

EXPLAINS INITIATIVE AND REFERENDUM

One of the important topics of discussion at the annual meeting of the National Municipal League, which has been in session all of the past week in Chicago, was Oregon's initiative and referendum. At the request of the officers of the league a paper on this subject was prepared by J. N. Teal of Portland, and it was read last Wednesday afternoon. Mr. Teal reviewed the history and practical workings of the initiative and referendum in this state, reciting the occasions on which the people have exercised the powers conferred upon them by these measures, and discussed the results thus far obtained. His paper was in part as follows:

To have a measure submitted, that is provided by law. Eight per cent of the legal voters are required to propose any measure by petition. 1. To have initiative measures first submitted to the legislature with the right to pass upon or to amend them, and if amended to submit the alternative proposition to the people. Such an amendment has been prepared by friends of the initiative and is now under public consideration. 2. Limiting the number of constitutional amendments or laws that may be submitted to vote at any one election. 3. Limitation of subject matter to a single proposition in concrete form. 4. It has also been suggested that the initiative be confined to bills that have been introduced and failed to pass in the legislature and those that have been vetoed by the governor. Except No. 3, so far as I am aware, none of the other suggested amendments has been given to writing or prepared for public discussion. Purpose of Referendum. The referendum is felt to be of great value in operating as preventive of special, extravagant or otherwise obnoxious legislation. This power operates as a strong deterrent against extravagant legislation, or that favorable to special interests. The indiscriminate granting of franchises, the bartering away of public rights and the granting of special privileges of all kinds which have been so prolific of corruption in the past, would not have been indulged in to the extent they have, had the people always reserved this power. There is but little criticism of the referendum. About the only change suggested is to provide for a larger number of petitioners. Type of Measures. It could hardly be said that the people have not voted intelligently, and for what they thought to be in the public interest, upon measures that have been submitted for their consideration. Moreover, nearly all the laws passed by the people, though possibly differing in language or construction, have been rejected by the legislature. The following list is illustrative of measures submitted and votes cast thereon:

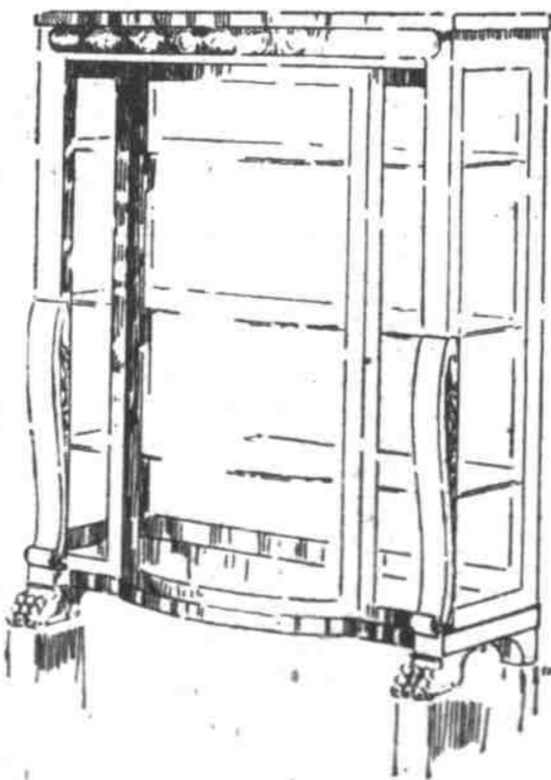
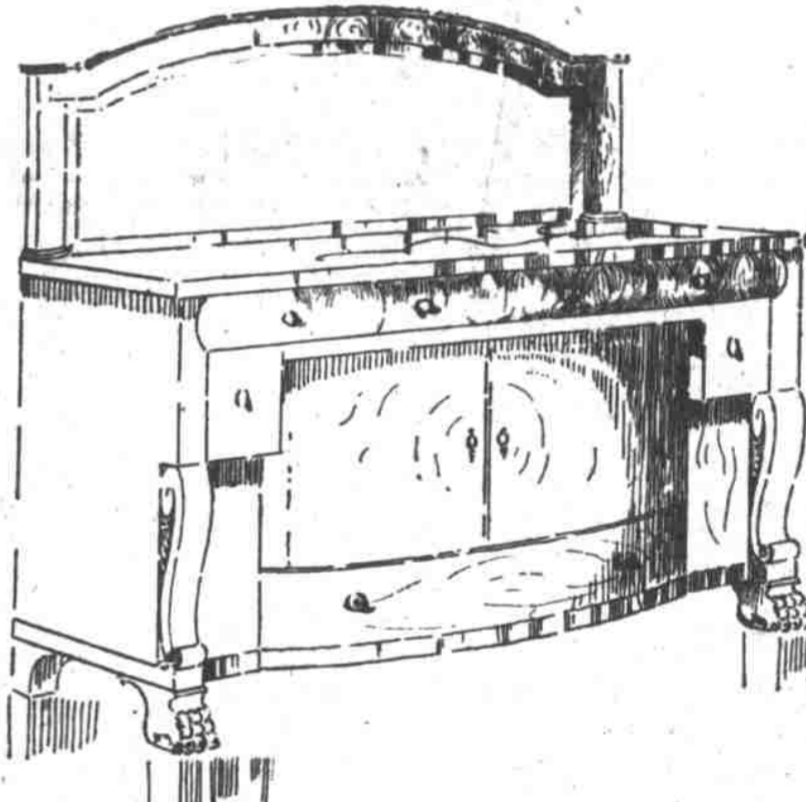
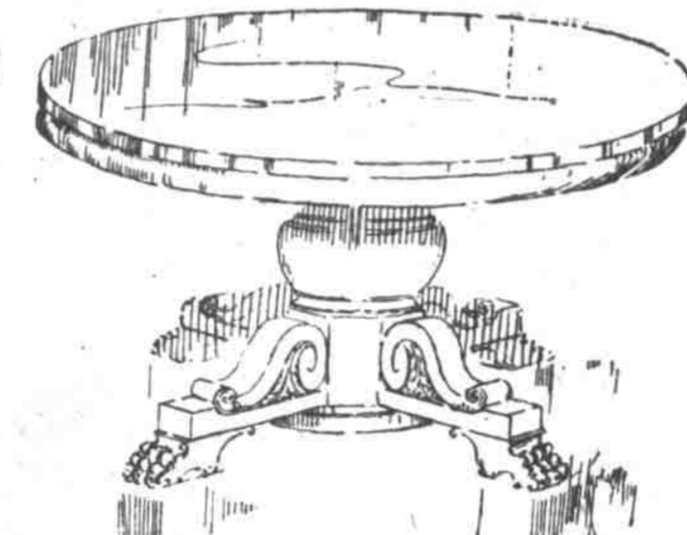
jury Prior to the passage of this act, the district attorney could, upon his own investigation, file an indictment which in effect was an indictment. An analysis of the measures submitted and the vote of the people thereon would indicate that there is nothing in the vote on these measures which would justify condemnation of the law, or fear of its consequences. At the city election in Portland, held in June this year, there were 35 measures submitted to the people. As the number of measures submitted at this election is often used as a "horrible example" of what the initiative and referendum may lead to, simple justice demands the facts be stated. There were 35 questions submitted. Of these, 25 were proposed amendments to the charter, which can be changed only by a vote of the people. Of these, three were submitted by a charter board appointed for the purpose of submitting a new charter or amendment to the existing charter; 22 were submitted by the council direct, or upon the advice of a committee of seven citizens appointed to propose changes and none by petition through the initiative. Ordinances Submitted. Nine ordinances were submitted. Of these two were submitted by the council and seven by the initiative petition. One referendum was called against an ordinance passed by the council. It will thus be seen the people, through the initiative and referendum, were directly responsible for eight of the measures submitted. However, it is but fair to say that a number of the others should have, and probably would have been submitted had not the council acted. Many of the charter amendments were of slight importance, but, as before stated, as the charter can only be changed by a vote of the people, had to be submitted. Others were of great importance. A commission form of government was defeated by a vote of 10,770 against, to 4,903 for. A municipal electric light plant was proposed. It was defeated by 6684 against, to 4033 for. Proposed ordinances granting to a Gothenburg association the exclusive right to sell spirituous liquors in the city of Portland, and a rather stringent excise ordinance were both badly defeated. An amendment requiring franchise holders to keep accessible accounts and report to the city auditor, carried by a vote of 19,103 in its favor and 4441 against. Twenty-seven of its recommendations were adopted, and eight were not. Of the eight two at least were of no particular importance. Repeal of Initiative and Referendum. In my opinion, a proposition in this state to repeal the initiative and referendum, notwithstanding certain defects and disadvantages, would meet with defeat. In the future, defects may develop that will provoke a repeal, but this I doubt. On the contrary, I think it much more probable that the defects will be remedied, and the axe will not be laid at the root of the tree. It is true the initiative and referendum is a radical departure from our former practices, and imposes a grave responsibility upon the people. Thus, far on the whole, they have fully met this burden and in my opinion it has worked for good, and nothing is of more importance in a government such as ours than to place responsibility directly upon the people. It is my belief that they can be trusted to act upon measures that may be submitted to them, and that as a whole they will act fairly and justly, if they understand them. They may be deceived, but I do not believe any considerable number of persons will knowingly be unjust or unfair or act otherwise than what they believe to be to the interest of the community. Comparison Favorable. I do not desire to make any comparison between laws passed by the legislature and those passed by the people direct, but the comparison if made, would not be unfavorable to those passed through the initiative. While I favored and still favor the initiative and referendum, I am not a partisan or special pleader for it, and if I believed, or was convinced, it worked for harm rather than for good, I would say so, and urge its repeal. At times measures are suggested and action taken thereon that create some doubt as to the wisdom of the procedure, but when one thinks of what went on under the old system, and how indifferent and worse than indifferent, legislatures have been, and are, both as to the rights and demands of the people, one feels that a mistake made now and then, does not justify a wholesale condemnation of the new system. Remedy no Harm. It is urged that the people without this law have the power to elect only honest and qualified men to office, and therefore there is no occasion to inaugurate what appears to some people to be a revolutionary program. This may be true, but to have a concurrent remedy, can do no harm. Let the people elect honest men, but let them also retain the power reserved in the initiative and referendum. Its benefit will then be not in its use, but rather in its potentiality. In your letter you asked me to discuss the effectiveness of the initiative and referendum as instruments for securing a democratic government. I am sure you do not desire an academic discussion of this question. You are, of course, aware that there are two lines of thought. One holding that it is destructive of, the other that it is an aid of a democratic form of government. Not Contrary to Constitution. It is asserted, as you know, that under it a state does not enjoy the character of government guaranteed by the constitution of the United States, and a case involving this point is now pending in the supreme court of the United States, an appeal from the supreme court of Oregon. However, thus far the courts have held, including the supreme court of this state, that the initiative and referendum as adopted in this state is not contrary to the provision of the constitution of the United States guaranteeing republican form of governments. It is also asserted that the only method by which our character of government can be maintained, is through representatives chosen by the people. Very earnest and able men support both views, but speaking from our experience thus far, it is my opinion that the initiative and referendum tends to secure more democratic government. If by that term, it is meant government by the people and for the people, then does the purely representative form. A number of laws and amendments to the constitution have been approved by the people when proposed by initiative petition, after the same measures had been rejected by the legislature, and are some evidence of the truth of this statement.

1906. Yes. No. Equal suffrage 26,928 46,971 To amend local option law 25,397 45,144 To purchase a private toll road 31,525 44,525 For initiative and referendum on local, special and municipal laws 47,778 16,735 Prohibiting free passes. (No enacting clause) 57,281 16,779 Requiring sleeping car refrigerator car and oil companies to pay annual license upon gross earnings 69,635 6,440 Requiring express, telegraph and telephone companies to pay annual license upon gross earnings 70,872 6,260 No Enacting Clause. It will be noted that the act prohibiting free passes had no enacting clause, and in consequence failed to become a law. The act to regulate transportation and commerce, etc., was passed at the legislative session of 1907. Certain provisions of this act, in effect, prohibited the giving of free transportation. Notwithstanding the vote of the people but recently cast upon the question, the legislature at the same session passed an act requiring the railroads to grant free transportation to state and county officials as a consideration precedent to acquiring land for corporate purposes by the exercise of eminent domain. A referendum was called upon this act, and at the election of 1908 it was defeated by a vote of 59,408 to 28,856. This exemplifies the use to which the referendum may be put, and is an excellent illustration why it is extremely unlikely that it will be repealed. Referendum on Appropriation. A referendum was also called on an appropriation made for the state university. The appropriation was sustained by a vote of 44,115 to 40,535. This referendum is occasionally referred to as an illustration of its dangers. Personally, I do not view it in that way, as I think the discussion that followed, and the better understanding of the people in the end had of the subject, did good rather than harm. I might add that the large negative vote does not really represent the feelings of our people toward the university. A number of local conditions and issues swelled this vote, and I think I am safe in saying the people of the state generally take a justifiable pride in this institution, which I am glad to say is growing in strength and influence all the time. Among the measures submitted in 1908, and defeated were the following: Measures Defeated. Increasing the compensation of members of the legislature to \$400 for a regular session and \$10 per day for each extra session, instead of \$3 per day and mileage. An amendment increasing the number of judges of the supreme court and changing the jurisdiction of certain other courts. An act appropriating \$25,000 annually for four years for purchasing grounds and building armories for the use of the Oregon National Guard. Equal Suffrage Amendment. An act giving cities and towns within their corporate limits additional and exclusive power to license and control or prohibit theatres, race tracks and the sale of liquors, etc. This proposal was considered to be something in the nature of a trick to avoid the effect of the local option law, and received 39,442 affirmative votes and 52,346 negative votes. Single Tax Amendment. The single tax amendment was defeated by a vote of 60,871 to 32,066. The following carried: Permitting the location of state institutions elsewhere than at the seat of government by act of legislature and vote of the people. Changing the time of holding the regular general biennial election from the first Monday in June to the Tuesday after the first Monday in November. Two laws prohibiting fishing for salmon, etc., were both passed. One was known as the "up river bill," the other as the "down river bill." The effect of the passage of both laws was to prohibit the taking of salmon, although such was not the intention of the proposer. They only wanted in each case to restrain the rival interest. While on its face it would indicate that the vote cast is evidence of confusion that may result from the use of the initiative, yet if the subject was understood as we understand it here, the result is not surprising. Moreover, it is not uncommon to find contradictory laws as well as acts having irreconcilable provisions passed by the legislature. Report of Commission. In the report of the Oregon conservation commission of 1908, the committee who prepared the paper on the salmon industry in connection with this vote said: "There is some antagonism among the operators of gear against the act. Between the fishermen of the lower and the whippers of the upper river this issue is open hostility. Opposing delegations have met before the

COLONIAL TYPES

Especial attention is directed to our showing of an excellent collection of Colonial Types. The popularity of this class of furniture emphasizes the value of early designs, and to better care for our trade in this style we are showing both the genuine and modernized reproductions. In fact, practically our entire output is composed of these types combined with a variety of Arts and Crafts work

Arts and Crafts



Henry Jenning & Sons Second and Morrison Streets - "Home of Good Furniture"