If the corruption of government could go on unabated and uncorrected, it would lead inevitably to a revolution, to an overthrow of property rights, and would render the Government unstable and the tenure of property insecure, just as it did in Rome where it overthrew the greatest government the world had known up to that time.

It would have overthrown Great Britain utterly, except that that wonderful race of Anglo-Saxons discovered the danger to the stability of property and made haste to end corruption by a thorough-going corrupt-practices act that is a model for the world, and which I submit as an exhibit to my remarks—Exhibit C—and without objection will have it printed as a Senate document.

I have been amazed to hear the Senator from Idaho refer to the initiative and referendum as "insane," although it will be remembered that the honorable Senator denounced his own legislature as insane on the question of voting favorably for submitting a constitutional amendment for the election of Senators by the direct vote of the people.

I have been painfully surprised at the honored Senator from Texas [Mr. BAILEY] expressing hostility to this doctrine of fundamental democracy, for the initiative and referendum is, in concrete form, the embodiment of government of the people, by the people, and for the people.

INITIATIVE AND REFERENDUM IS SWEEPING THE COUNTRY.

It will not do, Mr. President, merely to denounce this doctrine without investigation, examination, or knowledge. Arizona is not alone in favoring this doctrine. She has distinguished company—one of the greatest and the best of all the States in the Union has the initiative and referendum—the glorious State of Oklahoma. Oklahoma declared for this doctrine before she was admitted to the Union, and was admitted to the Union with the initiative and referendum in her constitution, President Roosevelt and his Cabinet holding it was republican in form and duly entitled to admission, notwithstanding this provision. Democratic Missouri also has adopted it, and so have the Democratic States of Arkansas, Colorado, and Nevada. Are all these States insane? And are they so offensive, because of the initiative and referendum, that the Senator from Texas would read them out of the Union?

But Republican Montana, Oregon, South Dakota, Maine, Wyoming, and California have adopted the initiative and referendum. Would the Senator from Idaho [Mr. HEYBURN] say that these great Republican States are insane and unworthy to remain in the Union?

Mr. President, Illinois, conscious of the necessity of controlling the jack-pot legislation system which had insinuated itself into the legislature of that noble and splendid Commonwealth, voted in favor of the initiative and referendum by a vote of over 4 to 1 at the recent election. The Democratic Party of Ohio has declared for this doctrine. William Jennings Bryan, the noblest Roman of them all, advocates it. Theodore Roosevelt—whose conservative and sound statesmanship I trust the Senator from Idaho [Mr. HEYBURN] will not dispute—has approved the trial of this system by the States who care to try the plan. The governor of Michigan, Hon. Chase S. Osborn, recommended it to the Michigan Legislature. The Democratic candidate for governor of Minnesota made his canvass on this issue. Wisconsin will undoubtedly write it immediately in her constitution. Both parties in North Dakota are committed to it. South Dakota has adopted it. Both parties in Nebraska declared for it. Both parties in Kansas declared for it. Gov. Carey in Wyoming made his race upon it and won, and the legislature has adopted it. Both parties in Idaho, I am informed, were committed to it in previous platforms, although quiescent there now. MILES POINDEXTER, in the State of Washington, made his race upon it, and was nominated by over 30,000 plurality as a Republican Senator.

In California both parties declared in favor of it, and Gov. Johnson, being more aggressively its champion, was elected on the slogan of the initiative and referendum and its corollary, that "the Southern Pacific had to go out of the governing business in California," and the legislature has adopted it by almost a unanimous vote. In Utah the people voted in

favor of it 10 year ago, and the legislative machine has obstructed it. It will not do, Mr. President, to say that all the people are insane or unsound or incapable of intellectual discrimination on this great question of public policy. Nowhere that this issue has been submitted has it been defeated by the people. It means more power to the people, and the people favor it.

The Senate of the United State can not refuse to admit Arizona on the ground that its constitution contains the initiative and referendum without insulting over 20 States that are fully committed to this doctrine, including Maine, Wisconsin, Montana, Illinois, California, Oklahoma, Colorado, Wyoming, Nevada, Oregon, Missouri, Arkansas, Nebraska, Wisconsin, South Dakota, and so forth, and even Massachusetts, for be it remembered, Mr. President, that Gov. Eugene N. Foss made his canvass on the initiative and referendum in Massachusetts and was elected governor of that glorious Commonwealth by a great majority.

THE RIGHT OF RECALL.

Oh, but it is said that the Arizona constitution gives the people the right of recall of judges, and this is a dangerous innovation.

The constitution of Arizona does not particularly mention the judges as subject to recall, but it does provide "that every public officer in the State of Arizona holding elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office," and this would include judges.

When electors equal to 25 per cent of the number of votes cast at the last election demand his recall, they nominate his successor, and an election by all the people can elect by a majority vote his successor or reelect the officer whose recall is demanded.

Suppose it does apply to a judge. What of that? If a judge on the bench becomes corrupt, grossly inefficient, or outrageously tyrannical—and judges are men after all—why should the people not recall them from public service? Is it not an easier method than impeachment? Impeachment disgraces the officer forever. It puts an everlasting stigma upon him, but under the system of recall it merely nominates and elects his successor, with the least possible stigma on the official. It is a better and milder method than impeachment.

Mr. President, impeachment is merely the right of recall, limited in its nature to cases where the conduct of the judge is so outrageous as to deserve eternal humiliation and disgrace.

The recall is a milder system. It operates benignly and removes judges and other officials who prove inefficient, without attaching any stain or painful consequences. You might as well contend that a corporation could not remove one of its officers. The annual election of a governor in Massachusetts is due merely to the automatic recall of a short tenure of office that expires annually.

The fact is, Mr. President, that the railroads and special interests of this country make themselves extremely busy about appointing judges on the bench, and they will be found unanimously opposed to the right of recall being exercised by the people, and every kind of ingenious argument will be offered against the doctrine of recall.

The chief value of the recall is this: It serves as an admonition to the public functionary that he is a public servant and not a public boss; that if he proves to be crooked, inefficient, or tyrannical the people have a convenient way in the use of the recall of employing a public servant who will be free from such vices, but the people never have really invoked it except to remove a dishonest man.

Mr. President, over a hundred great municipalities in the last two years have adopted the commission form of municipal government, the chief features of which are the initiative and referendum and recall. I respectfully call the attention of the honored Senator from Texas to the fact that the city of Galveston and of Houston and of many other cities in his State have adopted the recall, as well as the initiative and the referendum. Los Angeles has only invoked the recall twice—once against a mayor who betrayed the interests of the people and once against an alderman who violated his municipal pledge. One other instance occurred in Seattle, where the mayor was recalled for compounding with vice in that city.

We need not be afraid of the recall in Arizona. No conscientious judge will ever be recalled there, even if his opinion be not thought wise by the people. The people are very conservative and very slow to anger. They are patient with their public servants when their servants are faithful.

Mr. President, even granting, for argument sake, that the question of recall is a debatable matter, nevertheless, Arizona should be allowed the right to have its own way in the matter of its own organic law.

THE RECALL NO NOVELTY.

The recall is not a novelty. It appears in the constitution of Massachusetts of 1780 and of to-day. The State of Massachusetts, moreover, elects its governor and other State officers only for one year, recalling them at the end of a year by a short tenure of office without reproach or reproof. If they are quite satisfactory, they are reelected; if they are not quite satisfactory, they are automatically recalled by the short tenure.

If a governor were guilty of high crimes, they might impeach, which would be a recall in the form of a trial.

I can readily understand how an argumentative objection might be argued to the recall of judges on the ground that it would interfere with the independence of the judiciary. But it must be remembered that a judge on the bench, being only a human being after all, may, under temptation, become corrupt, and corrupt in such a fashion that proof of his corruption is impossible, so that impeachment is impossible, while the recall, nominating his successor, is available.

Again, a judge upon the bench, being only a human being after all, might become grossly intemperate, not sufficient to justify impeachment, but sufficient to justify recall.

Again, a judge upon the bench, being only a human being after all, might become utterly tyrannical, overbearing, dictatorial, and offensive to the people over whom he has been trusted to discharge this function; not sufficient, perhaps, to justify impeachment, but yet sufficient to justify recall.

Moreover, a judge upon the bench interpreting the law may so interpret the law as to become a lawmaker instead of a law interpreter; may exercise, under the color of judicial power, legislative power. Not sufficient to justify impeachment, perhaps, but yet sufficient to justify recall.

Moreover, judges on the bench, being merely human beings after all, are themselves controlled by their environment, by their professional education, by social, political, and business influences. They may lead a judge to a point of view extremely injurious to the common welfare. Not sufficient, perhaps, to justify impeachment, but yet sufficient to justify recall.

And, Mr. President, even Boston, the "Hub of the Universe," around which revolves all intellectual, moral, and ethical worth, two years ago adopted the doctrine of the recall in relation to the mayor and members of the municipal council.

Ex-Senator Blair, of New Hampshire, advises me—

that the power of removal of the judiciary by address of the two houses of the legislature existed, and perhaps still exists, in the State of New Hampshire, while the entire judiciary has been changed frequently by act of the legislature whenever the public good seemed to require it, and the courts, since I can remember, about four times.

On the other hand, the reasonable independence of the judiciary is a matter of importance, but Arizona thinks it reasonable to retain power over all her public servants, even of judges. It seems sufficient to say that the people of Arizona, having by a vote of 76 per cent declared in favor of trying this method for their own convenience and for their own self-government, and being able under their constitution easily to change this rule if they find it expedient, ought not to be denied the right of self-government because of this proposal which they have seen fit to approve. It would not do to say that Arizona has been guilty of a grave departure from the canons of good government; that it has indulged in a radical, populist theory in this matter, because the adjacent Republican State of California has, through its legislature, just adopted by an overwhelming vote the initiative and referendum and the recall, voting in favor of the initiative and referendum by 35 to 1 against in the senate and 75 to none in the house, and for the recall, in the senate by 36 in favor to 4 against. This is a Republican State of great dignity, of great power, of great intellectual and moral worth. Oregon, likewise, has adopted this by an overwhelming vote, and it is working excellently well. Let us beware before we thoughtlessly condemn the great sovereign Commonwealths of the Nation who have considered this matter, and let us not precipitously deny the value of the doctrine of which we ourselves may be perhaps quite uninformed.

Ex-President Theodore Roosevelt is quoted as making the following statement in Chicago:

I saw it stated in the press that certain good people in Washington were against the admission of Arizona as a State because it had adopted in its constitution the recall. In 1780 the State of Massachusetts put into its constitution precisely that provision for the recall. Now, understand me, I am not arguing for or against the recall. I am merely showing that, if the people of Arizona, or any other community, wish to try it, or if they do not wish to try it, it is their affair.

At all events Arizona should have the right of self-government; should have the right to exercise the same right of self-government as California, as Oregon, and the other States in the Union which have adopted the initiative and referendum and recall.

ARIZONA SHALL NOT BE OFFICIALLY REBUKED FOR BEING PROGRESSIVE.

Mr. President, it is maintained by those who would deny the admission of Arizona that she is unworthy to be admitted because she has adopted the initiative and referendum and recall. I will not permit Arizona to be rebuked in the presence of the United States on this issue. This issue is an overwhelming issue throughout the United States. If it had not been for the control of the governing powers of the States and of the Nation by the corrupt selfishness of organized greed in preceding years, we would have long since accomplished many happy results.

If we had had the people's rule, we would long since have corrected the gross abuses of the tariff.

If we had had popular government, we would long since have controlled the extortion of the trusts, which, by conspiracy, have been robbing the American people through the market place.

If we had had the initiative and referendum, we would long since have controlled the transportation problem. We would long since have established a reasonable equality of opportunity for the young men and young women of this country, and we would have long since admitted Arizona and New Mexico.

But, Mr. President, what has all this to do with the admission of Arizona?

ARIZONA HAS THE RIGHT TO ADOPT HER OWN ORGANIC LAW.

Has not Arizona the right to write her own organic law if Arizona is to be admitted on an equal footing with the other States, as required by the Constitution of the United States? If Arizona should be forced to expunge the initiative and referendum and recall from her constitution and was then admitted, could she not write those provisions into her constitution immediately afterwards? Can you forestall it or prevent it? Or will you drive out of the Union the States of Oregon, Montana, South Dakota, Maine, Arkansas, Oklahoma, Colorado, California, Wyoming, and Nevada, who have already adopted this provision?

The question answers itself.

The truth is self-evident. The initiative and referendum and the recall are not contrary to the Constitution of the United States. The Constitution of the United States was adopted by a practical referendum of delegates pledged by the people.

And the recall of the President of the United States is provided by impeachment proceedings, and the principle of recall by impeachment is recognized in the Constitution of the United States and of every State in the Union, as well as in the hundred municipalities who have recently directly adopted it.

Mr. President, I give notice to the Members of this Senate, and to public men wherever they are, that if they dare to openly oppose the initiative and referendum they will be held to strict account by the people of the United States, who are determined to overthrow the political activities of the commercial oligarchy that has been controlling and corrupting this country.

The people of Arizona have adopted a constitution which is intended to restore to the people of that State all of the powers of government and to put it out of the power of special interests to invade or control the governing function of Arizona. Neither this Congress nor the President of the United States will be able to prevent Arizona adopting this organic law and entering the Union with this constitution.

THE PROGRESSIVE VS. THE RETROGRESSIVE.

The progressive movement in the United States, Mr. President, is not confined to parties. The progressive Republicans believe in the initiative and referendum, the recall, and a thoroughgoing corrupt-practices act. They believe in the sovereignty of the people. They believe in the Oregon system of government. Of all the acts proposed by initiative petition in Oregon or passed on by referendum—64 in number—not a single one has proposed to attack either private or corporate property. The progressive Republicans believe in the people's-rule system of government, and the national platform of the Democratic Party at Denver declared the people's rule the overwhelming issue, to which all other issues were subordinate.

For these reasons, Mr. President, and because this is the great issue before the American people—whether the control of government shall be by the special interests or whether the control of government shall be by the people—I have determined that the Senate of the United States should not be put in the attitude of deciding against Arizona unless it decided likewise against New Mexico. I greatly desire the admission of them both, because, as a Democrat, I believe New Mexico has a right to write her constitution as she pleases, within the limitations of constitutional law and the principles of our Government, and I believe Arizona has the same right.

THE VICIOUS FEATURES OF THE NEW MEXICO CONSTITUTION.

Mr. President, the constitution of New Mexico, submitted to the State, has been so drawn as to enthrone the corporations in that State, and I can not believe it is accidental. I do believe it was the intention to so draw that constitution as to give the corporations control of that State.

EDUCATIONAL QUALIFICATION PREVENTED.

First, article 7, on elective franchises, thoroughly safeguards the perpetuation of the grossly ignorant vote and makes it impossible to impose an educational qualification by the provision (art. 7, sec. 3) that "the right of any citizen of this State to vote, hold office, or sit upon juries shall never be restricted, abridged, or impaired on account of inability to read or write."

Moreover, Mr. President, it provides that this low standard of electorate shall not be corrected by the vote of the people of that State "except upon a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State, and at least two-thirds of those voting in each county of the State, shall vote for such amendment." So that a single county having over one-third of an ignorant vote can veto an intelligence qualification on the franchise. And this is so important to the corporations that propose to run New Mexico that they have made a further provision (art. 19, sec. 1) that no amendment shall apply to or affect the provisions of section 3, article 7, on the elective franchise, "unless it be proposed by a vote of three-fourths of the members elected to each house."

Moreover, under article 11, on corporations, it is provided that the corporation commission may disregard the reasonable safeguards controlling the action of the commission "by charging such rates as the commission may describe as just and equitable" in cases of general epidemics, pestilence, and calamitous fatalities "and other exigencies"—"other exigencies" being broad enough to cover any ingenious argument the corporations might assert.

IMPOSSIBLE TO AMEND.

And in order to retain this control through an ignorant electorate, a purchasable vote, subject to the purchase of the corporations and their agents, article 19 has practically made it impossible for the intelligent citizenship of this State to amend this constitution except under the most extraordinary and well-nigh impossible conditions. Article 19, section 1, provides:

An amendment can only be proposed at a regular session, and if two-thirds of each of the two houses, voting separately, shall vote in favor thereof, it may be entered on the journal or any amendment may be proposed at the first regular session of the legislature held after the expiration of two years from the time the constitution goes into effect, or at the regular session of the legislature convening each eighth year thereafter, and if a majority of all the members elected in each of the two houses, voting separately, shall favor it, the secretary of state may submit the same to the electors of the State for their approval or rejection. If the same be ratified by a majority of the electors voting thereon by an affirmative vote equal to forty per centum of all the votes cast at said election in the State and in at least one-half of the counties thereof, then and not otherwise, such amendment or amendments shall become part of this constitution.

In other words, even under these difficult conditions, a majority of the people of the State will not control it if one-half of the counties be not also carried in favor, and if the affirmative vote be not also equal to 40 per cent of all the votes cast at the said election, it being well known that thousands of voters who vote for officials do not vote on constitutional amendments, being ignorant of the meaning of such amendments. In other words, it gives the corporations the benefit of the ignorant or unintelligent vote.

But there follow still other safeguards for this corporation-written document, to wit, that no more than three amendments shall be submitted at one election, and this would always permit unimportant amendments to be thrust in front of an important amendment and thus prevent important reforms.

But this is not all. The franchise provision preventing any intelligence qualification can not be amended even under these difficult conditions unless it be first proposed by a vote of three-fourths of all the members elected to each house.

And, Mr. President, the corporations have not been content with this. In section 2 they have taken great pains to prevent a constitutional convention being called by the provision that during 25 years after the adoption of this constitution a three-fourths vote of the members of the legislature or after the expiration of 25 years a two-thirds vote of the members thereof, shall be required to make a call for such a convention. And then the call must be confirmed by a majority of all the electors of the State, and, in addition, of a majority of all the electors in at least one-half of the counties of the State.

And this is the constitution which the stand-pat Republicans would rush through, while they would deny admission to Arizona, with its constitution so framed that the people of the State can easily amend it in case they find it inexpedient or unwise for any reason.

The issue is between government by corporations and by special interests and government by the people. Listen to the terms of the Arizona constitution. Article 21, section 1, provides that any amendment may be proposed in either house of the legislature or by initiative petition of 15 per cent of the voters, whereupon, either upon such petition or by a majority vote of the two houses, the proposal is submitted to the qualified electors with appropriate publicity provided, and a majority of the electors can immediately amend their constitution in this manner. Here is a government of men, by men, and for men, who are not tied up by crafty artifices under constitutional forms so as to make self-government well-nigh impossible.

It is not a new subject, Mr. President. It is an old contest, a contest between greed and avarice, on the one side, and human rights on the other side. It is the contest between progress and retrogression.

CORRUPTION PROMOTED BY DENIAL OF SECRET BALLOT.

Mr. President, I call your attention also to the fact that section 8, article 2, provides that "all elections shall be free and OPEN, and no power, civil or military, shall at any time interfere to prevent the right of suffrage."

This constitutional joker "open," so unostentatiously placed in the bill of rights, would be interpreted in a corporation-controlled State as a denial of the secret ballot, of the Australian ballot, and when so interpreted by a corporation-elected court, it would be impossible to correct this evil by a constitutional amendment, because the constitution can not be amended.

The Australian ballot, Mr. President, has been found absolutely essential to honest government, absolutely essential to prevent the intimidation of the voter.

This constitution, so drawn as to make the Australian ballot impossible, is drawn in the interest of fraud, of graft, of corruption, and ought not to be endured. The constitution of New Mexico as it has been written does not deserve to be received or approved, because it obviously is controlled by the sinister commercial influences who propose to dominate that State in defiance of justice and equity. In my judgment, New Mexico ought to be speedily admitted, but she ought to be required to so frame her organic law that the people of that State can have a secret ballot and can amend the constitution in case it be found defective, so that they can have self-government in fact and not self-government merely in form; so that they can have a republican form of government, which is republican in its essence as well as in form; so that they shall have government in fact of the people, by the people, and for the people.

CONSTITUTION NOT RATIFIED BY HONEST VOTE.

I call your attention, Mr. President, to the fact that the Hon. Henry W. Blair presented evidence before the committee of the House of Representatives and also before the Senate committee, alleging that this election was obtained by fraud and was not fairly representative of the will of the people of New Mexico, and in effect, he, on behalf of the citizens of New Mexico, has been demanding an investigation of this very matter. They deny that this constitution has been ratified by the vote of the people of New Mexico and demand a congressional inquiry, and it is in the presence of this evidence and these recorded, printed facts

before the two Committees on Territories that this bill is rushed forward at 1 o'clock in the morning of the last calendar day of the Sixty-first Congress when it is impossible for Senators to examine this record or be apprised of the facts.

It is denied that there is any constitution from New Mexico here at all, what purports to be such being vitiated by fraud, and those who make this charge demand a hearing, and ought not to be denied.

The difference between the constitutions of New Mexico and Arizona can no longer be described as the difference between Republican and Democrat. The difference is between the reactionary and retrogressive and the progressive. It is the difference between the Tory and the Liberal, as I understand it. The difference between the progressive and the retrogressive. At all events, it is the difference between a constitution drawn to promote corporate power and greed, and a constitution drawn to promote the rights of men, of human liberty, and of human happiness.

I would have admitted New Mexico 30 years ago if I could have controlled the matter, and I desire the admission of New Mexico now, but I do not appreciate the demand for the admission of New Mexico, with two Republican Senators, and the denial of Arizona, with two Democratic Senators.

I do not think this is fair to the Democratic Party, separate and apart from the rights of Arizona and New Mexico. The Democratic Party has a great work to perform, for it is about to come into the control of the Government of the United States, and for one, Mr. President, I wish to say that when the Democracy does come into power I expect it to pursue a course so moderate and wise and just, both to the people and to the great commercial enterprises of the country, that it will commend itself to all of the forces of the Republic who believe in honest and faithful and efficient government. We need the two votes of Arizona in the Senate, and until they are admitted I shall not willingly agree to admit New Mexico, nor in any contingency shall I be content until New Mexico has amended her constitution, to permit her own people to amend that constitution easily.

Mr. President, some of my excellent colleagues, for whom I have the greatest possible respect, have not believed in the initiative and referendum and have not seen any need or occasion for it. With them I sympathize, because I did not see any need for the initiative and referendum until within recent years, nor until after giving a careful and thorough study to the evils from which our country was suffering and the possible remedies. I had not seen or realized the importance of the initiative and referendum as an instrumentality for restoring the sovereignty of the people and establishing the people's rule. The real issue is to establish the people's rule against the corrupt rule of the special interests. The initiative and referendum is an agency of great efficiency in bringing this about. In a State where the people do actually rule as a matter of fact and not merely as a matter of theory the urgent importance of the initiative and referendum is not so obvious, although, if I had time and occasion, it would be easy to demonstrate the wisdom of this governmental device on any grounds. First, that it will enable the people to raise special issues and settle them one by one without the confusion of many issues embraced in one party platform and confusedly antagonized in another party platform. It would enable the people with authority to make good any error of omission or commission by a legislature whose integrity was above dispute and beyond doubt. The underlying reason which justifies the initiative and referendum, even in States that are honest, is that all of the people know more than some of the people, and outside of the legislature will be found men of splendid abilities to initiate important improvements of government, men who are superior in intellectual power to members who happen to run for position in legislative assemblies.

The time will come, as it ought to come, when the people, by a short ballot, will place the legislative power of the State in the hands of a smaller number of expert legislators, and we will have an abatement of cumbersome legislatures of immature legislators who pass thousands of ill-digested bills until the State statutes, and our national statutes as well, have grown to be of such mammoth size and complexity that no citizen can know what the laws are he is expected to observe.

The initiative and referendum is not a national issue, but it is a State issue in a large number of States, having a national aspect, because of its relation to the termination of corruption and its relation to the character of representatives who appear in Congress and in the Senate. It has this relation—that it will prevent the representatives of special interests coming into the House of Representatives or the Senate, because the special interests can not control the States where the States have the initiative and referendum.

A number of States do send thoroughly trustworthy representatives to the Senate and to the House without the initiative and referendum, and long may they continue to do so, although they will safeguard their future if they speedily adopt this great doctrine, which makes assurance doubly sure of the integrity of government and its freedom from corruption.

ADDITIONAL ADVANTAGES OF INITIATIVE AND REFERENDUM.

Important additional advantages of the initiative and referendum are:

First. That it raises the level of intelligence of the electors who, being charged with the duty of direct legislation, direct nomination, and direct power in the governing business, consider these questions personally as a part of the duty of citizenship; and,

Second. It is of great value to the representative of the people in the legislature, for the sound reason that he is stimulated to more intelligent, conscientious performance of duty.

A third and highly gratifying result of this system is that the representative is no longer under suspicion of being influenced by special interests, because his act is subject to review by the people, and he acts as a representative subject to the approval of his master—the people—and no man has a right to impugn his integrity or his wisdom when his action is not criticised in the open by the referendum petition demanding a veto on his conduct. It thus promotes the confidence of the people in the integrity of their Government, stimulates love of country, and promotes the patriotism of the people.

REASONS FOR NOT YIELDING.

Mr. President, I have been keenly sensible of the demands made upon me by the leaders of the Senate on both sides, Republicans and Democrats, and especially by my colleagues, that I should yield the floor and give up this contest. I have been unwilling to do so, because I regard the issue of the Arizona constitution as of fundamental and vital importance to the people of the United States. I regard it my duty to the people of this Republic to emphasize the importance of this doctrine as a means for the speedy termination of corrupt practices in this Republic and for the restoration of the integrity of government as it was established by our fathers, and while I may feel comparatively alone on the floor of the Senate in this determined purpose, having the earnest support, however, of my noble colleague from Oklahoma [Mr. GORE], I wish to say in extenuation of my conduct that I do it because I feel honor bound as a soldier of the common good to stand faithfully and firmly, in spite of all opposition, in support of what I believe to be essential to the integrity and welfare of our glorious Republic and on behalf of the sweating, toiling millions, who are my kinsmen, who produce all the wealth and enjoy too small a part of the wealth they create under the corrupt government of THE SYSTEM.

Mr. President, I am reminded at this critical moment of the sentiment of Abraham Lincoln:

I am not bound to win, but I am bound to be true.

I am not bound to succeed, but I am bound to live up to what light I have.

I must stand with anybody that stands right; stand with him while he is right and part with him when he goes wrong.

The inarticulate mass of men who humbly toil and patiently labor are entitled to enjoy in peace the proceeds of their labor—to have reasonable hours, food, shelter leisure—and organized greed must stay its sordid hand. The issue is on. The People's Rule v. the Rule of the System.

Mr. President, if I were able to secure an expression of the Senate on this matter I am convinced that my Democratic associates and the splendid band of progressive Republicans would almost unanimously support the admission of Arizona and New Mexico, and I am equally sure that the reactionary elements of the Republican Party would be found on the other side. At all events, I do not intend to yield until I have been afforded an opportunity to get a vote of the Senate upon the admission jointly of Arizona and New Mexico.

