

The people have the initiative power in amending city charters and the referendum power over every charter amendment as well as city ordinance.

The bill was declared an emergency measure and became law February 25.

It is estimated by the Oregon papers that this new method of educating the voters upon the public questions upon which they are to take action will cost each time about \$18,000 for printing, postage and mailing. The actual cost will be less than this, and this is small indeed compared with the graft which the system prevents.

Oklahoma's Constitution Contested.

Reactionaries in Oklahoma have secured an injunction against the submission of the constitution to vote containing Direct Legislation provisions.

It is alleged in the petition that Initiative and Referendum provides for a state government directly by the people and not by their representatives, as in a republican form of government, and that it creates within the limit of the state numerous petty and independent states; that every city of over 2,000 inhabitants becomes a state, and that these city states possess imperial power within their limits; that there is no guaranty or restriction in the constitution defining or describing what form of government these city states shall inaugurate; that they can inaugurate anti-republican form of government, and that they can invest the entire sovereign power within their limits in one person, any number of persons, or any class of persons, and that all these innovations are repugnant to the constitution of the United States.

This action was encouraged if not inspired by the "unofficial" but undenied announcement from Washington that Mr. Roosevelt would not sign the constitution,—an announcement that has been taken by the press thruout the

country as having only the significance of partizan politics. Oklahoma is thoroughly democratic and her representatives are not desired by the powers that be in the electoral college to be elected in 1908. Can it be that the president quailed at the thought of the high handed act, and that this resort to the courts is the after and better thought, finding an easier way to accomplish the same end?

The Recall in Los Angeles.

The following letter, written by Dr. John R. Haynes, of Los Angeles, president of the California Direct Legislation League, to Lincoln Steffens on the occasion of his recent visit to Los Angeles, is such a clear and interesting presentation of the subject of the Recall that it is certain to prove of interest and value to the readers of EQUITY. The instance related by Dr. Haynes is so unique, and his exposition of the case so clear that we print his letter in full.

Mr. Lincoln Steffens, Hotel Hayward, Los Angeles, Cal.—My Dear Sir: I have been publicly requested, by the *Times* newspaper of this city, in an editorial of recent date, to inform you concerning the Recall provision in our city charter. While I am not accustomed to notice personal attacks made by an unfriendly press, I nevertheless conceive it my duty to act on the suggestion of the *Times*, and make you wise regarding a governmental measure which Los Angeles has the proud distinction of being the first community in the world to adopt—a businesslike plan for removing inefficient or corrupt officials as soon as their unfitness has become apparent, and without any reference to the length of time for which they were elected to serve.

The machinery for accomplishing this result is exceedingly simple. Upon the presentation to the city council of a petition signed by 25 percent or more of

the voters who elected the objectionable official, asking that a special election be called to replace such official, the council must, within a specified time, call such election. The name of the official who is sought to be removed is placed on the ballot, together with such other nominations as the people may desire. The candidate receiving the largest number of votes is immediately installed in the office.

The Recall amendment to the charter, together with the amendment provision for the Initiative and Referendum, was adopted by the people of Los Angeles in 1902 by a vote of five to one, after several years of educational work and an exciting campaign.

The power granted by the Recall has been used but once, and the occasion justified its use. A councilman representing the sixth ward voted to give a printing contract to the *Times* at a cost approximately \$25,000 greater than the *Journal* (a newspaper which had previously done the work and is doing it today) had put in its bid for. The deal was accomplished by a ring vote of five members, two of whom hoped to be candidates for mayor, one for district judge, and the fourth for assemblyman—each anxious to curry favor with the *Times* and secure its support.

The sixth ward councilman was a weak, good-natured man, whose votes in the council chamber proved that he had the interests of the corporations at heart, rather than those of his constituents. The latter were especially incensed because, in a contest with the street railway company which had just taken from them a transfer privilege that had been enjoyed for four years, he threw his influence in favor of the railroad. For these reasons the member from the sixth ward was selected for the Recall. The names of from 30 to 40 percent of the voters in his ward were signed to the petition demanding his recall. The special election was held in September,

1904, and the Recall candidate, Dr. Houghton, was elected by a vote of 1,837 against 1,083—a decisive majority of 754.

From the day the recall petition was started there appeared in the Los Angeles *Times* column after column of misrepresentation, vituperation and abuse, hurled at those who had originated the Recall provision, and at those who were engaged in making it effective, and from that day to this the same method of warfare has been continued from time to time against all who have dared to express a favorable opinion of that reform measure.

The influence of that sheet, somewhat later, was sufficient to prevent a weak-kneed charter revision committee in the neighboring city of Pasadena from including, with a number of other amendments, the Recall provision. But the people of that city rose up in their might, initiated a Recall amendment, and it was triumphantly carried, notwithstanding the daily anathemas of the *Times*, directed against the horrible conspirators who had fathered it.

From that time to this, I believe that every city in California that has adopted a new charter has included therein the Recall and the Initiative and Referendum amendments, so that today the Recall provision and the Initiative and Referendum are an integral part of the charters of Los Angeles, Pasadena, Riverside, San Bernardino, San Diego, Long Beach, Santa Monica and Alameda, and I think of Santa Cruz and Eureka. And a few weeks ago I received news of the adoption of all these measures by the city of Grand Rapids, Mich.

I am informed by the Direct Legislation workers of Oregon, where the people have the power to initiate constitutional amendments, that a constitutional amendment will be submitted to the people at the next state election embodying the Recall provision, making it apply to the state and to its counties and

cities, with a strong probability that it will carry by an overwhelming majority. Every week inquiries are received from cities thruout the Union, asking particulars concerning the provisions and the working of the Recall, showing a widespread interest in this most efficient, democratic and business-like aid to better government.

It has been urged against the merits of the Recall plan that the new councilman, Houghton, did not prove any better than his fellow members; but first, it should be remembered that before the end of his short unexpired term of less than four months he was reelected at a regular election to serve a full two years' term. For many months he courageously, and sometimes successfully fought the gang, but later, according to some newspapers, he succumbed to the influences and temptations that beset all the members in so small a council as nine. Whenever he stood out against any scheme, no matter how hostile to the people's interests, the *Times* covered him with merciless abuse and he finally seemed to get tired of useless opposition to bad measures.

This alleged falling down of the beneficiary of the Recall has been used as an argument against the virtue and usefulness of that measure, but that argument would apply with no less force against all officers elected at ordinary elections who had proved recreant to their trust. That the Recall is to some extent a deterrent against the consummation of vicious legislation is shown in its threatened use in a scheme to give away a valuable franchise along the river bed by our late council. When there was serious talk of putting the Recall provision in operation in the case of several members of the council, the ordinance granting the franchise was promptly withdrawn.

The proposed franchise was estimated to be worth \$1,000,000. The only Recall

election ever held here cost \$8,500, therefore the city is \$991,500 directly to the good by reason of the Recall provision in its charter. This is only one instance of the saving power of the Recall. How many other deals might have been put thru but for this provision the Lord only knows.

The constitutionality of the Recall has been contested in three courts by corporations working thru the political machine, but it has been sustained in every court, and the passage and adoption in November last of senate amendment No. 2 renders its constitutionality beyond question.

In the preceding paragraphs I have, my dear Steffens, tried to give you a succinct statement of the origin and workings of this important adjunct to good government, not merely in compliance with the challenge of the *Times*, but also because I take great pleasure in furnishing reliable information on this subject to a gentleman whom I highly esteem, and whose brilliant work in the cause of reform marks an era in the sociological progress of the country. Most cordially yours,

JOHN R. HAYNES.

The Recall Sustained.

The California state appellate court of the second district has handed down an opinion in the case of Goods vs. the city council of San Diego, sustaining the judgment of the San Diego superior court. The proceeding was brought more than a year ago by C. L. Good to compel the city council to recognize a petition for the recall of Councilman Jay N. Reynolds as the result of an anti-liquor campaign.

The point brought out by the opinion is that the act of the council in accepting the petition was merely ministerial, and it had no authority to refuse to call the election.