

liberal? Could any policy be less like a policy founded upon justice? Would any policy be less likely to encourage the owners of riparian rights in Cleveland to build docks and cover them with warehouses? Think of it. Does not this quotation from the Plain Dealer plainly stultify its declared policy? It would allow the owners of lake front sites to withhold their use from everybody else. It would allow these owners not only to refuse to others the right to build docks and warehouses, but would allow the owners themselves to refrain from exercising that right. And so long as these most desirable opportunities for improving were withheld from use, the Plain Dealer would have no taxes imposed upon the immense and growing values of the sites. But as soon as the filling in had been done, and these opportunities had been utilized by the construction of docks and warehouses, then, and not before, the Plain Dealer would have them taxed! In what way, we should like to know, would that plan promote the Plain Dealer's policy of encouraging "the owners of lake frontage to build it into docks and cover it with warehouses?"

"Nothing," says the Plain Dealer, in closing its curious criticism of Mayor Johnson's fiscal policy—"nothing will drive business out of the city so surely as unjust and excessive taxation." That is absolutely true. But he must be blind indeed who cannot see that Mayor Johnson's whole policy is opposed to unjust and excessive taxation. Mayor Johnson would exempt all business. Surely there would be nothing excessive or unjust about that. With business exempted, business would be encouraged. Tax-exemptions never drive business away. But monopolizing opportunities for business is not business. It is desirable that monopolies be driven away, for they discourage business; and if they were well taxed they would be driven away. The sites would remain, but the monopoly would vanish. Unfortunately

ly Mayor Johnson can neither exempt improvements to their full value nor tax monopolies to their full value. The law is in his way. But he can tax monopolies that are undertaxed, and to that extent he can exempt business that is overtaxed. This he is trying to do. Does the Plain Dealer really object to it, or has it made a mistake?

DIRECT LEGISLATION BY THE PEOPLE.

No matter what may be the forms of government, the people rule everywhere. But they rule the more quickly, easily, certainly and peaceably as political forms make government more sensitive to popular will.

In the United States, for instance, the popular will sways government as it does not and cannot in Russia. The people of the United States live under forms of government that admit at frequent intervals of expressions of their opinion. These forms are, indeed, crude and defective; but for ascertaining and executing the people's will Russia has no forms at all. Consequently, although the people of Russia do govern, although Russia is what her inhabitants allow her to be, yet the obstacles in the way of their action are such as to make their influence upon government so remote that it can be exerted for progress only through conspiracies and revolutions. Government in the United States is, therefore, more truly than in Russia government by the people.

But in this respect American government yields to British government. The "responsible system" dominant in Great Britain, under which important questions are promptly referred to the people, and an administration in harmony with the people's verdict comes into power as soon as that verdict is rendered, puts the British government more directly under popular control than any other great government on the globe.

Besides the direct effect of democratic forms in strengthening popular checks upon governing agencies, there is also a secondary effect, which is of even greater importance, considered by itself. This is the tendency

of democratic forms to vitalize the civic spirit of the people. The more democratic the forms, the more general and vital will civic spirit become. If it is true that a people make their government—and as a primary conception it is true—then it is no less true that by reaction their government helps to mold their character. Democratic forms of government tend to make the spirit of the people democratic; autocratic forms tend to make the spirit of the people autocratic.

For examples we need go no farther than to the three countries already mentioned.

In Russia there is no civic spirit. Individual exceptions do not weaken the rule. Nor is there any civic intelligence except what is either fantastic or bookish.

But in the United States there is civic spirit and there is civic intelligence. The democratic inheritance from the free constitutions of old New England and the free thought of old Virginia still vitalizes American citizenship.

Yet it must be conceded that in old England, whence our colonial democracy came, in "little England," which lighted the torch of liberty long before Magna Charta and has never allowed its blaze to wholly die down, in the England which to-day gives the world an example of representative government responsible immediately and directly to the people—it must be conceded that in that England (despite its imperialistic reactions, its pasteboard throne and its tinsel crown), the civic spirit and civic intelligence of the people are superior to those of our own fellow citizens. The American patriot who doubts may easily convince himself. Let him compare parliamentary debates with a debate in congress, speeches at English elections with great speeches at ours, the contents of popular English newspapers with the contents of popular American newspapers, or the common talk on public questions, of the common people of both countries,—let the thick and thin American patriot do this, and he will be satisfied. His patriotic pride may suffer, but his patriotic intelligence will be the gainer. Reacting upon the people, the more democratic

forms of English government, as compared with those of the United States, have produced a superior and more general civic spirit and intelligence.

But England must yield in turn to Switzerland, where the forms of government are more democratic still. In Switzerland the people not only express their political judgment generally and indirectly, by voting for representatives, as in Great Britain and the United States; they express it also specifically and directly, by voting upon public measures. The preservation by the Swiss of their ancient democratic aspirations, symbolized in their legend of William Tell, is not to be accounted for, of course, by their present ballot method of direct legislation. But it certainly is to be accounted for in part by the cruder and more ancient mass-meeting methods, resembling the New England town meeting, of which the ballot method is an improvement. And there can be little doubt that the progressive action and reaction of democratic sentiment upon government, giving to it more and more the democratic form, and of democratic forms upon public intelligence and sentiment, elevating and strengthening them, has had much to do with putting the Swiss, as a people, at the head of the nations for civic spirit and civic intelligence.

If this superiority is not commonly noticed, it is probably for the reason that Mr. McCrackan gives in his admirably lucid and intensely interesting history of "The Rise of the Swiss Republic." In the introduction, Mr. McCrackan explains:

Switzerland is visited for the sake of its scenery; for recreation, not for study. The Swiss people themselves do not, at first sight, invite interest, nor does the national character stimulate the imagination. Public affairs are managed with so much moderation and sobriety that the attention of the world at large is not attracted to them. The country is too small and apparently insignificant, amid the great powers of Europe, to arouse the enthusiasm of the superficial observer. And yet, how disproportionately large has been the share of Switzerland in the work of overthrowing the feudal system, of hastening the triumph of the common people over the privileged few, and turning great world landmarks definitely toward democracy! . . . The

issue constantly at stake, throughout the history of the Swiss confederation, has been one of the noblest and the most persistent with which human nature has had to grapple—the question of self-government.

In grappling with that problem, the problem of self-government, Switzerland has perpetuated the town meeting principle, by adapting it to government in general. The method by which this is done is called "direct legislation." It has two parts or functions. One, called the "initiative," enables a part of the people to effectively instruct their legislators to submit questions to popular vote. The other, called the "referendum," enables a part of the people to require a legislative bill to be submitted to popular vote before becoming a law. In either case, the vote is conclusive until reversed by similar popular action.

This system was first adopted in Switzerland in 1845, by the Canton of Vaud; and, says Mr. McCrackan, at page 339 of his history—

from that time on, the example has been followed by almost all the other members of the Confederation, and by the Federal government itself. . . . A distinction is made between a compulsory and optional referendum, e. g., in some cantons all laws must be submitted, in others only certain laws or only those which are demanded by a certain number of voters. . . . To-day (1892) every canton, except priest-ridden, ultramontane Fribourg, has either the compulsory or the optional referendum incorporated into its constitution, and the central government in the Federal constitution possesses the optional, e. g., in the words of the text: "Federal laws as well as federal resolutions which are binding upon all, and which are not of such a nature that they must be dispatched immediately, shall be laid before the people for acceptance or rejection, when this is demanded by 30,000 Swiss voters or by eight cantons." . . . At present (1892) 17 cantons out of 22 have incorporated the "initiative" into their constitutions. On the 7th of July, 1891, moreover, the Swiss people accepted an amendment to the Federal constitution which introduces the same principle also in that document. Hereafter the right of the initiative is applicable "when 50,000 voters demand the enactment, abolition or alteration of special articles of the Federal constitution." It can only be a question of a few years, therefore, before all the cantons of the Confederation are governed by the

Referendum and the Initiative. . . . It will always remain the chief honor and glory of Swiss statesmanship to have discovered the solution of one of the great political problems of the ages—how to enable great masses of people to govern themselves directly. By means of the Referendum and the Initiative this difficulty has been brilliantly overcome. The essence and vital principle of the popular assembly has been rescued from perishing miserably before the exigencies of modern life, and successfully grafted upon the representative system.

The benefits of direct popular legislation as exemplified in Switzerland, are summed up at page 342 of McCrackan's Swiss history with an application to political conditions in the United States. We quote:

All attempts to probe the fundamental first causes of our corruption are checked at the outset by the difficulty of bringing the popular will to bear upon public questions. Our whole administrative system, and all the methods by which the people are supposed to make known their desires are perverted and diseased so that the sovereign body are prevented by mere tricksters from exerting their legitimate control over the making of the laws which are to govern them. We are suffering, not only from deep-seated economic and social diseases, of which, perhaps, the most alarming symptom is the concentration of wealth into the hands of a few, but from the rule of the Boss, and from the lamentable fact that the people at large are divorced from legislation.

More specifically, Prof. Parsons gives in his work on "Direct Legislation," twenty reasons for direct legislation in this country. Briefly stated, these reasons are—

1. Direct legislation is essential to self-government in complex communities.
2. It is a common sense application of the principles of agency.
3. It would perfect the representative system by eliminating serious misrepresentation.
4. It is immediately and easily practicable in city and state affairs and to some extent in national affairs.
5. It stops corrupt legislation.
6. It tends to attract better men to political life. (This appears from McCrackan's history to have been a notable effect in Switzerland.)
7. It would simplify elections by disentangling abstract issues from personal candidature.
8. It would simplify statutory law by limiting legislation to a few really needed statutes.

9. It would lessen the power of partisanship.

10. It would elevate the press by making public discussion turn more upon measures and less upon men.

11. It would educate the people intellectually and morally.

12. It would stop class legislation and give labor its rights.

13. Under it reforms would come as fast as the people deserved them, without being clogged by partisanship or obstructed by powerful selfish interests.

14. Yet it is conservative, since the merits of a reform would have to be recognized by the people before they would adopt it.

15. It would automatically disfranchise the unfit.

16. Its results would be beneficial because the judgment of the majority is apt to be superior to the judgment of the few.

17. It tends to stability by (a) rejecting dangerous legislation, (b) offering a peaceable remedy in the open court of public opinion to those who believe themselves oppressed, and (c) helping to abolish war by making it depend upon trustworthy expression of public sentiment.

18. It would favor the diffusion of wealth by depriving the wealthy of their enormous overweight in government.

19. Its measureless value and the utter futility of objections to it, have been demonstrated by experience.

20. The trend of thought and events throughout the civilized world is in the direction of direct legislation.

The twentieth point has a much larger basis in fact than is generally supposed, not only with reference to Switzerland, but with reference also to the United States. This is very fully and clearly demonstrated by Prof. Parsons in the book from which we quote his twenty reasons.

Without referring to what may be called the unconscious adoption of the principle of direct legislation in this country, which has been very extensive, we may remind the reader that two states have deliberately made it part of their constitutional system. These are Utah and South Dakota.

But direct legislation would so thoroughly destroy the power of political organization as it now exists, would so completely abolish partisanship in its narrow, mean and corrupt characteristics, that party politicians and party newspapers are almost unanimous in their hostility to it. Consequently obstacles nearly insur-

perable oppose its legislative adoption. This difficulty has given impulse to movements for securing the benefits of direct legislation without waiting for legislative permission to establish a mandatory system.

One of these movements originated in Dubuque, Ia. It is organized under the name of the "Ballot Improvement Club of America." The Dubuque membership, which is large, includes many influential professional and business men. The originator and leading spirit of the movement is the president, Mr. T. W. Graham, a well known manufacturer of Dubuque.

The plan proposed by the "Ballot Improvement Club of America" comprises a needed simplification of the Australian ballot with reference to candidates, and the addition of questions for the people to vote upon. But the vote upon these questions is to be advisory, not mandatory. The plan is similar in principle, it will be observed, to the Crafts "public opinion law" adopted by Illinois last winter.

On one occasion the Dubuque plan was publicly tested in that city. Of the effect of the test Mr. Graham says:

In 1891 the city, under the charter granted to the water works company, had the right to appraise and purchase the property. For six years we tried to get the council to take the necessary action, but the water company's influence was more powerful than the people's. Finally in 1897 we induced the mayor to have printed upon the ballot for the municipal election the question: "Shall the city purchase and operate the water works?" About 2,900 voted "yes," and 950 voted "no," out of a total of 6,500 votes. The council was, as a whole, no more friendly to the proposition than before, and the mayor was outspokenly opposed to it. But they did not dare to risk the opprobrium of opposing it. The result is that we now have municipal ownership of our water works. The final vote in the council was 7 to 1 for the ownership measure.

One objection to the Dubuque plan is that it would generally require legislative sanction, and that would be almost as difficult to get for advisory voting as for the mandatory vote of direct legislation. Mr. Crafts, for instance, before he could secure the adoption of the Illinois "public policy law," which permits only an advisory

vote, was obliged to consent to an amendment requiring 100,000 signatures in Chicago to put the plan into practical operation there. The bill passed, as so amended, because the politicians who demanded the amendment supposed it would prevent the law from ever becoming practically operative.

An advisory referendum is certainly better than none, and that it may become effective as well as advisory has, as Mr. Graham says, been demonstrated in the city of Dubuque. But with the power of party machines to contend against in a struggle for their very existence as agencies of misrule, the needed plan is one that would make the referendum principle practically operative without waiting for any legislative action whatever.

Such a plan is outlined by "The Non-Partisan Voters' Union for the Control of Monopolies," which has its central office at Washington. The leading spirit of this organization is Mr. G. H. Shibley, who is now devoting himself to perfecting it. It is Mr. Shibley's idea that the people themselves can, by voluntary action, create a political force that will compel legislative bodies to defer to direct popular mandates.

This idea seems to have been suggested by, at any rate it gains force from, the actual experience of the little town of Winnetka, a suburb of Chicago, of which Mr. Shibley writes:

In the little city of Winnetka, Ill., by mutual agreement the voters have taken to themselves a veto power as to franchises. There has been no change in the city charter by the legislature, and no change in the state constitution. This is important to the voters of every city wherein the people are denied the right to veto the franchises which their elected representatives give away. What the voters of Winnetka have accomplished can be duplicated by the voters in all the other cities. The Winnetka system is as follows:

Several years ago the village council was about to pass an ordinance giving to a private corporation a 40-year franchise for supplying gas. The citizens protested, demanding that the question be referred to a direct ballot of the voters. At a public meeting they passed a resolution to this effect, and afterward the leading citizens, among whom was Henry

D. Lloyd, turned out en masse and attended the council meeting at which it was proposed to pass the ordinance. Mr. Lloyd secured the floor and talked for two hours, urging that the question be referred to the voters. Finally the council voted to do so. The referendum election was held and the result was only four votes for the franchise and 180 against it.

And it did much more. The experience taught the voters their power: At the next primary election for the nomination of councilmen the voters mutually agreed that only those men should be nominated who would stand up and pledge that if elected they would refer to the voters all important measures.

The nominees thus pledged were elected, and they fulfilled their agreement. Each year the same procedure has been observed, and each year the aldermen have lived up to their agreement. To have attempted to give away an important franchise without consulting the voters might have cost them their lives.

Reviewing the Winnetka plan, there is found the following principle:

There was a mutual agreement by the voters of the city to take to themselves the veto power as to all ordinances proposed by their elected representatives.

They could do this, for the members of the council were to be elected by the voters, therefore all that these voters had to do was to mutually agree among themselves that no man should be nominated except those who should agree to refer all important measures to a direct ballot of the voters, should there be a considerable demand.

It was simplicity itself.

And so it will be in all other cities, provided the proper steps are taken.

The step with which Mr. Shibley proposes to begin is a voluntary organization of non-partisan voters, with the object of adapting the Winnetka system to local, county, state and national affairs.

The method of application to these different governmental spheres will be sufficiently understood if we reprint the agreement that members of this non-partisan organization are expected to make with one another regarding state affairs. As proposed by Mr. Shibley, it is as follows:

Whereas, In the state of — it is admitted that the voters have the moral right to determine the laws under which they live; and

Whereas, The legislative system of the state is such that the monopoly of controlling state legislation is in the managers of the party organiza-

tions and their nominees to legislative and judicial office except as the voters go to the primaries and send instructed delegates to the party conventions; therefore

Be it resolved, That we, the voters of the state of —, hereby band ourselves together for the purpose of securing such an improvement in the legislative system of our state that a majority of the voters shall at all times have the power to control the monopoly that is known as the "legislative power." In order to secure this improved system it is necessary that we go to the primaries of our respective parties and send instructed delegates. We, therefore, the undersigned, in consideration of similar promises by many of our fellow-voters, do hereby agree:

1. That at the coming primaries of our respective parties for the selection of delegates to the convention that shall nominate an assemblyman, we shall work and vote for such men as delegates as have agreed that, if elected, they will work and vote for a nominee for the house of representatives who has agreed: (1) that if elected he will work and vote for the proposed rules of procedure in the house of representatives, as herein-after set forth; (2) that he will work and vote for the retention of said rules, and (3) that after a bill has been submitted to the voters and they have expressed their will he will do his best to carry out said will;

2. That at the coming primaries of our respective parties for the selection of delegates to the convention which shall nominate a state senator we shall work and vote for such men as delegates as have agreed that, if elected, they will work and vote for a nominee for the state senate who has agreed: (1) that if elected he will work and vote for the proposed rules of procedure in the senate, as herein-after set forth; (2) that he will work and vote for the retention of said rules, and (3) that after a bill has been submitted to the voters and they have expressed their will he will do his best to carry out said will;

3. That at the coming primaries of our respective parties for the selection of delegates to the convention which shall select delegates to the state convention we shall work and vote for such men as delegates as have agreed that if elected they will work and vote for delegates to the state convention who have agreed that if elected they will work and vote for a plank in the platform demanding the proposed rules of procedure in the general assembly.

4. That said nominees for assemblymen and senators shall be pledged to pass a bill for the referendum and initiative in cities and all other municipalities. And to propose to the voters an amendment to the constitution

which shall place in the voters the power to demand a referendum vote and the initiative as to the statute law of the state except as to legislation that is immediately necessary for the public peace, health, or safety and which shall secure a two-thirds vote of the members elected. The percentage of signatures to a request for the referendum or the initiative shall not exceed those prescribed in the proposed rules of procedure.

The rules of procedure mentioned in the foregoing agreement are proposed in these terms, as to the referendum, for the lower house, rules in the upper house to be of like tenor:

Every bill or joint resolution concerning a railway, telegraph, telephone, express line, grain elevator, stock yards, or other monopoly; or concerning a corporation whose business it is to operate a monopoly; or concerning the powers of counties, cities, villages, or townships; or concerning public institutions; or regulations concerning employes therein; or concerning elections, primaries, and conventions—every such bill, after the third reading and passage in this house, and after an agreement is reached with the senate, shall not be presented to the governor until 30 days shall elapse; and if in the meantime 20 per cent. of the members of this house or of the senate, or — thousands of the voters of the state (not to exceed five per cent.) shall file with the secretary of this house and of the senate a request that it be submitted to the voters for an expression of opinion, it shall be thus submitted to them, instead of to the governor; and it shall be submitted not later than the election in the following autumn; but there shall be at least four weeks between the filing of the request and the referendum vote. In case there is less time, the vote shall be taken not later than the fall election in the following year. Where practicable, the balloting shall take place at a general election. If a majority of the votes lawfully cast for and against a bill shall favor its passage, it shall be read a fourth time, and the vote shall be determined by yeas and nays. [The bill will pass, for a majority of the voters of the House and Senate will have agreed to abide by the will of the voters.] If the bill fails to receive the approval of the voters, it shall fail of passage. Provided, however, that the foregoing provisions for ascertaining the will of the voters shall not apply to a bill the passage of which is immediately necessary for the preservation of the public peace, health, or safety, and which shall receive a two-thirds vote.

To avoid constitutional difficulties, Mr. Shibley proposes:

In case the constitution of the

state prescribes that each bill shall be read three times, then the rule of procedure can provide that a referendum vote can be demanded after the second reading and passage.

He prefers the four readings, with the popular vote between third and fourth, in all cases where constitutional obstacles do not exist, as likely to be less difficult in practice. For American legislatures have become so accustomed to making the third reading of bills the occasion for debate, amendment, etc., that the shifting of debate and amendment to second reading might not be easy to accomplish.

That is probably true. But the theory of the custom of first, second and third readings of bills is that at its second reading a bill shall be debated, amended and otherwise put into final shape for passage or rejection. The habit of leaving the real consideration of bills to third reading is an outgrowth of bossism. That being the final reading, bad bills slip through more easily, they escape organized opposition more readily, if a debate at second reading has not aroused public hostility. But inasmuch as this is now the custom very generally, Mr. Shibley's plan of a fourth reading, with the popular vote between third and fourth, wherever permissible under the constitution, probably adopts the line of least resistance.

Besides the rules with reference to the Referendum, rules of similar character are proposed with reference to the Initiative.

This Winnetka plan of securing the advantages of direct legislation without waiting for legislation, has special merit. It can, for one thing, be easily made the subject of effective non-partisan organization. For another, if the organization were to become influential it would completely effect its purpose. Meanwhile, here and there locally, the purpose would be effected even though balked and delayed in the larger governmental divisions. Moreover, the plan has been for years in actual and effective operation at Winnetka. Finally, it contemplates a spontaneous command from the people as to public servants, not a petition from them as to public masters.

Some one has complained of party government that—

old constitutions bind the people, old platforms fetter the parties, and men who feel and think alike are as helpless to concert plans of escape as prisoners mewed up in separate cells. Not their own disagreements, but the dead fabric built by brains and hands long ago crumbled to dust, holds them apart.

A means of escape from that coercion appears to be offered by this Winnetka system of non-partisan organization.

NEWS

No reports have appeared this week regarding the referendum vote of the Amalgamated association on propositions for settling the steel strike, which the press dispatches freely published last week, and of which we gave the substance at page 329. There, is, indeed, no definite news of the strike this week, although reports are abroad as we write (Sept. 5) that the trust has offered terms of settlement which Mr. Shaffer has rejected. The basis for these reports is the fact of a conference held on the 4th. It met in New York and was attended by Samuel Gompers, president of the Federation of Labor; John Mitchell, president of the Mine Workers; R. M. Easley, secretary of the National Civic Federation; Harry White, secretary of the garment workers; Prof. J. W. Jenks, of the United States Industrial Commission; Charles M. Schwab, president of the steel trust; W. E. Corey, president of the Carnegie company; V. Preston, ex-president of the sheet steel trust; D. G. Reed, president of the tin plate trust, and William Edenborn, vice president of the steel and wire trust. According to the reports it was agreed by the trust representatives at this conference that the trust would settle the strike, if the labor organization would order all strikers to resume work at 6:30 a. m. of the 4th, upon the following terms: That all mills, whether union or nonunion, which have continued in operation during the strike, or, after being closed in its earlier stages, have been put into operation since, shall be regarded as nonunion mills; while those plants which the strikers have succeeded in closing and keeping closed shall be recognized as union mills. The same reports, said to have emanated from

official sources, have it that upon being advised of this offer by Mr. Gompers and Mr. Mitchell, who used the long-distance telephone, President Shaffer, speaking from headquarters in Pittsburg, refused to accept. But Mr. Shaffer himself gave to the press the following contradiction, dated the 4th, at Pittsburg:

I have absolutely nothing to say about the reported New York conference. I did not know there was a conference until I was asked about it this afternoon and read about it in the evening papers. I do not know what propositions were made. The gentlemen who appear to be acting for us have no authority from me or the association to settle the strike. If they receive any proposition looking to a settlement and present it to me I shall be glad to present it before the executive board. I have not been in conference with any of the gentlemen. On the subject of the conference, Mr. Gompers, who participated, gave out this interview:

We met Mr. Schwab and other representatives of the steel corporation in conference this afternoon. We discussed the steel strike. As to whether any proposition was submitted to President Schwab and as to what discussion took place, or whether any decision was reached or not, are matters regarding which we think that it would be best at present to keep silent. Beyond this, there is no strike news.

The South American troubles also are at a standstill. Fighting between the revolutionary forces and the government, both in Venezuela and Colombia, is reported; but war between the two countries has not yet been declared. On the 3d the American state department informally divulged the substance of a communication, the text of which is as yet withheld, which had been sent on the 24th to the American ministers to Venezuela and Colombia. It directs them respectively to make a tender of President McKinley's kindly offices for an adjustment of differences, and to warn these governments against any action on the part of either which may menace the security of transit across the Isthmus.

From the Philippines the meager news that filters through the American censorship at Manila, is not reassuring as to the pacification of these new possessions. When last we referred to the Philippine situation (p. 250), the press dispatches were telling of the abrogation of civil government in the islands of Cebu and Bohol and