

The indiscriminate outcry in some quarters for government by experts, might more appropriately come from the uneducated and the foolish than from wise men. Government by experts is no new thing. It is as old as history, and in all times and everywhere it has been—so far as the interests of democracy are concerned—a wretched experiment and a disastrous failure. Russia is governed by experts to-day, and what democrat would exchange even our halting experiment in democracy for Russia's expert system of government? France had government by experts under Napoleon, earlier also under the French kings, and how did it benefit democracy? The monarchical system of government by experts confided in by the democracy—is a confidence game singularly like that of the lamb in the stomach of the lion. For the good of all, the only true principle of government, so far as history thus far enlightens or reason guides, is that experts shall advise and execute, but that the democracy shall determine the point for them to advise upon and the purpose for them to execute. For democracy the What, for experts the How.



DIRECT LEGISLATION AND THE RECALL.

The Initiative, Referendum and Recall have passed the stage when these measures can be called "merely academic." Nearly one fourth of the States have the Initiative and Referendum, and the Recall is an active political issue. The States which may be called progressive in regard to these measures are, South Dakota, Utah, Oregon, Nevada, Montana, Oklahoma, Maine, Missouri, Michigan, Arkansas, Colorado, California, Washington, Nebraska, Idaho, Wyoming, Wisconsin, Arizona, New Mexico, North Dakota, Illinois, Texas and Ohio.



Considering the people of the several States as an organized political body in meeting assembled, the Initiative corresponds to moving the question. It is a scheme whereby a small number of voters may propose a law and compel a vote to adopt or reject it.

The Referendum corresponds to action on the report of a committee. It is a plan whereby a small number may compel a vote of the electorate on an act of representatives to approve or reject it.

The Recall is a plan to compel an election before the stated time. It is a measure whereby a

small number may compel a vote of the people to say whether or not they approve of a public servant and desire him to continue to act as their representative or not.



It is a well established constitutional principle that the "sovereignty in every State resides in the people of the State, and that they may change their form of government at their own pleasure" so long as its form is "republican."

A form of government in which the supreme power resides with the people is republican in form. The forms of republican government in the various States have from the beginning been undergoing transformation, and have been and are being constantly reorganized according to the progress of popular government.

It can not be truthfully said that autocracy in Russia, aristocracy in England, or democracy anywhere, have been free from corruption, but in the United States, we are, not only by our written constitutions, but also by our fundamental political character, committed to democracy.

We have been extending and are likely to extend further the elective franchise.

We have been changing the State constitutions to conform with the decline of State legislatures in public esteem.

There has been a gradual recognition of the fact that there is no real difference in principle between a statute and a constitution. A public service corporation law is written in the State constitution of Oklahoma, a civil service law in the constitution of New York, while in other States these measures are merely statutory.

And so there is no principle of discrimination between acts upon which the people of the several States may vote directly by way of enactment. If they can adopt or reject the most important of all legislation by popular-vote constitutions, they can certainly vote to adopt or reject a less important measure passed by their representatives in the State legislature. If the people, through their representatives, can propose legislation for enactment, the people can propose legislation directly. There is no heaven-given right residing in a legislature alone to employ legal talent competent to draft a bill with technical formality.

If the people can elect public officers they can also remove a public officer by election.



The general rule is, that the will of the people is expressed by a majority vote.

If this is not the best method of ascertaining

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.

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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