

Alters Views and Now Upholds Recall of Judges

The Los Angeles (Cal.) Herald, of May 7th, prints the following interesting article: Revoking everything he said in the past campaign against the recall of the judiciary, State Senator Lee C. Gates came out strongly in favor of this measure in an address before the City Club yesterday.

Mr. Gates declared that while in the beginning he had opposed the recall of the judiciary, after study and reflection he had come to the conclusion that if he had to choose between any portion of it he would hold the recall over the judges and let the rest go. He stated that with the arbitrary power the courts were assuming the country would soon be under a judicial despotism as absolute and as cruel as that of Russia and that the only check on such a despotism was the recall. In part Senator Gates said:

"There is a science of American government. That science is the reflected will of the people. The constitution of California declares that all political power is inherent in the people. That power is evinced by the people throughout the constitution and the laws in three co-ordinate branches, of government, the executive, the legislative and judicial. But how much of the legislative function is in fact performed by the legislative branch of the government? The courts have by a series of interpretations managed to write into the laws in many and it must be said in most important cases, interpretations which materially change such laws, and by the expounding thereof very materially and in some cases absolutely ignore and reverse the will of the people as expressed by their legislative branch.

"In short, the judicial branch of the government has gradually over-shadowed until it has well nigh overturned the functions of the other branches of the government and made these two co-ordinate departments of government entirely subordinate and beneath and within the power and control of the judiciary.

"I contend that this is one of the gravest problems confronting us as a state and nation; the greed and usurpation of the judicial branch of the government. I contend that laws created and enacted to represent the people's will and their benefit should be interpreted by the courts in the light and spirit actuating their enactment and that the judiciary should lend itself to such spirit and interpret such will and spirit of the people.

"What is the sovereign power in America? What but the people? The constitution of the United States is but their creation. The constitution of the state of California is but another of their creations. When your supreme court has decided a question of which it has jurisdiction in your state, to whom can you appeal? No branch of the government is provided to which such an appeal may be taken. It is absolute, arbitrary and supreme.

"An answer must at once suggest itself; there is but one tribunal to which an appeal may be taken from the decree of the judiciary—the people themselves. Without that appeal you have created an agency of government that has absolute arbitrary power. If the people have not the right to overturn that decree by recalling the agency that has uttered it then the creature has become superior to the creator, and your boasted self-government has become a sham and a delusion and is merely a counterfeit of what you fondly believe you have. What recourse have the people of the United States from a decree of the supreme court thereof? An institution created by the people through the constitution as an agency of government.

"And yet, when it has uttered its decree, has issued its fiat, has promulgated its mandate, no matter to what extent such decree may violate the principles of liberty or the rights of the citizen, no matter how subversive of all such rights, no matter how revolutionary in form, even though it override the decisions of a hundred years and despoil all the cherished canons of freedom there is no pathway open to the people except obedience.

"The recall of the judiciary is not an agency to withdraw the judicial powers from their functions, but to enliven and inspirit the judiciary with the spirit of the times and to make it as responsive to the public welfare and will, as it now is to property rights and the spirit and will of vested property and gigantic vested interests. Both must have their protection, both must at the hands of the judiciary secure that protection. Neither must be absolute, but if a contest shall come there must be in the hearts

and souls of the judiciary the feeling that human rights when in conflict with property rights shall under the spirit and essence of our government be superior.

"The recall of the judiciary is the means whereby the creator is to place itself above its creature. It is to put into the political life of the nation the application of the scriptural injunction which declares: 'Remember now thy Creator in the days of thy youth that thy days may be long in the land which the Lord thy God giveth thee.'

"The recall of the judiciary is necessary to maintain the supremacy of the people over all their agencies and creations as was the struggle of the fathers to establish liberty and to proclaim it throughout all the land unto all the inhabitants thereof.

"If it be claimed that the recall will terrorize the judges I answer that no judge worthy the name will be swerved one jot or tittle from his true opinion, and as proof I cite the fact that no difference can be observed in the decisions of a manly judge at or near the close of his term from those at near the beginning of his term. Besides, by section 10 of article 6 of the constitution, any judge of the state since the adoption of the constitution in 1879, can be removed by a concurrent two-thirds resolution of both houses of the legislature. It will thus be seen that the recall is now in the constitution and has been since it was adopted, affecting the judges alone. Has this summary power terrorized your courts or intimidated them? Has it taken away their independence? This summary recall which has existed for thirty-two years? And yet men apparently sensible see or pretend to see in this self-defensive power of the people a menace and threat to our institutions."

DISSOLVING THE CLUBS

Ollie James, in his speech in favor of the free list bill: "The republican leader (Mr. Mann) asked 'what is an agricultural implement?' Mr. Chairman, it only shows the decadence of the republican party that they would elevate to the lofty station of minority leader one who admitted without shame that he did not know what an agricultural implement was. Why, he says: 'What are meats?' I will tell you what meats are and what meats were placed on the free list for. Meats were placed on the free list in order to dissolve those non-meat-eating republican clubs that were organized in 1907 under the benign reign of republicanism.

"Go ask them in Chicago, where they had to organize these non-meat-eating clubs under the prosperity of the grand old republican party. They can tell you what meats are. And the purpose of this bill, Mr. Chairman, is that whenever the beef trust takes control of the American market and forces the price of meat up so that the people of this country are forced to combine themselves into clubs, resolving that they will not eat meat, this bill lets in meat from every part of the civilized world to compete with one of the products of republicanism, the 'beef trust,' that is organized in this country."

ONE WAY

The Sioux City (Iowa) Journal, a republican paper, says: "One gathers from the front page of The Commoner that the way to prevent the democratic party from becoming 'Aldrichized' is to subscribe generously for The Commoner."

The circulation of The Commoner, as well as of every other good democratic paper, will help prevent the Aldrichization of the democratic party. The Commoner is even carrying light into the dark places of the Sioux City Journal's sanctum, for in the same issue of the Journal in which the above paragraph appears we find three other editorials relating to the editor of The Commoner:

"Mr. Bryan had things pretty well to himself until discerning democrats discovered that the sky was clearing."

"Mr. Bryan says he has to run to keep up with the progressives. And at his age!"

"Mr. Bryan does not need to go to Washington. He takes the galleries with him."

If Uncle George Perkins will only continue in his good work of regular reading of The Commoner there will yet be hope for the de-Aldrichization of Sioux City's splendid newspaper.

BANCROFT AND PEOPLE'S RULE

George Bancroft, the eminent historian and publicist, was a sincere democratic democrat who had an abiding faith in popular government. In an oration delivered before the democracy of Springfield, Mass., July 4, 1836, he gives an interesting and instructive delineation of the tory, whig and democrat of his time. If stand-pat republican be substituted for tory and insurgent for whig it will fit conditions of our time as well:

"To the tory, law is an expression of absolute will; to the whig it is the protection of privilege; to democracy it is a declaration of right. In the tory system the executive and sovereign are one; in the whig system the executive is the sovereign except where expressly limited; in the system of democracy the executive is not the sovereign, but the servant, of the people. The tory clings to past abuses; the whig idolizes present possessions; democracy stands for progress and reform. The tory, blaspheming God, pleads the will of heaven as a sanction for a government of force; the whig, forgetting that God is not the God of the dead, appeals to prescription; democracy lives in the consciences of the living. The tory demands an exclusive established church; the whig tolerates dissent on conditions; democracy enfranchises the human mind. The tory idolizes power; whig worships his interests; democracy struggles for equal rights. The tory pleads for absolute monarchy; the whig for a wealthy aristocracy; democracy for the power of the people. The tory regards liberty as a boon; the whig as a fortunate privilege; democracy claims freedom as an inalienable right. The tory loves to see a slave at the plow; the whig prefers a tenant or a mortgaged farm; democracy puts the plow into the hands of the owner. The tory tolerates no elective franchise; the whig gives votes to none but men of property; democracy respects humanity and struggles for universal education and universal suffrage. The tory bids the suffering poor gather the crumbs that fall from the table; the whig says: 'Be ye clothed, be ye fed,' but allows no obligation; democracy holds it a duty to soothe the mourner and to redeem the wretched. The tory looks out for himself; the whig for his clan; democracy takes thought for the many. The tory adheres to the party Moloch; the whig still worships at the shrine of Mammon; democracy is practical Christianity."

It would take a gifted pen indeed to add anything to this brilliant and convincing characterization. It is true in every word and in every implication and it as perfectly describes present-day political alignments as it does those which the great historian had immediately before his vision.

But in what association does the reader find himself? Is he tory, whig or democrat? Is he for property rights or for human rights? Are his sympathies with privilege or with the people?—Johnstown (Mass.) Democrat.

GOD'S GIFT

"Where is my gift," said God, "that I gave to men—

The sun-wed fruitful earth, with her freight of good

For all their wants? What-mean these prayers for food?

Are there poor in a world which bursts with its golden stores?

Who are the few that dare to withhold from all My gift to all of the fruitful, sun-wed earth?"

And the few replied: "O Lord, we give Thee thanks,

Thou gavest the earth to all, it is true, but lo! Thy angels, Law and Order, who rule the world

When Thou art far away, have learned our worth,

And rightly bestowed on us Thine inheritance."

"I know them not," said God; "they are fiends from hell

That juggle thus with the gift that I gave to man.

I am never far away from the world I gave.

And, now, once more, and for evermore, I give This fruitful earth anew to the sons of men.

Woe to the fiends who shall dare usurp my place!

Woe to the few who say that my gift is theirs! Woe to the man who grasps his neighbor's land!"

—Ernest Crosby.

The American Homestead, a monthly farm journal of national scope, will be sent to all Commoner subscribers, who renew their subscriptions during the month of May at regular rates, when this notice is mentioned.