PEOPLE'S RULE VERSUS BOSS RULE

This Republic was not founded on any so-called "representative principle." The Representative is merely a convenience, a servant, an agency subject of right to the direct control of the people.

This Republic was founded on the principle that the people were sovereign and had a right, if they pleased, to manage their business directly, a God-given right, vested in them, inalienable and indefeasible, and directly to alter, amend, or abolish any law. Every State constitution declares and exemplifies this fundamental principle. Every State constitution, except one, was established by the direct law-making power of the people.

The option to use the initiative and referendum is not in conflict with the present convenient system of legislating through representatives, but is in harmony with that system and makes it more representative, not less representative.

REMARKS

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

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REMARKS
OF
HON. ROBERT L. OWEN.

On Senate resolution 413, declaring that such a system of direct legislation as the initiative and referendum would establish is in conflict with the representative principle upon which this Republic was established.

Mr. OWEN. Mr. President, the greatest duty of government is to make effective the primary principle of the Declaration of Independence; to secure to the people, and to all the people, the inalienable right to life, liberty, and the pursuit of happiness.

This inalienable right with which the people were “endowed by the Creator” has been purloined from millions to the benefit of the few through a series of political, commercial, and financial monopolies slowly built up during the last 75 years.

This system has diverted the proceeds of the labor of millions to the coffers of the few, until in spite of the wonderful modern inventions of this age, which pours out a stupendous flood of material things which men desire, we see a thousand millions of dollars of wealth in the hands of a single man and millions of human beings, willing and anxious to do honest labor, without the certainty of food and shelter to-morrow.

The unrestricted right to enjoy life, liberty, and the pursuit of happiness is thus denied millions, and the duty of the Government to make effective the fundamental doctrine of the Republic as yet remains unperformed.

I deem it my duty to call the attention of the United States Senate and the attention of the country to the cause and the remedy of this serious condition. I make no complaint of a class, emphatically no complaint of a rich class, nor do I complain of the past. I am exclusively concerned with the immediate future welfare of men, women, and children.

THE CAUSE.

The cause is this: The people’s-rule party Government under Jefferson has been in past years (from 1844 to 1908) steadily, if not stealthily undermined and replaced by the machine-rule party government. In place of the people’s rule the machine rule, financed and engineered by special interests, has placed in power on a vast scale in legislative, administrative, and judicial positions machine-rule representatives—in municipalities, States, and Nation. The rule of the few was thus established. The people have voted, but they have not really ruled.

The rule of the few, consciously or unconsciously, has been too largely for the benefit of the few at the expense of the many.

The few have established all-pervading commercial and financial monopolies; destroyed all competitive markets in selling and buying; limited production on a giant scale, and deliberately...
as a policy, thus limiting the employment of labor; manufactured watered stocks and bonds by billions of value, on which the people have been compelled to pay interest; squeezed and expanded the credit market, damaging millions, that a few might absorb values; and have compelled the laboring millions to compete under harsh conditions with each other, until millions of women and children have been driven from the American home into the labor market; and millions of children as well as women and men have been denied the reasonable opportunities of "life, liberty, and the pursuit of happiness."

Machine-made representatives in legislative, executive, and judicial position have granted and protected privilege to the few at the expense of the many until we are face to face with the most tremendous extremes of wealth and poverty the world has ever known.

The cause has been machine-rule party government in collusion with corrupt commercial and financial allies governing for the benefit of the few at the expense of the many, at the expense of all of the people, at the expense of the real producers of wealth.

There are two very different kinds of "representatives" in the governing business. The machine-rule party government representatives who take the point of view favorable to privilege and to the few, and the people's-rule party government representatives who take the point of view favorable to equal rights to all, favorable to the great mass of men who labor as artisans, workers in shop, field, forest, and mine, as professional men or in transportation or in other human activities.

I do not trouble myself to question the motives of men; I am concerned with the effect of the actions of men.

THE REMEDY.

The remedy is to restore people's-rule party government and provide a mechanism by which the intelligence and patriotism of the mass of men can control party government and can control the actual direct government by people's-rule representatives in the legislative, executive, and judicial branches of the government.

The statutes necessary to this end are—

First. A thoroughgoing honest registration act.

Second. A thoroughgoing direct mandatory primary act.

Third. Honest election laws and machinery.

Fourth. A thoroughgoing corrupt-practices prevention act.

Fifth. The initiative, referendum, and recall; and the most important of all these acts is the initiative and referendum, which is the open door to all other reforms.

Above all the initiative and referendum offers the line of least resistance in obtaining reform for the reason that no candidate before the people dares refuse the people the right of the initiative and referendum where the demand is vigorously insisted on.

In its entire history the Senate has never had a more important question before it. It is the duty of the Senate to throw the weight of its influence on the right side.

And I feel entirely justified in calling the attention of the Senate and of the country to the urgent, vital importance of this issue and to defend it against the unjust assaults of its enemies.

Whatever I may say in regard to the matter must be regarded as entirely impersonal, as I fully concede the right of
others to differ with me and shall carefully abstain from attributing to other Senators any unpatriotic motive in promoting their political philosophy, however mischievous and disastrous I may think the effects of such doctrines would be if they should be adopted.

Mr. President, on January 2, 1912, a then Senator from Texas [Mr. Bailey] delivered an address of three hours in the Senate in an attempt to show that, "such a system of direct legislation" as "the initiative and referendum" would establish would be in conflict with "the representative principle" on which he alleged "this Republic was founded."

This speech, on February 4, 1913 (Congressional Record, p. 2509), was offered to be printed as a Senate document.

In order to make this deliberate assault on the principles of popular government the then Senator raised a moot question by submitting and speaking to the following resolution:

Senate resolution 413.

Resolved, That such a system of direct legislation as the initiative and referendum would establish is in conflict with the representative principle on which this Republic was founded and would, if adopted, inevitably work a radical change in the character and structure of our Government.

No action was requested on this resolution. It is obvious that this speech, offered to be printed as a Senate document, was intended to be used as a campaign document by those who oppose popular government and the initiative and referendum, which is the open door to real popular government. This opposition to popular government has recently prepared numerous speeches which have been printed as Senate documents for the campaign against the people's rule, some of which I shall mention. For example:

1. An address delivered by Mr. Lodge (Senator from Massachusetts) at Raleigh, N. C., November 28, 1911, on "The Constitution and its makers," and presented to the United States Senate by a Senator from North Carolina [Mr. Overman], with the request that it be printed as a Senate document. (S. Doc. No. 122.)

2. An address delivered by Hon. Elihu Root at the annual meeting of the New York Bar Association in New York City on January 19, 1912, entitled "Judicial decisions and public feeling," presented by a Senator from Utah [Mr. Sutherland], with the request that it be printed as a Senate document, January 2, 1912. (S. Doc. No. 271.)

3. An address delivered by Mr. Nicholas Murray Butler, president of the Columbia University, late Republican vice presidential candidate before electoral college, before the Commercial Club of St. Louis, November 27, 1911, entitled "Why should we change our form of government?" presented by a Senator from Utah [Mr. Sutherland] on January 3, 1912, with the request that it be printed as a Senate document. (S. Doc. No. 238.)

4. An address delivered by Hon. Samuel W. McCall, a Member of Congress from Massachusetts, before the Ohio State Bar Association, on July 12, 1911, entitled "Representative as against direct government," presented by a Senator from Michigan [Mr. Smrtt] to the United States Senate, with the request that it be printed as a Senate document, January 23, 1912. (S. Doc. No. 273.)

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5. An address delivered by Hon. Emmett O’Neal, governor of Alabama, at the one hundred and forty-third annual banquet of the Chamber of Commerce of the State of New York at the Waldorf, November 16, 1911, entitled “Representative government and the common law—A study of the initiative and referendum,” presented to the Senate by a Senator from Texas [Mr. Bailey], with the request that it be printed as a Senate document, January 3, 1912. (S. Doc. No. 240.)

6. An address by President Taft to the general court of the Legislature of Massachusetts, at Boston, Mass., March 18, 1912, against giving the people direct power, presented to the United States Senate by a Senator from New Hampshire [Mr. Gallingher] with a request that it be printed as a Senate document, March 22, 1912. (S. Doc. No. 451.)

7. An address by Mr. Wendell Phillips Stafford (an Associate Justice of the Supreme Court of the District of Columbia), before the New York County Lawyers’ Association, February 17, 1912, entitled “The new despotism,” referring to the despotism of a majority of the citizens in the several States and in the United States over the minority, presented by a Senator from Utah [Mr. Sutherland] to the United States Senate, with the request that it be printed as a Senate document. (S. Doc. No. 344.)

8. An address delivered in the United States Senate by a Senator from Utah [Mr. Sutherland], July 11, 1911, entitled “Government by ballot,” denouncing the initiative, referendum, and recall (the principles of the constitution of Utah). (Senate document room.)

9. An address by Hon. William H. Taft (President of the United States) at Toledo, Ohio, on March 8, 1912, entitled “The judiciary and progress,” opposing the recall and the extension of popular government, presented to the United States Senate by a Senator from Pennsylvania [Mr. Oliver], with the request that it be printed as a Senate document, March 13, 1912. (S. Doc. No. 406.)

10. An address by Hon. Henry Cabot Lodge (a United States Senator from Massachusetts), delivered at Princeton University, March 8, 1912, entitled “The compulsory initiative and referendum and the recall of judges,” presented to the United States Senate by a Senator from New Hampshire [Mr. Gallingher], with the request that it be printed as a Senate document. (S. Doc. No. 406.)

11. An address by a Senator from Texas [Mr. Bailey] opposing the initiative and referendum and the recall, delivered January 2, 1913.

The glaring error of these various arguments against the principles of popular government I caused to be answered by one of the clearest thinkers and most patriotic men in the United States, C. F. Taylor, Esq., editor of Equity, Philadelphia. (S. Doc. No. 651, May 8, 1912.)

But these speeches against the principles of popular government are not the only ones printed as Senate documents and in the Congressional Record. The Congressional Record, Sixty-second Congress, first session, volume 47, page 3733, contains an argument against the initiative, referendum, and recall, by Clinton W. Howard, introduced into the Record by a Senator from Washington [Mr. Jones].

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Hon. Henry Cabot Lodge, a Senator from Massachusetts, delivered a speech before the Central Labor Union of Boston, opposing the right of the people of Massachusetts to express their opinion on any public policy, which was such a valuable contribution to political literature that it was printed as a Senate document. (S. Doc. No. 114, Sixtieth Congress, first session.)

Hon. James A. Tawney delivered a speech before the Minnesota Bankers' Association, June 21, 1911, opposing the initiative, referendum, and recall, which was so highly approved by Hon. Joseph G. Cannon, formerly Speaker of the House of Representatives, that he had it put in the Congressional Record the first session of this Congress. (Congressional Record, vol. 47, p. 4231.)

And the Hon. George W. Wickersham, Attorney General of the United States, delivered a speech at Syracuse, N. Y., repeated it at Cleveland, and repeated it again at Princeton, N. J., and which was also printed in this Congress as a Senate document. (S. Doc. No. 20.)

Hon. George W. Wickersham, Attorney General of the United States, delivered another argument against the initiative, referendum, and recall before the law school of Yale, which was printed in this Congress as a Senate document. (S. Doc. No. 62.)

They are, with only two exceptions, the arguments of leading standpat Republicans of the most reactionary type. It is the point of view of the federalist as opposed to the democratic point of view. (See Federalist Letter No. 10.)

I need not mention other speeches in opposition. These are sufficient to show who opposes, and to make it easy to ascertain what their point of view is. However worded, the argument of all these gentlemen proceeds from a common basis—a distrust of the people, a lack of confidence in the capacity of the people for self-government.

The then Senator from Texas complained in the beginning of his remarks of the "unparalleled zeal" of those who favor the initiative and referendum, and suggested that "the men who are opposed to the initiative and referendum have made no special effort to combat them." The various speeches above referred to against popular government shows an extensive propaganda against popular government being carried on by the leaders of the Republican Party of the extreme type.

President Taft six years ago traveled 1,600 miles to make a set speech against the initiative and referendum at Oklahoma City, advising the people of Oklahoma against this "cumbersome and illogical legislative method" contained in their proposed constitution, pointing out the dangers that would ensue from such "hasty, irrational, and unmoderate" legislation, and so forth.

The people of Oklahoma having considered well the views of Mr. Taft voted in favor of the initiative and referendum by 167,000 majority, substantially only the Republican officeholders and the voters they could influence being against it.

It is an interesting matter to observe that the then Senator from Texas, in his crusade against the initiative and referendum, is found in close working sympathy with the Republican statesmen above referred to, the followers of Alexander Hamilton.
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ton and his theory of the wisdom of the rule of the few and of the folly of the rule of the common people (Senator Lodge, Senator Root, Senator Sutherland, President Taft, James A. Tawney, Joseph G. Cannon, Representative McCall, Nicholas Murray Butler, W. P. Stafford, C. W. Howard, Attorney General Wickersham, Senator Oliver, Senator Gallinger, Senator Jones, Senator Smith of Michigan). The then Senator explained that he had been called a "reactionary." It is his arguments, his public utterances, and his company in the assault on the initiative and referendum and on popular government that have doubtless contributed to fix this public estimate of the Senator.

The weight of popular opinion favors the initiative and referendum wherever it has been discussed.

I call attention to the fact that the State lately represented by the then Senator—Texas—has just returned his successor—Mr. Morris Sheppard—who was overwhelmingly elected by the people of Texas over the opposition of the recent Senator after Mr. Sheppard had made a campaign defending popular government and the initiative, the referendum, and the recall. So that the people of Texas have thus approved the principles of the initiative and referendum, advocated by their present Senator, and have not been persuaded to the contrary by the eloquence of his predecessor.

Not only have the people of Texas thus approved the advocate of the initiative and referendum [Mr. Sheppard], but the great adjacent Commonwealths of Oklahoma, Arkansas, and Missouri have placed the initiative and referendum in their constitutions. The vote in Mississippi in 1912 was two to one in favor of the initiative and referendum, but failed of adoption because of the antiquated provision requiring a majority of all votes cast in the election, and the advisory vote in Illinois was advisory three to one, but a machine jack-pot legislature trampled upon the direct mandate of the people. The States of Washington, Oregon, California, Arizona, Nevada, Utah, Montana, South Dakota, Colorado, Nebraska, and even the far eastern State of Maine, Arkansas, Missouri, and Idaho and the central State of Ohio, have adopted the initiative and referendum and their constitutions, and many other States are on the point of adopting the initiative and referendum, so that we may speedily expect the adoption in at least 14 additional States of the initiative and referendum which President Taft denounced six years ago when Oklahoma was beginning this great fight for restoring popular government. When I entered the Senate only Oregon had the initiative and referendum in good working order, two other States—Montana and South Dakota—then having adopted it in a weak form. It has become a nation-wide issue among the States, and we find ourselves even in the United States Senate face to face with numerous Senate documents containing many addresses delivered against the principles of direct popular government by various Republican leaders—Senator Lodge at Raleigh; Senator Root; Nicholas Murray Butler; Congressman McCall; Senator Sutherland; President Taft before the Massachusetts Legislature; President Taft at Toledo; Justice Stafford, of the District of Columbia, in New York City; Attorney General Wickersham; James A. Tawney; Senator Lodge at Princeton.

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This great progressive movement for perfecting popular government has seized upon the heart of the national Democracy which has chosen as the next President a man who thoroughly understands this issue and has thrown himself with enthusiasm into the leadership of it.

Ninety per cent of the Democratic Party membership is thoroughly progressive. Ten per cent of the members, perhaps, may not clearly understand the issue, or some may be still blinded or misled by private interests, and some may be influenced unconsciously by their attachment to the old game of machine politics, which is now staggering to its final fall on American soil. Shallow epithet or thoughtless denunciation will no longer serve to meet the grave issues presented in this country for the complete reestablishment of popular self-government.

WHY THE PEOPLE NEED THE INITIATIVE AND THE REFERENDUM.

The people need the initiative to pass the laws they do want and need and which the legislature (especially a machine-controlled legislature) for any reason fails to pass, and they need the referendum so as to have the power of veto over crooked and corrupt or undesired laws which might be passed by the legislature (especially a machine-controlled legislature).

Why is it that they do not get the laws they want, and why is it that they get the laws they do not want?

MACHINE POLITICS OR BOSs RULE.

The answer to this is known to every student of our public law. It is due to the evil results of machine politics, which, in its worst form, begins with a crooked precinct organization, controls nominations and ballot boxes and election machinery, and has contrived to bring about a gross and corrupt miscarriage of our "representative democracy," wherein nominations are fraudulently extracted from prearranged conventions, wherein State officers are nominated by State conventions composed of machine politicians thrice refined through the State convention, the county convention, and the precinct convention or caucus. Machine party rule is organization, once honorable and legitimate, which has fallen into the hands of machine men, where the principle of good government is not the controlling force but where selfish private ambition or private gain controls.

Under this system, if a governor is to be nominated by one or the other of the two leading parties (the process has largely been the same in either party when the corrupt machine is once established), the following method is pursued: The State chairman calls for delegates to a State convention, assigning each county so many delegates. Thereupon the county chairman calls for a county convention, consisting of delegates, assigning to each precinct one or more delegates, whereupon, the precinct committeeman (who when the machine actually exists is a petty precinct boss, a cog in the machine) calls a precinct convention or caucus to select the delegate or delegates to the county convention. Such a precinct boss will call the precinct caucus on short notice, obscure advertisement, at an inconvenient time and place, possibly over a saloon, and will pack this little precinct caucus with his own henchmen and friends by extraordinary diligence. He will have prepared on a slip of paper the delegates he wants elected. He will call the meeting to order perhaps 10 minutes before the time set, his watch being
a little fast, he will ask if there are any nominations, and one of his henchmen will nominate the boss himself, perhaps, or some equally trusted gentleman of the machine, and they will vote instantly. It will be carried by acclamation and the meeting will adjourn sine die, and then and there the governing power departs from the "dear people," never to return. The 300 votes in the precinct have then and there had their governing power purloined and stolen by the machine. The American eagle has fallen into the trap of the machine and is safely tied down. The county convention—when under machine management—consists of such high-minded patriots, self-selected, who will nominate the most select of their own class to represent the citizenship of that county in the State convention, and the State convention, consisting of these self-selected rulers by this highly refining process, will dispose of the nominations of all important State offices, governors, attorneys general, supreme court judges, legislators, and so forth and nominate “hand-picked” delegates to nominate a presidential candidate in national convention.

In this State convention these self-selected rulers write the party platform which binds the State legislature and the State officials of all classes, from the governor down. The governing business has thus been transferred through the machine-organized precinct from the body of the good citizens, who are unorganized and unobservant, and who possibly may not suspect fraud, into the hands of a band of organized mercenaries.

A national convention based on fraud at the precinct is one degree worse than a State convention. These self-selected rulers who have thus by the crafty process of machine politics succeeded in framing State conventions, county conventions, district conventions, etc., and national conventions, and in nominating the officials of the State and Nation and in laying down the party platform, which means the rule of government, having nominated their chosen friends for various positions, proceed to elect them by processes even more criminal. To start with, they stuff the registration lists with dead men and ghosts. They put down the names of men who do not exist and have their henchmen arrange strikers to represent these artificial voters. In Oklahoma City recently there were large numbers of such false registrations reported. In New York City at one time they discovered over 30,000 of such false registrations. In Philadelphia, I am advised, there were disclosed over 70,000 at one time, and only the Lord of Truth knows how many they really have had in this Nation. These organized scamps get charge of the election machinery, they name the State election board, and the county election boards, the city and county precinct election officials; they have control of the ballot boxes and of the ballots; they bribe or coerce weak voters; sometimes they stuff the boxes; and sometimes, where public opinion will not stand for this, they content themselves by voting thousands of falsely registered names; they arrange that a machine tool may vote five times in a precinct under five different names, and then repeat his vote as many times under other names in each of 10 other precincts. Such a useful voter—called a repeater—deserves to be rewarded with public employment and usually is rewarded by being given some political preferment in a small way, sometimes merely by being paid so much money for his services and by an occasional job.
The machine may control the police, and at the ballot boxes they can see to it that no interference with their plans is permitted. They also control sometimes the judges of the courts, who will accord "a fair hearing" to any scamp that belongs to the machine and shield him from lawful punishment. There are found sufficient technical reasons why these scoundrels never get inside of the jails. It is not enough to stuff the ballot boxes in this way; these officers of election can also deface and count out the ballots of citizens who are "against the machine." They can, under their rules of management, throw out a precinct or a whole county where the better element prevails for fictitious reasons, deliberately devised by this system of organized rascality. So that, even where an honest majority might, in spite of all pitfalls, be found, the machine, through the process of thus fraudulently nominating and fraudulently electing candidates, can overthrow the majority and retain possession of the governing business. Patriotic men have discovered these evil elements to be in control of the governing powers of the States in greater or lesser degree, and that the machine and its agents and representatives have become the allies and the agents of organized greed and corrupt selfishness, until in some States and cities the whole system of government has become so despicable that the best citizens of the State, in despair, absent themselves from the polls and take little or no interest in public affairs, on the ground that politics is a "dirty business." Honest citizens justly complain of the corrupt alliance between the political party machine—often bipartisan, as in New York, Illinois, and Pennsylvania—and the corrupt corporations, which deliberately engaged in swindling the people out of vast property rights by granting privileges and properties that belong to the people without fair consideration. What is even worse, this evil system has not only given the people no relief against the organized monopoly that has slowly absorbed nearly all of the opportunities of life and are oppressing the people beyond reason in a mad race for wealth accumulation, but has tremendously contributed to the establishment of monopoly by legislative favor and by executive immunity. Congress itself has exemplified this system and until recently had not given relief which the people had a right to ask, although the political parties had been promising the people relief for years.

Those who have opposed enlarging the direct power of the people, led by President Taft, loudly proclaimed in the campaign of 1908, in answer to the Democratic demand for the "people's rule," that the people did rule through the Republican Party, and that those who claimed that the people were not ruling were merely agitators and demagogues.

The great progressive party of the country, the Democratic Party, raised this issue of direct legislation and declared in favor of it in the national platform of 1900. They demanded the direct election of Senators; they demanded the publicity of campaign contributions; they demanded an end to corrupt practices; and they demanded "the people's rule" in terms most emphatic in the platform of 1908, denouncing the graft and political corruption traced to the representatives of predatory wealth, the debauchery of elections, and declaring "the rule of the people" to be "the overwhelming issue."
The people realized in 1909, when the Republican Party leaders passed the Payne-Aldrich Tariff Act, that the Republican leaders did not represent the people but represented privilege and private interests. It was obvious from their conduct that the people did not really rule the country, but that organized plutocracy was in control. In an address to the Senate before the campaign of 1910 on the 28th day of May, 1910, I called the attention of the country to the fact that the people did not really rule in Congress; that the people had been promised many things for years by the party in power and had been continually disappointed. I pointed out then many things which the people justly desired and had prayed for in vain.

That they had urgently desired—

The control of monopoly.
Lower prices on the necessaries of life and on manufactured goods.
Lower railroad rates. Lower passenger rates.
Physical valuation of railroads and of telegraph and telephone and industrial corporations.
Reciprocity with other nations.
An act preventing corrupt practices in governmental processes.
A sweeping control of improper campaign contributions.
An end of gambling in agricultural products, cotton, and foodstuffs.
The abatement of the gigantic stock and bond gambling establishment in Wall Street.
An end to overcapitalization of stocks and bonds.
An end to unfair railway discriminations.
The development of good roads.
The legitimate development of national waterways.
An income tax.
A progressive inheritance tax.
An employers’ liability act.
An act providing adequate workmen’s compensation.
A minimum wage for women.
An eight-hour labor day.
Fair treatment for child labor.
Fair prices for their crude products.
The right both to buy and to sell on a competitive market.
All these things the people had sought and had not received because they did not really rule through the Republican Party.

Belief is about to come through the Progressive Democratic Party.

The demand for the people’s rule became the battle cry of the Democracy in 1908, and in 1910 the people captured the House of Representatives through the Democratic Party and immediately undertook the fulfillment of these promises for a better government by overthrowing Cannonism and by passing numerous acts reducing the tariff, all vetoed by Mr. Taft.

The Democratic Party made good in 1911 and 1912, and in the campaign of 1912 they took further advanced ground toward purifying the processes of government and establishing the rule of the people in the following magnificent declaration:

We direct attention to the fact that the Democratic Party’s demand for a return to the rule of the people, expressed in the national platform four years ago, has now become the accepted doctrine of a large
majority of the electors. We again remind the country that only by a
larger exercise of the reserved power of the people can they protect
themselves from the misuse of delegated power and the usurpation of
governmental instrumentality by special interests. For this reason
the national convention insisted on the overthrow of Cannonism and the
inauguration of a system by which United States Senators could be
elected by direct vote. The Democratic Party offers itself to the country
as an agency through which the complete overthrow and extirpation of
corruption, fraud, and machine rule in American politics can be effected.

They went further; they provided for a preferential ballot for
presidential candidates in 1916 by a primary and for election
likewise of members of the Democratic national committee, who
should immediately take their places and put an end to the
machine management of the Democratic national committee in
the following language:

We direct that the national committee incorporate in the call for the
next nominating convention a requirement that all expressions of prefer-
ence for presidential candidates shall be given and the selection of
deleagtes and alternates made through a primary election conducted by
the party organization in each State where such expression and election
are not provided for by State law. Committeemen who are hereafter
to constitute the membership of the Democratic national committee and
whose election is not provided for by law shall be chosen in each State
at such primary elections, and the service and authority of the com-
mitteemen, however chosen, shall begin immediately upon the receipt
of their credentials, respectively.

They did more. They pledged an end to abuse of money in
elections by publicity and by limiting individual contributions in
the following plank:

We pledge the Democratic Party to the enactment of a law prohibit-
ing any corporation from contributing to a campaign fund and any
individual from contributing any amount above a reasonable maximum.

They went further to break up machine rule by proposing to
put an end to the abuse of patronage by a President in renomi-
inating himself in the following plank:

We favor a single presidential term, and to that end urge the adoption
of an amendment to the Constitution making the President of the
United States ineligible for reelection, and we pledge the candidate
of this convention to this principle.

They declared for the control by the people of the United
States Senate by the direct election of Senators.

The Democratic Congress of 1910 and 1912 was a Congress of
magnificent accomplishment, overthrowing Cannonism. passing
acts to lower taxes, providing the direct election of Senators,
admitting progressive Arizona and giving New Mexico an
amendable constitution, limiting the election expenses of Sen-
ators and Representatives, passing a bill to prevent the abuse of
injunction, passing a bill giving an eight-hour day for workmen,
and so forth.

The Democratic Party in its platform of 1912 promised the
people the relief which they have all these years hoped for—
tariff reform, control of the trusts, lowering the cost of living,
physical valuation of railroads, express companies, telegraph
and telephone lines, proper banking legislation, development of
waterways and roads, declaring in favor of conserving the prop-
erty of the people, the protection of the rights of labor, to estab-
lish a Department of Labor, to establish an independent public
health service, to establish the parcel post (now the law), and
to reform the administration of the civil and criminal law.

The tremendous effect of the sound, honest, wise Democratic
doctrine has been felt in the Senate itself, whose character and
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point of view on next week—March 4, 1913—will be far removed
from the point of view of the Aldrich régime of six years ago.

Mr. President, the people are going to rule through the pro-
gressive Democratic Party, which has pledged itself as an
agency through which they can really enforce the matured
public opinion of the country.

The progressive policies of the Democratic Party mean the
absolute overthrow of the political machine, and I rejoice in
the declaration of the noble platform that—

The Democratic Party offers itself to the country as an agency
through which the complete overthrow and extirpation of corruption,
fraud, and machine rule in American politics can be effected.

And I remind my fellow Senators that the initiative and the
referendum and the recall comprise the quickest, most direct,
adequate available means by which to put an end to corrupt
machine politics in the Nation and to overthrow the baleful in-
fluence of the machine.

The ideals of the machine are low. The notion of the ma-
cine politician is to get a job at governmental expense for him-
self and his cronies; perhaps to make money out of the govern-
ing business by selling privileges to those who wish to buy at
the expense of the people—it may be the selling of municipal
contracts; it may be selling franchises; it may be selling im-

munity from the law intended to control vice and criminal
conduct; it may be the blackmailing of legitimate business
through a jack-pot legislature, or the withholding, until paid
for, the statutes required by the people. There are numerous
degrees of the machine, from the comparatively harmless to that
which is utterly corrupt and criminal.

There are many perfectly honest men, however, who stand by
a party organization as a matter of party loyalty, not realizing
when legitimate organization becomes illegitimate organization;
when honest party organization becomes a dishonest organiza-
tion unworthy the support of good men, when their party man-
agement falls into the hands of a selfish or corrupt machine.

This mischief-breeding system has grown from the convention
system, as established in 1832, which developed into the danger-
ous machine-rule system in 1844, against which Benton and Cal-
bourn made their great protests. They forecasted what has hap-
pened, and we are now trying to undo the harm which was then
begun, and which in recent years has reached such an evil emi-
nence. It is against the bad practices and evil results of ma-
cine government that thoughtful citizens have determined to
promote the initiative and referendum. In 1902, by the vigorous
questioning of candidates by nonpartisan organizations, a wedge
was forced into the iron-clad panoply of the two great political
parties, in both of which the machine existed in greater or
less degree, and in this way an opening was made for the
establishment of the greatest of all the agencies for enforcing
"representative democracy." We had the form of a represen-
tative democracy—we did not have its substance for the
reason that in many cases the representatives in State legis-

duates and in Congress and in executive and judicial offices,
owing their elections to the machine, and the political machine
having a good working agreement with the corrupt commercial
and financial interests, prevented the representatives of the
people really representing the people and had them in fact
representing the special interests as against the general interest.

The people need the initiative and referendum as the quickest means by which they can conveniently overthrow the corrupt political machines in the United States. By the initiative the people can pass any law they do want, and by the referendum they can veto any law they do not want, and this is a deadly peril to the machine and to the "representative" who is really a representative of corrupt special interests, while it is a shield and buckler to the "representative" who really at heart represents the people. A good representative is glad to have any bill which he passes referred to the people, and he is glad to have the people initiate any bill which they really desire.

WHAT IS THE INITIATIVE AND REFERENDUM?

THE INITIATIVE.

In its ordinary meaning it is this: The initiative means the right of the people, under forms prescribed by law, to initiate any law they want and to which they can get a sufficient number of thousands of citizens to attach their signatures on petitions, to be submitted by the secretary of state at the next regular election to the voters of the State for their adoption or rejection. It is very troublesome to get up an initiated petition. It is expensive. It is only done by those who are moved by a powerful interest and who believe that their proposal would meet the approval of the majority of the citizens of the State. The initiative permits a certain number of thousands of voters to make a motion before all of the citizens of the State, which shall be voted on, just as one man in a mass meeting can make a motion and have it voted on, or as one member of a legislative assembly can make a motion that a certain bill which he drafts shall be voted on. But the initiative by the people before it can be moved must have thousands of people say that they want it voted on by signing a petition to that effect. It takes over 18,000 voters in Oklahoma to initiate a bill. It gives the people an opportunity to pass any law they do want in this way when their legislature for any reason—particularly for the reason that the legislature is controlled by a crooked bipartisan political machine—refuses to pass laws which are of fundamental importance, such as a thoroughgoing corrupt practices prevention act. Oregon could never get a corrupt practices prevention act that was efficient until Oregon had the initiative and referendum, because the organized rascality of that State was in control of the legislature and would not permit it to be done. They could not get a proper direct primary nor other needed statutes.

THE REFERENDUM.

It is merely this: That the people, within 90 days after an objectionable act is passed, may in like manner sign a petition by a certain number of thousands of voters requesting that the particular objectionable act passed by the legislature which the petitioners believe injurious to the people shall be suspended in its operation until the next regular election, at which time the people shall have the right either to confirm or reject such statute so passed by the legislature. Usually 8 per cent of the voters can initiate a bill they want, and 5 per cent of the voters can have a referendum. A better system would be to require a fixed number of qualified voters, as 10,000, or 15,000, or 30,000.
as in Maine. This fixes a definite standard and more clearly visualizes to the public the size and dignity of the demand for a proposed measure before it can be submitted to the whole people.

THE INITIATIVE AND THE REFERENDUM AND THE MACHINE.

The initiative and referendum, as I have said, is a deadly enemy to the machine. The machine can only retain its power by preventing the passage of a corrupt practices prevention act, by preventing honest election laws, and preventing the establishing of honest election machinery. The organized rascality of the machine will always be found in the way of a thorough-going corrupt practices prevention act and will always be found opposed to perfecting the election machinery.

This is why in New York the bipartisan machine, led by machine politicians on the Democratic side, and by machine politicians on the Republican side, defeated a primary law. This is why proper laws controlling corrupt practices and perfecting the election machinery so as to make it absolutely honest have not been passed in New York, in Pennsylvania, and in numerous other States, and this is why the people of California adopted the initiative and referendum and the recall; this is why Oregon adopted it; this is why Oklahoma adopted it, and this is why so large a number of States have adopted the initiative and referendum, and why so many others are about to adopt it, and this is the reason why it is going to be adopted in every single one of the 48 States of this Union.

And no amount of political sophistry is going to stop the American people from adopting the means by progressive measures for putting an end to organized misconduct in the governing business in the United States.

The American people know what the trouble is, and the great English ambassador, James Bryce, in the American Commonwealth, photographed it for their information under the headings "The machine," "Rings and bosses," "Spoils, etc." in 1888. (American Commonwealth, Vol. II, pp. 51–141, ed. 1888.) Public opinion has not been hasty, but has moved slowly, very slowly, too slowly.

Why, Mr. President, even the control of corrupt practices in the nomination and election of the President of the United States and in electing Senators and Members of Congress has never been properly passed. The law on the publicity of campaign contributions, the law which we have passed, is grossly defective, requiring no publicity of certain individual contributions, no publicity of any committee spending money wholesale on national elections, except where that committee is confessedly in charge of two or more States, and there is no machinery for making effective publicity of campaign contributions. The reason is that the power of the machine has been so great in the House and in the Senate that the perfecting of this law has appeared to be impossible. The American people are going to end it by putting their hands on the governing business with power and with direct authority through the initiative, the referendum, and the recall. These statutes open the door for the passage of corrupt practices prevention acts and for the recalling of unfaithful representatives.

By the initiative and referendum we can pass the Australian ballot, which being a secret ballot prevents the financial and
commercial bullies of the country coercing the suffrage of the poor citizens whose bread and butter these bullies control.

By the initiative and referendum we can pass a mandatory primary law in spite of the legislature controlled by the machine, and in this way can permit the citizens to nominate their proposed representatives and take the nomination of public officials out of the hands of the convention system, out of the machine, out of the hands of organized rascality.

By the initiative and referendum we can pass a thoroughgoing corrupt practices prevention act that will destroy machine politics and corrupt practices in this Republic, and will drive out of public life machine-picked candidates, who are the allies and often the agents of monopoly and of the corrupt commercial and financial interests, who have not hesitated to use money on a gigantic scale. We have had in recent years overwhelming evidence of this.

By the initiative and referendum we can promote organized righteousness in government and overthrow organized corruption.

By the initiative and referendum we can overthrow the corrupt convention system and establish the rule of the intelligence and conscience of the majority of our citizens.

By the initiative and referendum we can overthrow organized selfishness and establish organized altruism.

By the initiative and referendum we can overthrow the liquor traffic in the United States and establish sobriety and temperance and providence in this Republic.

By the initiative and referendum we can overthrow the Patent Medicine Trust and establish a department of health that will save hundreds of thousands of citizens annually from preventable diseases and death.

By the initiative and referendum we can establish the rights of the weak, of poor feeble men, of women, and of children who can not stand up against the grinding conditions established in this Republic and brought about by the combination of machine politics and organized corrupt selfishness.

It is no wonder that 4,000,000 voters broke away from all party ties and followed Theodore Roosevelt when he threw himself at the head of this vital demand for righteousness and efficiency in government. It is no wonder that Woodrow Wilson, having for years questioned the practicability of the initiative and referendum, changed his mind about it and threw himself on the right side of this vital question and is now a great exponent of this doctrine and the head of a party which thoroughly believes in it.

This noble doctrine of the democracy has won over millions of good citizens heretofore affiliated with other parties and led directly to the organization of the Progressive Party, so called.

The Democratic Party has long been the more progressive party of the Nation, even if it has had its efficiency impaired by
It corrupt machine politics in some of the States. It has been demanding the direct election of Senators for many years. It has violently opposed the corrupt use of money and the coercion of voters by commercial and financial interests, and has been opposing the trusts for many, many years. The Democratic Party declared itself boldly and strongly in favor of "direct legislation" in its platform of 1900 in the following language:

We favor direct legislation wherever practicable.

This means the initiative and referendum. And in its great platform of 1908 was the following noble declaration of progressive principles:

We rejoice at the increasing signs of an awakening throughout the country. The various investigations have traced, in order to clean house, political corruption to the representatives of predatory wealth, and laid bare the unscrupulous methods by which they have debauched elections and preyed upon a defenseless public through the subservient officials whom they have raised to place and power.

The conscience of the Nation is now aroused and will free the Government from the grip of those who have made it a business asset of the favor-seeking corporations. It must become again a people's Government, and its administered in all departments according to the Jeffersonian maxim—"equal rights to all; special privileges to none."

"Shall the people rule?" is the overwhelming issue which manifests itself in all the questions now under discussion.

The people can only rule by having the right of direct legislation which they may exercise at their option. They do not wish to exercise this right except in important cases. They prefer their representatives to make, judge, and execute the law. It is only when their representatives fail to represent the people that the people would care to exercise direct power. By arranging that the people may exercise direct power at their option, the representatives would make it unnecessary for the people to exercise this power, because the big stick of public opinion, being available through the initiative and referendum and recall, the legislator, the judge, the administrative officer will represent matured public opinion to the best of his limited understanding, and generally in a satisfactory manner.

Our President elect, Woodrow Wilson, although at one time regarding the initiative and referendum as unnecessary and unsuitable, came to change his mind substantially about it for the same reason that other thoughtful men changed their minds, and are daily changing their minds, on this great question; and that is, for the reason that you cannot get the economic and humane reforms desired for the welfare of the race until you overthrow the machine and establish righteous and responsive government by giving the people a mechanism through which the public conscience and public intelligence can act. On August 26, 1911, in the Outlook, Gov. Wilson said:

For 15 years I taught my classes that the initiative and referendum wouldn't work. I can prove it now; but the trouble is they do. Back of all other reforms lies the means of getting it. Back of the question, What do we want? is the question, How are we going to get it? The immediate thing we have got to do is to resume popular government. We are cleaning house, and in order to clean house the one thing we need is a good broom. The initiative and referendum are good brooms.

And Theodore Roosevelt, before the Ohio constitutional convention on April 21, 1912, said:

I believe in the initiative and referendum, which should be used not to destroy representative government, but to correct it whenever it becomes misrepresentative.
United States Senator Robert M. La Follette, of Wisconsin, has said:

In my judgment the public interests would be promoted if a majority of the voters possessed the option of directing by ballot the action of their representatives on any important issue, under proper regulations, insuring full discussion and mature consideration upon such issue by the voters prior to balloting thereon.

United States Senator Jonathan Bourn, of Oregon, has said:

The initiative and referendum is the keystone of the arch of popular government, for by means of this the people may accomplish such other reforms as they desire. The initiative develops the electorate, because it requires study of principles and policies of government and affords the originator of new ideas in government an opportunity to secure popular judgment upon his measures. The referendum prevents misuse of the power temporarily centralized in the legislature.

United States Senator Moses E. Clapp, in San Francisco in 1911, said:

The initiative and referendum I regard as more than monitorial. If the American people are going to make a success of free government, they have got to take an interest in government. These measures are a thousand times more valuable as an educational and inspirational force, great as their monitorial value may be. They open an avenue to the voter, so that he does not have to ask any political boss permission to air his views.

Gov. John F. Shafroth, about to enter the Senate as the Senator from Colorado, said:

The initiative and referendum places the Government nearer to the people, and that has always been the aim of the framers of all republican forms of government.

Gov. Hiram W. Johnson, of California, the recent candidate for Vice President of the United States, and who received over 4,000,000 votes, said in his inaugural address before the California Legislature:

I commend to you the proposition that after all the initiative and referendum depend upon our confidence in the people and their ability to govern. The opponents of direct legislation and the recall, however, they may phrase their opposition, in reality believe the people cannot be trusted. * * * We who espouse these measures do so because of our deep-rooted belief * * * not only in the right of the people to govern but in their ability to govern.

Judge Ben B. Lindsay, of Denver, recently said in the Toledo News-Bee:

It is hard for me to understand how anyone familiar with the methods of the great privileged interests of the country in controlling courts and legislatures could fail to be an enthusiastic supporter of the initiative and referendum.

Prof. Franklin H. Giddings, of Columbia University, in an address before the City Club of Philadelphia on March 23, 1912, said:

I believe that the people of the United States are changing their form of government somewhat by introducing such new measures as the referendum, the initiative, the recall, and the direct primary, in part because their interests have become largely new, in part because of real restiveness under existing conditions, but in part also because, to an extent never before seen in our history, the people are now thinking about things, whereas during a great part of our political history they have thought not about things but only about candidates.

And Dr. Charles A. Beard, associate professor of politics in Columbia University, said:

* * * anxiety for the preservation of representative institutions need not lead anyone into the extreme view that the initiative and referendum are incompatible with them. They do not destroy representative government, neither is there any indication, nor anything in the nature of things, showing that they can destroy such government.
Switzerland has this system in excellent working order, and many of our American States have adopted it for the reasons which I have briefly suggested.

AN ANSWER TO THE ARGUMENT IN FAVOR OF SENATE RESOLUTION 413.

Mr. President, I shall now directly answer the proposals of Senate resolution 413, that the initiative and referendum as established or proposed in the American States is in conflict with the representative principle on which this Republic was founded and would work a radical change in the character of our Government.

The argument made by the then Senator from Texas on this point is that the language used by certain "representative" citizens in the Constitutional Convention of 1787 would argue that they thought the Government of the United States was intended to be "a representative democracy" and not a monarchy, an aristocracy, or a "pure democracy."

Conceding that these gentlemen made the illuminating remarks attributed to them, after all, what they said is immaterial and irrelevant.

The remarks of Charles Pinckney, or Madison, or Hamilton, or of Fisher Ames, or of Elsworth, or of Pendleton, in secret convention or elsewhere, are unimportant in the presence of the actual history and constitutions of the 48 States, even if any accidental phrase or opinion emanating from any of these excellent gentlemen had relevancy, which they have not.

Some of these men suggested the importance of people in thickly settled communities delegating to representatives their governing powers as a matter of necessary convenience, and the wisdom of this observation no man disputes. Some of them pointed out that a "pure democracy" was not practicable or wise in a country such as ours, and to this proposal no advocate of the optional initiative and referendum, which is the only form proposed in America, takes issue.

Mr. Lodge has the precaution upon further study of this question to discuss the "compulsory initiative and referendum" (at Princeton, March 8, 1912), which is not an issue in the United States, and he thereby practically concedes that he has no adequate argument against the optional "initiative and referendum," the only form suggested in this country.

The compulsory initiative and referendum would mean that the people would be compelled to pass on every law, which is not suggested by anyone as suitable in a Republic of 90,000,000 people. Mr. Lodge's escape through the "compulsory door" is ludicrous and a humorous side light on his estimate of the ignorance of his Princeton audience.

Even if Madison and Pinckney and Hamilton had known what the modern initiative and referendum is and had opposed it in specific terms, their opinions would be of no importance. We might as well go back to 1787, a hundred and twenty-five years, and have them tell us how to devise a telegraph system, or to invent a telephone system, or to send messages 3,000 miles through the air without wires, or to run railway trains at 200 miles the hour, or to construct a Mauretania for the high seas. These innocent old gentlemen would fall dead with astonishment if they could see the conditions of modern life. They are not qualified to instruct us in statecraft.
The then Senator from Texas makes a crafty appeal to the sense of reverence which all men have for their ancestors, and then tries to argue that our ancestors were opposed to the initiative and referendum. The answer to all this is that our ancestors did not have the slightest idea what the modern optional initiative and referendum is; in the second place, our ancestors expressed no opposition to the modern optional initiative and referendum; and, in the third place, our ancestors had no conception of how a representative democracy could fall into the control of organized greed through the use of a political machine. They never considered the possibility of such a thing, and if they were to have the present facts before them they would probably support unanimously the initiative and referendum in order to perfect the representative system.

These ancestral statesmen, who met together in the seclusion of closed doors to discuss the framing of a Federal Constitution, were men as a rule of strongly reactionary sentiment. Two-thirds of them were quite thoroughly undemocratic; such leading Democrats as Thomas Jefferson, Samuel Adams, Patrick Henry, et al., were conspicuous by their absence. The debates were behind closed doors, in secret conclave, no member allowed to report or copy any of its proceedings, which were kept profoundly a secret for 50 years, until all the actors were dead. No wonder this profound secrecy was demanded and observed, for the 65 members of this convention were not authorized to draft a constitution, but merely to propose amendments to the Articles of Confederation, and in drafting the Constitution they were guilty of usurpation of political power.

The undemocratic character of the men who got into this constitutional convention is demonstrated by numerous secret speeches made by them when in that convention, and which they believed would never be known by the people.

Elbridge Gerry, for example, declared—

that democracy was the worst of all political evils. (Elliott's Debates, vol. 5, p. 557.)

Edmund Randolph observed, in tracing the political evils of this country to their origin, "that every man (in convention) had found 't in the turbulence and follies of democracy."

Hamilton urged a permanent Senate "to check the imprudence of democracy."

Madison thought the Constitution "ought to secure the permanent interests of the country against innovation." (Elliott's Debates, vol. 1, p. 450.)

And Madison, in the Federalist, warned the people against "the superior force of an interested and overbearing majority."

And these distinguished gentlemen from whom the then Senator from Texas quotes with such gusto made a Constitution practically unamendable by the people, and failed to put into the Constitution a bill of rights and the fundamental principles of liberty contained in the Declaration of Independence.

James Allen Smith, professor of political science, University of Washington, well says:

From all evidence that we have, the conclusion is irresistible that they sought to establish a form of government which would effectually curb and restrain democracy. They engrafted upon the Constitution so much of the features of popular government as was, in their opinion, sufficient to insure its adoption.
And James Bryce makes a similar comment on their work. In speaking of checks and balances devised in the Federal Constitution Mr. Bryce says:

Those who invented this machinery of checks and balances were anxious not so much to develop public opinion as to resist and build up brick walls against it. * * * "The prevalent conception of popular opinion was that it was aggressive, revolutionary, unreasoning, passionate, futile, and a breeder of mob violence." (American Commonwealth, Morris ed., 1906, p. 269.)

The convention of July 4, 1776, and the Declaration of Independence was thoroughly democratic. The Constitution of the United States, drawn by the reactionaries 11 years afterwards, was thoroughly undemocratic in numerous particulars, to some of which I shall call attention.

There were only 65 members of this secret convention; only 55 members attended and only 39 members signed it, and they were nearly all reactionaries.

The Constitution they submitted was undemocratic in the following particulars:

First. The Constitution permitted a life President.

Second. The Constitution did not provide for the nomination or election of the President by the people, but by electors far removed from the people.

Third. The Constitution did not provide for the nomination or election of Senators by the people.

Fourth. The Constitution provided for an uncontrolled judiciary (by possible interpretation), in striking contrast to the laws of every State in the Union, including Utah.

Fifth. A minority of the House (34 per cent) can prevent the majority proposing an amendment to the Constitution. A minority of the Senate (34 per cent) can prevent the majority proposing an amendment to the Constitution. A President can prevent a majority of both Houses proposing an amendment to the Constitution. A small minority of the States (20 per cent) can prevent the amendment of the Constitution.

Sixth. No provision for the adoption of the Constitution was arranged by popular vote.

And some of the delegates who approved the Constitution from Virginia at least disobeyed the instructions of the people.

Seventh. The Constitutional Convention usurped the power in framing the Constitution.

They were only authorized to prepare amendments to the Articles of Confederation, not frame a new Constitution.

Eighth. The Constitution did not protect the right of free speech.

Ninth. The Constitution did not protect the right of free religion.

Tenth. It did not protect the freedom of the press.

Eleventh. It did not protect the right of the people to peaceably assemble.

Twelfth. It did not protect the right of the people to petition the Government for the redress of grievances.

Thirteenth. It did not protect the right of the States to have troops.

Fourteenth. It did not protect the right of the people to keep and bear arms.

Fifteenth. It did not protect the people against the quartering of soldiers upon them without their consent.

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Sixteenth. It did not protect the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures nor against warrants, except upon suitable safeguards.

Seventeenth. It did not protect the people against being held for crime, except on indictment.

Eighteenth. It did not protect the people against a second trial for the same offense.

Nineteenth. It did not protect an accused against being compelled to be a witness against himself.

Twentieth. It did not protect the citizen against being deprived of life, liberty, or property without due process of law.

Twenty-first. It did not protect private property being taken for public use without just compensation.

Twenty-second. It did not secure, in criminal prosecutions, the right of a speedy and public trial by an impartial jury in the place where the crime was committed.

Twenty-third. It did not protect the accused in the right to be informed of the nature and cause of the accusation, of the right to be confronted with the witnesses against him, of the right to have compulsory processes in obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

Twenty-fourth. It did not protect the right of the citizen in common-law suits to a trial by jury.

Twenty-fifth. It did not protect the citizen against excessive bail, against excessive fines, nor against cruel and unusual punishments.

Twenty-sixth. It did not safeguard the rights reserved by the people against invasion by the Federal Government.

Twenty-seventh. The Constitution is undemocratic in making no provision for its subsequent amendment by direct popular vote, although this was the method of the various States.

The ratification of this undemocratic Constitution was only obtained with the greatest difficulty, and in no States was it submitted to the people themselves for a direct vote.

Massachusetts, South Carolina, New Hampshire, Virginia, and New York demanded amendments; North Carolina and Rhode Island at first rejected the Constitution, and except for the agreement to adopt the first 10 amendments and make it more democratic, it would have assuredly failed.

George Washington, as president of the convention, was debarred from sharing in the debates. The Constitution had one very great merit, it established the Union; it had one very great demerit, it was grossly undemocratic. But it was not as undemocratic as some modern statesmen would make it appear. For instance, it did not formally prevent the recall of judges, but provided that judges should hold office "during good behavior," and placed the entire executive power in the hands of a President, and the legislative power in the hands of Congress, both of whom, in my judgment, have the power of removing any Federal judge upon the ground of a high crime and misdemeanor or for any bad behavior and without impeachment.

It was not so undemocratic as to deny the right of direct taxation of private citizens by an income tax, although the Supreme Court of the United States so misconstrued the Constitution.
The Constitution says:

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

The enumeration referred to is as follows:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians, not taxed, three-fifths of all persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and then every subsequent term of 10 years in such manner as they shall by law direct.

The inhibition of a direct tax by the clause above referred to relates alone to a direct tax on a sovereign State.

I have heretofore fully shown this by its history, by the Constitutional Convention debates, and by the other parts of the Constitution and its interpretation by all departments of Government.

If this clause of the Constitution were written out in full, it would read:

No capitation tax against a sovereign State or other direct tax against a sovereign State shall be laid unless in proportion to the census or enumeration of the population of such States hereinbefore directed to be taken.

The Supreme Court of the United States, misled by fallacious arguments, interpreted this clause so as to make it read:

No capitation tax against a sovereign State or other direct tax against a private citizen shall be laid unless in proportion to the census or enumeration of the population of the States hereinbefore directed to be taken.

And on this interpretation held that an income tax, being a direct tax on a citizen, was inhibited by this clause of the Constitution.

Such an interpretation of above clause of the Constitution is incongruous and absurd. It is incongruous to interpret the clause to jump from a State to the citizen as its subject. It is absurd to say the clause intended to forbid a direct tax on a private citizen unless in proportion to the census. The United States has always directly taxed its citizens and does so now, so that this interpretation by the Supreme Court is in direct conflict with the historical and as yet unbroken interpretation of the Constitution. The Constitution of the United States, while undemocratic, was not as undemocratic as this.

We do not need to be advised by the undemocratic Alexander Hamilton, nor by the undemocratic members in this secret conclave of 1787, as to the true principles of democracy. These principles are abundantly set forth in the Declaration of Independence and in the constitutions of the 48 States, and show beyond the peradventure of a doubt that the people of the various States intended to preserve their liberties by retaining in their own hands the sovereign powers of government, and this is abundantly shown by the plain words of the Declaration of Independence and of the constitutions of the 48 States.

The then Senator from Texas lays great stress upon the opinions of several of the reactionaries in the secret conclave of 1787, in which 39 "unauthorized" delegates, selected by the legislatures before a constitutional convention was suggested, framed a constitution that still ties the hands and interferes...
with the liberty of 90,000,000 of human beings to freely govern themselves.

In point of fact there were about 3,000,000 people in America at that time outside of the secret conclave at Philadelphia, where certain "representatives" were embezzling power "for the good of the people."

These 3,000,000 people outside of the little Constitutional Convention at Philadelphia had some very sound opinions on human liberty and on freedom. These were the people who fought the war with Great Britain and established their independence and who proposed to keep it by not setting up any rulers over themselves or any laws over themselves which they could not at any time amend, alter, or abolish. The people of the United Colonies were all right and were believers in popular government and practiced it, and wrote it in their constitutions. Alexander Hamilton and some other reactionaries sympathizing with him were fundamental Tories and at heart opposed to popular government.

The principle on which this Republic was founded was not the representative principle (an incident of the people's basic power), but was the principle of popular sovereignty, the principle that all power was vested in the people by an inalienable right, indefeasible, and that the people had the right at any time to exercise this sovereign power.

The Unanimous Declaration of the Thirteen United States of America, issued July 4, 1776, said:

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

This declaration is a declaration in effect that all powers of government emanate directly from the people. And this right is reiterated in the constitution of almost every State in the Union, declaring in various forms that all powers of government spring directly from the people. For example:

**ALABAMA.**

"All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and therefore they have at all times an inalienable and indefeasible right to alter, reform, or abolish their form of government in such manner as they may deem expedient."

**ARKANSAS.**

"That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends they have, at all times, an unqualified right to alter, reform, or abolish their government in such manner as they may think proper."

**CALIFORNIA.**

"All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it."
COLORADO.
1876: “That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.”

CONNECTICUT.
1818: “That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and they have at all times an undeniable and indefeasible right to alter their form of government in such a manner as they may think expedient.”

DELAWARE.
1792: “All just authority in the institutions of political society is derived from the people and established with their consent to advance their happiness, and they may for this end as circumstances require, from time to time, alter their constitution of government.”

FLORIDA.
1835: “That all political power is inherent in the people, and free governments are founded on their authority and established for their benefit, and therefore they have at all times an inalienable and indefeasible right to alter or abolish their form of government in such manner as they may deem expedient.”

GEORGIA.
1777: “We, therefore, the representatives of the people, from whom all power originates and for whose benefit all government is intended, by virtue of the power delegated to us, do ordain and declare, and it is hereby ordained and declared, that the following rules and regulations be adopted for the future government of this State.”

IDAHO.
1889: “All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same whenever they may deem it necessary, and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature.”

ILLINOIS.
1818: “That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness.”

INDIANA.
1816: “That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and well being. For the advancement of these ends the people have at all times an unalienable and indefeasible right to alter and reform their government in such manner as they may think proper.”

IOWA.
1846: “That all political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same whenever the public good may require it.”

KANSAS.
1855: “All political power is inherent in the people. Government is instituted for their equal protection and benefit, and
they have the right to alter, reform, or abolish the same whenever they may deem it necessary, and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the general assembly."

**KENTUCKY.**

1792: “That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper.”

**LOUISIANA.**

1868: “All men are created free and equal and have certain inalienable rights; among these are life, liberty, and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.”

**MAINE.**

1819: “All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have, therefore, an unalienable and indefeasible right to institute government and to alter, reform or totally change the same, when their safety and happiness require it.”

**MARYLAND.**

1776: “That all government of right originates from the people, is founded in compact only and instituted solely for the good of the whole.”

**MASSACHUSETTS.**

The first constitution submitted in Massachusetts was rejected by the people by direct vote at town meetings in the spring of 1779, because it contained no bill of rights, and for other reasons. The next constitution submitted, that of 1780, the people adopted by direct vote at town meetings and by more than two-thirds of all who voted. The bill of rights declares:

**BILL OF RIGHTS.**

1780: “ARTICLE I. All men are born free and equal, and have certain natural, essential, and inalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

“ART. IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever shall, exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

“ART. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are their substitutes and agents and are at all times accountable to them.”

**MICHIGAN.**

1835: “All political power is inherent in the people. "Government is instituted for the protection, security, and benefit of the people; and they have the right at all times to
alter or reform the same and to abolish one form of government and establish another whenever the public good requires it."

MINNESOTA.

1857: “Government is instituted for the security, benefit, and protection of the people, in whom all political power is inherent, together with the right to alter, modify, or reform such government whenever the public good may require it.”

MISSISSIPPI.

1817: “That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and therefore they have at all times an unalienable and indefeasible right to alter or abolish their form of government in such manner as they may think expedient.”

MISSOURI.

1820: “That all political power is vested in and derived from the people.”

MONTANA.

1880: “All political power is vested in and derived from the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.”

NEBRASKA.

1866-67: “All men are born equally free and independent and have certain inherent rights: among these are life, liberty, and the pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.”

NEVADA.

1864: “All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.”

NEW HAMPSHIRE.

In New Hampshire four constitutions were submitted to the people, who voted directly upon them at town meetings. The first three were rejected (American Political Science Review, Vol. II, p. 549) largely because there were no express limitations upon the power of the legislature—no bill of rights. The bill of rights of the fourth one, that of 1784, declares:

1784: “VII. The people of this State have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled.”

NEW JERSEY.

The New Jersey constitution of 1776 declares:

1776: “Whereas all the constitutional authority ever possessed by the Kings of Great Britain over these Colonies or their other dominions was, by compact, derived from the people and held of them for the common interest of the whole society, allegiance and protection are, in the nature of things reciprocal ties, each equally depending upon the other and liable to be dissolved by the others being refused or withdrawn. And whereas George III, King of Great Britain, has refused protection to the good people of these
Colonies, and, by assenting to sundry acts of the British Parliament, attempted to subject them to the absolute dominion of that body, and has also made war upon them in the most cruel and unnatural manner for no other cause than asserting their just rights, all civil authority under him is necessarily at an end and a dissolution of government in each Colony has consequently taken place."

NEW YORK.

The New York bill of rights of 1777 declares:

1777: "I. This convention, therefore, in the name and by the authority of the good people of this State, doth ordain, determine, and declare that no authority shall, on any pretense whatever, be exercised over the people or members of this State but such as shall be derived from and granted by them."

NORTH CAROLINA.

1776: "That all political power is vested in and derived from the people only."

NORTH DAKOTA.

1889: "All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have a right to alter or reform the same when the public good may require."

OHIO.

1802: "That all men are born equally free and independent, and have certain natural, inherent, and inalienable rights * * * and every free republican government being founded on their sole authority, and organized for the great purpose of protecting their rights and liberties and securing their independence; to effect these ends, they have at all times a complete power to alter, reform, or abolish their government whenever they may deem it necessary."

OKLAHOMA.

1907: "All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and they have the right to alter or reform the same whenever the public good may require it."

OREGON.

1857: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness, and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper."

PENNSYLVANIA.

1776: "That the people of this State have the sole, exclusive, and inherent right of governing and regulating the internal police of the same. "That all power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them."

RHODE ISLAND.

1842: "The basis of our political systems is the right of the people to make and alter their constitutions of government."
SOUTH CAROLINA.

1790: “All power is originally vested in the people; and all free governments are founded on their authority and are instituted for their peace, safety, and happiness.”

SOUTH DAKOTA.

1889: “All men are born equally free and independent and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property, and a pursuit of happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.”

TENNESSEE.

1796: “That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.”

TEXAS (REPUBLIC).

1836: “All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times an unalienable right to alter their government in such manner as they may think proper.”

TEXAS (STATE).

1845: “All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and they have at all times the unalienable right to alter, reform, or abolish their form of government in such manner as they may think expedient.

UTAH.

1895: “All political power is inherent in the people, and free governments are founded on their authority for all their protection and benefit; and they have the right to alter or reform their government as the public welfare may require.”

VERMONT.

1777: “That all power being originally inherent in, and consequently derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

“* * * and that the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish government in such manner as shall be, by that community, judged most conducive to the public weal.”

VIRGINIA.

1776: “That all power is vested in, and consequently derived from, the people.”

WASHINGTON.

1889: “All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.”
WEST VIRGINIA.

1861-1863: "The powers of government reside in all the citizens of the State, and can be rightfully exercised only in accordance with their will and appointment."

WISCONSIN.

1848: "All men are born equally free and independent and have certain inherent rights; among these are life, liberty, and the pursuit of happiness; to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

WYOMING.

1889: "All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness; for the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper."

Mr. President, here it will be observed that the people in the States declare all political power vested in and derived from the people, and that they have an inalienable and indefeasible right to alter, amend, or abolish, their form of government in such manner as they may deem expedient. So that we do not need the quotations from a few reactionary citizens who were disobeying their representative instructions in the secret conclave of 1787 to tell us what the Constitution and the law is.

It is rather astonishing to hear from various men of learning that the right of the people to legislate directly is unconstitutional; that it is "in conflict with the representative principle on which this Republic is founded."

This is the same old federalist argument that was answered in the Supreme Court of Oregon in the Pacific Telephone case, where it was urged that the Federal guarantee to the State of a republican form of government would forbid the initiative and referendum as in conflict with a republican form of government or with the so-called representative principle. (Exhibit B answers this argument.)

The adoption of the constitution of Texas was an act of direct legislation by the people of Texas by the referendum on the initiative of the constitutional convention.

And all of the State constitutions, almost without exception, have been adopted by the act of the people who directly legislated in establishing these various State constitutions by the referendum.

And they amend all the constitutions in the same fashion—by direct legislation, almost without exception.

James Bryce, in his American Commonwealth (Morris Edition, 1906, p. 258), very properly says:

"The people frequently legislate directly by enacting or altering a constitution. The principle of popular sovereignty could hardly be expressed more unmistakably. Allowing for the differences to which the vast size of the country gives rise, the mass of citizens may be deemed as directly the supreme power in the United States as the assembly was at Athens or Syracuse.

Indeed, from the beginning of the history of the American people they exercised the right of direct legislation, and exer-
cised it in the old town meetings of New England and county meetings in the South. The Massachusetts towns still govern themselves by exercising the right of direct legislation in their town meetings, both the initiative and the referendum. And all the States of the Union from time to time have provided for the exercise of the right of direct legislation by various forms of local option.

To deny the right of the people to legislate directly is to deny the fundamental principles of every one of the 48 State constitutions. The "representative principle," so called, is merely an incident of the delegation of legislative and ministerial power to "representatives" as a matter of convenience. This grant of power to public servants does not, as some statesmen believe, establish public rulers whose right to rule can not be questioned. The grant of legislative power by the people to a State legislature in no wise prevents the people from exercising their inalienable and indefeasible right of direct legislation. The initiative and referendum is perfectly harmonious with the representative principle. In one case the people legislate through their agents; in the other case they legislate directly without agents.

It does not overthrow the representative system of government; it perfects the representative system of government. Those who favor the initiative and referendum do not intend to impair the representative system. They are determined on the contrary to perfect the representative system, which is and always has been a mixture of the exercise by the people of direct power, direct legislation, and of indirect legislation through representatives.

RECALL NO NOVELTY.

Even the right of recall is no novelty under the American system of government. Every one of the 13 Colonies—the State of New Hampshire, the State of Massachusetts Bay, the State of Rhode Island and Providence Plantations, the State of New Jersey, the State of New York, the State of Connecticut, the State of Pennsylvania, the State of Delaware, the State of Maryland, the State of Virginia, the State of North Carolina, the State of South Carolina, the State of Georgia, on the 24th day of July, 1778, solemnly agreed to the Articles of Confederation of 1777, in Article V, to the right of recall, in which it was expressly agreed that the various States should appoint delegates to meet in Congress on the first Monday in November of every year—

With a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

DEMOCRATIC CONSTITUTIONS EASILY AMENDABLE.

Our State governments, while establishing the representative principle as a matter of convenience, have nevertheless incorporated in every instance the declared principle that all power is vested in the people, and that they retain the right at any time to alter, amend, or abolish.

All democratic constitutions are flexible and easy to amend. This follows from the fact that in a government which the people really control the constitution is merely the means of securing the supremacy of public opinion and not an instrument for thwarting it. * * * A government is democratic just in proportion as it responds to the will
of the people; since one way to defeat the will of the people is to make it difficult to alter the form of government, it necessarily follows that any constitution which is democratic in spirit must yield readily to changes in public opinion. (Spirit of American Government: Smith.)

The fact is that with the initiative and referendum the people merely propose to amend the laws establishing the legislatures so as to give to the people the option to exercise the right of direct legislation where they may find it expedient and proper to do so. All that is necessary is to enlarge the ordinary State constitution so as to provide for the people the method of directly legislating by passing an initiated bill or vetoing a referred bill. The legislature got its power to legislate from the people and the people violate no principle by exercising directly the legislative power they possess, and which is inalienable and indefeasible.

In amending the State constitution so as to reserve to the people the power to initiate and pass a bill by direct vote, or by the referendum to veto or affirm, as the case may be, an act passed by the legislature, the people merely exercise their sovereign power in a moderate and restricted way, which they have found necessary after a hundred years of experience with representatives in the legislature who have, particularly in this generation, too frequently failed to pass the laws the people want, and who have too frequently passed the laws which the people do not want.

It is absurd to say that this Republic was founded on the "representative principle." This Republic was not founded on the representative principle. It was founded on the sovereign right of the people to manage their own business (and not be managed by their servants), and it was for this reason that every State constitution declared this fundamental principle that all political power was inherent in the people, and that as sovereign they could at their pleasure alter, amend, or abolish even the constitutions themselves. This was the great foundation stone, and this is the principle now being asserted by the initiative and the referendum, to wit: The right of the people to rule. This is the very meaning of the word "democratic." Demos kratein means "the people have the right to rule." It is the origin of the word "democrat." A democrat is a man who believes in the right of the people to rule.

Aristocracy means the rule of the few, who consider themselves the best.

Autocracy means the rule of a single person.

Plutocracy means the rule of money.

Democracy means the rule of the people.

Delegating power to public servants was not new. It was a convenience and a mode of exercising popular sovereignty, not a means of destroying or of impairing it.

We established the system of delegating the legislative power to representatives in our State constitutions, who should meet in legislative assembly and debate and discuss and frame wise and virtuous laws drawn to promote the general welfare. When they are candidates they pledge their honor to the people to be guided by the general welfare. They go to the assembly and lift their hands to Almighty God and solemnly swear to be faithful to the people, and then special interests come and bring malignant influences to bear upon the weakness of human nature.
that lead the legislator away from the paths of public virtue into passing laws against the general welfare, or in refusing to pass laws required by the general welfare. Representative government is a convenience for the people. No progressive wants to interfere with it or to change it where it is faithful and performs its proper duty; but when these representatives fail to pass laws of vital importance, when they pass laws doing a gross wrong to the public interest, the time has come when the people shall directly exercise so much of their legislative power as they may find it necessary to exercise at their option in passing the laws they do want and vetoing the laws they do not want.

THE ATHENS AND ROME ARGUMENT.

Oh, but say these opponents of popular government, remember the overthrow of the direct democracy of Athens and Rome. It is difficult to argue with entire patience with men of learning and intelligence who will offer as a reason against popular government the so-called direct democracy of Athens and of Rome. We might as well go to Athens and to Rome to get our instruction in the management of modern railways and in handling the telegraph and telephone.

Only one person in 400 could read in Athens and in Rome. The people were divided into the very few intelligent and cultured and into the very, very many who were ignorant of letters and of the art of government, five-sixths of whom were slaves and the vast majority in hopeless poverty. They lacked the spirit of liberty, and the father controlled by law the son and his family as long as the father lived, with power of life and death and property.

It avails nothing to say that the populace of Athens had an appreciation of the beautiful forms of marble which their sculptors developed with great cleverness. The vital fact is that they had no knowledge of government; that they had no means of public communication except by word of mouth; no knowledge of liberty as we know it; and were actually ruled by an intellectual, financial, and military aristocracy under the forms of a direct democracy.

To-day the great body of our citizens can read and write. To-day we have millions of books available and libraries everywhere. To-day the most distant citizen can by the parcel post receive for a trilling expense the last word upon organized government and the art of government. To-day we have the telegraph and the telephone binding the ends of the world together and putting information with regard to government all over the world, its weakness and its strength, in the hands of every citizen who cares to know. To-day we have millions of men who do care to know, and who are interested in good government, and who are determined to have good government and to overthrow the rule of the self-seeking few and to terminate the commercial and financial piracy which has been dealing unjustly with the many for the benefit of the organized few. To-day we have modern newspapers, a miracle in art and in design, filled with news brought instantly by telegraph and telephone from the ends of the earth; filled with knowledge, literature, and art; filled with finance and commerce; filled with sport and humor and fun; filled with ten thousand times ten
thousand wants and opportunities, which the poorest citizen can buy for one-hundredth part of his daily wage. Compare Athens and Rome of 2,000 years ago with Washington, Chicago, or New York!

Oh, no, Mr. President, the comparison can not be justly made; and that the opponents of popular government should go so far to find their argument against the rule of the people shows how poverty stricken and how poor and how mean are the fallacies and pretexts upon which they rely.

INITIATIVE AND REFERENDUM JOKERS.

Mr. President, there are six dangerous jokers which I wish to call attention to and which the friends of popular government should beware of.

Joker 1. Limiting the initiative to statute laws and prohibiting the voters from proposing and adopting amendments to the State constitutions.

The constitutional initiative is the most vital part of any amendment. For in the State constitutions are many jokers restraining popular government that need correction by constitutional amendment.

Joker 2. To require an improbable or impossible majority necessary to enact or reject measures submitted to the voters.

Every measure voted on should be decided by the majority of the votes cast thereon.

Joker 3. To require large petitions to render it difficult to secure them, no matter what per cent is required.

This is done by increasing the percentages beyond reason or to require a certain per cent of the legal voters of certain counties.

The signature of any voter in the State should count regardless of residence.

Joker 4. To so frame the emergency clause that the legislature may annul the referendum whenever it chooses. The emergency should only be declared upon a two-thirds majority of all members on a recorded vote, setting forth the reasons for the emergency.

Joker 5. To put an arbitrary limit upon the number of measures which may be submitted to the people at any one election, because the special interests can thus preclude submission of public measures by offering trivial measures in advance of the public measure.

Joker 6. Failure to provide an adequate and efficient method of informing the voters concerning the measures submitted to them. The only safety for the political machine is to keep the people in ignorance. The Oregon publicity pamphlet informs the people. Insist on the publicity pamphlet.

I submit herewith a model constitutional amendment for the initiative and referendum, free from jokers, and self-executing:

PROPOSED CONSTITUTIONAL AMENDMENT FOR THE INITIATIVE AND REFERENDUM.

The legislative authority of this State shall be vested in a legislative assembly consisting of a senate and house of representatives, but the people reserve to themselves the power to propose legislative measures, resolutions, laws, and amendments to the constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power, at their own option, to approve or reject at the polls any act, item, section, or any part of any resolution, act, or measure passed by the legislative assembly.
The first power reserved by the people is the initiative, and not more than 8 per cent, nor in any case more than 50,000, of the legal voters shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions, except for municipal and wholly local legislation, shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon. If conflicting measures are submitted to the people shall be the one receiving the highest number of affirmative votes shall thereby become law, and all conflicting provisions as provided for in the constitution shall in all cases be submitted to the people for approval or rejection.

The initiative is also reserved as follows: If at any time, not less than 10 days prior to the convening of the general assembly, there shall be filed with the secretary of state an initiative petition for any measure signed by 1 per cent, nor in any case more than 5,000 legal voters, the secretary of state shall transmit certified copies thereof to the house or senate to which the same shall be referred immediately upon or near the convening of the general assembly, and if said measure shall be enacted, either as petitioned for or in an amended form, it shall be subject to referendum petition as other measures. If it shall be enacted in an amended form, or if no action is taken theron within four months from the convening of the general assembly, it shall be submitted by the secretary of state to the people at the next regular general election, provided such submission shall be demanded by supplementary initiative petition signed by 4 per cent, nor in any case more than 20,000 legal voters and filed not less than four months before such election. Such proposed measure shall be submitted either as introduced or with the amendments, or in any amended form which may have been proposed in the general assembly, as may be demanded in such supplemental petition. If such measure so submitted be approved by the electors, it shall be law and go into effect, and any amended form, it shall be subject to referendum petition as other measures.

The initiative and referendum powers of the people are hereby further reserved to the legal voters of each municipality and districts, as to all local, special, and municipal legislation of every character in and for their respective municipalities and districts. Every extension, enlargement, grant, or conveyance of a franchise or of any property of the State. Cities and towns may provide for the manner of exercising the provisions of this section apply to city councils.

The initiative and referendum powers of the people are hereby further reserved to the legal voters of each municipality and districts, as to all local, special, and municipal legislation of every character in and for their respective municipalities and districts. Every extension, enlargement, grant, or conveyance of a franchise or of any property of the State. Cities and towns may provide for the manner of exercising the provisions of this section apply to city councils.
Initiative and referendum powers as to their municipal legislation subject to the general laws of the State. Not more than 10 per cent of the legal voters may be required to order the referendum nor more than 15 per cent to propose any measure by the initiative in any city, town, or local subdivision of the State.

The filing of a referendum petition against one or more items, sections, or parts of any act, legislative measure, resolution, or ordinance, shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislative assembly shall be filed with the secretary of state not later than 90 days after the final adjournment of the session of the legislative assembly at which the measure on which the referendum is demanded was passed, except when the legislative assembly shall adjourn at any time temporarily for a period longer than 90 days, in which case such referendum petitions shall be filed not later than 90 days after such temporary adjournment. The veto power of the governor or the mayor shall not extend to measures initiated by or referred to the people. All elections on general, local, and special measures referred to the people of the State or of any locality shall be had at the regular general elections, occurring not less than four months after the passing of the act, except when the legislative assembly or the governor shall order a special election, but counties, cities, and towns may provide for special elections on local matters. Any measure initiated by the people, or referred to the people as herein provided, shall take effect and become law if it is approved by a majority of the votes cast thereon and not otherwise. Every such measure shall take effect 30 days after the election at which it is approved. The style of all bills shall be: "Be it enacted by the people of (name of State, municipality, or county)."

This section shall not be construed to deprive any member of the legislative assembly or of a city council of the right to introduce any measure. The whole number of electors who voted for governor at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of registered voters necessary to sign such petition shall be computed. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state or in municipal or local elections with the county or city clerk of the same county or city, or such other officer as may be prescribed by law. Petitions and orders shall be submitted to the people as herein provided, shall be self-executing, but the legislature may enact laws facilitating its operation. All proposed measures submitted to the people shall be printed in pamphlet form, together with arguments for and against, as may be provided for by law, and mailed by the secretary of state to the electors at least 50 days before the election at which they are to be voted.

Objections to the Initiative and Referendum.

Mr. President, what are the objections to the initiative and referendum?

First, it has been objected that it was contrary to the so-called "representative" principle of the Constitution. This objection I have abundantly answered. (Exhibit B.)

Second, that the people are not capable of direct legislation. The contrary has been abundantly shown by the experiences in all of the States and countries which have put it into effect. Tabled, that representative democracy is better than direct democracy. The answer to this is that there is no such issue, since the optional initiative and referendum in nowise interferes with representative democracy.

Fourth, that the initiative and referendum would destroy deliberation, debate, and result in hasty legislation. The fact is an initiated bill is usually drawn by a group of patriotic citizens, who prepare the bill with infinite pains, consulting the best experts in the State, and only present it to the State after it has been thoroughly considered. It appears in the public prints; it is discussed by the citizens from one end of the State to the other; it is presented to each citizen of the State in a
publicity pamphlet, giving the arguments for and against it, and a sufficient length of time before the election, that each citizen can thoroughly understand it; and then each citizen in the State, in the quiet and seclusion of the ballot box, expresses his opinion with regard to it, without excitement and without passion and with the utmost deliberation.

In Congress we pass volumes of bills. Is it incredible that the citizens who have the intelligence to select Senators and Presidents should also have the intelligence to pass one bill, or even two or three bills?

I have heard of hasty legislation by representatives, without much debate in legislatures, and sometimes in a conference committee important legislation has been put on a tariff bill by misrepresentatives at the instance of private interests and against the general welfare in great haste and without debate. Such hasty laws under a referendum could be vetoed by the people and ought to be vetoed.

_The people will not vote—Fallacy._

The crowning charge against the initiative and referendum by the former Senator from Texas is that only a small per cent of the people will vote, and his data is based on the cases of compulsory referendum. In Oklahoma the percentages have run from 54 to 100 per cent of the citizens voting. In Maine it has run from 50 to 100 per cent. In Missouri, from 71 per cent to 95 per cent; in Arkansas, from 75 per cent to 90 per cent; in Montana, from 72 per cent to 80 per cent; in Oregon it has run from 61 per cent up to 90 per cent; in South Dakota, from 57 per cent to 92 per cent.

Those who do not vote on these questions of public policy submitted by the initiative and referendum are those citizens who are ignorant or indifferent to such questions of public policy, and who voluntarily disfranchise themselves, leaving the more intelligent and more interested citizens to decide these questions. This voluntary disfranchisement of the unfit is of public benefit.

But, Mr. President, out of 187 yea-and-nay votes in the Senate previous to the retirement of the Senator he himself appears only to have voted 18 times, or less than 10 per cent. The people appear to be from 500 to 900 per cent better than this record, and are otherwise not justly subject to his criticism.

I submit an Exhibit A to my remarks upon this question giving in detail the percentages of votes in various States and the principles governing the initiative and referendum and ask that it be printed as a Senate document.

Mr. President, the restoration of popular government is absolutely essential to the welfare and happiness of the American people. The time has come when we must terminate the gross abuses of machine politics, when we must purify our governmental processes and establish the best form of government of which the American intelligence and conscience is capable. The people’s rule system of government is not, or should not be, a partisan question. This issue of the people’s rule goes to the root of all other questions because all modern questions practically comprise some form in which the rights, the interests, the health, and the happiness of the people is
interfered with by the special interests seeking profit or promotion through the machine method of government. It is absolutely essential for the people to announce a new Declaration of Independence, freedom from the rule of the few, freedom from the special interests, freedom from the machine politicians who are in alliance with the special interests which have perverted the great Republic from its noblest ideals to sordid and selfish ends. In the words of the immortal Lincoln:

It is for us, the living, to highly resolve that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth.

THE REASONS IN BRIEF JUSTIFYING DIRECT LEGISLATION.

The reasons in brief which justify direct legislation have been perhaps best stated by Prof. Frank Parsons in 1900, since deceased. Prof. Parsons was a great publicist, with no ax to grind, no political ambition, and no other purpose than to serve God and mankind "in spirit and in truth."

Direct legislation—that is, direct legislation by the optional initiative and referendum.

1. Is essential to self-government.
2. Destroys the private monopoly of lawmakers.
3. Is a common-sense application of the established principles of agency.
4. Will perfect the representative system.
5. Is immediately and easily practicable.
6. Makes for political purity.
7. Kills the lobby.
8. Makes it useless to bribe legislators because they can not deliver the goods.
9. Attracts better men to political life.
10. Simplifies elections.
11. Simplifies the law.
12. Lessens the power of partisanship.
15. Opens the door of progress.
17. Works an automatic disfranchisement of the unfit.
18. Tends to stability.
19. Is a safety valve for discontent.
20. Is in line with the general trend of modern political history throughout the world.

I might add to these reasons—

21. Causes public servants to do their utmost to serve the public interest, knowing that the power of the people is over them directly.
22. It thus enthrones righteousness and the general welfare by giving sovereign power to the intelligence and conscience of the Nation.
23. It tends powerfully to educate the people on questions of public policy and increases the general intelligence.
24. It will enable the people to pass a thoroughgoing corrupt-practices act, a mandatory direct primary, and other progressive statutes necessary to establish the people's rule, which a machine-controlled legislature otherwise can and will prevent.
TIFF OBJECTIONS TO THE INITIATIVE AND REFERENDUM

Are imaginary or based on erroneous information. Under the initiative and referendum only a few (not many, as objected) important laws would be referred to the people or initiated by the people.

The initiative and referendum is not hasty, without deliberation or by impulse, as objected, but the most deliberate of all legislative processes, usually taking about two years.

It is objected that from 20 to 40 per cent of the people do not vote on initiated measures. This only means that the ignorant or indifferent voter voluntarily disfranchises himself, leaving the questions of public policy to be decided by more intelligent and interested voters.

It is objected that the voters can not pass on complicated laws. The answer to this is that, complicated or not, the people well know the difference between honest and dishonest laws, between just and unjust laws, and when they have the power to kill the latter no more of them are apt to be made. Moreover, it is easier to pass upon a law in black and white, even if complicated, than to pass upon a complicated man and what he will do under the influence of the lobby.

It is objected that it is impracticable. This objection is based upon unadulterated ignorance.

It is objected we should "elect better men." We have tried this game long enough. It has failed. The system under which the "big stick" hangs over the "representative man" will make him better. It makes an unfaithful servant powerless, and this is the man we are after.

It is objected that direct legislation will destroy representative government. This is purely imaginary. It will perfect representative government and make the representative perform his duty or enable the people to correct his sins of omission or his sins of commission.

To accomplish integrity of government and perfect the system of popular government, we need—

First. An adequate registration system to register all entitled to vote, so that no person not entitled shall be registered, and open at all times to public examination.

Second. A secret ballot—Australian system—under which the financial and commercial bullies can not coerce or bribe the weak citizen whose bread and butter they control.

Third. A direct mandatory primary, by which the voters can select their candidates regardless of the political machine.

Fourth. A statute preventing corrupt practices, directly limiting the use of money, preventing bribery, coercion, and fraud, requiring publicity of campaign contributions, and giving the voter peace and absolute security from pressure on election day.

Fifth. A constitutional amendment for the initiative and referendum for every State, and statutes vitalizing the same so that the people can amend their State constitution when they like and can enact any laws they do want or veto any laws they do not want, in spite of the machine or the influence of political mercenaries.

Sixth. A statute providing publicity pamphlets, giving each citizen before election time full information and arguments for and against all public measures and for and against all public candidates.

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Seventh. A statute providing for the recall, by which the people can nominate a successor to an incompetent, unfaithful, or obnoxious public servant.

Eighth. Local self-government for cities and towns by commission, with the initiative, referendum, and recall.

Ninth. The short ballot, with preferential provisions, by which the votes of unorganized citizens may be automatically cohered.

Tenth. The direct election of United States Senators.

Eleventh. The direct nomination of presidential candidates.

These are the chief agencies by which we shall restore the integrity and the efficiency of our Government, and of these agencies "the initiative and the referendum" are first, because they open the door to all the others.

Mr. President, in my judgment the Senate of the United States should throw the weight of its influence in favor of the initiative and referendum and not against it. I therefore offer a substitute for Senate resolution 413. Strike out all after the resolving clause in Senate resolution 413 and insert the following:

That the system of direct legislation, such as the optional initiative and referendum adopted by Oklahoma, Oregon, California, Washington, Arizona, Utah, Colorado, Montana, North Dakota, South Dakota, Missouri, Arkansas, Nebraska, Wisconsin, Ohio, and Maine, is in harmony with and makes more effective the representative system and the principle of the sovereignty of the people upon which this Republic was founded, and is not in conflict with the republican form of government guaranteed by the Constitution.

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