

the will of the people in votes of the people acting in their sovereign capacity, then it is not the best method of ascertaining the will of the State in elections of United States Senators by legislatures, or in judicial decisions of courts which are made by majority votes of judges.

Many measures passed by States, acting through legislatures, could not command a 20% vote of the electorate. Many measures desired by a majority of the electorate are denied passage by State legislatures.

The recognition of the fact that judges in defining law make law, and in nullifying acts of legislatures read into constitutions their views as to public policy, makes it plain that they, most of all public officers, should be subject to popular control. For either judges are servants and representatives of the people, in which case they should be subject to popular control, or else judges must be recognized as the real sovereign in the place of the people. But this is not in accord with the republican form of government. Arguments against the Recall have all been made against the choosing of judges by popular election.



There is no question of substitution of the Recall for impeachment. Impeachment is designed for malfeasance in office. The Recall is designed for misrepresentativeness in office. The judiciary must be independent. If it is independent of bosses, it will be independent of popular majorities. If it is not independent of bosses, then direct popular control is necessary to end the tyranny of the bosses.

But the constitutions nowhere say or intend that judges shall be sovereign. That would be "solecism, at least in a republican government," said Thomas Jefferson. If the people can empower legislatures to remove judges for malfeasance without destroying judicial independence then the people can directly pass, in Recall elections, on their judicial representatives without improperly affecting judicial independence.

Is there anyone who will allege that legislatures have never been improperly influenced in the elections of United States Senators? Why, then, may legislatures not be improperly influenced in unseating a judge?



There are no inherent personal or property rights which are beyond the reach of the State, or of the people expressing themselves directly in their sovereign capacity. And any argument which aims to uphold such a theory will be found to

apply with equal cogency to upholding anarchy.

The Initiative, Referendum and Recall supply to democracy those necessary safeguards against usurpation of political power, which will warrant the granting to public officers such freedom of action, necessary power, and a sufficient term of office, as will produce efficient administration. In other words, if democracy is to be efficient, and if efficiency is to be democratic, the Initiative, Referendum and Recall are necessary developments of popular government.

And who wants efficiency which is irresponsible to the people? or who wants democracy if it spells bad and inefficient government?

The real danger is that in the search for efficiency we forget democracy, and in the search for democracy we neglect efficiency.

LEWIS STOCKTON.

EDITORIAL CORRESPONDENCE

GOVERNOR JOHNSON OF CALIFORNIA.

Columbus, Ohio, Feb. 29.

A wonderful thing happened here today. A man spoke to the Constitutional Convention. The press dispatches will tell what Governor Johnson of California said, but no report of his speech can possibly carry with it the spirit of the speech itself.

His coming had not been heralded as was the coming of President Taft or of Colonel Roosevelt, and there was no large group of spectators. The galleries were comfortably filled; the members of the convention occupied their own seats on the floor, instead of having relinquished them to visitors as many of them had done on the occasion of the visits of the President and the ex-President. A vote had just been taken on several liquor license proposals following a whole week of debate. Both extreme "wets" and extreme "drys" had been routed. The middle-of-the-road members who had exercised the balance of power felt only that they had averted something, not that they had settled anything. Nobody was happy. The atmosphere of the convention was tense and unpleasant—the veriest outsider could not but feel the unrest of the delegates.

The Governor of California walked down the centre aisle to the front of the convention hall. A subtle change commenced to take place in the mental atmosphere. Before he faced his audience, before he spoke a word, the changed "feel in the air" proclaimed that *somebody* had arrived. Before he had spoken four sentences he had the undivided attention of every person within the sound of his voice, and that attention speedily deepened into interest which never wavered for a single second until he closed. He talked democracy—the kind The Public preaches—and the two great distinguishing features of his talk were these: (1) he knew what he was saying, and (2) he believed it. Here was a man speaking from his heart as well as with his lips.

It is easy to understand, having seen and heard

him, how he "put over" twenty-three people's amendments in California. His whole being bespeaks power—not force, mind you—but conscious, intelligent power. And his hearers responded more sincerely, more spontaneously, than I, at least, have seen this same group respond to anything that has been said to them since this convention assembled. That simple, but majestic sentence, "For this is the power of truth," has been saying itself over and over in my mind all day.

Before me is a letter from a friend in New York who writes, "I attended a very interesting meeting of the Insurgents' Club and heard another Johnson, the California Governor, who is the real thing." I believe my friend is right in his estimate of this man as "the real thing." I believe he is "another Johnson."

ELIZABETH J. HAUSER.

INCIDENTAL SUGGESTIONS

EXPERIENCE IN GETTING INITIATIVE SIGNATURES.

Portland, Oregon.

Last year a very earnest and honest working-man came to my office, whom I will call Jenson. He had made up his mind to circulate an Initiative petition to put the "employment sharks" in Portland out of business. They are harpies on the back of labor, and he had suffered from them as have thousands of others.

His draft of the petition was legally faulty, redundant and badly worded. I advised him to go to a lawyer and have it properly drafted, and offered to have it submitted to the advice of two or three attorneys of State reputation if he would let me take it up.

I saw that the patient pertinacity of the man would secure the signatures all right, and I recognized that properly adapted it would be a very popular move in the direction of establishing municipal employment offices throughout the State. We have a very good one in Portland, but it is not able to do all the work of that nature for Oregon.

Jenson flared up. He would have no lawyers. No one! He insinuated that I was half a lawyer myself. He didn't care to have his measure "butchered up" by newspaper sharps or lawyers, either. He went at it, and the printer got up his petition blanks in legal form for the sake of the job, but could not budge Jenson from the idea that no lawyers need apply.

The securing of initiative petitions was undertaken with that determination that has so often shoved members of the Scandinavian race into success. He lived on very little and asked no help from anybody. The employment sharks were to be put out of business. "Sign your name dere," said Jenson.

Right away he bumped up against the questions of "Who is backing this? Did U'Ren advise on this measure? Did the Central Labor Council put this out? Have the Socialists started this up? Does the Labor Press stand for it? Has Parkison endorsed this scheme?" and so on.

"I put dis out; nobody advised me," Jenson would

say. "I don't go to U'Ren, nor to Parkison, nor to Vood (C. E. S. Wood), und Shudge McGinn don't know nothing about it. Der Central Labor Council don't run me. Dis will put the employment shark out of peesiness. You sign it or not?"

It was not signed, usually.

After Jenson had been out several days he showed me his petition, and I called his attention to the fact that the signers did not give their street address, and that he had not kept a copy of them on the back of each sheet as required by law.

He told me he was going to appear before the Central Labor Council and get its endorsement of the measure, for the reason that local unions would not endorse it without. I attend the Central Labor Council regularly and therefore observed with interest the poor fellow's attempt to get before that body. It referred him to the Legislative Committee. That committee referred it to several lawyers, and reported that it was impossible, unconstitutional, badly drawn and would not possibly carry. After several somewhat piteous attempts Jenson gave up the fight, his soul full of bitterness, firmly of the opinion that the Initiative is no good to the workingman.

The idea that any man can draw up an Initiative measure and trot around for a few hundred signatures two or three days and thereby become a law-maker, does not pan out in Oregon. Several who have tried it with even more ability, means and pertinacity than Brother Jenson have found this out. His individual efforts were entirely thrown away.

ALFRED D. CRIDGE.

NEWS NARRATIVE

The figures in brackets at the ends of paragraphs refer to volumes and pages of *The Public* for earlier information on the same subject.

Week ending Tuesday, March 5, 1912.

Strike of British Coal Miners.

A gigantic coal-mining strike in Great Britain has begun. Rumors of it had colored the cable dispatches for several weeks, with stronger indications each week of a complete cessation of coal mining unless the Government interfere. Notices of intention to quit work on the 29th day of February were given in behalf of nearly a million coal miners prior to the 17th, and the executive committee of the International Federation of Mines was called to meet in London to consider the situation with reference to the advisability of calling a general European strike. This possibility is still in abeyance. The strike is over the question of minimum wages, the strikers demanding a living wage as the minimum for the poorest paid coal miners, and the mine owners insisting upon a guarantee of a minimum output as the condition of granting the minimum wage.