We have been accustomed to boast of our representative government, and now we are beginning to deplore its breakdown. But the truth is that we have not had representative government. No government is representative over which the people lose control as soon as the ballots at elections are counted. Our so-called representative government is really delegated government. At elections we delegate law-making authority — delegate it so irrevocably that, once in office, legislators may pass such laws as they please and refuse to pass such as they please. They can defy the people who elect them. But with the Initiative and the Referendum they would become truly representative. If they refuse to enact laws the people desire, the Initiative enables the people to enact the laws over their heads; if they enact bad laws, the Referendum enables the people to say "We veto!" Yet all the time, as to the laws they enact and the bills they defeat acceptably to the people, they are representatives of the people. It is only when they misrepresent the people, that the Initiative or the Referendum may over-rule in particular cases their delegated authority. This simple and effective method of appeal to the people when their delegated authority is abused, is an imperative necessity under representative government in order to prevent misrepresentation. In proposing the Initiative and Referendum for the restoration of representative government, the Peoria conference has taken a long stride in the right direction. It remains now for the committee appointed at the conference to organize the State in furtherance of its action. As the people of Illinois have already by advisory Initiative under the Public Policy law, voted overwhelmingly—something like half a million to a hundred thousand (vol. vii, p. 712; vol. xi, p. 684)—in favor of the plenary Initiative and Referendum, it is evident that the Constitutional amendment advised by the Peoria conference will be adopted by the people if the legislature offers the opportunity which that conference demands. To refuse this opportunity would be pretty conclusive evidence that the legislators who vote against it wish to perpetuate misrepresentation.

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Folk's Presidential Candidacy.

In another column this week we publish an Editorial letter on Gov. Folk as a Presidential candidate. The letter is from D. K. L., whose acuteness of observation, calmness of judgment and directness of expression (vol. xii, pp. 942, 1184; vol. xiii, p. 509), have won for him in connection with other subjects, the confidence of our readers. We regret that he finds himself unable to estimate the Folk possibilities at a higher value; for Folk is the only Democrat as yet standing out for the Presidential nomination, whom his party can nominate without again encountering the experience of the Parker year. But it is best that his friends in Missouri and over the rest of the country be advised in time of his weakness. That D. K. L. advises them rightly, we confidently believe. That they will profit by it, we as earnestly hope.

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How Slanders Outlive Vindications.

Nearly a year ago the Chicago papers were alive with accounts of an attack by the State's Attorney, Mr. Wayman, upon the jury commissioners of Cook County, one of whom was William A. Amberg, a man of high character and until then of absolutely stainless reputation, as doubtless also were his official associates. What the motive of the attack may have been is not clear. But the report of three judges who were called upon to investigate the charges, is unanimous in finding that they were false. The reputations of Mr. Amberg and his associates are restored by that finding; but as there is no news "story" in this, it does not get prominently reported, and the baseless slander to which Mr. Wayman gave life a year ago is living still. The publicity that set the slander agoing does not attend upon its complete refutation.

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Labor Injunctions.

Complaint of unfairness by organs of business interests is made by Samuel Gompers in the current issue of the Federationist. He charges those organs with deliberately concealing the essential point when they argue that injunctions against labor organizations are in the same legal category with ordinary injunctions. He is right. Ordinary injunctions are for the protection of property rights from threatened and irremediable civil injuries. There is in those cases no accusation within the criminal law. Consequently the right to jury trial for alleged crime is not abrogated. But labor injunctions fall into a radically different category. In the first place they are not for the protection of property rights. No one any longer has a property right in the labor power of another, there being no contract. In the second place, they are in restraint of alleged crime. These two differences completely distinguish the labor injunction from the ordinary injunction. The second difference attaches

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to labor injunctions a fundamentally vicious characteristic. Not that crime ought not to be prevented. It ought to be, if possible. But injunctions can no more prevent crime than statutes can. All that either can do is to prohibit crime and authorize punishment of criminals. The essential difference between them is that punishment under crime statutes cannot be inflicted until a jury has determined the guilt of the accused; whereas punishment under an injunction may be inflicted regardless of guilt, without jury trial for protection of the innocent, without even the appearance of witnesses in court, but upon mere affidavits prepared by the complaining parties out of court, and simply upon the arbitrary say-so of a judge. The labor injunction is a subterfuge for evading jury trial in the interest of business classes and against working classes. All this is so well known that it is difficult any longer to believe in the good faith of any writer or speaker who defends labor injunctions as being legally identical with ordinary injunctions. All intelligent writers and speakers on the subject must know that the element of property right is absent from labor injunctions, that the element of criminal accusation is present, and that either absence of the former or presence of the latter vitiates all injunctions except labor injunctions, and would have vitiated these before corporation lawyers on the bench made their new departure in injunction law.

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Another form of deceit which is very common with writers and speakers who oppose labor organization has to do with the recent action of the Senate in striking out from a trust prosecution bill (p. 603), a House clause intended to protect labor organizations from unlawful persecution by Federal officials and at public expense. President Taft insisted that this clause must come out, giving as his reason that labor organizations must not be allowed by law to violate the law, for that would be class legislation. There is a guilelessness about Mr. Taft, a mental drowsiness, which will tempt considerate persons to attribute his misrepresentation of the labor clause in question, to "any old thing" rather than an evil purpose. But the New York Times, the New York Sun, the President of the National Association of Manufacturers—these and their like are not lacking in wakefulness; and they, like President Taft, refer to that clause as if it would have exempted labor organizations from prosecutions for lawlessness. What it would have exempted them from, and all it would have protected them from, was not lawlessness on their part, but persecution by an Interest-owned government for acts not unlawful. Read the rejected clause yourself, and see. So definite were the terms of this rejected clause, that only three inferences regarding those who oppose it, from the President all along the line, are possible. First, ignorance of the fact that the clause exempted labor organizations only from prosecution for lawful acts; second, malicious indifference to that fact; or, third, desire to leave the way open for the Federal law department to attack labor organizations merely as labor organizations?

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While writing of labor injunctions, we find it necessary to note that Judge Windes of Chicago appears to have given labor organizations a surprise in connection with the taxicab strike. An injunction issued by him, is reported in the local press as the most sweeping labor injunction ever issued. We are not yet able to speak positively upon that point. It may be that this injunction is no broader than Supreme Court decisions have made necessary. It may be that the attorneys who drew it, in regular course of practice, have made it more sweeping than Judge Windes supposed. At any rate no one should lightly conclude that a judge of his reputation regarding "government by injunction" has freely and purposely enlarged the sweep of labor injunctions.

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Chicago Traction.

Municipal ownership and operation of the Chicago traction service is supposed by some who favor it to have been prejudiced by a recent decision of the Supreme Court of Illinois to the effect that the accumulated fund (55 per cent of net receipts), which, under the "settlement ordinances" (vol. ix, pp. 1163, 1178, 1184, 1211, 1225, 1232; vol. x, pp. 1, 8; vol. xii, pp. 203, 243, 254, 338, 348, 555, 1257) is set aside for purchase, may be used for subway construction. We do not so regard the matter. Nothing can operate to the prejudice of municipal ownership and operation of Chicago traction. This policy, defeated at the city election of 1907, was then defeated finally. Chicago traction is consequently owned at and operated by New York. The "settlement ordinances" of 1907, under which this is done, made municipal ownership and operation impossible so long as the traction companies oppose it.

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Pittsburgh's "Hungry Club."

We did not intend to slander the Hungry Club of Pittsburgh (p. 564) when we described it as

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