

trary, in the discharge of such office. In short, they possess the autocratic power of absolute irresponsibility. "Step by step, one goes very far," says the French proverb. This is true of the federal judiciary. Compare their jurisdiction in 1804, when Marshall ascended the bench, and their jurisdiction in 1904. The constitution has been remade and rewritten by the judicial glosses put upon it. Had it been understood in 1787 to mean what it is construed to mean today, it is safe to say that not a single state would have ratified it. This is shown by the debates in the state conventions, in many of which the bare possibility of much less objectionable construction was bitterly denied and yet nearly caused defeat of ratification. In 1822, in his letter to Mr. Barry, Mr. Jefferson said that it was imperative that the United States judges should be made elective for a term of years, and suggested six years as the period.

The tenure of judges for a term of years is the popular will and judgment as is shown by the adoption of that method in forty-one states. It has worked satisfactorily in those states, else they had returned to the appointive life-tenure. The latter system of selecting the United States judges has not been satisfactory. It lends itself to the appointment of corporation attorneys, whose natural bias, however honest they may be, is adverse to any ruling that will conflict with the views maintained by them while at the bar. The life-tenure is especially objectionable, because the conduct of the judge is beyond review by any authority. A more autocratic and utterly irresponsible authority nowhere exists than that of the United States judges, clothed with the power to declare void acts of congress and rendered by life-tenure free from any supervision by the people or any other authority whatever.

An elective judiciary is less partisan, for in many states, half the judges are habitually taken from each party and very often in other states the same men are nominated by both parties, notably the recent selection by a republican convention of a democratic successor to Judge Parker. The people are wiser than the appointing power which viewing judgeships as patronage has with scarcely an exception filled the federal bench with appointees of its own party. Public opinion, which is the corner-stone of free government, has no place in the selection or supervision of the judicial augurs who assume power to set aside the will of the people when declared by congress and the executive. Whatever their method of divination, equally with the augurs of old they are a law to themselves and control events. A people's destiny should always be in their own hands.

As was said by a great lawyer lately deceased, Judge Seymour D. Thompson, in 1891 (25 Am. Law Review, 288); "If the proposition to make the federal judiciary elective instead of appointive is once seriously discussed before the people, nothing can stay the growth of that sentiment, and it is almost certain that every session of the federal supreme court will furnish material to stimulate that growth."

Great aggregations of wealth know their own interests, and it is very certain that there is no reform and no constitutional amendment that they will oppose more bitterly than this. What, then, is the interest of all others in regard to it?—Judge Walter Clark in the Arena for November.

Should Not the Opinions in the Moyer Case be Reviewed

The verdict of the people of Colorado admits of no doubt about their mental attitude toward the adoption of arbitrary and lawless methods by the governor, although his professed object may be to restore a state of industrial peace and safety where the opposite is claimed to prevail.

Denying absolutely that there was just provocation for the course of Peabody, yet upon the theory that the crimes charged against the Western Federation had been committed, the News holds that the machinery of the law, used within the limits of the law, in the hands of a resourceful and determined governor, were ample to overcome all the lawless elements that have yet appeared in the state and to promptly restore peace and safety where they may have been disturbed; and now that Governor Adams is elected and there is nothing political to be gained, the News repeats with emphasis all that it has ever said about Governor Adams' ability and determination to enforce law, to maintain order, and to afford protection, full and complete, to life, liberty and property, while the majesty and integrity of the law will be maintained without the infraction of a single one of its provisions.

Apropos to this subject the News would recall the supreme court to its decision in the Moyer case. It asks, is it precisely what the court desires shall stand for all time as the solemn judgment of the majority of the court in matters that so intimately pertain to the personal liberty of the citizen, to the efficacy of the writ of habeas corpus, to the constitutional guaranty of speedy trials before juries of the peers of those who may be accused, and the power of the governor to become a despot at will, holding the lives and liberty of every citizen at his sole mercy? Should not that decision be reviewed? Should not the court, with a petition for rehearing in the Moyer case yet undisposed of, take up every phase of the decision that in the heat of the campaign just closed has been publicly construed, as members of the court have asserted, to misrepresent the real meaning of the court in dealing with the vital questions it embraces?

The action of republican voters in dealing with Governor Peabody has been a revolt against the powers the governor asserted under that decision. No fewer than 30,000 republicans registered their protest against the deeds perpetrated under that decision as a cloak. The Moyer opinion, delivered within twelve hours after the horrible explosion at the Independence depot, was used to justify such a wholesale deportation and imprisonment, not alone of members of the Western Federation of Miners in the Cripple Creek district and of business men and lawyers whose only crime was sympathy with them for the persecutions so many were compelled to endure, but also of hundreds of coal miners in the southern part of the state, who bore no relation whatever to the Western Federation but were members of John Mitchell's organization—among the most conservative labor organizations in the country—as never before paralyzed the business of a state and shocked the humanity of a nation.

When such crimes were cloaked under the Moyer decision, and that decision was boastfully proclaimed as justifying all that was done, the News puts it most seriously to the court;

should not the decision be reviewed and the maturer views of the court, if they have undergone change or modification, be set forth so as to afford no shelter for those who would repeat, under claim of official duty and authority, the things against which the people have so decidedly remonstrated.—Denver News.

Union Labor's Problem

Preliminary reports from the meeting of the American Federation of Labor give little promise that this powerful organization will make the most of a glorious opportunity to become a rallying point for the vast army of American laboring men. Organized labor has done much good for the laboring men of the country, but they have paid attention to but half the problem that is before them. If the American Federation of Labor has failed, or if in the last year or two it has seemed to make but little progress, it is because it used up its energy in wasteful strikes and petty disagreements which are necessarily local in character, while overlooking the broad economic principles underlying our industrial system. What good is it to raise wages, so long as the trust magnates have power to raise the cost of living? How is a laborer better off to get a dollar a day increase if it costs a dollar and a half a day more to live?

What is political economy? What is democracy? What is republicanism? What is socialism? What is capital? What is labor? Are not all these inter-related? Doesn't it stand to reason that organized as well as unorganized labor should stand solidly with one party or the other? Or if none of the present parties answer their purpose should they not have a party of their own? Are political parties a joke or do they really stand for something? Is organized labor so weak that it must beg a few crumbs from the political bosses at each election?

Organized labor must cease to be the tool of politicians. It must take on more breadth of character. It must adopt policies the establishment of which will benefit not only themselves, but all men who labor and who do not get all that they produce. To have an occasional strike is to fiddle while Rome is burning. For organized labor to be at war with unorganized labor is a stigma on humanity and ridiculous on its very face.

If the American Federation of Labor ceases its policy of exclusiveness, it will move forward; otherwise, it will dwindle away and be forgotten of men.—Columbus Press-Post.

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