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Senator Bourne on Popular vs. Delegate Government

By B. O. FLOWER, in Twentieth Century Magazine

On May 5th Hon. Jonathan Bourne, Jr., of Oregon, delivered in the United States Senate the most illuminating exposition of the government of Oregon and one of the ablest arguments in favor of Direct Legislation that has been made by any statesman in the new world.

Senator Bourne represents the great Pacific commonwealth which most perfectly exemplifies Lincoln's definition of popular government, and is well qualified to speak authoritatively in regard to the actual workings of the practical measures which have been adopted in recent years to meet present undemocratic conditions in our government, and to preserve the people's rule.

Too long has misrepresentative government masqueraded under the robes of democracy. But happily the people are at last awakening to the vital importance of regaining possession of the power and machinery of government.

"Much has been said in favor of representative government," said Senator Bourne. "I believe in a truly representative government; but where the selection of the public servants is left to a political machine or boss, as is frequently the case under our convention system, the tendency is toward a misrepresentative, and not a truly representative form of government notwithstanding the election is supposedly by the people."

Space renders it impossible to more than briefly quote Senator Bourne's statements, adding here and there some of his apt illustrations showing how admirably the democratic innovations have met present exigencies. But the whole discussion is so masterly, lucid and illuminating that we suggest that all persons wishing to be authoritatively informed in regard to this most important advance step in popular government secure and carefully read the entire address.

"Time was," observed Senator Bourne, "when a few self-constituted leaders in Oregon politics arrogated to themselves the prerogatives of government and made their assumption effective through illicit combinations and the use of money in any and every quarter where necessary to their purposes of control—that is, they commercialized conventions, legislatures, and the administrative branches of the city, country, and state government. It

was not a condition peculiar to Oregon. It obtained, and I believe still obtains in a more or less flagrant degree, in every State in the Union. And it has its boldest, most unscrupulous executive genius in Boss Tweed, who, recognizing the opportunity of the crook in government by party through convention nominations, declared he did not care who elected the candidates so long as he had the power to nominate the ticket.

The State Revolts

"Revolting against these conditions, the State, which I have the honor, in part, to represent, has evolved the best known system of popular government, and, because of this conviction, I take this opportunity of presenting not only to the Senate, but to the country, a brief analysis of the Oregon laws bearing upon the question, with my own deductions as to the improvement they show and the merits they possess.

"Oregon, in 1891 adopted the Australian ballot, which insures secrecy, prevents intimidation, and reduces the opportunity for bribery. This, of course, is a prerequisite to any form of popular government.

"Supplementing the Australian ballot law, Oregon enacted, in 1899 a registration law applying to general elections and enlarged its scope in 1904 in the law creating a direct primary.

"Oregon's next step in popular government was the adoption of the Initiative and Referendum amendment to the constitution, which amendment was adopted in June, 1902, by a vote of 62,044 to 5,668. It provides that legislative authority shall be vested in a legislative assembly, but that the people reserve to themselves the power to propose laws and amendments to the constitution, and to enact or reject the same at the polls independent of the legislative assembly, and also reserves power to approve or reject at the polls any act of the legislature. An initiative petition must be signed by 8 per cent. of the legal voters as shown by the vote for the supreme judge at the last preceding general election, and filed with the secretary of state not less than four months before the election.

"A referendum petition must be signed by only 5 per cent. of the voters and filed with the secretary of state within

ninety days after final adjournment of the legislature which passed the Bill on which the referendum is demanded. The legislature may itself refer to the people any act that is passed by it. The veto power of the governor does not extend to any measure referred to the people.

"In addition to the publicity incident to the circulation of the petitions, the law provides that the secretary of state shall, at the expense of the state, mail to every registered voter in the state a printed pamphlet containing a true copy of the title and text of each measure to be submitted to the people and the proponents and opponents of the law have the right to insert in the said pamphlet at the actual cost to themselves of paper and printing only, such arguments as they see fit to make. These pamphlets must be mailed not later than fifty-five days before a general election and twenty days before a special election.

"The initiative develops the electorate, placing directly upon them the responsibility for legislation enacted under its provisions. The referendum elevates the legislature because of the possibility of its use in case of undesirable legislation. Brains, ideas and argument rather than money, intimidation and logrolling govern the standards of legislation.

"Since the amendment was adopted the people of Oregon have voted upon 23 measures submitted to them under the initiative, 5 submitted under the referendum, and 4 referred to the people by the legislature. Nineteen measures were submitted at one election. That the people acted intelligently is evident from the fact that in no instance has there been general dissatisfaction with the result of the vote. The measures submitted presented almost every phase of legislation and some of them were bills of considerable length.

Results are Satisfactory

"Results attained under direct legislation in Oregon compare so favorably with the work of a legislative assembly that an effort to appeal the initiative and referendum would be overwhelmingly defeated. No effort has ever been attempted.

"It has been asserted that the people will not study a large number of measures, but will vote in the affirmative, regardless

of the merits of the measures submitted. Experience in Oregon has disproved this, for the results show that the people have exercised discriminating judgment. They have enacted laws and adopted constitutional amendments in which they believe, and have defeated those of which they did not approve.

"I will give several concrete illustrations: "Under the initiative in 1904 a local option liquor law was adopted by a vote of 43,316 to 40,194. Two years later the opponents of the local option law proposed an amendment in their interests and this was defeated by a vote of 35,297 to 45,144. In the first instance the issue was affirmatively presented and in the second instance negatively, with a view of befogging the people, but the popular expression was the same in both.

"For many years city charters in Oregon have been made the trading stock of political factions in the legislature. The dominant faction amended city charters as a reward to political allies. Traffic in local legislation even went so far that it sometimes served as a consideration in elections of United States senators. But in 1906, having tired of this disregard of the interests of good municipal government, the people, acting under the initiative, adopted a constitutional amendment which took away from the legislature the power to enact or amend a city charter and vested that power in the people of the municipalities, thus establishing home rule. The amendment was adopted by a vote of 32,597 to 19,852."

One may not agree with the popular decision at all times any more than he agrees with the legislators in the state or national capital in every instance, but under direct legislation, if a good cause lacks sufficient support to win victory, all that is necessary is to vigorously educate until a majority of the electorate has been won over, while under misrepresentative or corruption rule the people may desire a reform but they are powerless to achieve it as long as the election machinery and the slate are in the hands of the forces of greed and corruption.

Not Expensive

One of the old-time objections to Direct Legislation was that it was expensive. This cry was raised in Lo,



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