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ROD FARMER

THE MAINE CAMPAIGN  
FOR DIRECT DEMOCRACY, 1902-1908

The reformers of the Progressive Era have traditionally been portrayed as political activists who believed that the best cure for the ills of early twentieth-century American democracy was more democracy. This ideological commitment was most evident in the various state campaigns for the adoption of the initiative and the referendum. The traditional interpretation is supported by the behavior and expressed beliefs of the Maine reformers who successfully campaigned for a state constitutional amendment providing for the initiative and the referendum, making Maine the first state in the East to adopt these important reforms.

Historians have generally agreed that the various state movements for direct democracy received significant support from a variety of groups, including the Grange, organized labor, suffragists, prohibitionists, antiprohibitionists, and single-taxers.<sup>1</sup> This support has led some historians to question the true intentions of the advocates. Lloyd Sponholtz, after studying various state movements, concluded that the reformers were less concerned with democratic ideals and ideology than with the utilization of the initiative and referendum to secure the passage or repeal of legislation of particular interest to them.<sup>2</sup> Sponholtz's revisionist interpretation dismisses the reformers' publicly expressed ideals with the assumption that their rhetoric cannot be trusted. This assumption may be unwarranted; evidence to support the contention is lacking.

This study rejects the cynical revisionist view for the traditional interpretation that accepts the movement's rhetoric as having been essentially sincere. The arguments of the reformers remained ideologically consistent throughout the conduct of twenty-two successful state campaigns between 1898 and 1918. While public professions of reformers cannot be considered as absolute barometers of their true intentions, no evidence has emerged to discredit the advocates of direct

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democracy. Both liberals and conservatives, with equal success, have made use of the initiative and the referendum in twenty-six states over the past eighty years.<sup>3</sup> Later uses made of the reform do not necessarily mirror the sentiments and aspirations of those who had originally campaigned for it.

In Maine, as elsewhere, various interest groups made significant contributions to the success of the direct-democracy movement. These groups rarely expressed a desire to use the reforms to obtain special legislation. Instead, they typically voiced an ideological concern for more democracy. Common frustration with a state government viewed as failing to represent the interests of the majority overrode parochial concerns. The advocates of direct democracy believed that the lack of democracy resulted in a corrupt and inefficient state legislature. In essence, the Maine movement possessed a political ideology based on faith in direct democracy and the potential goodness of man.

Such philosophical considerations permeated the debate in Maine. In general, Progressives did not seek a political revolution, but they did want a fundamental shift in political power. They sought to reform each state legislature and to transform the state electorates into second lawmaking bodies, equal or superior to the legislatures. Maine Progressives concurred in these aspirations.

Although American Progressives supported various forms of the initiative and the referendum, certain characteristics were common to all. With the initiative, the electorate could initiate new legislation and have it placed on the ballot, to become law if approved by the constitutionally specified number of voters. Some states also allowed the electorate to initiate constitutional amendments. The referendum gave the veto power to the electorate. Any act of the legislature could be brought to a public vote by petition or by the voluntary reference of the legislature.

As in other states, no single unpopular act of the legislature had sparked the direct-democracy movement in Maine. Kingsbury Piper, a leading Waterville Progressive, noted that

“the movement to make the initiative and referendum a part of the law-making machinery was not due to any sudden revulsion of public sentiment caused by some especially flagrant act of injustice on the part of the state legislature.”<sup>4</sup> Instead, the movement arose from a more generalized frustration with what Maine Progressives perceived as an inefficient, corrupt, and undemocratic state government, a view they refined and articulated during the six-year campaign for a state constitutional amendment embodying the initiative and the referendum.

Roland T. Patten, a former editor of the *Skowhegan Somerset Reporter*, began the campaign in 1902. After failing to persuade the Republican party, in county convention, to adopt a plank favoring such an amendment, Patten left the party and became a leader of the Socialist party. He then convinced the Democrats to adopt a plank favorable to the reform.<sup>5</sup> Although the Democratic gubernatorial nominee, Cyrus Davis of Waterville, advocated direct democracy, the issue remained a relatively minor one. The newspapers did not consider the question newsworthy, and the opponents did not campaign against it.

The initiative and referendum were first introduced into the legislature in 1903 by Davis, who was then a state representative. Roland T. Patten had drawn the measure, and both he and Davis appeared before the judiciary committee in its support. Their arguments proved sufficiently forceful that the matter was referred to the next legislature.<sup>6</sup>

When the legislative committee of the Maine A.F. of L. urged passage of a direct-democracy amendment in 1904, the union enlisted the support of the Grange as it had in other states.<sup>7</sup> The following year the two organizations petitioned the legislature for such an amendment,<sup>8</sup> and state senator E.S. Clark of Bar Harbor introduced a bill that was submitted to the judiciary committee, where it received the support of the A. F. of L., the Grange, the Maine Civic League, and various individuals, including Roland T. Patten and Cyrus Davis.<sup>9</sup> When the committee issued its reports, the Senate voted to

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substitute the favorable minority report for that of the majority. Since prominent attorneys had argued against the bill and had derogatorily referred to the initiative and referendum movement as a “labor union idea,” the supporters of the measure charged the corporations with responsibility for its subsequent defeat in both houses.<sup>10</sup>



Cyrus W. Davis, 1856-1917

Following this setback, the direct-democracy proponents formed the Referendum League of Maine, with Roland T. Patten as press agent. According to Ralph Albertson, secretary of the National Federation for People’s Rule, the league

was composed almost entirely of members of the Grange and the A. F. of L.<sup>11</sup> The league's constitution proclaimed the purpose of the organization to be that of securing "the people's right to a direct vote on questions of public policy."<sup>12</sup>

At its annual meeting, held in December 1905, the fifty-thousand-member Maine Grange passed resolutions strongly endorsing the initiative and referendum.<sup>13</sup> Likewise, the 1906 platforms of both major political parties contained planks favoring a state constitutional amendment providing for these reforms.<sup>14</sup> The Republicans, however, wanted to restrict the initiative to statutory law, whereas the Democrats wanted it to apply to constitutional amendments as well.

The direct-democracy issue played a more prominent role in the 1906 gubernatorial campaign than it had in the two previous elections, but the opponents again refrained from actively campaigning against it. While both gubernatorial candidates endorsed their party's direct-democracy planks, William T. Cobb, the Republican, attempted to maintain his distance. Democratic candidate Cyrus Davis, however, spoke out often and vigorously. He maintained that the initiative and the referendum provided "the only means of escape from the terrible weight with which the institutions of the state were loaded," particularly the "glaring inequalities of taxation" and the "wicked contracts made with the railroads" that transferred "a million dollars from the pockets of the people" to those of the railroads.<sup>15</sup> The *Waterville Morning Sentinel*, a paper owned by Davis, also suggested that the adoption of the reforms would allow the people to rid themselves of prohibition.<sup>16</sup>

The People's Sovereignty League of America polled Maine's congressional candidates for their views on direct-democracy. While uninterested in campaigning either for or against these candidates, the league simply wanted to force them to "show their colors."<sup>17</sup> The Referendum League of Maine, however, requested legislative candidates to submit written statement of their positions. It placed those who refused in the "No" column.<sup>18</sup> The Referendum League is cred-

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ited with having defeated several candidates. Kingsbury Piper, a leading Maine Progressive, was pleased to note that nearly all legislative candidates who supported direct democracy were elected, whereas many of those who had previously opposed it were defeated.<sup>19</sup>

The results encouraged the Progressives to believe that "the sheer force of popular sentiment" would soon lead to the adoption of the initiative and the referendum. In fact, Abner Nichols of Augusta, a close observer of the reform movement, felt that passage was "assured to a moral certainty."<sup>20</sup> Following the 1906 elections, Nicholas wrote:

The common people of Maine were alive to the futility of appealing to a legislature selected and controlled by those . . . who were securing for themselves special privileges and immunity from taxes. They were convinced that it did not lay in the power of the people, by any method at present available, to secure the passage of laws to make taxes even a little more fair and equal, to protect the people from being robbed of their wildlands and valuable franchises, or to prevent monopoly in both the necessaries of life and the means of acquiring them.<sup>21</sup>

Nichols accorded much of the credit for the growing strength of the reform movement to the Maine A. F. of L., which had played such a vigorous role in educating the public and the members of the previous legislature.<sup>22</sup>

Governor William T. Cobb supported the passage of a reform amendment in his inaugural address before the 1907 legislature,<sup>23</sup> but fellow Republicans Fred J. Allen, the president of the Senate, and Beecher Putnam, the chairman of the Senate Judiciary Committee, spoke out strongly in opposition.<sup>24</sup> Once again, the Progressives claimed the existence of a powerful and hostile corporate lobby, and the unions and the Grange flooded the legislature with petitions.<sup>25</sup> Actually, the Progressive had little to fear. Most legislators undoubtedly agreed with Bertram L. Smith of Patten who pointed out that the adoption of a direct-democracy

amendment in some form was no longer an issue. "That chapter is closed," Smith told his colleagues in the House. "The members of both political parties are pledged to the people upon the general proposition."<sup>26</sup>

Important differences did exist, however, on the precise nature of the amendment to be passed. The Democrats wanted to grant authority to the people to initiate constitutional amendments, but the Republicans feared that this power would be used by the antiprohibitionists to strike prohibition from the state constitution. Since the Republicans controlled both houses, the Democrats were forced to concede.<sup>27</sup> By an almost strictly party vote, the legislature voted to restrict the application of the initiative to statutory law only.<sup>28</sup> The vote was unanimous, except for one abstention.<sup>29</sup> Governor Cobb signed the proposed amendment on March 20, 1907, but, according to the state constitution, it had to be approved by the electorate before taking effect.

As approved, the direct-democracy amendment allowed the people to petition for a referendum on any act, bill, or resolve passed by the legislature. The petition had to contain at least ten thousand signatures and be filed with the secretary of state's office within ninety days after adjournment. Twelve thousand signatures were required on initiative petitions, which had to be filed thirty days prior to adjournment.

The provisions governing the initiative were less liberal than those enacted in many other states. Constitutional amendments could not be initiated by petition, and no provision was made for a direct initiative whereby measures would go directly to the people. Indeed, the amendment gave the legislature the opportunity to consider all initiated measures. The state lawmakers could then either enact the measure as submitted or amend it. If amended, both the original and the amended versions had to be submitted to the voters. While the governor could not veto any measure approved by the people, the legislature retained the right to amend or repeal at some future session.<sup>30</sup> The amendment also gave towns and cities authority to adopt the initiative and referendum.<sup>31</sup>



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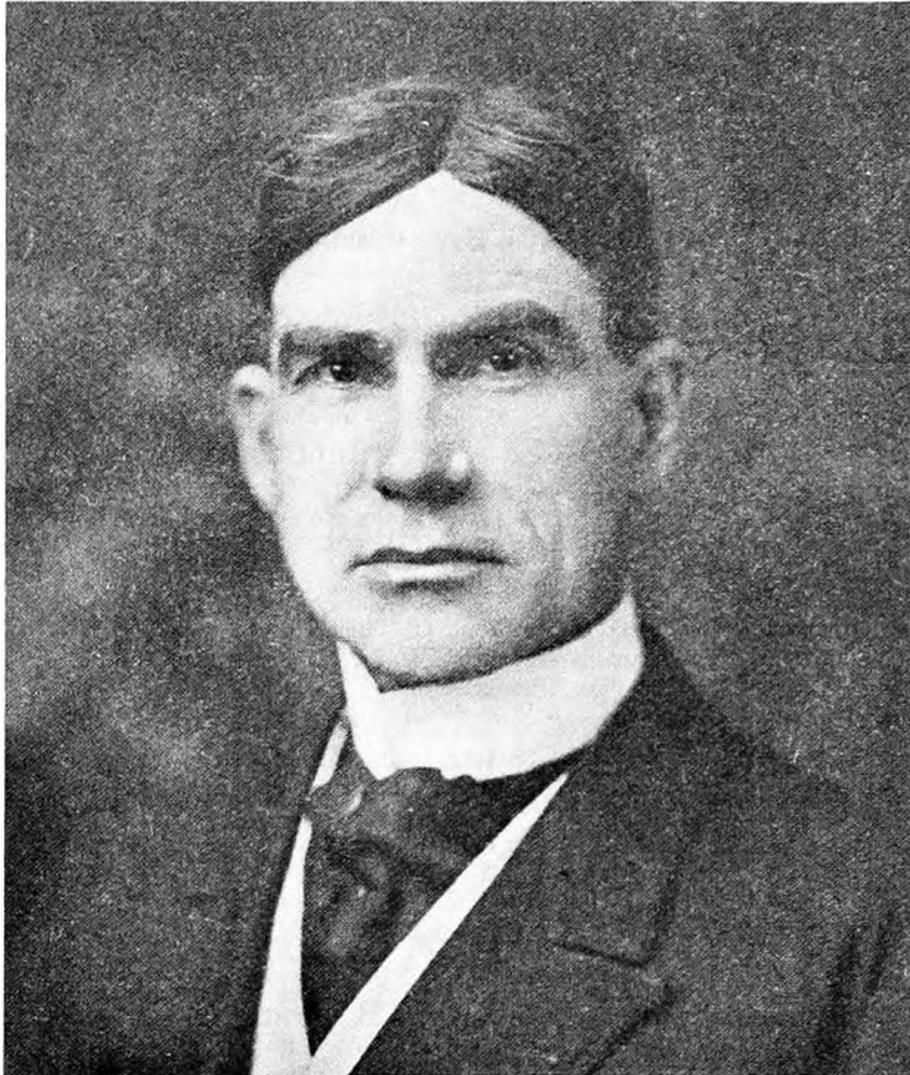
Since the amendment was not submitted for ratification by the electorate until September 1908, ample opportunity existed for thorough discussion. Unfortunately, the newspapers, with the exception of the Waterville *Morning Sentinel*, were generally hostile and chose to devote most of their attention to other matters, particularly to the question of prohibition.<sup>32</sup>

Whereas opponents tried to depict the initiative and referendum as radical, Western ideas likely to “overthrow representative government,”<sup>33</sup> the Progressives saw the reform as simply “one more step in the direction of a more and more perfect self-government.”<sup>34</sup> They sought political reform, not revolution; they had no delusions about creating a utopia. Rev. Henry Dunnack, a leading Progressive, frankly admitted that

this measure would not cure all the ills of society, nor . . . provide all the things we want, but it certainly makes for a larger commonwealth, a stronger government, a more efficient citizenship.<sup>35</sup>

Dunnack’s remarks reflect the commonly held belief among Progressives that if the people were sufficiently competent to choose representatives, then they were equally competent to judge measures. He wisely noted that “it requires less wisdom to select a measure than it does a man.”<sup>36</sup> This view, however, was not necessarily shared by the opposition. The *Farmington Chronicle*, for example, argued that the voters would not take the time required to study the issues. The result would be “hit-or-miss legislation, with the misses outnumbering the hits.”<sup>37</sup>

Unlike many of their opponents, the Progressives held a positive and wholesome view of mankind. In the *Age of Reform*, the eminent American historian Richard Hofstadter argues that the Progressives genuinely believed in the “Man of Good Will.” By this Hofstadter meant that while individuals might be motivated by venality, the great mass of people cared about the common good. “Without such assumptions,” Hofstadter



Henry E. Dunnack, 1869-1938

wrote, "the entire movement for such reforms as the initiative, the referendum, and recall is unintelligible."<sup>38</sup> State Representative Charles F. Johnson of Waterville indicated his belief in the "Man of Good Will" when he stated:

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I believe the people of Maine can be trusted. I believe that Lincoln was right when he said that the great heart of the people beats true and that it can be trusted upon measures of public importance.<sup>39</sup>

In fighting for the initiative and the referendum, Maine Progressives honestly perceived the need to free the state legislature from the control of special interest groups.<sup>40</sup> They firmly believed that the state's railroads, corporations, and large landowners controlled the caucuses and conventions that nominated political candidates. This alleged control supposedly allowed these groups to avoid paying their fair share of taxes and to maintain unfair control over franchises worth millions of dollars.<sup>41</sup> Representative Charles S. Cobb, a Democrat from South Gardiner, summed up the feeling of many of his fellow reformers when he said, "Break up this monopoly of the law-making business, and the other monopolies will fast disappear."<sup>42</sup>

While influential special interest groups undoubtedly did exist, the Progressives' fear of them seems to have been somewhat excessive. If they were as powerful and grasping as alleged, it is indeed strange that no concerted attack against the direct-democracy amendment ever materialized. What little opposition was mounted came mostly from Republican newspapers near the end of the campaign. Although the Progressives seemed to be fully aware of this fact, they could not overcome their fear that the "lobby" intended to defeat the amendment. On election day, September 14, 1908, for example, the *Waterville Morning Sentinel*, reported:

Up to the past week, there has appeared no opposition to the adoption of the Initiative and Referendum amendment, but the best posted friends of the measure have understood that there was a deep seated determination in the minds of certain gentlemen who have been conspicuous around the state house for many years as corporation counsellors and legislative lobbyists to defeat the

amendment by hook or by crook, employing the same methods as are familiar to them in the lobby.<sup>43</sup>

Not everyone agreed, however, that the lobby constituted much of a threat. Ralph Albertson, the secretary of the National Federation for People's Rule, thought the lobby in Maine was very weak. "There was," he later noted, "no secret fund to vitiate and nullify the demand of the people that the people shall rule."<sup>44</sup> Byron Boyd, the chairman of the Republican State Committee, even went so far as to claim that "there was no organized opposition."<sup>45</sup>

In retrospect, it is difficult to credit the idea of a powerful, hostile corporate lobby. The 1907 legislature had, after all, passed the direct-democracy amendment without a single negative vote being cast. Furthermore, the Democratic, Republican, Socialist, and Prohibition parties had all officially supported ratification.

The election day results proved the truth of this assessment. The amendment received a majority in all sixteen counties, with the voters supporting ratification by an overall majority of 53,785 to 24,543.<sup>46</sup> Since the various gubernatorial candidates received a total of 142,666 votes, it is interesting to note that only 54 percent of those who went to the polls cared enough about the fate of the amendment to cast a ballot one way or the other. This relative indifference may indicate that the legislature overestimated the mass appeal of the initiative and the referendum. On the other hand, Kingsbury Piper claimed that in some cases hostile election officials withheld ballots and thus reduced the vote.<sup>47</sup>

The lack of an effective, organized opposition may have been due to the relatively conservative nature of the reform. Had the amendment made the initiative applicable to constitutional amendments, greater resistance would undoubtedly have been forthcoming from Prohibitionists, for example, who wanted no liberalization of the state's liquor laws. Furthermore, the legislature retained authority to amend or repeal initiated measures, and no provision was made for a direct initiative, which would have effectively

removed all initiated measures from legislative supervision. These limitations gave conservatives some assurance that the Progressives would not use the reform to effect radical political, social, and economic changes. In essence, Maine's direct-democracy amendment was not a radical innovation. Town meetings and voter approval of constitutional amendments had long been part of the state's direct-democracy tradition.

The campaign for the initiative and the referendum was a broadly based movement. It had the support of all four political parties, and even the endorsement of the Methodist church.<sup>48</sup> As Sponholtz has noted in his study of the direct-democracy movement in various states, the A. F. of L. and the Grange also played major roles in promoting the reform.<sup>49</sup>

During the period 1910-1920, Maine Progressives employed the initiative and the referendum only five times in support of legislation clearly identified as theirs. They successfully initiated a direct primary law in 1911, and used the referendum to obtain a uniform ballot box in 1912, and to create the Public Utilities Commission in 1914. Unsuccessful referenda attempts to obtain a fifty-four hour workweek for women and children and suffrage for women were made in 1916 and 1920, respectively.

Even from this rather limited use of the direct-democracy amendment, it is clear that Maine Progressives were primarily interested in extending political democracy; social and economic reform appears to have had a much lower priority. On this point, Howard Zinn, in his *People's History of the United States*, has noted that an overriding concern for political democracy, to the neglect of social and economic democracy, characterized the Progressive Era, as it does American history in general. American political reformers have typically failed to recognize the interdependence of political, social, and economic democracy, and Maine Progressives were no exception.<sup>50</sup>

For Maine Progressives, the direct-democracy amendment provided a check upon the undemocratic use of political

power, not the means of revolution. Issues such as unequal taxation and special privileges for the powerful were seen as injustices that could be corrected with more political democracy. In their view, the amendment merely applied the town meeting tradition of direct democracy to the making of city and state legislation.<sup>51</sup>

To blindly accept the rhetoric of the Progressives as totally mirroring their desires would be naive; to largely or totally discount what they said would be too cynical. This study assumes that both the proponents and the opponents of the initiative and the referendum usually said what they believed. While the reformers in this moderate, bipartisan movement may have been motivated by both parochial interests as well as by political idealism, they possessed an abiding concern for the extension of direct democracy.

## NOTES

<sup>1</sup>H. Roger Grant, "Origins of a Progressive Reform: The Initiative and Referendum Movement in South Dakota," *South Dakota History* 3 (October 1973): 397-98.

<sup>2</sup>Lloyd Sponholtz, "The Initiative and Referendum: Direct Democracy in Perspective, 1898-1920," *American Studies* 12 (Spring 1973): 57 (hereafter cited as Sponholtz, "Initiative and Referendum").

<sup>3</sup>David Butler and Austin Ranney, *Referendums: A Comparative Study of Practice and Theory* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1978), pp. 82-85.

<sup>4</sup>Kingsbury Piper, "The Victorious Campaign for Direct-Legislation in Maine," *The Arena* 40 (December 1908): 547 (hereafter cited as Kingsbury, "Victorious Campaign").

<sup>5</sup>J. William Black, "Maine's Experience with the Initiative and Referendum," *The Annals of the American Academy of Political and Social Science* 43 (September 1912): 163-64 (hereafter cited as Black, "Maine's Experience").

<sup>6</sup>Piper, "Victorious Campaign," 547.

<sup>7</sup>*Ibid.*, p. 548.

<sup>8</sup>Black, "Maine's Experience," pp. 164.

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<sup>9</sup>Piper, "Victorious Campaign," p. 548.

<sup>10</sup>*Ibid.*

<sup>11</sup>Ralph Albertson, "Initiative and Referendum News," *The Arena* 40 (November 1908): 511.

<sup>12</sup>Black, "Maine's Experience," pp. 164-65.

<sup>13</sup>(Augusta) *Kennebec Journal*, 27 December 1905.

<sup>14</sup>Abner W. Nichols, "Present Status of the Referendum Movement in Maine," *The Arena* 36 (November 1906): 516 (hereafter cited as Nichols, "Present Status").

<sup>15</sup>(Waterville) *Morning Sentinel*, 8 September 1906.

<sup>16</sup>*Ibid.*, 24 August 1906.

<sup>17</sup>*Ibid.*, 10 September 1906.

<sup>18</sup>Piper, "Victorious Campaign," p. 549.

<sup>19</sup>*Ibid.*, p. 550.

<sup>20</sup>Nichols, "Present Status," p. 516.

<sup>21</sup>*Ibid.*, p. 517.

<sup>22</sup>*Ibid.*, pp. 516-17.

<sup>23</sup>Piper, "Victorious Campaign," p. 550.

<sup>24</sup>*Ibid.*

<sup>25</sup>Maine, Legislature, *Legislative Record of the Seventy-third Legislature of the State of Maine, 1907*, p. 639 (hereafter cited as *Legislative Record*).

<sup>26</sup>*Ibid.*, p. 641.

<sup>27</sup>Edward Chase, "A History of the Operation of the Initiative and Referendum in Maine from 1907 to 1951," (typewritten), p. 3, Special Collections, Fogler Library, University of Maine at Orono (hereafter cited as Chase, "A History").

<sup>28</sup>*Farmington Chronicle*, 20 March 1907.

<sup>29</sup>Albertson, "Initiative and Referendum News," p. 511.

<sup>30</sup>Lawrence Lee Pelletier, "The Initiative and Referendum in Maine," *Bowdoin College Bulletin*, no. 300 (March 1951), pp. 11-12.

<sup>31</sup>Ellis P. Oberholtzer, *The Referendum in America: Together with Some Chapters on the Initiative and the Recall* (New York: Charles Scribner's Sons, 1911), p. 420.

<sup>32</sup>Piper, "Victorious Campaign," p. 551.

<sup>33</sup>*Farmington Chronicle*, 23 September 1908.

<sup>34</sup>*Legislative Record*, p. 644.

<sup>35</sup>(Waterville) *Morning Sentinel*, 9 September 1908.

<sup>36</sup>*Ibid.*

<sup>37</sup>*Farmington Chronicle*, 23 September 1908.

<sup>38</sup>Richard Hofstadter, *The Age of Reform* (New York: Random House, 1955), pp. 206-61.

<sup>39</sup>*Legislative Record*, p. 639.

<sup>40</sup>Benjamin DeWitt, *The Progressive Movement: A Non-Partisan, Comprehensive Discussion of Current Tendencies in American Politics* (New York: Macmillan Co., 1915), p. 228.

<sup>41</sup>Piper, "Victorious Campaign," p. 5-47; Black, "Maine's Experience," p. 163.

<sup>42</sup>*Legislative Record*, p. 6-43.

<sup>43</sup>(Waterville) *Morning Sentinel*, 14 September 1908.

<sup>44</sup>Albertson, "Initiative and Referendum News," p. 511.

<sup>45</sup>(Waterville) *Morning Sentinel*, 1 August 1908.

<sup>46</sup>Piper, "Victorious Campaign," p. 551.

<sup>47</sup>*Ibid.*

<sup>48</sup>(Waterville) *Morning Sentinel*, 14 September 1908.

<sup>49</sup>Sponholtz, "Initiative and Referendum," pp. 46-47.

<sup>50</sup>Howard Zinn, *A People's History of the United States* (New York: Harper Colophon Books, 1980), chap. 13 *passim*.

<sup>51</sup>*Legislative Record*, p. 6-43.

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#### ERRATA

The attention of our readers is called to several significant errors that appeared through editorial oversight in David M. Gold's "Constitutional Problems in Maine during the Civil War Era, 1857-1872," contained in the Winter 1983 issue of the *Quarterly*.

P. 147, line 5: insert "or temporarily" before the parenthetical phrase.

P. 154, n. 17: "therefore unconstitutional" should read "therefore constitutional."



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P. 157, n. 48: "*American Journal of History*" should read "*American Journal of Legal History*."