

People's Power in Oregon

By W. G. Eggleston, of Portland, Ore.

Direct Legislation by the Initiative and Referendum is not a tool or machine for turning things upside down, but a political tool by which the people may turn their public business right side up. Where politicians rule we find public affairs in private hands; where the people rule we find public affairs in the hands of the people.

The adoption of the Initiative and Referendum is not an admission that representative government has failed, but an honest admission that misrepresentative government is a failure as far as the public welfare is concerned, and it indicates that the people are determined to have representative government. Direct Legislation is a method by which the people can represent themselves directly if they are betrayed, or if their interests are neglected by the men chosen to represent them.

It is not true in any sense that Direct Legislation abolishes the Legislature, nor is it a substitute for legislation by elective lawmakers. It does not interfere with any legitimate or constitutional function of the Legislature, nor does it substitute legislation by the "ignorant masses" for legislation by "experts." Mere election to a legislative body does not make a man an expert. Anyone who knows anything of legislative bodies knows that experts are very rare in legislatures.

Oregon Was a Corrupt State

Previous to 1902 Oregon was one of the very corrupt States in the United States. Legislation was largely controlled by corrupt political machines financed by public service corporations and holders of special privileges. Seldom did the voice of the people penetrate into the halls of legislation. The wishes of the people were ignored. To a large extent that condition has been changed by Direct Legislation. It is true that the legislature has not been made truly representative—and it probably will not be truly representative until the members are elected by proportional representation; but Direct Legislation has given the people a direct and powerful voice in the management of their public business; it has enabled them to veto unwise and vicious legislation and to enact needed laws when the legislature failed in its duty. Yet in no respect has the legislature been hampered in the discharge of its duty.

It is significant that unfavorable criticisms of Direct Legislation and its effects in Oregon do not come from the people nor from men who are "experts" in legislation, but from reactionary newspapers, from the men who formerly had political influence and power because of their connection with the political machine, and from corporation lawyers who are no longer able to direct or control legislation. These forces for evil have done what they could to make Direct Legislation unpopular, to cripple it, to make it ineffective; and they have not hesitated to do all in their power to confuse issues and to deceive the people. That they have, as a rule, signally failed is proof that the people are neither blind nor ignorant and that the "composite citizen" takes an intelligent interest in his public business.

What have the people of Oregon done to show that they may trust themselves and be trusted to look after their legislative affairs when the legislature neglects its duty? One of the crying needs of the State was a method by which the people could be freed from machine rule in the nomination of candidates for public office. The political nominating convention was a mere tool in the hands of the political machine. The voters were not consulted in the matter of nominating candidates. Each of the two larger parties was controlled by a party machine, and these two machines were under the control of a big machine financed and controlled by public service corporations and holders of special privileges.

Power of Machines Broken

After the adoption of the Initiative and Referendum amendment, a direct primary nominations law was prepared by some legislative experts who were not members of the legislature and was taken to the legislature of 1903 with the request that it be passed. It was not given even courteous consideration. Then it was placed on the ballot by initiative petition, and the voters enacted it by a large majority. It has fairly stood the test of nine years. It was drawn by about a dozen of the ablest lawyers in Oregon, but the so-called "experts" in the legislature refused to have anything to do with it. Its first effect was to paralyze the political machine. It is not perfect, but is a step to better things. It may be regarded as an intermediate step between the old rule of the political machine and a new order, which will come in the future, under which we shall have the short ballot and real majority elections by preferential voting in the case of an office to be filled by one person.

In 1905 the draft of the Oregon Corrupt Practices Act was taken to the legislature, which scornfully rejected it as the legislature of 1903 rejected the

out including Direct Legislation and "proclaim" it without permitting the people to vote on it. Moreover, it was shown that the cost of such a convention would be not less than \$250,000—a sum sufficient to more than pay all the expenses of Direct Legislation for twenty years. That alone is a sufficient answer to those who complain of the possible expense of Direct Legislation.

Home Rule for Towns and Cities

Another valuable amendment adopted in 1906 was the one giving cities and towns the power to amend their charters, or adopt new charters, without asking the consent of the legislature. That was an application of the principle of home rule, and it abolished the custom, long prevalent in Oregon, of making city charters the trading stock of political factions and machinists in the legislature. At the same election the people, extending the principle of people's power and home rule, applied the Initiative and Referendum to all local, special and municipal laws. That gave self-government to cities and towns in so far as local matters are concerned.

Five important initiative measures were adopted in 1908: the recall of public officials; the law instructing legisla-

gon, no man who does his duty need fear the recall, and the public servant who does not do his duty should not be permitted to remain in office.

In 1910 the number of measures submitted to popular vote in Oregon was 32. Of that number, 19 were on the ballot because the legislature was inefficient. Legislative efficiency would reduce the number of measures to probably not more than ten every two years.

Of the 37 measures on the ballot in 1912, at least 25 were due to legislative inefficiency. In 1910 the legislature itself submitted six measures to the people, and five of the six were rejected. One law enacted by the legislature was held up by the referendum and rejected by a vote of 71,500 to 13,100—a vote which indicates that the legislature did not represent the people of Oregon when it enacted that law.

In the same way, the votes on two of the measures approved by the voters in 1910 show that by its refusal to act on those measures the legislature did not represent the people. One was an employers' liability law. For several years the legislature had "jockeyed" with that matter, and after vain appeals for a fair law, the State Federation of Labor initiated a law based upon the principle, "immunity from injuries rather than damages." The labor unions are not strong in Oregon, but that law was approved by a majority of 22,300, which was a rebuke to the legislature for its negligence. Again, in Oregon, as in other States, the courts and litigants were seriously hampered by legal technicalities that interfered with the administration of justice. Year after year the matter had been brought to the attention of the legislature, which neglected to act. To remedy the matter, an amendment was proposed permitting three-fourths of a jury to render a verdict in civil suits, simplifying appeals to the Supreme Court and minimizing technicalities. The people adopted the amendment, and thus cut a bale of red tape.

People Are Careful

The fact that only nine of the 32 measures submitted to the people in 1910 were approved shows that the voters exercise care and discrimination in voting upon measures. I say this notwithstanding the fact that the voters rejected two measures in which I was much interested. After having reported ten sessions of legislatures in different states, I believe the people exercise more care and discrimination than do members of American legislative bodies when they vote upon measures.

Of the 37 measures submitted to popular vote this year, 26 were rejected. Equal suffrage was approved, this being the seventh time it has been voted on since 1887. The legislature submitted six amendments to the constitution, and five of them were rejected. One of the rejected measures was designed to cripple Direct Legislation. There were, in fact, two amendments designed to cripple Direct Legislation, one being submitted by the legislature and one by initiative petition. They were called "majority rule" measures, and provided that an actual majority of all voters voting at an election must vote in favor of a measure in order that the measure be approved. In other words, it was proposed to count as voting "No" all those who fail to vote on the measure. That is, if a total of 140,000 votes are cast at an election, then a measure fails of adoption unless 70,001 votes are cast for it, even though not more than 500 votes are cast directly against it. Both those so-called "majority rule" amendments were rejected. While I was much interested in two of the measures that were rejected, I must admit that the voters used great care and discrimination in marking their ballots. The more I see of legislative action by the people the more do I admire the intelligence with which they

Continued on Page 18



SIR WILFRID LAURIER ON HIS LAST POLITICAL CAMPAIGN
On his left stands Hon. Rodolphe Lemieux

bill for the direct primary law; but it was placed on the ballot by initiative petition in 1906, and by their majority in favor of it the people said that the "experts" in the legislature had misrepresented them in refusing to consider it. The Corrupt Practices Act is based largely on the British and Canadian acts. It needs amending, and if the legislature refuses to make the needed amendments then the people will be asked to amend it. There is no disposition on the part of the advocates of Direct Legislation to deprive the legislature of an opportunity to do the people's work.

In 1906 the provision of the State constitution permitting the legislature to call a constitutional convention without the consent of the people was amended, through the initiative, by prohibiting the legislature from calling such a convention without submitting the question to popular vote. The wisdom of that amendment was shown in 1909, when the legislature submitted to the voters the matter of calling a constitutional convention. The proposal was rejected by a substantial majority because there was no need for a constitutional convention and because there was reason to fear that a convention would draft a constitution with

tors to elect the people's choice to the United States Senate, an amendment permitting the election of members of the legislature by some method of proportional representation, but not specifying the method; the corrupt practices act, already mentioned, and an amendment requiring indictments to be made by grand jury. As showing the reactionary character of legislators—of "representatives" who do not represent the people—within less than four months after the voters had said, by ballot and by an almost two-to-one vote that they wanted the principle of proportional representation in their constitution, the legislature submitted an amendment to make proportional representation impossible. The voters rebuked that insolence by giving a good majority against the legislature's proposal.

Recall of Officials

The fact that the people of Oregon have the power to recall any public officer elected by them has been used in some quarters as an argument against Direct Legislation. It is claimed that this is a dangerous power to place in the hands of the people, and that it will be abused. But, as has been said by a member of the Supreme Court of Ore-