

Courage and Inspiration from California Election

In its essence, there was nothing local about the California election, for it was the ancient fight between the many and the few—between people and privilege—that is being waged in every state in the union. As a result of the overwhelming victory won by the people, courage and inspiration, in reviving flood, will sweep across the country, for now we have proof that concerted popular attack can level any fortification that privilege may raise.

No commonwealth seemed more utterly enslayed than California. For years the Southern Pacific railroad has controlled its parties, named its officials, framed its laws, and drained the blood and marrow of its people. As a result of its corrupt control, councils, legislators, judges and senators danced to the pull of the S. P. string—as a result of old Collis Huntington's dictum, "All the traffic will bear," the shippers of the state were allowed only such return as amounted to a living wage.

Francis J. Heney, in the San Francisco graft prosecutions, sounded the first note of revolt, but a corrupt judiciary and a "kept" press procured his practical defeat, and the "system," re-adjusting its battered mechanism, resumed its all-powerful way.

Then Hiram Johnson announced himself for governor, and in a year-long campaign aroused the people to definite and concerted action. The legislature elected with him did not dare to violate pledges, and as a result, constitutional amendments were framed, passed and submitted to the people.

These amendments—the initiative, referendum and recall and an enlargement of the powers of the railroad commission—stand for popular power and control, and their adoption means that the people of California are free!

Thus, in practically two years, the most perfect special privilege "machine" in the country has been smashed into such bits that the next generation will pick up half-buried pieces with the same wondering curiosity that children now give to Indian arrowheads. What one state has done, another may do!

The overwhelming vote by which the recall of the judiciary was carried will, of course, be viewed as a rebuke to Mr. Taft. This is a narrow view, for while the result necessarily in-

volves Mr. Taft's humiliation, his personal inclusion in the right was no more important than a pebble's effort to stem a tidal wave.

California's sad experience with its judiciary is not unique in the annals of commonwealths. Not a state in the union that has not had its laws put aside because they happened to conflict with some judge's views of what was wisest and best. Every effort to correct injustice and establish more equal conditions has shattered against the stone wall of the judiciary.

As Senator Owen has said, "A judge upon the bench is merely a lawyer employed by the people, at a salary, to interpret the law. He does so in the light of his environment, influenced by his education, by his previous political and judicial predilections." To assume that election works instant and miraculous change—that decisions are made in a vacuum—is to argue human infallibility, and from this ridiculous assumption has flowed the despotism and disregard of human rights that are now complained of.

Those who control are served. Special privilege has hitherto controlled the bench in large degree, but when the right to recall is possessed, the people will control.

The recall of judges, when considered, is not revolutionary, but merely evolutionary. When the federal constitution was adopted in 1787, none of the judges were elected by the people, although there was a greatly restricted suffrage. Now we have universal suffrage practically in every state—and woman's suffrage in five—yet thirty-five states have decreed that judges shall be no longer appointed, but elected by the people. If the people are sufficiently wise and conservative to elect, why are they not sufficiently wise and conservative to discharge? By what subtle alchemy may "the splendid and intelligent voters I see before me" be suddenly turned into a "mob?"

The direct legislation league of Colorado, among the first uses of the initiative, will submit an amendment providing for the recall of all elective officials—judges included. In view of the California result, there can be little doubt of its adoption, for Colorado, no less than California, has suffered much from a judiciary not subject to popular control in the slightest degree.—Denver News.

PRACTICAL TARIFF TALKS

The thorough-going manner in which the republican party has heretofore kept its pledges to its campaign contributors whenever a tariff revision was in progress is nowhere better illustrated than in the Payne-Aldrich tariff measure. Take the case of the beef trust. The provisions schedule will disclose how ample are the folds of protection in which that infant industry is wrapped. Although it has stamped out all effective competition and not only dominates the home market, but ships large amounts abroad, the beef trust is sheltered from foreign rivals by any number of duties. Fresh beef, veal, mutton, lamb and pork—the chief products of the trust—are protected by an import duty of 1½ cents. A great deal of the fresh meat it places in cold storage is shipped abroad and sold for less than at home. The foreigner does not pay the meat tax.

Lard, one of the by-products of slaughtering, carries a duty of 1½ cents a pound. The beef trust absolutely controls this market. Beef extract is protected by a tariff of 35 cents a pound. "Embalmed," canned and dried meats, chiefly produced by the trust, are dutiable at 25 per cent. Another large by-product, the soups, are protected by varying duties. Horn buttons, for which the trust furnished the horn, carry a duty of a cent a line on the card. Poultry feathers, when prepared for use for milliners, carry a duty of 20 per cent. All manufactures of horn or bone are dutiable at 35 per cent. One source of large revenue in the large packing house comes from the sale of certain drugs or drug bases. The chemical schedule provides heavy protection against the pauper and competing drugs of Europe.

Through its control of the live animal slaughtering of the country, the beef trust has come to be the largest factor in the leather industry of the country. Controlling the hides it has been able to very largely control the tannery business, and it is quite generally admitted that the prices for leather fixed by the trust tanneries is the price of leather in all the large

markets. Free hides was supposed to be a blow at the beef trust, but it has for years been entrenching itself in the slaughtering business in Argentina, one of the chief hide supply centers of the world, and it is asserted by men who should know that it is one of the big factors in the fixing of prices of cattle and hides for export from that country. Shoe leather is dutiable at 7½ per cent. Leather for belting, rough leather and sole leather carry 5 per cent, while leather gloves are protected at from \$1.25 to \$4 a dozen pairs.

By reason of its domination of the live animal killing of the country, the beef trust fixes the prices which are paid to the raisers of cattle, hogs and sheep. It can do this because there is but one real buyer on the markets, the representatives of the various companies making up the trust. For proof of this read the government report upon the industry. Originally a duty was placed on live animals to protect the men who raise these for the food market. The trust has grown so large that it is able to benevolently assimilate as much of this protection as it pleases. Calves carry a tariff tax of \$2 a head. In 1909 the trust handled at its fourteen packing houses in various parts of the country 900,000 calves. If it absorbed all of the protection this meant \$1,800,000. All cattle valued below \$14 a head carries a tariff duty of \$3.75 per head. Prime steers, which are included in the exceeding \$14 a head clause, carry a duty of 27½ per cent. In 1909 the packers handled nearly 12,000,000 head, which represented \$45,000,000 protection.

An import duty of \$1.50 per head is placed on hogs and the same amount on sheep, while lambs carry 75 cents per head. In 1909 the big packers handled 23,000,000 hogs and 10,000,000 sheep and lambs, upon which the aggregate protection was \$47,000,000. Excess protection has been defined as "just that much more room to turn around in in the matter of price fixing." A little mathematical calculation will disclose the immensity of this room possible for utilization by the beef trust. C. Q. D.

A BRYAN SUPREME COURT

This would doubtless be Mr. Bryan's notion of an ideal supreme court of the United States: Chief Justice, the Hon. William Jennings Bryan of Nebraska; associate justices, the Hon. Jeff Davis of Arkansas, the Hon. Theodore Roosevelt of New York, The Hon. James Edgar Martine of New Jersey, the Hon. Robert Marion La Follette of Wisconsin, the Hon. Ollie James of Kentucky, the Hon. James K. Vardaman of Mississippi, the Hon. Richmond Pearson Hobson of Alabama, the Hon. Robert Latham Owen of Oklahoma. That's the kind of a supreme court to administer justice without respect to persons and do equal right to the poor and the rich.—Editorial in New York World, of October 8.

A Wilmington, Del., reader of The Commoner sends the following:

It appears that the supreme court, as at the present constituted, is entirely satisfactory to the World, but if that court had to be reorganized from top to bottom, this would doubtless be Mr. Pulitzer's notion of an ideal supreme court of the United States:

A PULITZER SUPREME COURT

Chief Justice, the Hon. J. Pierpont Morgan of New York; associate justices, the Hon. Nelson W. Aldrich of Rhode Island, ex-senator; the Hon. J. B. Foraker of Ohio, also ex-senator, the Hon. Joseph Weldin Bailey of Texas, to be ex-senator; the Hon. George F. Baer of Pennsylvania, president coal trust; the Hon. William Lorimer of Illinois, still a senator; the Hon. Judson Harmon of Ohio, formerly corporation attorney; the Hon. Richard Ballinger of Washington, ex-cabinet officer; the Hon. Joseph Pulitzer of New York.—J. F., Wilmington, Del., Oct. 9, 1911.

TEACH MEN TO RESPECT THE LAW

George Hillyer, Atlanta, Ga: "The Sherman anti-trust law stood on the statute books and was constantly violated, in thousands of instances for nearly twenty years before a single, solitary conviction was had under it. Violations of the laws forbidding all crimes, from illegal trusts or murder down to the 'blind tiger,' or gambling, are so common and everywhere increasing, as that it may be fairly said anarchy already exists in many localities and will, in the end, exist everywhere unless some remedy is found—some heroic remedy bravely applied. The real fault lies in defective criminal procedure. What is the use of enacting laws to define and punish criminal trusts and other crimes when the trusts by having plenty of money with which to hire lawyers and canvass jury lists and employ the wicked weapons of defense, wrongfully contrived, and grown up in criminal procedure, by which they can and do nearly always shield the guilty? These things are a burning shame. The Commoner could work wonders in finding and successfully advocating the right remedies and reforms in methods for law enforcement before it is too late."

JUST PUBLICITY, THAT'S ALL

The Waterloo (Iowa) Courier says that Mr. Bryan's challenge to President Taft (in the matter of certain supreme court appointments) is unworthy because it implies bad faith on the part of the president of the United States without sufficient grounds. "It is unworthy of Bryan's reputed high character," the Courier asserts.

To urge publicity with respect to the influences behind successful candidates for places on the United States supreme bench does not imply "bad faith" on the part of Mr. Taft any more than a law requiring publicity as to campaign funds expended in Mr. Taft's behalf. And Mr. Taft says he is in favor of publicity with respect to campaign funds.

Why not, then, have publicity with respect to the influences that make supreme court justices?

It will be remembered, also, that Mr. Taft introduced this "challenge business." One who is so free with challenges ought to be prepared to meet a few on his own account.