

but he whose gains accrue
 from wrongful systems, fears
 progress that will brush away
 the risks of backward years.

Progressive Right has open'd the gates
 of superstition's field;
 the fenced-up fallacies
 had been there concealed;
 it has men to think anew,
 and have the past behind,
 and the present gifts of God
 whose measure has designed.

Our fathers cast aside
 their well-worn things
 and the badge of servitude
 of democratic kings,
 and had a new progressive robe
 for the bold and brave,
 and would now a mongrel be—
 a freeman and half slave.

"Progressive Right!" Beneath
 every flag, or sign,
 you assert yourself,
 and motto shall be mine.
 Every generation must
 earn its daily bread,
 and you to protect it from
 the hands of the dead.



OF INCORRUPTIBILITY

An Article on "The Fear of the People."
 by Frank R. Crane in the Chicago
 Examiner of September 2, 1911.

The foundation of this Republic a
 few alleged statesmen have been fear-
 ing frenzy and busy erecting bulwarks

which the people have smashed these bul-
 warks smashing. There is the fool sys-
 tem of electoral College, practically swept
 away and it quadrennially enacts its solemn

Senate, an inheritance from Eng-
 lish politics, wherein the upper classes
 are to be as much wiser than the com-
 mon whole second chamber, two
 of a holdover from a theory of gov-
 ernment absolutely outgrown.

The people are getting daily more
 independent of the Senate, and some day it will
 have become a huge machine for pre-
 popular will.

But the idea of the judgeship is the
 life of the governing class—to wit,
 a judge or legislator incorruptible
 and independent of the people.

Work. The bottom truth about the
 system is that where there is power there
 is instability. To give any man, be he
 a poor man or millionaire, power over his fel-

lows, and not make him at the same time account-
 able to his fellows for the use he makes of his
 power, is to plant the seed of tyranny, cruelty,
 corruption and obstructionism.

The greatest evils that have beset this country
 have come from its Senate and the courts. It is
 from these non-popular bodies that have come the
 Dred Scott decision, the principle that the Con-
 stitution does not follow the flag, and the most
 stubborn support of high tariffs and all other
 forms of private privilege.

It was "popular frenzy" that instigated the
 Revolution and made this country a nation in defi-
 ance of precedent; that crushed Secession and lib-
 erated the slaves, and that is wresting the natural
 monopolies from the hands of irresponsible pri-
 vate corporations and lodging them in the hands
 of the people.

Say what you please of the incorruptibility of
 the courts, the one permanently incorruptible
 thing is the whole people. The greatness of Abra-
 ham Lincoln lay in the fact that he knew this.

If there be "popular frenzy," the way to cure
 it is to trust the people. The way to inflame it is
 to distrust the people.

Any honest judge ought to be glad to go before
 his masters and give an account of his integrity.
 And dishonest judges ought to be compelled to.



THE REFERENDUM IN COURT.

Closing Paragraphs of the Brief of Jackson H. Ral-
 ston, Fred'k L. Siddons and Wm. E. Richardson,
 of Counsel for the State of Oregon, in Be-
 half of the Initiative and Referendum
 in the Oregon Case Now Before
 the Supreme Court of the
 United States.

The application now being made to this court
 is extraordinary to the last degree. A private
 corporation, deeming itself aggrieved, asks this
 Court in effect to overturn the legislative systems
 of eight States of the Union; to declare that these
 States, while apparently equal members of the
 Union with the other States, have in fact ex-
 cluded themselves and are living under systems of
 laws antagonistic in spirit to those which should
 prevail in the American States.

It asks a decision, the effect of which would be,
 so far as this Court is concerned, to nullify per-
 haps two score of important laws acquiesced in
 by millions of people.

It asks that this Court may set a precedent
 which will justify the disregard of a number of
 Constitutional amendments which have received
 the sanction of thousands of our voters.

It asks that the Supreme Court of the United
 States shall travel far beyond the judicial limits
 set to it by the Constitution, by our traditions of
 government, by the practice of more than a hun-

dred and twenty years, and assume to pass adversely to the expressed views of the Executive and Congress, given upon purely political questions.

It has asked, for the logic of its position can be no less, that this Court shall say that the people may not act directly upon any law, even though their power so to act be reserved by their Constitution.

It has called upon this body to defeat the natural and peaceful evolution of republican institutions, and to inaugurate a reactionary revolution. Instead of permitting the forward movement of the people, under our Constitution, allowing freedom to grow with the growth of public intelligence, it would make of their constitutions something greater than the people creating them, bands stronger than iron, preventing national progress.

It asks that, although two co-ordinate branches of the government, and although two successive Presidents, have recognized the Initiative and Referendum as appropriate under a republican form of government, nevertheless, this Court shall declare the contrary, and say in effect that in its opinion not only Oregon but seven other States of the Union are not such members of the American commonwealth of States, as are contemplated by the Constitution; that their Senators and Representatives are wrongfully seated at the capitol; that when a President certifies to the official character of the officers of Oregon and seven other States of the Union, the utmost he is doing is to recognize them as *de facto* and not *de jure* officers.

The fact is not to be overlooked that utterances of this Court are simply statements of the law as between the parties thereto, and that even though this Court could be induced in this case to hold that the Initiative and Referendum amendment to the Constitution of Oregon was contrary to the Federal Constitution, *the amendment itself would still remain, and similar provisions would likewise remain in a number of other States.* Whether operative or inoperative in the courts, the constitutions, until the people have acted, would remain in the judgment of the appellant un-republican, and the Senators and Representatives of the States in question still not entitled to retain or receive seats in Congress, and Presidential certifications of the acts of civil officers continue to be certifications to the acts of those who were representing an un-republican State. The most vivid imagination will hardly suffice to picture the political and legal ills to follow upon the granting of the correctness of the appellant's position.

But above all, the moral and social ill resultant upon the declaration of the unconstitutionality of the Initiative and Referendum would be infinitely greater. To say that the people rule, and in the next breath to say that they may not rule save

through representatives who may be faithless to their trust, or may fail to represent; to say that the evils committed by representatives through mistakes as to their mandate, through corruption, through official pressure, are beyond the control of the constituents, is to make popular government a mockery. To say that reforms may not be had save by the chance agreement of a majority of the legislature with a majority of the people, or, in the case of Constitutional amendments, of two-thirds, or three-fifths, or three-fourths, or two successive legislatures with the popular majority, is to urge the placing in the way of natural and peaceful political progress of obstacles which may lead even to possibly dangerous irritation. If we would pretend to have a government of the people, we must be prepared to live up to our pretension and not to "keep the word of promise to the ear, to break it to our hope."

BOOKS

A WORD FOR THE TIMES.

The Labor Question. By Washington Gladden. The Pilgrim Press, Boston, New York, Chicago. Price, 75 cts.

The author aims at a fair statement of the much discussed question so often considered from opposite points of view and presenting in argument only one of the two important factors of the problem.

While dealing freely with the abuses of Unionism, because most of those whom he wishes to convince are aware of nothing but the abuses, Mr. Gladden proceeds to show the eminently just and reasonable demands of Unionism which no fair-minded employer can honorably dispute. Every instinct of justice urges the principle of co-operation among labor forces as a protection against the combined power of the money corporations. The only criticism passed on the resistance that labor offers to capital is on the acts of lawlessness in the destruction of life and property which sometimes occurs during labor disturbances. John Mitchell is quoted as saying: "A single act of violence, while it may deter a strike-breaker, or a score of them, inflicts much greater and more irreparable damage upon the party giving than upon the party receiving the blow." And the labor leader goes on to pronounce much stronger condemnation of all dastardly and destructive work on the part of strikers though it is known that many acts attributed to them are instigated and accomplished by their enemies.

In his review of industrial warfares Mr. Gladden betrays his sympathy with the union forces while taking the stand of a dispassionate and un-