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ADVISABLE FEATURES OF SYSTEMS

OF DIRECT NOMINATIONS AND DIRECT LEGISLATION IN OREGON.

by

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I. DIRECT NOMINATIONS.

A. POLITICAL COMBINATIONS AND EVILS TO-DAY.

The whole history of the evolution of our nominating institutions goes to prove that the further they are removed from the influence of government officials, and from the control of professional politicians, and the nearer they are placed to the source of government, the people, the more responsive are they to the will of the people, the nearer is the goal of true representation, and the more nearly have we won the battle for good government.

nest C. Meyer,
minating Systems.
22-32.

It (has been) seen that our caucuses and conventions form a complete and intricate system which is sound in theory. It admits of the representation of every locality, and of every voter of that locality, in the nomination of the elective officers of the government. In practice, it has proved since its adoption, more or less unsatisfactory. At the root of the matter lies the complexity of the system, which under modern conditions of social, economical, and political life presents an almost ideal soil for intrigue and corruption. To this must be added as a cause of the increasingly difficult operation of the system the continuous increase of the number of offices to be filled under it. The first shortcoming is a deficit in the machinery; the second results from the work it has to do. Both defeat the ends of the system, and nurse the life of political combinations and political corruption.

It is necessary to look into the cause of the development of political combinations, and of corrupt political leadership, as well as into their present position, in order to understand the reason for the unrelenting war for primary reform that is now being waged against these " political monsters."

It is a notorious fact that " one-man-power in politics" and its accompanying abuse and corruption is fast growing stronger. Our caucus and convention system , once the servant of a sturdy democracy,

now in general practice, remains its exacting master, the relations reversed in fact, and the original forms but a mask for selfish centralized control. Why the change? An answer that strikes as a blow from the shoulder will undoubtedly dissipate numerous ideas as to the purification of our nominating system. It is not well to grow pessimistic, but many methods which have been suggested, it seems, would hopelessly miss their mark because of a neglect to reckon with the practical conditions of politics as they confront us to-day. Many earnest reformers find in the evolution of the " machine ", and in its rapid and unrestrained growth in this age of industrial development, a suggestion of the necessity of a complete reorganization of our nominating institutions to fit modern conditions more closely, and they hope to accomplish this through the institution of what is known as the " direct vote system " of nomination.

The position of the political combination is powerful and involved. Its strength lies in the complex conditions of politics which have made it possible. In a spare population where few officers are elected, where salaries are small, and the affairs of the government simple and transparent, political abuses rarely develop, and the complex nominating system works at no special disadvantage. Thus in rural districts, where the gains to be derived from the control of caucuses and conventions and the coercion of officials are too small to encourage political manipulators in building up a political business. Therefore during the early period of its existence our nominating system worked fairly well, proving unsuccessful only here and there where the population had already been considerably concentrated in cities.

Conditions now are different. Our population and wealth have grown enormously, cities increased in number, size, and population, and interests extended; thus life and activities have become more complex, creating a need for a more elaborate and thorough administration of government. New offices have increased at a rapid rate and thus require the nominating of more officials. This growing burden fell too heavily upon our nominating system and consequently its defects have developed into positive evils fraught with real danger

to the spirit of republican government. We have a large unsettled population which has no lasting local ties or local enthusiasm, no patriotism and no public interest. Such a transient population, readily swayed, and often ignorant voters, falls an easy and too willing prey to the political worker and the " machine politician." People who are not so, are to a great proportion ambitious and work in their own sphere; everything outside of it has but a passing glance. Everybody works for himself and thinks that it is too much trouble to meddle with politics. Thus politicians are helped in their work by the lack of interest of the people in the affairs of government. It takes an up-to-date man in politics to " discover " the " logical candidate," and then carry him safely through a heated campaign. Some men have politics as a business and there is a tendency towards monopolization of politics by a few men because of the lack of active opposition from among the ranks of the more educated and strongest members of society.

College students are accused of lack of spirit in not taking more interest in politics. This is not true. Is not the American student alive to the public questions of to-day? That he is willing to identify himself with the practical and active side of politics is demonstrated in many ways in the course of his college life. It finds its expression in the organization of political clubs, in the holding of enthusiastic partisan rallies, in the hiring of political speakers, in the publication of partisan college sheets, in the insertion of political news items in the college papers, and in the participation of students in local elections. This is unmistakable evidence that the American student is by no means indifferent to the affairs of government.

The American college student does take an interest in the public questions of the day, but the question is, will ambition, coupled with scholarship and capacity, take the college graduate into the cherished service of his country? Nine times out of ten the answer is no. He needs another and indispensible equipment in the form of a "pull" or "stand in" with the professional politicians who arbitrarily control the avenues which lead to the country's service. If he

happens to possess this good will, he must in some way connect himself with disreputable methods of politics, and must associate with the Murphies, Gormans, and the Platts who degrade our political life. If he lacks their support, his chances are slim and he is likely to forego the expense and uncertainty of a struggle for office. Rather than join the band of reformers and prove, at least, his willingness to fight for his rights and those of his fellows, the American college graduate seems to prefer to enter some more peaceful, enjoyable, and remunerative occupation, free from the painful severity of the reformer's life.

In England and Germany, they have a thoroughly reformed and fairly remunerative civil service. One must pass an examination requiring a good education and a high scholarship to pass. A public office is a place of dignity. If the American student were given such an opportunity, he would without doubt take advantage of it.

What we need to-day, therefore, is the reform of our nominating institutions, which will restore to the people an effective vote, and through this the reform of our civil service. This reform has begun and must be kept up. The cooperation of those who stand for the high and noble in society is needed. The college graduate must be a leader in this movement. He must not content himself with writing newspaper articles urging reform, or delivering orations denouncing Tammany. If he does only this, how can he expect his simpler brother with a deceived mind to come forward on election day in the cause of better government. The college man's dislike to enter wrongful politics, and his passiveness in reform, are a source of great strength to political combinations at the present time.

Our modern politics have grown too complex, its demands are too many, there are too many offices to be filled, too many committees to be appointed, too many candidates to be selected, too many meetings to be called. All this must be attended to by a special class of men specially interested, who expect reward for their efforts at the hands of the public. Thence as long as our caucus and convention system exists there will also exist a class of politicians who control the operations.

Of all the evils complexity lies at the bottom. Other evils are

the outgrowth of this one. Therefore we need a system which is simple. The direct primary, as will be seen, is simple. Its opponents have declared it a failure. Whether it is so or not will be discussed later and at the proper place. We must have a system simpler, safer, and more direct than the convention system. Nominations should be directly in the hands of the people thereby doing away with the convention and all of its side features.

With such a change political leadership and organization would still exist but each would act in its proper sphere. The leader shall not choose himself, but shall be the choice of all. Political organizations shall not only serve somebody but everybody. And when this is an actual thing of certainty the public official, now master of the people, will then be a public servant.

B. DIRECT PRIMARIES.

For years there has been a growing sentiment that United States senators should be elected by direct vote of the people. In recent years this sentiment has grown stronger, for it is becoming more and more apparent that the United States Senate, a body supposed to be dignified and conservative and to be used as a check on the turbulent and quick acting House of Representatives, is helplessly in the hands of corporations, trusts, and railroads. So great has become the power of monopolies that they are able to send their own representatives and co-workers into the United States Senate under the name of United States Senators. Have not recent developments in the insurance investigations and railroad legislation shown what a mighty factor and power the coterie of trust senators is? Have not our ears become tired of hearing continually of the work of the Depews, the Elkinses, and the Aldriches?

But what have these conditions to do with direct primaries in Oregon? Any person reading Statements No. I and 2 in Section I3 of the direct primary law in Oregon will readily see the connection. Says Statement No. I. " I further state to the people of Oregon as well as to the people of my own legislative district, that during

my term of office, I will always vote for that candidate for United States Senator in Congress who has received the highest number of people's votes for that position at the general election next preceding the election of a Senator in Congress, without regard to my individual preference." This statement simply means that tyo person for whom the people show a preference will be elected United States Senator by the legislature provided that the people vote for and elect legislative candidates signing Statement No. I. If these conditions are carried out by the voters, the fact that a man gets more votes than any other for United States Senator means that he is the next United States Senator from Oregon. The election at the legislature will become a formality and thus the legislature can devote itself to useful work instead of spending a great deal of valuable time and interest in the election of United States Senator. It can be seen how other abuses and evils of the legislature can be done away with. Is it not true that often a great personal interest causes a man to aspire for the office of legislator for the session when a United States Senator is to be elected? The prospect of getting a good sum of money for his vote, especially when the result is close, is a powerful factor or force for inducing a man to enter the race for office. Of course he makes statements of how he will work for the people with all his ability and how he will work for good laws and reforms. But if it is to his best interests not to keep his promises, he will not do so. What does he care whether the people like his course or not? He does not intend to run for that office next term. He has sold his vote and made his fortune. Statement No. I does away with this phase of the personal element. A candidate knows that his vote is pledged and thus the election of United States Senator is not for him as important a thing as doing what is right and just and getting good laws, benefitting the state and his constituency. There is no doubt but that the plane of the state legislature will be raised by the direct primaries and especially by Statement No. I; the members will be men of honor knowing their responsibility in being not only directly elected but also directly nominated. Statement No. I is a good feature of the Oregon direct primaries. If

every state had such a feature in its primaries, the United States Senate would be practically a directly elected body, and if there is no improvement in its work and if there are complaints, the people can blame none but themselves. A directly elected United States Senator will have a motive for working for the good of the people, for his reelection is in their hands, not in the hands of a legislature which does not take a good record of public service into consideration. Statement No. I seems to be a strong point in the Oregon direct primary law.

There is also another statement which merits comment; namely, Statement No. 2, found in Section I3 of the Oregon direct primary law. " During my term of office I shall consider the vote of the people for United States Senator in Congress as nothing more than a recommendation, which I shall be at liberty to wholly disregard, if the reason for doing so seems to me to be sufficient." At the present stage of public opinion in regard to the United States Senate, the person or candidate signing the above statement does not have much show in being nominated unless he is an exceptionally bright and popular man. This assertion must be amended a little. By political trickery he may be nominated over those signing Statement No. I. This is especially true when the number of candidates is large and the voters nearly equally divided between the two great political parties. Who or what can prevent a Democrat registering as a Republican? Democrats wishing to injure the Republican chances in the general election, register as Republicans, take part in the Republican primaries, and vote for the weakest candidate on the Republican ballot. The man signing Statement No. 2 will get the Democratic vote and become the regular Republican nominee for the legislature. In the next general election the Democrats will vote for their own ticket and Republicans rather than vote for a weak candidate will not vote at all or will vote for the Democratic nominee. Republicans can do the same trick on the Democrats by registering as Democrats. Then if the nominees of both parties are the signers of Statement No. 2, the prospects of the people's choice for United States Senator being elected such by the legislature are lessened. But partisanship is

becoming less intense, as is shown by the recent elections, especially in Ohio, and thus the men who stand for the public good and the election of United States Senators by direct vote of the people, will be elected, be they Democrats or Republicans.

Another advisable feature of the Oregon direct primary law is the fact that the political parties having cast 25% or more of the total vote at the last general election, must hold primaries the same time at a designated place and time. In the Southern states the holding of primaries is optional with the parties; one can have its primaries at one time, another at a different time. Suppose Oregon had this feature. It is easily seen that two different primaries will cost the state practically twice as much as primaries held jointly. Meyer on page 182 says that it is highly desirable on the grounds of economy to hold the primaries of all parties on the same day and at the same places. But primaries are a public expense. Section 4 of the Minnesota direct primary law says: " Any person who desires to be voted for as a candidate at the primary election may have his name placed upon the ballot by filing an affidavit with the proper officers to the effect that it is bona fide his intention to run for the nomination for any specified office, and by paying to the Secretary of State the sum of $20.00, if the office is to be voted for in more than one county, and $10.00 for any office to be voted for entirely within a county. The fees paid under the provision are turned into the state, county, or city treasury, according as the office is voted for in a district, county, or city." Would it not be advisable to have such a provision in the Oregon direct primary law? Instead of us having to pay for the expense of primary elections by taxes, could not and should not we have the candidates pay the expenses themselves? If a man is anxious for an office $10.00 or $20.00 extra would not deter him from trying to get it. He would have to be poor indeed to stay out on account of $10.00 or $20.00.

There is a feature of the proposed Wisconsin primary election law which would seem to be desirable in the Oregon law. Section 14 of the Oregon law says that a certain number of party voters must sign a petition before it is lawful, but it fails to require any

information about the signer. Only his name is required. Section 5 of the proposed Wisconsin law says, " Each signer to a nomination paper shall add to his signature his business and residence, his street and number, if any, etc." By this means it would be ascertained whether every man represents a qualified elector or not. The Oregon law says that each signer must be a registered and qualified elector but does not have any provision for finding out whether such person is qualified or not. The Secretary of State is not required to go over the list of names to ascertain the qualification of each signer. There would certainly be less chance and more risk in using fictitious names, if the business and address of each signer were added to the name.

An advisable feature of the Minnesota law which it seems should be in the Oregon law pertains to the time of the day when the primaries occur. The Minnesota law prescribes as the time the hours of the day between 6 A.M. and 9 P.M. The Oregon law prescribes,in Section 4, I2 M. to 7 P.M. In Oregon the primaries are as important as the elections. Are not the men chosen by the Republicans as their nominees for office morally certain to be elected at the general election? Of course there are exceptions, for by political trickery, the Republicans may nominate a weak man while his Democratic opponent may be a strong one. But taken as a whole, Republican nomination practically means an election. Why then should not this primary election, as important as it is, be given the time that is accorded for general elections? Why crowd such an important affair in one afternoon, when the next state officials are practically chosen then? A United States Senator is there chosen by the people; not at every primary election of course, but every two and four years alternately. Yet Republican papers all over the state attack Statement No. I, giving their main reason for opposition the fact that a Democratic senator might be elected to Congress. What difference does it make to Oregon whether its senators are Democrats, Republicans, or Populists as long as they work for the good of the people, the state, and the nation? Are not the Democratic senators in the United States Senate to-day practically united in the support of the Railroad Rate Bill? They are

obeying and representing the will of the people. The attitude of the Republican press shows how well it is under the control of the "machine." The very fact that the machine is against the direct primary law is one good reason for keeping the law. Wisconsin has tried for the last six years to get a direct primary law, yet on account of the corrupt practices and incredible methods of the "machine", Wisconsin has not been able to get the law enacted. Whether Oregon elects either a Republican or Democratice United States Senator is no argument against the Oregon direct primary law.

We have shown that Statement No. I and the fact that all parties representing 25% of the voters at the last general election must hold their primaries at the same time and place are advisable features in the Oregon law. Features of direct primary laws in other states which would be as shown advisable in the Oregon primary law are as follows: The Minnesota provisions requiring fees from the candidates and the holding of primaries from 6 A. M. to 9 P.M; the Wisconsin provision requiring the signers of the petitions not only to sign their names, but also to give their addresses, businesses, and occupations.

We have just had the first test of the Oregon direct primaries, and judging from the tone of newspaper comments, it has been a success. One editorial which reflects the ideas of the others says that the Oregon direct primary law may have its peculiarities, but that we must all admit that the tickets of both parties are flawless. At no time in the history of Oregon politics have such good candidates been chosen on both tickets, and we must say that as far as the personnel of the ticket is concerned the Oregon direct primary law is a success.

II. DIRECT LEGISLATION.

A. THE INITIATIVE.

In order to render a clear discussion of the initiative, it is first of all necessary to come to a clear understanding of its meaning. A great many people in Oregon do not know what the iniative is, although we have had it for four years. Perhaps as good a definition

of the initiative as can be found anywhere is found on page 453 of Ernest Christopher Meyer's book, Nominating Systems. It says: " Under the ' initiative ', one or more citizens have the right to originate bills, which, upon submission to the popular vote by petition of a certain percentage of voters, become laws, if supported by a majority of the whole number of votes cast." As shown in the previous paper the object of direct primaries is to elect good officials - men who will not only obey the law but also enforce it. The object of the initiative is to secure good laws. Now it is plain that both of these reforms have a common origin; namely, dissatisfaction with government, and as Woodrow Wilson says, " Distrust with legislation, distrust of legislators, a wishing to secure for certain classes of laws a greater permanency, and to steady those which stand in constant peril of repeal." The securing of good officials and good laws is always essential to good government. As shown before, the direct primary secures or will secure later good officials, men who, nominated and elected directly by the people, must surely feel their responsibilities. But it is impossible for any one to maintain that good officials alone will secure good government. No matter how conscientious and honest the officials are, if the laws are not good, the government is not what it should be. The history of all governments shows that good laws are an indispensible factor in their existence and well-being. By means of the initiative good laws can be secured, and thus we see how each of these reforms, the direct primary and the initiative, supplement each other. One does not attain its goal without the help of the other. By these reforms we can secure good and efficient government; but there is another institution - the referendum - which merits attention. By means of the referendum laws distasteful to the people can be repealed. The people have a mighty weapon with which to make the action of the legislature null and void. The people have a double hold on the legislature; first, by the direct primaries they place their confidence on it; and second, by means of the referendum they have a way of showing their dissatisfaction at the actions of the legislature. One can readily see that recourse to the referendum will

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459.

be less and less as the direct primary becomes more firmly fixed, for the people will not re-elect a person to the legislature who has betrayed their confidence. Oregon certainly is in the advance of most of the other states in the fight for good officials, good laws, and the repeal of bad laws,- the essentials of an efficient government.

On the face of it the initiative looks well enough and one can not see any serious objection to it. In itself the initiative is very desirable; but the evils that grow out of it constitute the basis of opposition to the initiative. The abuse of the initiative is, it seems, the main evil. When the people become educated in governmental affairs and become thoroughly acquainted with the details of every bill to be voted on at the general election, then will the abuse of the initiative be reduced to a minimum and then we can see the full benefits of the reform. If at first bad laws are enacted through the initiative, we should not blame the initiative, but the lack of knowledge on the part of the people of what they were voting for. A few of such experiences will impress upon the minds of the people the necessity of thorough understanding of governmental affairs and proposed laws. As an instrument of education, the initiative is a great reform; for in order to have a good government, the people must think and learn to distinguish between a wise and an unwise law.

In Oregon, there are at the present time eight measures to be voted upon at the general election taking place June 4, 1906. This means that at present there are more bills before the people of Oregon than have ever been before the people of any state. This will be a severe test of the people's knowledge of the bills to be voted on. If the people read all of the proposed measures carefully, the initiative will stand the test. If two proposed measures conflict, an intelligent voter will see it and choose one in preference to the other,or vote against both. The danger of two conflicting measures passing will cease to exist when the voters have reached such a stage that they can distinguish between the desirable and undesirable measures.

One of the bills before the people to-day is the bill " To abolish tolls on the Mt. Hood and Barlow road, and providing for its

ownership by the state." The title of the bill is very deceptive and unless the voter has read the bill and learned some facts on the case, he is likely to vote for it. The bill is nothing more than an attempt to palm off on the state a road not paying to its owners enough to keep it in repair, and thus give them the enormous sum of $24,000 for a piece of property which the state should keep its hands away from. This is a clear case of the abuse of the initiative by a private corporation. Since the petition requires only 8% of the voters to become valid, it is easy for a corporation to secure the required number of signatures. In Illinois the requirement is I0% o of the electors but it seems that even this is too small. 20% would be about right, for then the corporation would have to buy too many signatures to make the proposition pay. If a good measure is to be proposed, 20% of the electors can be easily induced to sign. By raising the requirement to 20%, Oregon would have an initiative less abused than at the present time.

A feature of the Utah law, namely, giving any legal subdivision of the state the power of initiative, would at first thought be desirable in the Oregon law. Such a feature is to be voted on next June and will probably pass. The bill requires the signatures of not more than I5% of the electors in the subdivisions to make an initiative bill valid. But the proposed measure goes further than the Utah law. Any legal subdivision can wield the referendum against any part of a law that bears on the affairs of that subdivision. I0% of the voters of the subdivision is required in order to make a referendum petition valid. Thus any objectionable feature in a law passed by the legislature can be rejected by the people of the district upon which the feature bears. Thus by having the initiative and referendum apply to local affairs, Oregon is making another great step toward having the government carried on by the people directly. This is not saying that the feature would work. It just simply shows that there is a tendency to put more and more power into the hands of the people, and since the power of the legislature can not in itself be taken away, yet there is a tendency toward not accepting everything that the legislature offers. And if the legislature is not willing to pass

legislation concerning certain localities, these localities can initiate the required legislation and thus obtain what they desire. The principle will lead to the incorporation in legislation of the idea that only those people who are concerned with and affected by a law shall vote for it, thereby tending toward a decentralization of power, and the proper redistribution of governmental functions between the town, ward, city, county, state, and nation.

Among the chief advantages of direct legislation may be mentioned the following:

rnest C. Meyer,
minating Systems,
456-457.

It destroys the power of the legislator for personal ends, and makes him directly responsible to his constituents. Every legislator knows that his constituents expect something from him, and legislating for something that does not pertain to their good will likely prove costly for him. His reelection will not take place, but another man will be elected, and if he proves faithful he will be reelected; if unfaithful, another will be elected and so on until an efficient man is found.

Another advantage is that it deprives corporations, lobbyists, and corrupt politicians of the power to secure the enactment of special laws. The lobby has always been the main feature of the Oregon legislature; but it remains to be seen what effect the direct primary will have upon the existence of the lobby at the next Oregon legislature. On the face of it, it appears that the direct primary and the referendum will defeat lobbying; but of course there are many ways to defeat the will of the people by technicalities, loopholes, and the like; but we can not blame the direct primaries, the initiative, or the referendum for that. These reforms are yet new, and unforeseen defects might appear, but these can be cured, and after a few years trial these reforms can be made so perfect that evil practices will cease to exist and the will of the people must always be supreme.

Another advantage of direct legislation is that it arouses a wide interest in matters of public concern, and educates the people upon public questions and in practical politics. This point was brought out before and it can be reiterated that in order to have a

good government, the people must know what they want and how to get it. Direct legislation will give voice and influence to the great mass of home-loving, peaceable, industrious people, who make little agitation, and are not heard in the ordinary clamor of politics, but who are fair minded and love justice. This point leads to the next one; namely, that direct legislation reduces the tendencies of revolution or radical reform, and prevents sudden explosions of public opinion by permitting the people from time to time to incorporate their ideas of change in legislation. Sometimes during a legislative session public opinion on some point, or law, or reform will become so strong and such pressure be brought to bear upon the legislature that it would be induced to pass the requested law or reform. Then after the legislature has adjourned, the people having cooled down will see glaring defects in the law and regret that it was passed. In direct legislation the people will have plenty of time to think about the different measures proposed and thus be enabled to cast an intelligent ballot at the time when the measures are to be voted upon. In Oregon an initiative petition must be filed four months preceding the next general election, thus giving the elector sufficient time to form his opinions. This is a good feature in the Oregon law giving more time than any other state for the bill to be before the people. Illinois requires sixty days, while other states have a greater or less time requirement in their laws.

Oregon is making a name for herself by adopting and testing these different reforms. The eyes of the nation are upon her. If she succeeds in showing that these reforms can be administered successfully, there is no doubt but that other states will take them up. A great deal depends on the successful working of [illegible] for if they are failures, the opponents of direct primaries and direct legislation will point to Oregon - how she tried them and failed. Oregon is leading the great battle for good government and if she succeeds in convincing the other states that these reforms are workable, then we may say as Ernest C. Meyer says on page 22, " That the farther our nominating institutions are removed from the influence of government officials, and from the control of professional politicians, and the nearer they are placed to the true source of

government, the people, the more responsive are they to the will of the people, the nearer is the goal of true representation, and the more nearly have we won the battle for good government."

We have tried to show that the initiative is a good educational factor in that it rouses interest in the affairs of government by giving the people the right to make their laws directly. One feature of the Oregon initiative law is the provision requiring all initiative petitions to be in four months before the general elections. This gives the people time to think about the proposed laws so that the abuses of the initiative is lessened to a great degree.

B. THE REFERENDUM.

The referendum is another reform which is helping to bring power closer to the people. Until a few years ago the people had to take what the legislature enacted; no matter how obnoxious and foolish laws were passed, the people could do nothing but protest, and not a few legislatures had, or have now, enough interest in the public welfare to listen to protests. Taking into consideration the corrupt practices, the utter disregard of justice and fair play, and the deliberate abuse of public trust, is it strange that such a weapon as the referendum has been invoked? By the referendum is meant the right of the people to vote upon a law proposed through the initiative, or by a law making body, and submitted to them by petition of a certain percentage of voters.

The principle of the referendum has already attained considerable prominence in the country and is fast being given a wider application. This is shown by the fact that on June 4, 1906, at the general election in Oregon there is an initiative measure to be voted upon which will on the ballot read as follows: for constitutional amendment for the initiative and referendum on local, special, and municipal laws and parts of laws. This means that localities can vote upon laws or parts of laws affecting them. Voting on public questions will not be a new experience to them. In our localities, subjects of the greatest variety are submitted to a popular vote in cities, counties, towns, and other local districts. There is not a state in the Union

in which the legislature does not submit questions pertaining to local government to the people. City charters, local government acts, and bills affecting the form and character of the local governments; loan bills, financial proposals, taxation measures; prohibition, higher license,- these are generally the subjects of local referenda.

Ernest C. Meyer, Nominating Systems, pp 454-455.

The movement towards the extension of the referendum has been rapidly strengthening. More than three thousand newspapers and magazines are advocating it as a reform of primary importance. In 1899 thirty-eight state platforms contained planks favoring direct legislation, while in 1900 the national platforms of the Democratic party, the Populist party, the Middle-of-The-Road-Populists, and the Social Democratic party embodied initiative and referendum planks. Oberholtzer, one of the most thorough students of this reform, says that while the general advisability of the referendum is still an open question, it will undoubtedly soon be even more widely employed in this country. The referendum certainly deserves to retain its very important position among our political institutions, and will undoubtedly become of ever increasing importance, especially in the localities. The business of the legislatures is increasing as social and political conditions become more complex; hence they will not have the time and opportunity to legislate for localities in such a way that the very best and most perfect legislation can be obtained. In a fast developing country, where the legal needs of life make an active, progressive legislature indispensible, it must inevitably retain its place as an auxilliary method of legislation, rather than as the supreme source of law itself. The referendum is simply a gauntlet through which an act must pass before it can become a law. It is preventive or defensive in character. The initiative, on the other hand, has an aggressive character in that it makes new laws possible without the legislature having a hand in their enactment. Thus it is seen that of the two, the initiative is more important while the referendum is simply auxilliary.

By saying that the referendum is auxilliary we do not mean that it is not important. Anything that educates the people in public

questions and protect them from corrupt legislation is important.

ohn R. Commons, roportional epresentation. I87.

The referendum does educate the people on public questions and it does serve as a check on corrupt, incapable, unprincipled, and unrepresentative legislatures. " It utterly deprives them of power. It has banished the lobby from Swiss legislation. Representatives can not sell out, simply because they can not " deliver the goods." The people alone decide. The referendum is a club of Hercules in the hands of the people. But it does not create; it destroys." The initiative creates.

Now that some idea of the meaning and significance of the referendum has been gained, it would not be out of place to examine its workings in other states and to compare the features with those of Oregon. It is aimed in this paper to show that the Oregon referendum law compares favorably with those of other states.

There are only four states in the Union that have referendum laws,- Utah, South Dakota, Oregon, and Nevada. First of all the Utah law shall be taken up. It is not the intention to examine the laws in detail. They all nearly agree in the number of petitioners required and in the time of presentation of the petition. The Utah referendum provides that any law passed by the legislature, except those passed by two-thirds vote, can be submitted to the people before taking effect. This means that the Utah legislature is not nearly as effectually kept under the will of the people as are the legislatures of the three other states. The fact that the qualifying clause not allowing the people to vote upon laws passed by two-thirds vote exists in the law makes a legislature in which two-thirds of the members agree supreme against the people. It does not take much trouble on the part of interested parties to control two-thirds of a present day legislature. The Utah legislature can " deliver the goods " and we can say with justice that Utah has the weakest referendum in the the United States.

ew York State Library, eview of Legislation. 90I, I902, I903.

Next in order comes Oregon. The law says that the referendum may be ordered on any act except those for the immediate preservation of the public health, peace, and safety. Utah does not have this

qualifications in her law. This is a very important qualification, for without it the legislature in Utah can menace the peace, health, and safety of the public by simply casting a two-thirds vote. Just so far Oregon is ahead of Utah. The people of Oregon can vote upon any proposition except those for the immediate preservation of the public peace, health, and safety. In Utah the people can vote upon this very provision, and it is a dangerous thing to experiment with such vital affairs as the public peace, health, and safety.

South Dakota goes still farther. Her law, besides having the qualifying clause concerning the public peace, health, and safety, has it concern also the support of the state government and its existing institutions. In South Dakota the people can not decide by direct vote whether they want to support normal schools or not. In Oregon we can vote down the appropriations to the state institutions. It is just on account of the normal schools that the University of Oregon has suffered the past year. By means of log rolling and other nefarious schemes, the normal school representatives and senators tacked the normal school graft bill to the general appropriation bill. It is that part of the law that most of the people of Oregon object to. We have never heard of a university or an agricultural college graft. When the measure proposed by initiative petition, giving the people the right to invoke the referendum on parts of bills, becomes a law, we shall have an effectual means of stopping the normal school graft, and thus protect the university interests from the shrewd and enterprising normal school senators. After that measure becomes a law we shall have a very complete referendum law.

Nevada has gone farther than any other state in regard to what laws shall be subject to the referendum. The law says that any law or resolution made by the legislature can be voted on at the next ensuing election wherein a state or congressional officer is voted for, or wherein any question may be voted on, by the electors of the entire state. This means that any law, no matter of what character, is subject to the referendum. This is exactly the same as in Utah with the qualifying clause omitted. To make up for this radical provision, Nevada requires more signers to the referendum petitions

than any other state. Oregon and South Dakota require five per cent of the electors while Nevada requires ten per cent. It might be said here that the Oregon law in regard to the points brought up is just exactly like the South Dakota law with the clause regarding the support of the state government and its existing institutions omitted.

Thus it is seen that the referendum laws in the states may be divided into two classes. In the first class belong those that are either incomplete or too radical, as exemplified by the Utah and Nevada laws; while in the second class we have those laws that can be called complete and conservative in that they are safe, sane, and efficient.

III. CONCLUSION.

This paper has been written with the following object in view:

1. To give the reader a clear understanding of the meanings of the initiative, referendum, and direct primaries.
2. To give him an idea of what the state of Oregon has done and is doing in regard to these reforms.
3. To examine into the systems of other states, bring out their advisable features, and to show why these features should be incorporated into the Oregon system.
4. To show that in this age of complex political conditions, direct legislation and direct nominations are the means of preventing corruption, fraud, and trickery from growing and existing in our government.

The time is not far distant when all the states in the Union will follow the leadership of Oregon, and then we may say that this is truly a government owned, controlled, and managed by the people.