

# THIRTY-NINTH DAY

(LEGISLATIVE DAY OF MARCH 11)

## EVENING SESSION.

MONDAY, March 18, 1912.

The Convention met pursuant to recess, was called to order by the president and opened with prayer by the Rev. J. J. Tisdall, of Columbus, Ohio.

The PRESIDENT: The gentleman from Noble [Mr. OKEY] has the floor.

Mr. OKEY: Gentlemen: I suppose if the parentheses in my speech were filled up it would be the longest speech that has been made at this Convention.

Mr. DOTY: Oh, I don't know. There was Mr. Halfhill's speech.

Mr. OKEY: I have been interrupted somewhat, about as much as the gentleman from Washington [Mr. RILEY], I guess; but those things we must endure and I will discuss briefly some of the principles of the proposal that is now before us.

We have been told by those who do not agree with the principles involved in the proposal now before this body that we would destroy representative government if the initiative and referendum were adopted. I think if those persons who assert that—and so far as I have heard it has been mere assertion, and they have not told us or attempted to define to this body what representative government is—I believe if we would know truly the foundation stones upon which this government rests we ought to go back to the first great charter of human liberty in this country, namely, the Declaration of Independence. If you will examine that document you will find it makes certain fundamental declarations. It declares that government is instituted among men in order that they may have liberty, that they may have life and that they may follow the pursuit of happiness. It goes on further and declares that the people, who have adopted government, have a right, if the government in any particular fails to respond to and carry out their purpose, to change that form of government. They have a right to modify that form of government to the end that it may carry out the purposes for which it was intended. Now we know, and we all know, that if this is a representative government it must represent, and the question arises if it does represent whom should it represent? Should it represent the classes or should it represent the masses? And I take it that all legislation under a republican form of government can only have one object in view, namely, that every law that is enacted shall rest equally in its effect upon the high and the low.

I believe no law should be enacted that would affect unequally in the least degree the humblest citizen under our flag, and I say that any legislation that deviates from that principle, under our present form of government, is not representative government, but you have misrepresentative government; and therefore the design of this proposal before us is that our government may become more responsive to the will of the governed, the will of the people, and that is what we are here tonight to discuss, and that is the proposal that is now before us.

What is representative government? If a man is sent to the legislature he is then acting in the capacity of an agent of those who sent him. Now it is a fundamental principle that when the relation of principal and agent exists the agent must respond and carry out the will of the principal—that is the principle involved. We send a man to the halls of the legislature to carry out our will, but suppose this man, as men frequently have done, refuses to carry out the will of those who sent him? Here you have misrepresentative government and not representative government. Therefore that man does not respond to the will of the people, and that is what representative government is.

But they tell us if you bring in this proposal, if we incorporate in the constitution this principle of the initiative and referendum, we destroy that fundamental principle. What is the fact? Under the initiative we have certain percentages. In the one before us we have for the legislative initiative four per cent and for the other initiative we have eight per cent. Under the present proposal forty thousand people of the state of Ohio could bring before the legislature a question that is proposed by the people. Well, if forty thousand people are interested to the extent that they can propose a measure, I maintain that there are a far greater number of people in Ohio who are interested than the mere forty thousand. When you have a proposition under the initiative submitted to the people, they say it will be too easy to get up a petition. I deny that proposition. The instant you propose a law under the initiative upon the terms we have in this proposal now before us, you are going to bring before the people in the state of Ohio an issue. There will be men who will say immediately before the petition is signed entirely by the requisite number, "We oppose that law." Therefore you will raise an issue immediately upon the proposition that you are trying to get before the legislature, and thereby the difficulty in procuring the signatures to the petition will be increased in the proportion that interest is taken in the proposition.

Now, in the first place, what is the petition for? It is not for the purpose of settling the question at issue. It is for the purpose of getting the proposition before the people. That is the purpose of it, and when it is before the people is there any person here who would say that any proposition that was gotten before the people on the percentage we have on this proposal would not receive more publicity, would not receive more careful consideration, than is received by any bill that is put before the legislature?

There are bills that are voted on and there are bills that are passed by the legislature of the state which do not receive the consideration that a proposal would receive that is thus brought before the people.

What do you have there? A proposal before the people. Who passes upon it? The people pass upon it. What are the people going to do? In the first place I say that every proposal presented under the initiative

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will receive the careful consideration of the people. Why? What do you have? Look at it. You are voting to send men to the legislature to enact certain laws. You do not know what laws they are going to enact when you send them there. You do not know upon what proposition they will be called to vote. That is true. But at the same time they go there and when you vote for them you are voting, I maintain, for men. But when you are voting on the proposition presented to the people you are voting for a thing. That is different. And in a heated campaign we all know the personnel of every candidate enters into the proposition, issues are lost sight of frequently in the heat of the campaign, and we are voting for individuals and not for measures. But as soon as you place before the people a measure the people of this state, as well as the people of the other states where it has been tried, will consider the proposition and they will be voting for the propositions and not voting for men, and as a result of it you will find the people will consider those propositions around their own firesides. You will find the people will discuss every proposition with their families and examine into the minutiae of every proposition presented to them to see wherein it will affect them. Will it affect them as taxpayers or in any other capacity? That will be the way men will go up to the polls and vote on those propositions.

I was surprised the other day when the distinguished ex-senator of Ohio told us the people of Ohio would not have time to consider laws and were too much engrossed in business. Well if the people are too much engrossed in business to consider laws, whom does he expect to consider the laws? I infer from that that he would say, "Leave it to the legislature without a bridle upon them and let them do as they will and let the people stay at home and labor and not think. Send the men to vote for the people and let the matter go. They will take care of you." I tell you what I think. I think whenever the power is placed in the hands of the people to legislate for themselves they will become thinkers. They will study the economic questions that are before them. It is no wonder the people of this country have not been educated along the line of considering proposals when they send men to the halls of the legislature who ought to represent them, but who, as soon as they get into the halls of the legislature, forget the dear people back at home and think more of the plan of fixing upon the people of this country long-time franchises which place burdens on untold generations. I say if these men would spend more of their time considering the wishes of the people who send them here there would be fewer franchises granted and fewer burdens imposed upon the people than there are today. Give us the initiative and referendum and I tell you the question of long-time franchises will vanish because the people will never impose upon themselves a burden by granting rights and privileges to certain men more than are enjoyed by the people in general. That has been the theory under the government in which we are now living and we are only wanting to correct that. They tell us in the first place that the people of this country are a mob; they are unfit to rule. I want the gentleman to place his finger on an instance in the history of this country where the American people have ever become a mob. Legislatures have become mobs, congress

may act like a mob, but the people have never acted like a mob and they never will. The people are absolutely conservative in this country and I will tell you why I believe they are conservative. You find reformers in this country and they become very impatient with the people. They say the people do not act fast enough. Why are they so slow? Do you know why they are so slow? Because they are absolutely conservative and never move until they get ready. That is the reason they are absolutely conservative on all occasions. Haven't they shown themselves to be conservative on all occasions? Can they legislate and discriminate? Did the people of Oregon discriminate when they had nineteen propositions submitted to them at once? Did they pass all or did they defeat all? Did they go one way as a mob, or did they divide and act in a way that was reasonable and as men ordinarily do act when they have before them a business proposition? They certainly did act in the latter way. They adopted part and voted down part. I want to refer to something that another gentleman has mentioned, and I want to use it as an illustration, showing that the people of this country are more discerning in looking into things than any legislative body can be. I am speaking of the people as a whole. Take that example of the Oregon fishing bill, about which you heard a few days ago. What was involved in that proposition? I thought, when I read it a short time ago, that it showed the great discriminating power of the people when they have a proposition put up to them. There were two interests on the Columbia River, and each was trying to get a monopoly of the fishing industry on that river. There was a company on the north side and a company on the south. Each was acting without regard to the great fishing industry of that river. What did they do as soon as the initiative and referendum were adopted? Both of those companies thought they would use the initiative and referendum for the purpose of carrying out their own end, and the people on the upper Columbia asked for a law which would destroy the people on the southern Columbia. The people on the southern Columbia in return initiated a law which, if enacted, would have destroyed the interest of the upper Columbia people. Both propositions were presented before the people of Oregon. Now what was at stake in that proposition? The legislature would have said one corporation or the other's interest was at stake. As a matter of fact the fishing industry was at stake, for they had conducted their business on the Columbia River in such a way that the fishing industry was decreasing because they were destroying the fish at all times of the year. Do you know what the people did? They voted, and there was not much difference in the vote, and adopted both propositions. The people of Oregon had restored the fishing industry and protected the fish by excluding both of the companies from fishing in the Columbia River. There was discrimination. Then the legislature surrendered and enacted a law which allowed both industries to fish at proper times and thus protected the fishing industry. Here is where the people looked at the general welfare of the whole people. I believe the legislature of Oregon was unable to cope with that situation. I tell you in many instances legislatures are not able to cope with situations that confront them. So it was in this particular case, and the people in their discriminating power looked ahead to the one single end, namely, the

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preservation of the fish in the Columbia River, and they preserved them. I use this illustration for the purpose of showing that the people, when the proposition is submitted, can discriminate and that they do look ahead to the general welfare of the people and are not guided by selfish interests. The people in their aggregate capacity make very few mistakes. If a people ever do make mistakes they will rectify the mistake as soon as it is discovered, but the legislatures do not always do it. They are not willing to do it, but the people always are. I tell you, you turn the gaze of the people of this whole state upon a proposition, without that proposition being crowded by partisan ranchor or feeling, and I know what will happen. They will look at the proposition purely as a business matter, and what is the interest of the whole people will enter the minds of every man. You may look at that proposition from one angle and I will look at the same proposition from another angle. That man sees what there is in the proposition from that angle, and somebody else sees it from another angle. Now what is the result? In the various angles that the proposition is looked at and from the discussion that has been had, you come to your opinion and another man comes to his, and all the opinions converge at one point by some process. I am not prepared to explain how they arrive at a happy medium, but they hit the mark nine times out of ten, and that is what they will do if the initiative and referendum are adopted.

But they tell us that legislatures are wiser than the people. There have been more bills passed in two days before the legislature than ought to have been passed, in two months, if they received proper attention. As the gentleman from Cuyahoga [Mr. DORV] remarked the other day, in one day sixty-six bills were passed by the legislature of Ohio without receiving the consideration they ought to have received. Do you think the people of Ohio, when they are looking after their own interests, will give less consideration to a proposition than the legislature? I think every man, when he begins to consider a proposal presented under the initiative and referendum, if he considers it in the calm light of reason, surrounded by his own home, looking at it as a business man, looking at it disinterestedly, will make up his mind before he goes to the polls. He will view it from every angle, and he will therefore have dissected every part of that law and when he goes to the polls he knows whether he wants to say yes or no.

I am not one of those men who are afraid of the American people. That doctrine Abraham Lincoln said originated with the divine right of kings. There has always been in this country two classes of man, two divisions. There have been those who say that part of the people can rule, but that the other half is unable to rule. One-half rules, the other half serves. That has been the doctrine that has come down through the ages, and it transplanted itself in this country. We find it manifested when the constitution of the United States was adopted. We find incorporated in that constitution many provisions that sound very much like they were ones advocated by royalty; but the people were afraid of themselves at that time. They did not know the conditions that were going to arise in this country then. They did not know about the great propositions that were going to confront the people in the

future. They knew nothing about those. But we have a different proposition presented to us now. We have the simple proposition, "Will the people in this country be given great power over the matter of legislation or will we let it remain where it is to the end that if things are carried out to their legitimate conclusion, as they have been running on, there will be placed upon the people of this country such a burden that they can not escape from it, or bear it?" You need not tell me there is not selfishness in the human breast. You need not tell me there is not selfishness in a small body of men. There is, and it takes a large body of men to wear away and wipe out and reduce to a minimum the selfishness of men, and that is what the great American people will do when they are acting in their aggregate capacity. Human selfishness is largely wiped out and the general welfare is the end sought.

If I did not think that the initiative and referendum would help representative government I would not be here advocating it. I believe in representative government because I believe it is the best government in the world, and I believe we, as citizens of this country, in this year, 1912, owe it to this country, owe it to the state of Ohio, and to every citizen in it, to do everything we can to the end that we may strengthen representative government and place it in a condition that it will respond, aye, to the very faintest whisper of the humblest citizen in the state of Ohio. I do not believe that government came down to the people from kings, but I believe it came up from the people; and I believe since it comes up from the people that the people of this country have a right to a share in saying what this government shall be. I think they have a right to have a share in knowing whether our representatives do the right thing or whether they do not do the right thing. I want something put in this constitution that will say to every representative who may go to the legislature in the future, "You go there and legislate for us, and you do what you promised and it will be all right and well, but the moment you do not do what you promised we have a power here that will enable us to compel you to do what we want you to do and if you don't do what we want you to do, we will do it ourselves." That is the sum and substance of this proposition. And is there anything wrong about it? I claim that the man who will not trust the people is not a believer in representative government. I say that he is a believer in misrepresentative government. I believe he is a man who would rather see the present condition continue, and the people be misrepresented, than to know that they were represented—the true end of government. "I do not see the use of the people voting," a man once remarked to me. "I voted for twenty-five years and during that time I voted for men who promised me they would stand for certain measures. I have been fooled, and I have seen them turn around after they were elected by the people and act as if there were a great chasm between them and the people, an impassable gulf between them, so independent were they, and they violated their promises. Therefore," he said to me, "I can not see any use of a man going to the polls and voting for men who do not represent the people after they are elected. The only way we can do is to go through the expense of another elec-

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tion and try another man and we have then to put the same faith in the other man."

I say under this proposal we can say to the people that we now have a proposal that will not take away the right of the people to select their representatives, and will not take away from them a single right they now have, but it will put in the hands of the people a means whereby they can get what they want.

But they tell us the initiative and referendum will make cowards of men. Why will it make cowards? There is only one man who is a true coward and that is a grafter, and for a man to say he is afraid to go to the legislature under the initiative and referendum in full operation is equivalent to saying to his constituents "I do not want to bow to your will. I do not want to do what you want me to do." That is what I would interpret it to mean. If they would send me there under the initiative and referendum I would feel it my duty to bow to the will of the people, and to vote against every measure that did not meet the approbation of my constituents, although my action might not represent my own personal preference. With the initiative and referendum we say to those whom we send to the legislature, "Do your duty, but, mind you, we have a shotgun behind the door." It will not make any man any more a coward unless he is dishonest, and then we don't want him any way. I say to you the political bosses of this country, who seem to drag men up to conventions and nominate at their own sweet will, will be eliminated from American politics. That element that has obstructed to a greater degree than anything else the legislation of this country will be a thing of the past. They have had men who have been doing their bidding and not the bidding of the people. I say, in conclusion, that this proposition of the initiative and referendum when passed, from my standpoint, has not a single false principle from the fact that it does not conflict with any fundamental principle of representative government. We have the same things illustrated in the other quarters of this country. The people vote in this country directly for president in effect. We can trust the people for that. We vote for electors in this country who presumably vote for president and vice president, but they simply record the will of the people, and that was in fact the original intention. So the people of the country have been trusted to that extent already in allowing them to vote for their candidates for president and vice president.

Now, I have no time to more than go into the general provisions of this measure. I did not intend to go into details, but just intended to give a skeleton of the proposition so that others may fill it up. The main provision of the proposal before us is that it goes down to the question of local subdivisions and thereby enables the people in all the local subdivisions to have what they want. That is one of the main provisions in this proposal, and I think will be one of the most far-reaching provisions, if incorporated in the constitution, that we can have. I said I was in favor of this proposal, and I will vote for it because I believe it to be the best proposal that I know of anywhere. If it is incorporated, it will be the best provision in any constitution in the Union, because it enables the people to get a proposition squarely before their representatives, who can then see

what the people want and can enact it into law. In so doing its provisions will be discussed and dissected, the people will have a grand opportunity of seeing what the proposition is. For this reason I say this provision in the proposal is one of the best that could have been incorporated in it, and I will vote for it because I believe when we get this proposition before the people of Ohio we can go away from this Convention with those who believe in true representative government saying "You have done well, you have carried out the promises you made, you have shown yourself to be in sympathy with the great movement of popular government." And I mean by popular government a government of the people, for the people and by the people. Popular government might be used in the wrong way. Some men use the term "popular government" to the extent that it is popular with a certain class, but when I say "popular government" I mean that it is a government of the people, for the people and by the people—that affects every class alike, does not let some shoot over the heads of one class and hit another class, but will affect all men alike, rich and poor, and when that is done I say we meet the ends of representative government, the design that was intended by representative government.

Why, as one has said, they tried to drag in here everything under heaven, and they have called the people everything from a mob down to a good many other things. They have gone back into ancient history and have dragged out things that happened nineteen hundred years ago and set them up as examples meeting the proposition now before us. They have gone down into the slums and brought up examples of men getting petitions in low-down dives, as if that were a fair statesmen-like way to discuss a great question like the one we now have before us.

They have given examples that never did happen and never could happen. Why, the first gentleman who spoke here upon the question went back nineteen hundred years ago and said it was the mob that brought the Man of Galilee to trial; that it was the people who condemned Him, when he ought to know, if he read history, that it was the vested interest of that time that brought Him to the cross. It was those who opposed Him as having proclaimed the first liberty ever heard of in this world, and for that reason they tried, convicted, sentenced and executed Him. And some people here have tried to drag this proposition before us down to a lower plane, when, if you will study the question, if you enter into the philosophy of it, you will find it is an absolutely deep question and a question that will evolve, and when you study the common people you will see there is more philosophy in them than we find in the college professors of our land. The common people can study deeper into the minutiae of any proposition than the learned. But under the initiative and referendum we bring to bear not only the mind of the great common people of this country, but we bring to bear upon a given proposition the mind of the learned as well as the unlearned. All of their minds will converge upon the proposition that is before them, and then they will see it with all the different strengths of mind and the different angles in which they look at the proposition. You find that they will strike a golden mean, and that is what we mean when we say that the

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aggregate people in the main are right in their decisions. Give us this proposition, gentlemen, and then we will have representative government in Ohio.

The PRESIDENT: The gentleman from Crawford is recognized.

Mr. MILLER, of Crawford: Mr. President and Gentlemen of the Convention: I was so profoundly impressed in the early days of the Convention by the plea of the member from Hamilton [Mr. BOWDLE] for the conservation of our timber supply, and I have been constantly trying to observe the obvious way of sparing the woodman's ax as suggested by the member from Lucas [Mr. BROWN]. But I have concluded that it is not entirely fair to place the burden on one member and I am therefore going to attempt to talk on the proposition before you, and in order that I may say clearly and concisely what I want to say and keep within a limited time I have reduced it to manuscript.

I think that it was Henry Ward Beecher who once said that "Feeling is the bow and thought the arrow, and every good archer must have both. Alone, one is as helpless as the other. The head gives artillery, the heart power. The one aims, the other fires."

I have abiding confidence in every member of this Convention, and therefore concede an honest purpose and clear conviction to the feeling that each member has upon this question. Having such feelings the proneness will naturally be to give thought to strengthening those feelings, as is right and perhaps a duty, and thus we have the careful aim and rapid fire to dislodge those who may entertain contrary opinions. This is the purpose of debates and the right of every member, but we should give some thought to the kind of ammunition we use—the powder should be smokeless, the bullets sterilized against the poison of sarcasm and impugning of motives.

Dr. Schaffer, superintendent of public instruction of Pennsylvania, in his "Thinking and Learning to Think" said, "When a man's opinions are, as he thinks, grounded in first principles, it is but natural that he should be unwilling to abandon them without a struggle to intrench himself behind impregnable arguments."

The same regard for truth which led him to form an opinion should, however, make him willing to change whenever he finds himself in the wrong.

There is a great need for independent thinking under a system of popular government, especially on the part of those who exercise the elective franchise. In the modern convention one man often does the thinking for the rest. Dr. Schaffer says, "If he is the man whom I follow, I call him my leader. If he is the man whom you follow, I call him your boss."

Now, what is the argument that will persuade any thinking man that he is wrong? It surely must be based upon facts that are self-evident or can be proven beyond the shadow of a doubt, not on mere assertions, adverse criticism, general statements or postulations.

I do not mean to convey the idea that I will be able to offer any new argument, or perhaps any that will even receive more than a passing consideration, but I desire to show that I have attempted to give careful consideration to the arguments offered by members on this question, and have devoted some time to gather the judgment of those whose opinions and arguments are often quoted and seriously considered.

It has been repeatedly stated upon the floor of this Convention that the farmers and country people are almost to a unit against the initiative and referendum. This may be true in the counties from which the members came who made these statements, but it is not true in Crawford county; there the farmers have indorsed the proposition both through the County Grange and the various farmers' institutes;

Resolution of the farmers' institute held in Galion, January 20, 1912:

We favor the initiative and referendum.

Resolution of the farmers' institute held in Bucyrus, February 10: 1912:

That the farmers as a body take a firmer hand in civil affairs and let our legislators know what laws we would like enacted.

Resolution of the farmer's institute held in Tiro, February 7:

We favor the initiative and referendum.

Resolution of the farmers' institute held in Nevada, O., January 20, 1912:

We reaffirm our conviction in the adequacy of the initiative and referendum to relieve the people of the state of many of the evils which are the inevitable outcome of our present form of law-making and would earnestly advocate its adoption as the best known means of establishing equity in legislation for all and securing the highest ideal of honesty therein, as well as carrying into execution the manifest will and pleasure of the people of the commonwealth.

Besides these the Grangers of our county have gone on record for the initiative and referendum. This principle was one of two questions that I was asked to declare myself upon before the election. These proofs being at hand in Crawford county, and as the conditions are not at all different from those of many other counties of the state, I am persuaded that there has not been a very persistent effort made to gather the wishes of the home owners and farmers in some counties.

True the single tax has been held up as an awful warning, but our farmers have not been frightened, for the reason given by the gentleman from Allen, and his words will furnish a sufficient reason why our farmers are not afraid. Mr. Halfhill said that "the selfish interests know there is no chance of a single tax through the legislature for the farmers and home owners are too smart for that." Now if this smartness is a safeguard against single tax through the legislature, why will it not be more of a safeguard against imposing this condition through the initiative and referendum where every one of these farmers and home owners will be permitted to register their vote against any such measure?

Mr. HALFHILL: Will the gentleman yield for a question?

Mr. MILLER, of Crawford: Yes.

Mr. HALFHILL: Do you recognize that considerably more than half of the voters of Ohio live in the towns and cities of Ohio?

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Mr. MILLER, of Crawford: Yes.

Mr. HALFHILL: That in fact sixty per cent. of the voters of Ohio live in the towns and cities larger than twenty-five hundred population?

Mr. MILLER, of Crawford: I am not sure about the percentage, but I think it is more than half.

Mr. HALFHILL: Do you recognize that the non-landowning voters in Ohio outnumber the landowning voters?

Mr. MILLER, of Crawford: I am not so sure about that.

Mr. HALFHILL: If that should appear and does appear would the proposition you now make hold good?

Mr. MILLER, of Crawford: I think it would for the reason that a great many of those who are now non-landowners expect to be landowners. It is their fondest anticipation to be home owners. That is what the young people are chiefly striving for—a home of their own.

Mr. HALFHILL: When you speak of a single tax do you recognize it as an exclusive land tax? Is that the way you feel about it?

Mr. MILLER, of Crawford: I recognize it as an exclusive single tax—land tax.

Mr. HALFHILL: Land tax?

Mr. MILLER, of Crawford: Yes; but to silence the repeated charges that the ultimate purpose of the initiative and referendum is the securing of a single tax, I am going to offer a substitute at the close of my remarks that will prevent any such catastrophe for it will make immune every county from a state-wide vote upon a taxing proposition under the initiative. It will go farther than that; it will protect the rural districts that happen to be in the same county with a city from ever having such cities vote any taxing measure upon them that they do not want.

I could not support the amendment by Mr. Lampson because it would prevent the calling of a referendum on any legislative redistricting of the state, one of the very things the advocates of this principle desire to reach, for when a gerrymander of the state is made for purely political purposes should the people not have this formidable weapon to prevent that very thing from being done? Surely here, if anywhere, the voice of the people should be heard, to prevent, curb and warn the legislature against the redistricting for political gain.

Mr. HALFHILL: Will you support the amendment of Mr. Lampson if it has eliminated from it all question of re-districting or gerrymandering the state?

Mr. MILLER, of Crawford: I think I would. My substitute covers that proposition in almost the same words.

The imputation was given out the first day of the debates upon this question that all bankers were against the initiative and referendum. I want to take this opportunity to deny that statement also. I can name a number of good bankers in Ohio who have confidence in the intelligence and integrity of the people of the state, and they will lend their influence and votes, if the opportunity is afforded, to write into our constitution this democratic doctrine of a government by the people. I notice that the Hon. Wm. M. Ladd, head of a great private banking house on the Pacific coast, declared that he would rather trust the people to vote on the thirty-two,

or any other number of important measures, than any legislature, and he at one time was a member of the legislature of Oregon. So I believe if bankers were consulted you will find there are many among them who will indorse and support the initiative and referendum, for bankers, perhaps more than any other class of business men, come to know their customers rather more intimately and soon discern the real from the assumed. I can say that my experience has been that in the great majority of cases you can trust the laborer, the small home owner, the tenant on the farm and the owner of the farm without much fear of being deceived. With this class of people we have never lost a single dollar. Then why should not my confidence in the great body of common people be strengthened, and why should I not be willing to grant to them the greatest measure of self-government? Every arugment heard, so far, against the measure has charged, either expressly or by imputation, incompetency upon the part of the people, and judging from the statements to which we have listened we have the most illiterate people in Ohio of any state in the Union.

What a criticism on our public schools to even suggest that the intelligence of the state is not of such character as to permit of a discerning examination of and safe conclusion on any measure that might be initiated, and this after our schools have been teaching history and civil government for these many years, and the boys and girls have gone out from these schools all over the state and now are the men and women of the state in the very prime of life, many of them. I say without fear of successful contradiction that our young men and women, educated in the common schools, the high schools and the colleges of the state, are as intelligent and capable of judging the merits of any measure that might be proposed as the average legislator, yes even the average of this Convention.

To these trained and educated people the management and control of the affairs of state must be soon referred.

Gentlemen, I am optimistic, I have no forebodings, for I know that the spirit of patriotism, the honor, the integrity and sincerity of those who now will guide the ship of state is a sufficient guaranty for the perpetuity of a government administered by the people.

The principle involved in the initiative and referendum is not at all new. You know, gentlemen, that it prevailed in the Middle Ages; we know that the teachings of Calvin at Geneva had some influence upon English history, and through that influence the spirit of the movement was transferred to America.

Rosseau, himself a native of Geneva, said: "The idea of representatives is modern; it comes to us from feudal government, that absurd government under which mankind is degraded and the name of man dishonored." Rather strong statement, but we are compelled to at least pause and consider.

England acknowledges the right of the referendum and it is maintained as a constitutional doctrine, for when any large measure of change is carried through the house of commons the house of lords has a right to reject it for the purpose of compelling a dissolution of parliament—that is, an appeal to the voters. Mr. Bryce says that "There are now those in England who advocate the introduction of a referendum as a method to be applied to certain classes of acts."

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So when it is charged that this plan of initiative and referendum is all the work of agitators, of designers, that it is fraught with danger and conceived in selfishness, it will be at once apparent that such charges are without foundation, but that these principles have received attention for more than a century. The colonists enunciated this theory when they found they could get no change in their colonial constitution, and they therefore assumed to themselves the right to remodel their constitution, putting the people of the state in place of the British crown as sovereign, and ever since these conceptions of democracy and popular sovereignty have been unifying. The faith of the average man in himself has become stronger and his love of equality greater.

Mr. Godkin says in his "Decline of Legislatures" that "In no country is representative government receiving the praise it received forty years ago."

Mr. Leckey says in his "Democracy and Liberty," in substance, that all over England, Europe and the United States there is a growing complaint against the declining efficiency of representative government.

Mr. Goldwin Smith, a brilliant critic of Canadian institutions, urges that what is needed to cure the faults of provincial legislation is to borrow the American plan of submitting constitutional amendments, and, it may now be added, laws, to popular vote, for, he adds, "The people cannot be lobbied, wheedled or bulldozed, for they are not in fear of re-election or are not bound hand and foot to party measures."

Bryce says that "Reference to the people may act as a conservative force; that is to say, there may be occasions when a measure which the legislature would pass, either at the bidding of a heated party majority or to gain the support of a group of persons holding the balance of the voting power, or under the covert influence of those who seek some private advantage, will be rejected by the whole body of citizens because their minds are cooler or their view of the general interest less biased by special predilection or interests." The gentleman from Ashtabula [Mr. LAMPSON] enunciated this fact when he stated, in answer to a question as to what effect a referendum might have upon a redistricting of the state, that he doubted if the people by popular vote would approve of any redistricting of the state for congressional purposes unless so eminently fair that no questions could arise.

We know that a number of states have the initiative and referendum or both, in some form, in operation, and other states have arranged to submit it to the people. From those states that have it in operation we hear both favorable and unfavorable criticism, which is but natural and expected. The same kind of criticism would probably be forthcoming were any departure to be made from our present plan of government.

If, however, we look into the history of the initiative and referendum in Oregon, and examine carefully the initiated measures, freeing our minds from all thought as to the principle through which they were evoked, considering these measures solely as to their application to the people of that state, must we not admit that the electors displayed a keen sense of discernment and intelligent conclusions, as much as and more than the average legislature?

In Oregon the direct initiative only is in practice,

while this proposal permits initiating to the legislature with one-half the per cent. that is required for the direct initiative. Would it not be natural to assume that because of the much lower per cent. of signers required all measures that might be initiated would be to the legislature, and if this is done is not all of the objection raised to the plan removed, and does it matter so much as to the required per cent? I contend and believe that if there were enough interest manifested by the people of the state, or even any part of the state, to secure forty thousand signers asking the legislature to enact some certain law almost any legislature would get busy.

Mr. ANDERSON: Do you think it would be such a hardship as could not be overcome to get two hundred and forty in any county?

Mr. MILLER, of Crawford: No; I do not.

Mr. ANDERSON: Do you know that under the Crosser substitute in forty-two counties it will only require four thousand two hundred and ninety signatures, and in some counties it only requires fifty-one and up to a hundred and twenty-five at the most in forty-two counties?

Mr. MILLER, of Crawford: Yes; I understand that.

Mr. ANDERSON: Do you think it would be a hardship to double that?

Mr. MILLER, of Crawford: Not particularly so.

Mr. ANDERSON: Don't you think it would give us tens of thousands of votes more for the initiative and referendum?

Mr. MILLER, of Crawford: I don't think so. If there is any virtue in the argument that it costs ten cents a name to get those signatures it might be a little more expensive.

Mr. ANDERSON: It is your theory when there is harm done by the legislature in passing some law or in failing to pass some law that then you should go around among the people?

Mr. MILLER, of Crawford: No; but the argument has been presented that they did do that and the point I wanted to make is this: We don't care so much about the number required to initiate or refer, so the people have the final passing on the proposition.

Mr. EBY: Do you not believe that in your county or in any other county of the state you can get a petition signed by four per cent. of the people on almost any question?

Mr. MILLER, of Crawford: I would not want to say that it was possible to get that many names on any thing.

Mr. EBY: On any subject that had merit enough to enact couldn't you get four per cent?

Mr. MILLER, of Crawford: No; I don't want to take the ground that our people do not have enough discernment for four per cent. of them to sign anything. I would not say that. I know sometimes we say that is the sentiment of some people who have no faith in the people, but I have implicit confidence in the people.

Hon. Henry Cabot Lodge said in an address last November that, "There are few instances where petitions representing a genuine popular demand have not met a response in action, whether in congress or in the state legislatures, but the responsibility for action and the form such action should take has rested with the representative body." That is what we want to remedy. We

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hold that the people who created the representative is greater than the representative, that the people are over and above not only the representative, but every act of the representative.

If this be not true then how can the people be sovereign?

The same speaker declares that "If on the demand of a minority of the voters the initiative or referendum is made compulsory, then all responsibility vanishes from the representative body, and that no man fit by ability and character to be a representative would accept the office under such humiliating conditions."

Apply that argument to this body. Did not every member here know that the work of this Convention would be referred to the people? Certainly they did. It did not deter the numerous candidates over the state from seeking the position, and does it make any member here any less anxious that the measures here adopted be worthy of the best efforts of the Convention? Are we concerned as to the people's judgment upon our work? Every argument, every debate, every action of this body, is proof that our greatest concern is to be able to submit amendments that will meet with the approval of the electors of our state. Then why should legislators be any different, if they are sincere? And I am in no manner charging insincerity on the part of legislators.

I believe a member of the general assembly will court the plan as proposed in this measure, and be willing to devote his talent and time to a study of measures that may be proposed by petition; and if he has done his duty he will be glad to know that his work may be referred to the people for their sanction. Knowing this, I submit to you, would his efficiency and worth as a legislator be improved?

The argument has been constantly put forth that the voters will not examine and will not be able to intelligently pass upon the bills that may be initiated. Grant that this may in a measure be true, does not the same hold against legislative enactments? The gentleman from Allen [Mr. HALFHILL] said as much when he argued that it would be imposing an impossible task to ask each member of the legislature to examine all proposed bills, and he further said even after bills were examined by committees, discussed, scrutinized and reported out and passed by the legislature, even then we frequently had some very undesirable laws enacted.

Now, I submit to you, is it more dangerous to have laws passed by the legislature when even one member of that body has not fully examined and fully comprehended a bill than it would be to have seven or eight thousand electors vote on a measure that they may not fully understand? Evidently not, for each member of the legislature represents about eight thousand voters.

The entire trend of the argument against the principle of the initiative seems to be that every measure that will be proposed by the people will be vicious, will be class legislation, that everything bad and no possible good can result from it. This argument is as inconsistent as it is impossible, for no law could possibly be initiated and enacted that would not affect the very people who initiated and indorsed it.

"One formative idea of the age has been and is democracy; and the advance of this democracy is not an

isolated fact in history. It is only a part of the irresistible sweep of modern civilization, and the result will be the ultimate triumph of political democracy," and no movement can be a more potent factor in the consummation of the restoring and preservation of the rights of all the people than the initiative and referendum. Referring to the quotation by the member from Van Wert, [Mr. ANTRIM] I can only say that we are not the first by whom the new is tried, and Ohio is not going to be the last to lay the old aside.

Now I want to offer the following substitute for the amendment and the original proposition:

The substitute was read as follows:

Amend Substitute Proposal No. 2—Mr. Crosser, by striking out all after the word "Proposal" in Proposal No. 2—Mr. Crosser, and all pending amendments thereto and substituting therefor the following:

To provide for the initiative and referendum and the legislative power.

*Resolved, by the Constitutional Convention of the state of Ohio, That section I of article II shall be as follows:*

SECTION I. The legislative power of this state shall be vested in a general assembly consisting of a senate and house of representatives but the people reserve to themselves the power to propose laws and amendments to the constitution, and to adopt or reject the same at the polls independent of the general assembly, and also reserve the power, at their own option, to adopt or reject any law, item, section or part thereof, passed by the general assembly.

SECTION I-a. INITIATIVE. The first aforesaid power reserved by the people is designated the initiative, and the signatures of eight per centum of the voters shall be required upon a petition to propose any law, and of twelve per centum upon a petition to propose an amendment to the constitution.

When there shall have been presented to the secretary of state a petition signed by the aforesaid required number of voters and verified as herein provided, proposing a law or an amendment to the constitution the full text of which proposed law or amendment to the constitution shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the voters the proposed law or amendment to the constitution in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to ninety days after the presentation of such petition. All such initiative petitions, last above described, shall have printed across the top thereof, in the case of proposed laws, the following: "Law proposed by initiative petition to be submitted directly to the voters." Or, in case of proposed amendment to the constitution; "Amendment to the constitution proposed by initiative petition to be submitted directly to the voters."

SECTION I-aa. When at any time, not less than ten days prior to the commencement of any ses-

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sion of the general assembly, there shall have been presented to the secretary of state a petition signed by four per centum of the voters and verified as herein provided, proposing a law or amendment to the constitution the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the general assembly as soon as it convenes. The proposed law or amendment to the constitution shall be either approved or rejected without change or amendment by the general assembly, within sixty days from the time it is received by the general assembly. If any such law proposed by petition shall be approved by the general assembly it shall be subject to the referendum as herein provided. If any such amendment to the constitution proposed by petition shall be approved by the general assembly it shall be submitted to the voters. If any law or constitutional amendment so petitioned for be rejected, or if no action be taken thereon by the general assembly within such sixty days, the secretary of state shall submit the same to the people for approval or rejection at the next regular or general election in any year. The general assembly may decline or refuse to pass any such proposed law or constitutional amendment and adopt a different and competing one on the same subject, and in such event both the proposed and competing law or both the proposed and competing constitutional amendment shall be submitted by the secretary of state to the voters for approval or rejection at the next regular or general election in any year.

All such initiative petitions, last above described, shall have printed across the top thereof in the case of proposed laws, the following: "Law proposed by initiative petition to be first submitted to the general assembly," or in case of proposed amendments to the constitution, "Amendment to the constitution proposed by initiative petition to be first submitted to the general assembly."

Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the voters.

Any proposed law or amendment to the constitution submitted to the voters as provided in section 1-a and section 1-aa, shall go into effect when approved by a majority of those voting upon the same, and shall be published in the same manner as acts of the general assembly.

If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the voters shall be subject to the veto power of the governor.

SECTION 1-b. REFERENDUM. The second aforesaid power reserved by the people is designated the referendum, and the signatures of six per centum of the voters shall be required upon a

petition to order the submission to the voters of the state for their approval or rejection of any law, or any item, section or part of any law passed by the general assembly.

No law passed by the general assembly shall go into effect until ninety days after the final adjournment of the session of the general assembly which passed the same, except as herein provided.

When a petition, signed by six per centum of the voters of the state and verified as herein provided, shall have been presented to the secretary of state within ninety days after the final adjournment of the session of the general assembly which passed the law, ordering that any law or any item, section or part of any law, be submitted to the voters of the state for their approval or rejection, the secretary of state shall submit to the voters of the state for their approval or rejection, such law, or any item, section or part of any law, in the manner herein provided, at the next succeeding regular or general election in any year occurring at a time subsequent to thirty days after the filing of such petition, and no such law or any item, section or part of any such law, shall go into effect until and unless approved by a majority of those voting upon the same. If, however, a referendum petition is filed against any item, section or part of any law, the remainder shall not thereby be prevented or delayed from going into effect.

SECTION 1-c EMERGENCY MEASURES. Acts providing for tax levies, appropriations for the current expenses of the state and other emergency measures necessary for the immediate preservation of the public peace, health or safety, if the same upon a ye and nay vote shall receive the vote of three-fourths of all the members elected to each branch of the general assembly, shall go into immediate effect, but the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a ye and nay vote, upon a separate roll-call thereon.

A referendum petition may be filed upon any such emergency law in the same manner as upon other laws, but such law shall nevertheless remain in effect until the same shall have been voted upon, and if it shall then be rejected by a majority of those voting upon such law, it shall thereafter cease to be law.

SECTION 1-d. The powers defined herein as "the initiative" and "the referendum" shall never be used to amend or repeal any of the provisions of this paragraph or to enact a law or adopt an amendment to the constitution authorizing a levy of the single tax on land or taxing land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon, to personal property or to the bonds of corporations, other than municipal, that shall take effect in any municipality except upon a vote of the people of said municipality or in any district in a county outside of the municipalities of said county except upon a vote of the people of said district.

SECTION 1-e. LOCAL INITIATIVE AND REFER-

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ENDUM. The initiative and referendum powers of the people are hereby further reserved to the voters of each city, village, county, township, school districts or other political subdivisions of the state to be exercised in the manner to be provided by law.

SECTION I-f. GENERAL PROVISIONS. Any initiative or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, or the proposed law or proposed amendment to the constitution. Each signer of any initiative or referendum petition shall also place thereon after his name, his place of residence. Each part of such petition shall have attached thereto the affidavit of the person soliciting the signatures to the same, stating that each of the signatures attached to such part was made in his presence, and that to the best of his knowledge and belief each signature to such part is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures in accordance with the provisions hereof shall be verified free of charge by any officer authorized to administer oaths.

The petition and signatures upon such petitions, so verified, shall be presumed to be in all respects sufficient, unless not later than fifteen days before election, it shall be otherwise proven and in such event ten days shall be allowed for the filing of additional signatures to such petition, and no law or amendment to the constitution submitted to the voters by initiative petition and receiving an affirmative majority of the votes cast thereon shall ever be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same shall have been procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency.

One-half of the total number of counties of the state shall each be required to furnish the signatures of voters equal in number to one-half of the designated percentage of the voters of such county, upon all initiative or referendum petitions provided for in any of the sections of this article.

A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law submitted to the voters by referendum petition may be named in such petition and the arguments or explanations, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same; the person or persons who prepare the argument or explanation, or both, for the law submitted to the voters by referendum petition or for any competing law or competing amendment to the constitution or against any law submitted by initiative petition, shall be named by

the general assembly if in session and if not in session then by the governor.

The secretary of state shall have printed the law or proposed law or proposed amendment to the constitution together with the arguments and explanations not exceeding a total of three hundred words for each of the same, and also the arguments and explanations not exceeding a total of three hundred words against each of the same, and shall mail or otherwise distribute a copy of such law or proposed law or proposed amendment to the constitution together with such arguments and explanations for and against the same to each of the voters of the state, as far as reasonably possible. The secretary of state shall cause to be placed upon the official ballots the title of any such law or proposed law or proposed amendment to the constitution to be submitted and shall cause the ballots to be so printed as to permit an affirmative or negative vote upon each law or proposed law or proposed amendment to the constitution.

The style of all laws shall be "Be it enacted by the people of the state of Ohio," and of all constitutional amendments, "Be it resolved by the people of the state of Ohio."

The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor.

The foregoing sections of this article shall be self-executing, but legislation may be enacted to facilitate their operation, but in no way limiting or restricting either their provisions or the power therein.

The PRESIDENT: The question is on the adoption of the substitute offered by the member from Crawford [Mr. MILLER].

Mr. LAMPSON: Where that new matter begins, after the word "municipal," is that "shall" a capital letter? Does it begin a new sentence?

The SECRETARY: No, sir.

Mr. LAMPSON: Then the period is changed to a comma?

The SECRETARY: After the word "municipal" there is a comma and the "shall" begins with a small letter.

The VICE PRESIDENT here took the chair and recognized Mr. Fackler.

Mr. FACKLER: To one who has followed the discussions which have taken place on the initiative and referendum since the campaign on this subject opened, it has been interesting to note the manner in which the opponents of the measure have been chased from position to position by the men who have been favoring it.

When the campaign was first opened the great objection that was raised to the initiative and referendum was the expense that would be involved, and, in addition to that, it was said that the state would be kept constantly in a turmoil through the calling of many special elections. That argument has been taken away from the men who advanced it, and in the proposal which is before the Convention it is provided that only at annual or general

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elections do the people have a chance to vote upon initiated and referred measures. Consequently the expense argument is entirely eliminated.

Then, next, the opponents of this measure, always sparring in order that they might not be placed in a position of not having faith in popular government, but in fact trying to find some other ground on which they can hang an objection to the measure, said that the rule by which the majority of those voting decided a question was essentially unsound. However, when it was shown that twenty-eight states in the Union at the present time have been forced to the expedient of adopting amendments to their constitutions by a vote of the majority of those voting that argument was exploded, and we have not heard anything more about it. But we still hear the old argument about the destruction of representative government. I shall not attempt to say much upon that subject, as Judge Okey has discussed it, but it seems to me that to argue that the placing of the check and balance of the initiative and referendum upon representative government would be destructive of it, is unsound.

You do not destroy the power of an agent when you reserve a right to veto his action, or when you keep the right to go in and do what he has failed to do. If you, as a man in business, found that your representative whom you had hired to do your business had frequently betrayed you, had sold out to your enemies, had made improvident contracts or had been inefficient in his actions, and the time came for you to make another arrangement with him, do you not think it would be the part of prudence on your part as a business man to say to that representative, "Look here, I have found out that at certain times you were not representing me. Now I am going to keep a check on your actions and I am going to reserve the right if I find out that you do something that I don't want you to do to stop it, and I am going to reserve the right that if I want you to do something and you don't do it I will start it myself?" Do you think that would be destructive of agency? Not at all. So these powers of the initiative and referendum, the direct initiative, if you please, cannot by any logical construction be called a destruction of representative government.

But there is one other argument to which I wish to call attention, and that is the argument that the adoption of the initiative and referendum will result in minority rule. We have heard considerable of that. We have had it pointed out that only from sixty-five to ninety per cent. of the electors vote upon the initiated and referred measures, and inasmuch as only a majority of those voting is necessary to render a decision that that decision is necessarily rendered by a minority of the whole electorate. Let us see whether we have minority or majority rule at the present time, and whether or not we shall approximate more closely to majority rule through the initiative and referendum than we are at the present time, I will do as a distinguished speaker did last week—I will take this Convention as an illustration.

Take ten of the small counties of the state and we find they have a population of a hundred and sixty-eight thousand. Yet they have ten men in this Convention. One hundred and sixty-eight thousand in those rural counties have ten representatives on the floor of this Convention!

Cuyahoga county with six hundred and thirty-seven thousand people has ten representatives. In other words, the rural counties have almost four times as much representation in this Convention as have the large counties of the state.

On the other hand if you take sixty of the smaller counties of the state and figure up the population you will find that they have a population of one million six hundred and forty-one thousand, whereas the whole population of the state is four million seven hundred and sixty-seven thousand. In other words, one third of the population of this state contributed to this Convention a majority of the Convention and a majority of that one-third can control the Convention or control any legislature that has heretofore been called. So one-sixth of the people can absolutely govern in the state of Ohio today. Is there any objection to that? Therefore we have minority rule and instead of having laws made by thirty-five or forty per cent. of the entire voting population of the state, we have actually in the state of Ohio laws made by sixteen and two-thirds per cent. of the population. So I do not see any great terrors about the minority rule in the adoption of the initiative and referendum. Now let us take another point. I took the sixty men who can control this Convention and I figured out how many votes they got to seat them in this Convention. I found that the men from the smaller counties of Ohio that control this Convention received one hundred and thirty-two thousand, one hundred and sixty-four votes, or approximately twelve per cent. of the total vote of the state. We are not scared about that, and yet we call that representative government.

Mr. ANDERSON: Will you allow me to call your attention to a mistake?

Mr. FACKLER: Yes.

Mr. ANDERSON: I suppose you got that from the table from the secretary of state showing the votes?

Mr. FACKLER: Yes.

Mr. ANDERSON: In Mahoning county that table gives me a majority of 1,912, whereas as a matter of fact I had 2,200 majority.

Mr. FACKLER: You come from a very large county, so I didn't figure you in this at all.

Mr. ANDERSON: But if the figures are wrong as to that, they may not be very reliable as to the small counties.

Mr. FACKLER: I don't think they are very far wrong. I think they are fairly accurate. They have some mistakes.

Mr. LAMPSON: What do you figure that twelve per cent. on?

Mr. FACKLER: The total number of electors in the state.

Mr. LAMPSON: Why not figure on the total vote cast for delegates?

Mr. FACKLER: I did not figure it upon that. I figured on a basis you object to and which you say is minority rule, but which I say is not minority rule. So when you come to have measures adopted by from thirty to forty per cent. of the electors, taken as a whole, you find that the cry of minority rule in the face of the small number of people who actually control elections in the state of Ohio today is a false issue.

But consistency does not seem to be one of the virtues

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of men who oppose the initiative and referendum. At the same time they cry out against minority rule they cry out for the rights of the minority. Now if the initiative and referendum mean minority rule, why howl about the rights of the minority and why be continually saying that constitutions are to protect the minority against the majority? But what other rule can you have in government, in all human affairs, if not the rule of the majority? Listen to the words of Lincoln on that proposition when someone advanced it. He says "Unanimity is impossible; the rule of a minority as a settled proposition is inadmissible; consequently the rule of the majority is the only possible outcome." Why should we not have faith in a majority of the people, in their sanity, in their wisdom, in their patriotism? Can you give any better rule in human affairs than the rule of the majority? Can you give any safer rule than the rule of the majority? But we have heard a new argument raised against the initiative and referendum. We have heard the gentleman from Ashtabula [Mr. LAMPSON] give a dissertation upon the beauties of the pastoral life and point out the terrors that are to come from the voters in great centers of population. Who is this city voter against whom he has declaimed? Who is this city voter against whose ignorance and lack of patriotism Mr. Lampson has warned you? Who is this unreliable voter that brings terror to his agricultural heart? Who is this toiler of the city whose growing influence in government is depicted in terms of solemn terror by the anointed champion of the toiler on the farm? Far be it from me, the son of a farmer, to detract from or cast aspersions upon the character, intelligence and patriotism of the men whose patient industry upon our farms forms the substantial basis of our progress and prosperity in this state.

But my admiration for the farmer does not blind me to the virtues of other men who play an equally important part in the industry of the nation.

Who are these toilers of the city? They are the sons of the men upon the farms, they are the brothers and the cousins and the grandsons of the men who were the pioneers of this country and made its farms. Have you so little confidence in the Anglo-Saxon under changed conditions to preserve his capacity for self-government as to lose all faith in his ability to survive the temptations of urban life?

But the gentleman from Ashtabula [Mr. LAMPSON] says that we have a large foreign population in the city which is a terrible menace. I wish you would go with me into some of these foreign sections and see the class of people face to face who are thus spoken of as a menace. I will take you into the foreign sections of the city of Cleveland and take you into meetings of these men, and you will hear discussions of social and economic questions that you will not find exceeded in ability among the most intelligent farmers. No, we have nothing to fear from these men, coming here as they do eager to take advantage of our institutions.

Why, I have seen them in the night schools and it would be a sight worth seeing for some of you men who have such ideas of the ignorance of the foreign voter to go into the night schools of a great city like Cleveland and see these foreigners there working to gain an education and to master our language so as to take the

fullest advantage of all the opportunities we have in this country. These toilers of the city are the men who stand in the fierce heat of the furnace and draw the iron which other toilers make into all the great instruments of modern business, from the binder which reaps the farmer's grain to the engine which draws it to the market. They are the men who weave the cloth that makes the clothing that warms the farmer's family. They are the men who print the books, who make the machinery and who furnish all the comforts of rural life. Do we need to be afraid of these men, these producers of wealth, any more than any other producer of wealth?

Mr. LAMPSON: Are not the home owners in the city just as much interested in the protection of our laws as are the home owners in the rural districts, and did not I stand here and defend them?

Mr. FACKLER: Indeed they are, and they don't need any defender. They are perfectly capable of taking care of themselves if you give them an opportunity to defend themselves.

But the great ex-senator stood here and referred to the champions of the initiative and referendum as men who had assumed to be guardians of the people. I ask you, who stands here assuming the guardianship of a free people? Is it not the man who would say to the majority of the people of Ohio, "You shall not do this or that, and we want to fix the initiative and referendum in such a way that you cannot possibly hurt yourself."

What has been the result of the exercise of these powers in the great city of Cleveland? I ask you, in the struggle over the traction lines through which that city has just passed, what would have been the result when millions and tens of millions hung upon the result of a single election—what would have been the result had the conditions which have been shown to exist in at least one county of the state, which was not an urban county, existed in the great county of Cuyahoga? It was not in Cuyahoga and it was not among your foreign population that votes were bought, and I as a citizen of Ohio am ashamed that such a condition existed.

Mr. PETTIT: Do you undertake to say there were no votes bought in Cuyahoga county?

Mr. FACKLER: There may be corruption in Cuyahoga county, as in any other county, but I have never yet seen anything to indicate to me that politics are as corrupt there as I have understood them to be elsewhere.

Mr. PETTIT: Oh, you are all ready to go to heaven up there, I guess.

Mr. FACKLER: No; not at all ready for that. They need a great deal more reformation yet, but they certainly have a deep and abiding respect for the power of the ballot.

No, gentlemen, you need not have any fear of the voters of the city. You will find them in the forefront of any movement which has for its object the amelioration of social and economic conditions. I say shame upon the man who would raise a barrier of prejudice or passion between the toiler of the farm and the toiler in the factory! God knows their cause in human government is the same—the cause of the producers of all material wealth.

Now we have heard a great many arguments that have been advanced regarding the initiative and referendum from various men. The other day we heard an argu-

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ment from a gentleman who said he thought maybe it might be all right in Oklahoma—no, I don't believe he said Oklahoma. I believe it was in Oregon or California, because, looking at it from this distance, he could see they had some real abuses out there. Gentlemen, don't you suppose if you were in California or Oregon and would look over at the old state of Ohio and you saw the state sending her legislators to prison and you saw fifty-year franchises that had been taken away from her people—don't you think you would be inclined to say it would be a pretty good thing in Ohio?

Human nature is much the same in Oregon as it is in Ohio, and these gentlemen think it is a good thing, but they don't think it is a good thing to apply it to the state of Ohio because it might disarrange some of our nicely adjusted business conditions.

Now, gentlemen, we are going to have a test of representative government in this Convention. More than eighty men have been elected to the Convention pledged to the initiative and referendum, and I tell you the test is going to be to see how many of them stand true to the faith when the time comes.

Mr. EBY: How many of those hundred and nineteen were elected pledged to a four per cent initiative?

Mr. FACKLER: I do not know that that matter was considered at all at that time. Most of us were elected upon an eight, ten and twelve per cent basis—not more than that. We were obligated to demand not more than eight per cent on the referendum, not more than ten for the initiation of statutes and not more than twelve per cent for initiation of constitutional matters, but during the campaign we never thought anything about an indirect initiative and I do not think that this four per cent in the indirect initiative is a new thing.

Mr. LAMPSON: Was it your original purpose, so far as petitioning is concerned, to disfranchise all the counties except Cuyahoga and Hamilton?

Mr. FACKLER: No; you have your vote when the time comes.

Mr. LAMPSON: Why not give us a chance to sign some petitions too?

Mr. FACKLER: You would have a fair chance with any other county.

Mr. LAMPSON: They don't give it to half the counties in the state.

Mr. FACKLER: Ninety per cent in Ashtabula county could sign—

Mr. LAMPSON: Not if the petitions were not circulated there.

Mr. FACKLER: You would have a right to get information and be enlightened.

Mr. LAMPSON: We don't want to go to Cuyahoga for all our information.

Mr. FACKLER: No; and neither do we want to have to draw our information from you.

Mr. ANDERSON: Don't you think we can be friendly to the initiative and referendum—just as friendly and as true as any other man—and not necessarily be for every single thing in this Crosser proposal?

Mr. FACKLER: I will answer that in the affirmative, but I will say this also, that where you get many men together you get many minds. You probably have a certain initiative and referendum in your mind and you would like to see every other member of the Convention

come to support that. I may have one in my mind, but in representative government all legislation is reduced to a sort of compromise, and the men who are the friends of this measure have agreed among themselves as to the terms of the measure that they are willing to stand for, everyone of them.

Mr. ANDERSON: Say that we were unfortunate, like some others, in not being invited to the caucus, but still being friendly to the initiative and referendum long before some other people who claim to be so friendly to it now were even talking about it, do you think we would be untrue if we did not vote for the Crosser proposal just as it stands?

Mr. FACKLER: I would say to you vote as your conscience dictates, but I don't care to go into any personal grievances that you may have.

Mr. ANDERSON: I only ask this question because we were going to have a "test of representative government."

Mr. FACKLER: Indeed we shall.

Mr. ANDERSON: And did you not infer by those words that those who did not vote for this as it stands were not in favor of representative government because we had made certain pledges before we came here? If you didn't mean that what did you mean?

Mr. FACKLER: I meant you would be able to distinguish in the votes before this body the men who were really in favor of the initiative and referendum and the men who were in favor of it for campaign purposes only.

Mr. ANDERSON: There are several of us candidates here, are there not?

Mr. FACKLER: Oh, yes.

Mr. COLTON: If it is proper to pass a law by simply a majority of those who vote upon it, why is it not proper to pass a law in the legislature by a majority of those who vote upon it?

Mr. FACKLER: I will tell you why. You find in the general body of the electorate men who take no interest in elections. Other men are not informed on matters and so don't vote. The experience of the various states in their votes upon constitutional amendments submitted to the people shows there are many people (and the number of those people increase as you go into what might be called the most unintelligent sections of the states) who do not vote at all. Why should we count those people who have not interest enough or intelligence enough to decide the matter either for or against the measure? Why should they not be counted in government for exactly what they are, nonentities?

Mr. ANDERSON: Do you not think that the true friends of the initiative and referendum are those who are trying to put it in such shape that it will get the largest vote when the ratification of the constitution is put up to the people—

Mr. FACKLER: Don't let that worry you.

Mr. ANDERSON: Pardon me, I am not through—so long as you do not forsake the principles underlying it?

Mr. FACKLER: Don't let that worry you about the people adopting it.

Mr. ANDERSON: I asked you a question and not for any reference to my worrying.

Mr. FACKLER: What was your question?

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Mr. ANDERSON: Were you so anxious to speak about my worrying that you didn't know what I asked you?

Mr. FACKLER: I may have been.

Mr. ANDERSON: Don't you think the true friends of the initiative and referendum are those who are trying to put it in such shape that will get for it the largest vote when the ratification of the constitution is put up to the people so long as they do not forsake the principles underlying it?

Mr. FACKLER: Yes; but I dare say there are some men who are enemies of the initiative and referendum acting under the guise of getting it so the people will adopt it who are trying to put all kinds of hindrances and hobbles upon it.

Mr. ANDERSON: Do you think that those standing for eight, ten and twelve per cent., as suggested during the campaign, are in that class you speak of, people who, under some guise, are trying to submit a proposition that will be defeated?

Mr. FACKLER: I have not made any such charge, but I do say that when the votes come on this measure the people will be able to determine who are the true friends of the initiative and referendum.

Mr. ANDERSON: How determine? If they vote against it your description implies that they are enemies of it.

Mr. FACKLER: I think so. When it finally comes to a vote the matter can be determined. I do not say that any man who votes for or against any amendment is necessarily an enemy, but when it comes to the final vote you can tell and there will be abundant opportunity to judge.

Mr. ANDERSON: So it is your opinion if these amendments are all voted down, if we refuse to vote for the adoption of the production of the caucus word for word, no change whatever, therefore we are enemies of the initiative and referendum?

Mr. FACKLER: That is a non sequitur. Nobody ever made such a statement as that. Certainly I did not. I said there will be plenty of opportunity for amendment. This proposal has been amended in committee after it came from the so-called caucus. It was amended and it has been attempted to amend it on the floor here. But when the amendments are disposed of, when it finally comes to a vote on passage, then we can tell.

Mr. PETTIT: I rise to a question of personal privilege. I understand that the president of the Convention has a prescribed list prepared for the speakers. Is that correct?

The VICE PRESIDENT: It is not. There is a list of names here with a request to recognize them in that order.

Mr. PETTIT: Then we have to get permission to be recognized. We have to bow and cringe to the gentleman who has been sitting up there as an autocrat through all these weeks!

The VICE PRESIDENT: This does not forbid the presiding officer from recognizing anybody who, in a parliamentary way, seeks recognition.

Mr. PETTIT: It doesn't forbid, but all of these gentlemen will be recognized. Now how many of them have you on that list?

The VICE PRESIDENT: Twenty-two names. Do you want to be the twenty-third?

Mr. PETTIT: The president and his man Friday arrange everything and say who shall be recognized and when.

Mr. DOTY: Don't worry; you will all have a chance.

The VICE PRESIDENT: The Convention will be in order. The delegate from Richland is recognized.

Mr. KRAMER: Gentlemen of the Convention: I do not know but what I ought to give my credentials before I say anything about this proposal, because I notice that everybody who dares to say a word against the proposal as it is presented to us is denounced as a bloated bond-holder or a plutocrat or an attorney for corporations or some other thing equally as bad. So I think I shall give my credentials before I commence to speak. As you all may judge from my personal appearance, I am not a bloated bond-holder; neither am I a plutocrat, nor have I ever represented a corporation as an attorney. Now, are those sufficient credentials to permit me to say a few words on the proposal before us? If they are, I would like to say just a word or two against it.

I want it to be understood in the beginning that I am not an enemy of the initiative and referendum, and neither do I bend the knee to anybody to have him tell me whether or not I am a friend or an enemy of the initiative and referendum.

Mr. WOODS: May I ask the gentleman a question? Were you in the caucus?

Mr. KRAMER: That is a personal question and a ticklish one, too.

Mr. WOODS: Then I will ask another—

Mr. KRAMER: I haven't answered that one yet. I was not in the caucus.

Mr. WOODS: Is it not understood and has not the word gone forth on this floor that if you were not in that caucus you haven't the right to dot an i or to cross a t on this initiative and referendum proposal?

Mr. KRAMER: That is what was told me by members on the floor of this Convention, and furthermore the newspapers reported it, and it is borne out by the gentleman from Cuyahoga [Mr. FACKLER] who just left the floor, that the members in that caucus pledged themselves to support this measure as it is.

Now if that is so, why in the name of common sense are we discussing it? Do we want to go out and fight windmills like Don Quixote? Do we want to go out like the schoolboys in the reader who went out with sticks and stones to attack a flock of geese and then came back and said:

"We routed them and scouted them  
Nor lost a single man."

Mr. CROSSER: Do you believe that is true or not?

Mr. KRAMER: I am not saying whether I believe it or not. But I say if sixty-three members of this Convention have absolutely agreed upon the proposition, you ought to be fair enough to take the rest of the membership into your confidence and stop all this twaddle on the floor of the Convention and spending the people's money at the rate of five hundred dollars a day.

Mr. CROSSER: Then why talk about it? You must have a great deal of confidence in your forensic ability.

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Mr. KRAMER: Oh, no; I am not claiming anything in the way of forensic ability. I will let the members decide as to what my capabilities are in that line.

Now I am just as good a friend of the common people of the state of Ohio as any man in this Convention. I am just as much one of the common people as any of you members and I understand the common people just as well as any man upon the floor of this Convention. I was reared among the common people, I am one of the common people and I know the ability of the common people just as well as any other man here. Don't tell me I am an enemy of the common people just simply because I can not subscribe to every last thing that is in this Proposal No. 2. Eight or ten years ago I told the people I was in favor of the initiative and referendum and when I started out on my campaign in Richland county the people asked me whether I was a progressive or a stand-patter. I didn't know very much about either term, but I said I was a progressive like a lot of the rest of us, who, no matter what we are, claim that we are progressive. There is not a man on the floor who is not a friend of the people. Talk about being an enemy of the people, we are all friends of the people, just as much as the gentleman from Cuyahoga or from Cincinnati. We may differ as to our views a little.

Now I am in favor of such an initiative and referendum as will protect the people and will enable them to preserve their rights, not only from the rascals in the legislature, but from the rascals outside of the legislature. That is the kind of initiative and referendum I would like to see adopted here, and I am pretty sure of the proposition that whenever the people are sick they will seek a physician, and it will not take any money or effort or time or energy to get them to go after that physician. If I have a pain in my bowels I will have a physician and I won't ask for any quack to come around to tell me that I am sick, because I will know that I am sick. Whenever I know I am sick I will hunt for a physician. I tell you who is having the trouble. It is the old quack who starts out with his valise full of all kinds of nostrums and panaceas for all the ills, from a corn on your toe to the brainstorm in your head. That is the fellow who has the troubles. It will take time and money and energy to first get the people to believe that they are sick and then it will take time and energy and money to get the people to believe that that fool quack has the remedy in his valise to cure whatsoever ills they may have.

Gentlemen, I believe this proposition is true, that whenever the people of the state of Ohio are in trouble they will seek an attorney. It will not take any money or time or effort or energy to get them to go after the attorney. It is the pettifogger that has the trouble. When he starts out he has two things on his mind. He must first make the people believe they are in trouble and then he makes them believe he is the fellow who can get them out of trouble rather than get them in. It will take time and money and efforts and energy for the pettifogger to make the people believe him.

Let us apply those principles to the thing now under discussion. I am profoundly of the opinion that whenever the people in the state of Ohio are suffering — mind you, when the people are suffering — whenever the peo-

ple are bearing burdens, whenever the people are enraged and outraged because of the failure of the legislative body to enact such laws as will relieve them of their burdens and suffering, the people will speak. The people will find the remedy. The people will hunt the physician. The people will look out for the petition. The people will find it and the people will sign it, and there will absolutely be no trouble along that line. Mind you, that is when the people are suffering — not when some demagogue is suffering, but when the people are suffering — they will find the petition, they will sign the petition and you will not need to hire any agency to go around circulating the petition among the people to get signers because the people will find it themselves. Here is the trouble. The demagogue, the political agitator, the quack starts out with his valise full of all kinds of laws and innovations to make the people believe they are suffering great torments and bearing great burdens, and then makes the people believe he has the remedy to cure them of all their ills. That is the fellow who will have his trouble. That is the fellow who will have to procure agents to go around to get signatures to a petition. That is the fellow who will have to sign to the petition names of people who have been in their graves for years. But is it conceivable that if the people are in trouble they can not get more than four per cent on a petition? The people are bearing burdens and can not get more than four per cent! The people are enraged and outraged because of the failure of the legislative body and they are unable to get even eight per cent of signers upon their petition! I will tell you, gentlemen, the very fact that these persons advocate four per cent as the requisite per cent shows that they are not interested in the people. They are interested in the demagogue. They are interested in the political agitator. They are interested in a system of government that will enable one man to go out and stir up four million men. That is all they are interested in. Let me tell you the people, if they are interested, will find the petition, and the only thing you will need to have will be a policeman to keep them away from the petition. That is all the money it will take. They very idea! The people are suffering and bearing burdens and enraged and outraged and then can't get more than four per cent of signers to ask the legislature to enact some law!

And if a man is not in favor of this proposition he is denominated an enemy of the people. I will tell you, my friends, what I would like to see and that is, as I said in the beginning, the initiative and referendum established on such a basis that the people of the state of Ohio will be protected not only from the rascals in the legislature, but from the rascals outside, and if I am allowed to judge there are people outside of the legislature who are just as big rascals as any in it, and they are more dangerous to the common people, because when you have rascals in the legislature you can watch them, but when they are roaming over Ohio they are dangerous and you can't keep up with them. In ancient times when the northern tribes were overrunning Rome, when the fierce Northmen were devastating the whole of Italy, the Romans were begging and praying to be relieved from the terrible trouble. But that was nothing compared to the trouble ten years from now, when the people of this state will be crying to be relieved from

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the fury of the political agitator, if this proposal is adopted.

Friend of the people? Sure I am.

Confidence in the people? Sure.

But let me tell you there is a difference in confidence. When I was on a farm we had a team of horses and in that team of horses I had the most implicit confidence. I trusted that team of horses any place and anywhere. But do you suppose I was fool enough because I had confidence to load them down with more than they could pull? No, sir. I always figured on the road over which I had to travel, and I always figured on the hills up which I had to go, and I made the loads to suit the hills and the road over which the horses had to pull that load. That is what we must do with the people.

You men know very well that the people are not prepared to pass on a great number of laws at one particular time. If you want to have it done with precision or with anything like exactness the people can not do it.

Talking of confidence let me give you an illustration. I have the fullest confidence in the member from Holmes [Mr. WALKER] I have all confidence in him because he is a minister of the gospel. Suppose he would come to me tomorrow and ask to borrow \$10. I would say, "Yes, you can have the \$10, and you can pay it back whenever you get ready." I have confidence in him. But suppose he would come around the next day and say, "Kramer, I would like to borrow \$1,000." Well, knowing that he is a preacher, I would know pretty near to a certainty that Mr. Walker could not reasonably expect to be able to pay me back that \$1,000, and I would say to him, "I guess not." Then he could come back to me and say, "Kramer, haven't you confidence in me?" Sure I have, but you must remember I have confidence in him according to his ability. That is the extent of my confidence.

That is the way I would like to protect the common people, that is the way I would like to protect the people of Ohio, not only from the legislative body but from the people outside of the legislative body too. That is the reason, gentlemen, although I promised my constituents over in Richland, the very few who understood a little about the initiative and referendum, that I was going to vote to add these words, provided they were properly guarded and safeguarded, and notwithstanding that promise I made, if this proposition is put up as it is here I will never support it and the people of ten years from now will thank me because I did not support it. Four per cent! Why, I can get four per cent of the voters in Richland county to sign a petition to send the best man in the county to the penitentiary and not a man of them would know what they were signing, and you know that. But if the people wanted a thing done, if the people were aroused in their indignation, they could get forty-five per cent to sign a petition without the least difficulty in the world. Hence I am in favor of the proposal submitted by the gentleman from Allen [Mr. HALFHILL]. I know when I say that that I have heard pretty near everything about the gentleman from Allen. He has been denominated here as a reactionary; he is a conservative; he is an attorney for corporations, and I don't know what all he has been called, but, gentlemen, I will run the risk of going the limit with the gentleman from

Allen [Mr. HALFHILL] and be called what you care to call me rather than support Proposal No. 2.

I am willing to concede that the principle of the referendum is not half so dangerous as the principle of the initiative, and hence I am not caring whether the percentage in the referendum is so high or not, because the people can protect themselves from the referendum, but they are absolutely helpless to protect themselves from the initiative. The only danger there is about the principle of the referendum is the effect it will have upon the legislature itself. Judging the legislature by this Convention it will have a mighty bad effect upon the legislature. How many old fellows, and young fellows too, have we sitting around here who have been getting up on their feet and saying "Put this up to the people?" The first thing I heard in the Liquor Traffic committee was, are you afraid to put it up to the people? It was not a day before they were urging the committee to put it up to the people. If the legislature is to be tested by the actions of this Convention we would have a lot of old fossils sitting around here doing nothing but putting laws up to the people, thus shifting the responsibility from where it belongs—from the shoulders of the legislators—to the people, who could not bear it at all. You know they cannot bear it. Hence, I think we should limit the referendum and make it so that not too many laws will be referred to the people at one time.

Now I am sorry I have spoken over twenty minutes, but I still want to give one or two illustrations to show that the people cannot bear these burdens.

The gentleman from Noble [Mr. OKEY], the man who so nobly argued for Proposal No. 2, appeared in our committee on Legislative and Executive Departments arguing that we ought to take the veto power from the governor entirely, and you remember, Brother Okey, you told us at the time that when the proposition giving the governor the veto was adopted by the people there was no demand for a change at all. No, you said that ninety-nine out of a hundred people who voted for the governor's veto never knew they voted for it. They didn't know there was such a thing before them. Do you suppose that the people of the state of Ohio, this great sovereign people, would ever have given the governor an absolute veto if they had understood it? Not much. They didn't know it. They didn't understand, and so he said nine-tenths of the honest people of Ohio didn't know they had voted for it. And I want to tell you, if the people of the state of Ohio had known what they were voting on you and I would not be here. How much trouble did you fellows have explaining to your constituents why it was you wanted to be elected? Why, I had all kinds of trouble. They couldn't understand why in the name of common sense there were a couple of fellows running around wanting to be elected. They would ask what the Constitutional Convention was to be, who brought it into existence and who started the infernal thing, and I will guarantee that nine-tenths of the people of Richland county who voted for this Convention never knew they were voting for it. You know it, and then you want to place additional responsibilities upon the people.

Mr. JOHNSON, of Williams: I would like to know how many people in Richland county petitioned for this Convention?

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Mr. KRAMER: I don't know whether I understand the question.

Mr. JOHNSON, of Williams: You are afraid of four per cent for the initiative. How many people of Richland county petitioned for this Constitutional Convention?

Mr. KRAMER: Nobody.

Mr. JOHNSON, of Williams: The legislature forced it upon them.

Mr. KRAMER: No.

Mr. DOTY: Sure.

Mr. KRAMER: No, sir; the constitution adopted years before made it obligatory upon the legislature to put it up to the people. The legislature did not do any enforcing.

Mr. DOTY: You just said they did.

Mr. KRAMER: I did not. I got eight per cent of the voters in Richland county to sign a petition for me without any effort, and I don't think they wanted me either. Why, for anything they wanted you could get ten or twelve or fifteen per cent without any effort, so I am here to say that I am just as good a friend of the common people as they have in the whole state of Ohio, and I am willing to stand here a whole day and argue for them, but I know their limitations as well as anyone.

Mr. LAMPSON: Was not the proposition calling a constitutional convention indorsed by each of the political parties and put upon the ticket in such a way that the voters voting for the respective partisan tickets would vote for the Constitutional Convention without having their attention called to it at all?

Mr. KRAMER: Yes.

Mr. DOTY: The legislature provided for that.

Mr. KRAMER: No, sir; it is that fellow in Cincinnati, Longworth, that did it.

Mr. DOTY: That was repealed years ago.

Mr. KRAMER: Then I am wrong about it.

Mr. DOTY: It was re-enacted for this purpose.

Mr. KRAMER: I beg pardon if I was mistaken about that; I didn't catch your point.

Now, I want to close by saying this: You can stand on the floor of the Convention and blame me for being an enemy of the people, but I will give you fair warning at the close of my speech I don't want you to come before me personally, face to face, and blame me as being an enemy of the people and in favor of corporations. I will say this, however, that you will be in no danger of personal injury, because I am a Dutchman and it takes me a long time to get angry. I would possibly be home before I could think over the matter and get sufficiently angry, but I promise you when I do remember that you insulted me by saying I am an enemy of the people, I will hunt you up and demand reparation at your hands for the insult.

Mr. McCLELLAND: Gentlemen of the Convention: Brother Kramer and I, sitting close together, are frequently in close sympathy, and yet we have not always seen eye to eye although we sit side by side. Now, I am one of those who came here signed with the progressive league and pledged to eight, ten and twelve per cent. as the maximum, but with an explicit understanding that if, when we came here, slightly higher percentages were equally available, then I would be for those. My ex-

pressed preference was for ten, twelve and fifteen per cent. I was outspoken on that, but since coming here and talking with friends, and especially studying over the matter more fully, I have come to a decided change of heart and change of mind, for I am not so old yet that I cannot change my mind once in a while, at least when I have sufficient information to convince me on a subject. I want to speak this evening strictly on the percentages, with possibly an occasional remark on something else, but I shall not attempt to talk on the broad subject of the initiative and referendum.

I have been getting some figures together since coming here. We have passed through two very warm discussions, namely that concerning equal suffrage and that concerning the liquor traffic, and a canvass of the signatures that came in the petitions may throw some light upon what the percentages ought to be to initiate by petition. Now I want to call your attention to the skill with which the campaign for woman's suffrage was planned, for the size of the suffrage petition will have an important bearing on the percentages required in any petition. The suffragists made thorough preparation for this campaign. Some of you know how thorough that preparation was. Immediately upon our nomination the circulars began coming to us, both directly from the Woman's Suffrage Association and through the local Women's Temperance Unions, each one urging us to favor the submission of a separate clause providing for woman's suffrage. Then after the election the circulars continued. Did you ever see anything like this circular? Does that look natural? (Reading) "It contains something about you that you don't want your friends to know." "Your informant is a woman." "That is not your wife." "If you are a coward read no further." "You didn't put this in your scrap basket?" "You have in your possession your right to vote and a woman's right too. Does that look right?" "You don't want it?" "You are not truthful if you say that." "If you went to the penitentiary you would do your utmost to be pardoned so that you would not be disfranchised." "If you don't care for the ballot why would you do that?" "We are honest, we want the ballot." "Will you give the men of Ohio a chance to say whether we shall have it or not?"

Did you ever see that circular before, gentlemen? Does it look natural? That is Exhibit No. 1. This is a sample of the circulars. When we got tired of seeing them and quit reading them they began sending them in all sorts of names. I never signed my given name for years and years and not in years have I received mail so addressed until I began getting these. Then they commenced coming as Robert G. McClelland and they began spelling the McClelland in all sorts of ways, until finally I got some addressed to "D. E. McIlvaine." I was the only "Mac" in the Convention and the postman gave them to me.

Now, after we got tired of receiving them that way, they commenced coming with "postage due, two cents." That wasn't because the association didn't have the funds, but they knew if they made us pay two cents for a letter we would read it, and we got the circulars that way and read every one of them. When that was played out, do you remember how we would get a letter from the Cincinnati postmaster saying there was a bit of mail

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held there for postage; that if we would send a stamp it would be forwarded, and we would send the stamp and it was forwarded to us and when we got it, having paid for it, we would read it and again there would be one of their circulars?

Now, throughout all that campaign and up to the present time, the newspapers had frequent editorials and contributions concerning this matter. Then about this time petitions began to come in. Here is another letter that looks natural to all of you — Exhibit No. 2. Petitions began to come in asking for a submission of the woman's suffrage question to the voters of Ohio. They got the W. C. T. U. to circulating their petitions, and you know they are skillful at it and they circulated them and forwarded them. The Woman Suffrage Association was not accustomed to that work and they thought it best to give the matter over to the W. C. T. U.'s to conduct the campaign for them, and so the petitions were secured and they came in here in such numbers that my friend from Trumbull county was greatly encouraged in his efforts and the people who were wavering were brought over to the woman's suffrage side and the people who were opposed to it were trembling for fear they would have all the women in their community down on them. As I came through Mt. Vernon last Monday the chairman of the county board of elections came running to me and said, "Hello, Mac; the women are all down on you," and I replied, "No such a thing, just the noisy ones." He said, "Yes, the women of Mt. Vernon are all down on you." I said, "It is not true; the noisy ones may be, but the good women of the city are not down on me." He said, "Well, the fact is my wife is not down on you." I said, "Of course she is not, and none of the rest either, except a few noisy ones."

All this time the suffragettes had everything their own way. There was practically no organized opposition in the state until after the proposal was reported out of the committee twenty to one in favor of woman's suffrage, and it really seemed as if our friend from Coshocton county was the only one on the floor who was going to try to defend your mother and mine and your wife and mine from having suffrage forced upon them. Then when the discussion began on the floor, at the psychological moment these envelopes were handed to us containing our share of a petition so large that they had us all bunched together like a flock of sheep, and we were all running down the lane each trying to get through the gate first. The member who comes from the home town of the secretary of the Woman's Suffrage Association was leading the bunch. He was so scared out of his wits, if you remember, that he said, "If there is only one woman in the state who demands the right of suffrage we as men ought to give it to her" which simply means that if there is only one noisy woman in the state who is demanding the right of suffrage we as men should force that burden on the other 1,298,999 women in the state. Now no man who had his wits about him would have said such a thing as that and yet our good friend on the other side of the house in his strictly presidential way (not a Methodist way) said, "AMEN" to that doctrine. Such was the campaign and such was its effect on this august legislative body. What was the result of this campaign in the number of signatures at-

tached to these petitions? Why, from the way they had us on the run, and from the way we voted, you would think that nine-tenths of the women of the state were after us. When I asked one of our prominent business men what per cent of the women had signed the petitions he said he had supposed at least ten per cent must have signed them. So I had our good friend the secretary set one of his clerks to counting up the total number of the petitioners and wherever the Women's Christian Temperance Union by its officer stated that its membership was a hundred and fifty-six and they asked you to use your influence, etc., in behalf of the woman's suffrage that one hundred and fifty-six were counted, although only three names were actually signed. That is the way the secretary's clerk counted these petitioners and yet the surprising fact is that when the whole number was counted there were only fourteen thousand and nine hundred and thirty-three petitioners. There were a few petitions independent of that, but the total number of signatures thus counted, which gave every preference possible to the petitioners, was seventeen thousand six hundred and twenty-five. What per cent is that? There are at least one million two hundred and fifty thousand women in the state.

Mr. DUNN: I rise to a point of order. Is the gentleman speaking to the question before the house?

Mr. McCLELLAND: I am speaking strictly on the subject of percentages. I am showing how small a percentage was signed in that matter.

The PRESIDENT: The gentleman is in order.

Mr. DUNN: Will the gentleman permit me —

Mr. McCLELLAND: I am not a lawyer and not accustomed to interruptions.

The PRESIDENT: The gentleman does not yield.

Mr. McCLELLAND: Now taking seventeen thousand and signatures to the petitions, that would be only about one and a half per cent either of the voters in the state or of the adult women in the state, and inasmuch as both women and men signed these petitions you must take the half of the petitions as representing the one sex or compare the whole petition with the total population. Therefore the percentage is only about three-quarters of one per cent — that is, only about three-quarters of a person out of one hundred petitioned for woman's suffrage. And in general that three-quarters of a woman was not your mother or mine or your wife or mine. Now after that experience in such a campaign and after all that effort, is it reasonable that we should put these percentages away up to ten, twelve and fifteen? It would take six times as much effort and six times as many names to bring it up to four per cent and twelve times as much to bring it up to eight per cent and eighteen times as much to bring it up to twelve per cent. You know what that campaign was. You know something of what the effort was. You know something about how it was conducted by an organization accustomed to getting large petitions, and yet the percentages were thus small. I have compared only the percentages specified in the proposal. But the fact of the campaign and of the petition thus obtained shows how absurd are the still higher percentages required by the amendment offered by Mr. Halfhill.

## Initiative and Referendum.

The facts concerning the woman's suffrage petition were so surprising and their bearing on the percentages which should be required in the initiative and referendum petitions so important, that I then asked the secretary if it would be too much trouble to let me know how many signatures there were to the petitions on the liquor traffic question. Now you know the state was stirred on that subject from center to circumference as seldom before on any subject. You know how the petitions were circulated. I suppose there were not many saloons in the state that were not getting signers for the King proposal, and I suppose there were not many churches that were not getting signers against the King proposal. The petitions came rolling in three and four thousand names at a time. After some hours of labor the clerk counted them up from the record and I have them here. Neither the secretary nor the clerk knew what use I was going to make of the information. It seems to me it has a very important bearing. It has been said here on the floor that it is so easy to get a petition circulated, so easy to get a large number of signatures to that petition, and yet here were two of the most efficient organizations in the state at work on opposite sides, and each one knew the other organization was vigorously at work and each one was anxious to get as large an aggregate petition as possible to present to the members of the Convention, to have as much influence as possible upon this Convention, and they labored dilligently on both sides, and the result was that the signers to the dry petition were sixty-four thousand three hundred and ninety (comprising both men and women), and for the passage of the King proposal thirty-one thousand one hundred and ninety. Now what does that mean? It is only about two and three-quarters per cent of the voting population of the state of Ohio on either side of this great question — less than three per cent of the voting population of the state — and yet there are men on this floor who were scared at four per cent and who think

that the state will be in a constant turmoil if a four per cent basis is adopted.

Do you suppose within ten years there will be as much turmoil on any subject whatever as in the last six months on the liquor question? I do not, and yet on the one side and on the other, with both organizations at work doing all they could, the signers to petitions were less than three per cent on either side.

Do you suppose that at any time within the next twenty-five years the state will be more profoundly moved on any proposition than it has been on that subject? And yet these petitions to go through the legislature would have to have four per cent, and I tell you they will have to get up and hustle and get up more excitement than they have gotten up in this campaign to get that four per cent.

So I am willing to accept the proposition of a four per cent legislative initiative, not from any data furnished by Oregon or California but from the force of the data furnished right here at home, right here at your door where you are familiar with the conditions, familiar with the canvass and familiar with the efforts that have been put forth and by what organizations they have been made. We can see that it will be almost impossible to get a four per cent petition on a subject of state-wide importance and state-wide excitement. So I don't think any of you can blame me for coming here pledged to a higher percentage and being willing to accept a lower percentage. I am willing that there shall be minor amendments made, and I may support the amendment of Mr. Lampson, but I want to call attention most of all to the fact that it is and will be almost impossible in the state or Ohio to get four per cent to sign a petition on any subject whatever.

The chair recognized the delegate from Mahoning [Mr. ANDERSON], who yielded to a motion to recess until tomorrow morning at 10:30 o'clock, which motion was carried.