

# The Commoner.

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## The Recall of Judges

There is no thought of striking down the judiciary, and those who suggest this ought to know better. A judge has no right, except as the law gives it to him, and the people make the laws. The judge's right to declare a law unconstitutional is not an inherited right. It is granted by the constitution, and the constitution is made by the people. In fact, the constitution is distinctively a popular instrument. Individual rights are protected in constitutions because the people who make the constitution want those rights protected, and the people who make constitutions can be trusted to deal as fairly with judges as with other officials. The argument that a judge can have any power not conferred upon him by the people or can rightfully exercise power contrary to the wishes of the people is either a relic of past monarchy from which we have departed, or a foreshadowing of the plutocracy which some seem to desire.

The attempt to appeal to religious prejudice is as absurd as it is inexcusable. The religious belief of the people is more secure in the hands of the people themselves than anywhere else. Equally aside from the line of legitimate argument is the argument that the people may act in anger or excitement. Election laws provide time for deliberation, not as much time as some of the predatory corporations have taken to wear out the patience of the people by postponement and delays, but time enough to allow thought and deliberate judgment.

It is argued that the purpose of the recall is "to make the judiciary subservient to the popular will." To what will ought the judiciary to be subservient? Not unpopular will? We have had enough evidence that judges are human to enable us to withstand the appeal now made to us to put our judges in a class by themselves. Have we not seen influential criminals escape just punishment through their power to touch the sympathies of the court, and have we not seen judges decide political questions with just as much political bias as the ward politician? What state has not had its examples of political judges—and judges are just as likely to be partisan when they secure an appointive judgeship through a pull as when they obtain an elective judgeship through their push. Have we forgotten the electoral commission of 1876? Did we not have five supreme judges on that commission, and were they not the senior judges in length of service, and did they not decide according to their political bias just as the senators and representatives do? It so happened that three of the judges were republicans while only two were democrats, therefore Hayes was seated. Had there been three

THE LEAVEN OF TIME  
Editorial in Boston Journal, (rep.):  
"When Colonel Bryan paid his first visit to Boston he was regarded by the east in general as a dangerous agitator. Now he is welcomed as a leader of a movement which to a large extent has abolished party lines and done away with the ultra-conservatism which brooked no concessions to liberal ideas. He has not been successful as a candidate for the presidency, but he has seen the movement which he did so much to start become the dominant force in American politics."

democrats instead of two in the judicial group of the electoral commission Tilden would have been seated. It all depended upon the vote of one judge, and his vote depended entirely upon his party affiliations. He voted just as he voted at the polls, notwithstanding the fact that great constitutional questions were presented and mighty interests hung upon the decision.

Nothing is to be gained by shutting our eyes to the fact that judges are made of the same kind of clay that was employed on the rest of us, and it is just as well that the judge should have before his eyes constantly the possibility of a rebuke if he goes contrary to the sense of justice in the hearts of the people. A judge will be respected as long as he deserves respect, and why longer? If a judge betrays his trust it is better to let his sin fall upon himself than to have it rest upon the judiciary. There will be more respect for the court rather than less when the people have it in their power to remove an unfaithful servant. Now, if a judge rests under suspicion the distrust is apt to spread to his associates, but when the people have the right in their own hands their failure to use it is an answer to the criticism of an official.

But suppose a mistake should be made occasionally—that is not a sufficient indictment against the system. Mistakes are to be expected just as our constitutions contemplate the possibility of officials, even judges, proving false to their trust. Why is the power of impeachment lodged in the legislature except upon the theory that a judge may deserve impeachment? The recall is a form of impeachment in which the people act as a jury, and they can be trusted much better than any senate, even the senate of the United States. After the seating of Senator Lorimer who will claim that the United States senate is a better body to try an official charged with corruption than the people themselves?

The recall is coming and when it has come we shall have a higher standard of integrity and a more jealous regard on the part of our officials for justice and the public welfare.

## DENVER PLATFORM—ELECTION OF SENATORS

The Denver platform, following the platforms of 1900 and 1904, declared for the popular election of senators:

"We favor the election of United States senators by direct vote of the people and regard this reform as the gateway to other national reforms."

No republican national platform has ever declared for it, and the proposition was rejected in the last republican national convention, by a vote of seven to one.

But no reform is more popular and there is every probability that the next congress will submit the necessary amendment to the constitution. The democratic party began its fight for this reform eighteen years ago, and it is so important that the securing of this one amendment will be worth all the effort expended by the party during this time.

## "Watch It Grow"

The "two-years-for-one" offer, made by The Commoner for the purpose of carrying on an educational campaign for 1912, has already materially increased The Commoner's circulation—watch it grow.

Responses have been prompt. The Commoner readers show great enthusiasm in the effort to enlarge this paper's field of usefulness.

A fight must be waged to hold the democratic party true to its name and prevent the special interests from writing its platform, selecting its candidates and controlling its machinery. In the opinion of many democrats one of the best methods of protecting the party from this attack is to circulate The Commoner in homes where it is now a stranger. Mr. Bryan will be in the field working personally for the preservation of the democratic party to the end that it may be of real service to the people in the effort to perpetuate popular government. He has given instructions that every new subscriber shall receive The Commoner for a period of two years (which will carry it beyond the presidential election of 1912) for the sum of one dollar. Every Commoner reader is asked to secure at least one new subscriber. Many will be able to secure more than one. Everyone, however, may render some aid in this work.

Some idea of the responses that are being made to this offer may be obtained by reading sample extracts from some of the letters now pouring into this office:

Charles F. Horne, Kansas—The democratic party should not take a backward step at this time. A reactionary candidate can not win for the people. Such a victory would be worse than a complete defeat. I have always voted the democratic ticket, but was not always equally enthusiastic about it. I voted in five presidential campaigns.

W. W. Kessler, Missouri—Enclosed I send check for \$6.00, with six subscribers to special 1912 educational campaign offer. I will send more names from time to time. It is a pleasure to talk for a paper that stands for what The Commoner does—clean, pure democratic principles. We look to Mr. Bryan always to keep us posted on the pure and unadulterated.

A. M. Clark, Oklahoma—I hand you herewith a list of subscribers for The Commoner and I shall be on the alert for more all along. Every democratic democrat in the United States should be a reader of The Commoner. It gives me genuine pleasure to do anything I can for W. J. Bryan, who is easily the greatest exponent of democratic doctrine in the United States. In my opinion the greatest weight with which the democratic party is at this time handicapped is undemocratic democrats. Were it not for this almost insurmountable difficulty I feel that success in 1912 would be well nigh assured. Here's to the long life and continued influence of W. J. Bryan and The Commoner.

Henry D. Burroughs, Michigan—I enclose check for \$1.00 for subscription. I have always realized that the corporate interests and the plutocratic press aim to dominate every party with any power and as soon as the democratic party becomes popular it will have a struggle to keep the interests from dominating it. I don't think I shall be easily misled by any plot of the enemy and shall try to be on hand with my vote, but I don't know just how I can help to keep my neighbors in line. I am willing to do what I can. As for a presidential candidate for 1912 I haven't the slightest idea who would be suitable. W. J. Bryan would suit me but maybe he has been before the people too long so there would not be the same enthusiasm over him there would be over a new man. Certainly there is nothing to gain by electing a democrat from the corporation ranks and it will be a fight to nominate any other.

W. E. Taylor, Missouri—Enclosed find \$5.60 to pay for five two-year 1912 special educational campaign subscriptions; the additional 60 cents to pay for one yearly subscription.

J. M. Sawyer, Alabama—Enclosed find post-office money order for \$3.75 covering club of

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