

merit, but there are certain noxious points, they will amend it.

The proponents have the option of accepting the issue. They also have the option of going beyond the legislature and to the people on the ballot.

We have attempted to make the provision strict. We have required that there be 90,000 signatures obtained by the proponents on a petition, ten per cent of the entire gubernatorial vote before they can even enter the halls of the legislature.

We also require in order to assure that there be full public debate that they approach the legislature with this proposed law ninety days prior to the legislative session's convening.

There are nineteen states in the country with some form of initiative. Most have what many consider to be a more noxious version of initiative than the direct initiative which has been used frequently in California. As I say, we do not suggest direct, rather indirect, we also suggest a petition with a higher signature requirement than is the average across the country.

You might ask, and rightfully so, why don't we have it now in the present Constitution? The Senate in 1914 approved by majority vote the initiative and referendum together. I might point out, I think you all know, initiative and referendum are always considered in tandem. Only Maryland and New Mexico do not have both, only referendum.

The Senate passed it but they did not have a constitutional majority, therefore it was not included in the Constitution.

Our subcommittee of Suffrage and Elections did approve this. This is not only a minority report of the committee, but it is a majority report of the subcommittee of the Committee.

We took the opportunity to study the transcript of the Constitutional Convention Commission and it was debated from our calculation about ninety seconds. Approximately one page and a half of their transcript was devoted to a discussion of initiative. We thought it in the best interests of the people, since we only have a Convention every 100 years, to bring to your attention what we think was a very effective device for self-government.

The Commission did not include it in its commentary at all and the transcript is

fairly devoid of any deep discussion of it. Most importantly, I think, it is good to know that a fairly effective and efficient and comprehensive staff report was prepared at the request of the Commission and submitted to the Commission a good many days or weeks after the Commission decided the issue. That is to say, the Commission did not have the benefit of that staff report in making its decision.

So I would like to share with you the conclusion only of that staff report. It is this. I quote from that staff report.

"It has been argued that the referendum protects the people from measures passed by a poorly apportioned legislature, or one that was elected from highly gerrymandered districts. The current trend toward more equitable apportionment does not cancel this argument. Political consequences will continue to get high priority when legislative districts are drawn. Reapportionment will prevent the legislature from being under the control of certain minorities, but there will always be minorities which should not be denied a valid means of protecting their interests.

"These arguments hold true for the power of initiative also. There is no good reason for having referendum without initiative. Initiative has often resulted in good legislation in states that offer it, frequently resulting in establishment of laws which would have been extremely difficult to pass in the legislature. An example of this is the repeal of prohibition in Oklahoma."

Whether or not we think that prohibition is good or bad, the point is, as the staff reporter indicates, that a majority of the people of Oklahoma wanted the repeal of prohibition but that there was a strong feeling, strong enough for the legislature to feel it, against repeal, so it was not repealed.

He goes on to say this:

"Resolving highly controversial issues is not the most important reason for including initiative in the new Constitution. More important is the fact that denying the right of initiating legislation gives rise to a contradiction in our system of government. The theory upon which our government rests places all sovereignty in the people; the people delegate powers to the three branches of government. If a sovereign can grant a power, surely it has the right to exer-