

# The Santiam News

Politically Independent

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## WHICH IS THE BOSS?

SOME DAY the supreme court of Oregon will be required to decide which is the superior power, the legislature or the people of Oregon. The late legislature attempted to, practically, repeal a law enacted by the people. Happily the effort failed; but, probably, the next legislature will go a step farther and enact a measure repealing an initiative made law. Then, of course, the supreme court will be called upon to decide which is the superior power.

As a matter of fact, there can be no question as to which is the superior. The legislator receives his patent of authority from the people. Without the authority conferred by a certificate of election, no man can exercise the function of lawmaker. His authority to act in that capacity is delegated. He accepts the office with an understood instruction to work for the best interests of all the people. Now, as the people nor any other power can delegate authority greater, nor even as great for that matter, than the power that they or it possesses, it follows that the people are necessarily the basis of power. It could not be otherwise in a republican form of government. A stream can, unaided, raise higher than its source.

The constitution of Oregon authorizes the people to veto any act of the legislature, providing an emergency clause is not attached to the act. But wherein does that instrument confer upon the legislature power to veto an act of the people? True, the legislature can amend an initiative made law, in order that it may more fully carry out the wishes of the people; but such amendment, under any construction, cannot be used to defeat the purposes of the act itself. The word "amend" means to make better or more perfect the original thought or act.

The late legislature sought to repeal the Rogue river fish law, which was enacted by the people, last fall. The purpose was to repeal, not amend this act of the people. The NEWS will not undertake to say whether this initiative made law was wise or unwise, or whether it was for or against the best interests of the people of the state.

Undoubtedly, however, it is for the best interests of the people of the state for the attempt of the legislature to repeal the law to fail. For, if we grant that the legislature has the power of repeal over the people, then the initiative and referendum laws, at once, become destroyed.

Nor should the legislature be permitted to append an emergency clause to one of its own acts, unless an emergency actually exists, and this fact should be one to be determined by the supreme court. An initiative made law should be placed upon our statute books as soon as possible regulating this matter.

All officials, from the highest to the lowest, derive their patent of power from the consent of the people. The people must, necessarily, in the end be the supreme source of power. This power can be delegated, as in the case of congress, legislature or city council, etc., yet the people can and must have power to recall this delegated power. In Oregon the people have seen proper to recall

this delegated power in part; nor can the legislature regain this recalled power until the people see proper to redelegate it.

## INDISCRIMINATE FOREIGN IMMIGRATION

MANY PEOPLE FEAR that the late treaty with Japan has opened the door to indiscriminate coolie immigration, and before the question of immigration is finally settled and this undesirable class of immigrants is barred out, this treaty may cause us a deal of trouble. Under the "most favored nation clause," which is usually incorporated in all of our treaties with foreign nations, it is difficult for us to exclude coolies from either Japan or China, without we are made to appear in the light of discriminating against those two nations. And when we admit the coolies of India, Greece, Italy and all other nations to come to our shores and even to become citizens, Japan and China appear to have a just cause to kick.

When the population of our country was small and we were beset with foes both upon sea and land, a large population was the great desideratum. We needed the foreigner, both to help develop and defend our country. We then had millions of acres of the richest land in the world, more than our then sparse population could use, to which we could and did invite the oppressed of all nations to come and partake of without more than a trifling cost. Then we had but five or six million people, all of whom were confined to the shores of the Atlantic ocean and the gulf of Mexico. Now those few millions have been multiplied by fifteen and our land is peopled from the Atlantic to the Pacific. There is, no longer, necessity for us to encourage foreign immigration. Indeed, the day is at hand when we are endeavoring to exclude the coming of those whom we deem objectionable. But unless we treat all nations alike in this matter, we are likely to make a grave mistake—one which will cause us no end of trouble and expense in the future. While it is true that we bar out criminals and paupers, which we have abundant right to do, thousands of these objectionables manage to slip or are smuggled in in spite of the watchfulness of our coast guards. And it is probable, that to long as we have Canada on the north and Mexico on the south, this illicit entrance to our land will continue. Then, if we are ever successful in excluding undesirable foreigners, yet maintain friendly relations with the nations of their birth, we must adopt a different method from that now in practice.

Suppose we require all immigrants who land upon our shores, to deposit the sum of \$200 with the Federal treasury, before he or she is permitted to land, or to come across the frontier north or south. Then when the immigrant becomes a citizen, return the money. Further, in order that those who enter illicitly can be detected and made to pay, make it a finable offense for any corporation or individual to employ a foreigner who cannot produce a receipt for the stipulated sum deposited.

Undoubtedly, a law of this character would exclude most if not all undesirable immigration. Nor would it subject the foreigner to undue hardship. Certainly it would keep out all paupers, would make it unprofitable for steamships to drum up immigrants in order to get the passage money and friendly relations with all nations would not be disturbed; for all would be treated alike.

Any nation has the national right to protect her own people and her own interests in general. If she sees proper to totally exclude foreign immigration, she has the natural right to do so. Self preservation is nature's first law. It applies to nations as well as individuals. But to maintain this principle, a nation must treat all other nations with impartiality. Because we have, apparently discriminated against Japan and China, heretofore, in the matter of immigration, our trade relations with those peoples have not been as large as, otherwise, it would have been. And yet we have immigrants landing upon our shores annually, and without question, who are even more undesirable than the Japs or Chinks.

Governor West has knocked out over something better than \$600,000 of the appropriations of the late legislature. Now if the people will get out the referendum ax and knock out something over the \$1,000,000 special appropriations for our state colleges, the expense of running the state government will be brought to something near reason.

If President Taft calls a special session of congress, the meet will be early in April; and, it appears, from the dilatory actions of the national senate, the call will be necessary. The country may, consistently, expect more from the new than has been given by the present senate.

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