

imagination, we can have a practical question in the Recall.

What is to hinder? Only one thing. And that? A reversal of the judicial policy of overruling people's laws. The courts must take themselves out of politics. Mr. Loesch evidently had this alternative in mind in asking his question, for in his enumeration of the causes of discontent with the judiciary, he defined one of them as "the political power vested in our courts."

+

No desire or purpose to interfere with legitimate judicial functions has or ever will inspire any popular demand for a Recall for judges. Let the courts limit their decisions, not only professedly but actually, to applying the people's laws to particular controversies, and the public mind will be content with any plan for the appointment and tenure of office of judges that tends to secure the best judicial service. But so long as the courts continue to *make law*, they perform political functions and must be subject to political control,—which in a republic means people's power. That is to say, if judges are to continue making laws, their office must be an elective office, and they must be subject to recall like any other law-makers. Better incompetent judges who make good laws, than able judges who make bad laws.

+

Nor alone as matter of public safety must law-making judges be under popular control; they soon will be, as matter of historical probability. We have seen how the attempt to keep our Presidential office out of politics by means of the Electoral College has resulted; we may see a similar result from letting the Supreme Court into politics. We are seeing how futile in the long run the effort was to put the election of Senators outside of people's rule; we may see how futile in the long run the effort was to substitute Supreme Court decisions for people's rule. What the extra-Constitutional nominations for President were in making an empty formality of Electoral College functions, and the Oregon plan has been in making an empty formality of the legislative function of choosing Senators, so may the Recall—yes, even the Referendum—come to be with reference to law-making by the courts.

+

Gentlemen of the bar—you who plead with the people to hold the judicial office sacred, to respect judges in office, to bow to the decisions of the courts as oracular—you are answered by one of your own leaders, one who has analyzed and re-

flected as some of you have not. Divest the courts of political power, and your pleading shall not be in vain. Under no circumstances should courts be sacrosanct, but as arbitrators in litigations even their errors are better than perpetual private warfare. For that reason they and their decisions should be respected—rationally, not superstitiously. But vested with political power, so that their decisions may repeal laws made by the people and make laws to which the people are opposed, they become absolute governors of the Republic. In that capacity they must be subject to all the safeguards against the despotism that always springs from concentrated power, to which any other political department of republican government is or may be subjected. Take your choice, gentlemen: election and recall of judges, or relinquishment by the judiciary of all the law-making and law-repealing power it has assumed. The issue will not end with Arizona if she comes into the Union with her people's power Constitution; it will not vanish if President Taft ventures to keep her out of the Union.

+ +

#### Annexation of Canada.

President Taft need not have been at the trouble of giving assurances that his reciprocity arrangement with Canada is not part of any plot for Canadian annexation. The vague notion on this side of the border, that Canadians are keen for annexation is without the slightest basis in fact. Nothing could in all probability be more abhorrent to the great mass of them. It is doubtful if a thousand votes for annexation could be got in all Canada.

+

The inhabitants of British birth or descent, the descendants of the old loyalists (known over here as the "Tories" of our Revolution), and party Conservatives, all have their own unreasonable reasons; but they, in common with the Liberals and the radicals of every shade, and citizens of the United States who have become Canadian citizens, have also a reasonable reason. If all other objections to annexation were removed, Canadians would still be opposed to it because they regard the Canadian government as more democratic, more sensitive to public opinion, more completely subject to people's rule, than the government of the United States. And they are right. The Canadian government is more directly and immediately responsible to the people than ours. This fact alone puts political annexation out of the field of the possible, out of the field even of the debatable.

+

Instead of a step toward political annexation,

reciprocity is a step away from annexation. For the time might come when the United States, as the victor in some hellish war or other, and under the influence of a jingo spirit like that which led us to grab the Philippines from the Republic its people had organized, would be tempted to grab Canada. But this temptation could not arise, or if it did, would be instantly put under, if free trade prevailed between the two countries. American commercial interests intertwined with those of Canada would then stand as an absolute barrier in the way of our government's imposing repugnant political bonds upon Canada.

+

The political bonds which make one nation of our States are not the bonds that really hold us together. But for free trade between our States, and the unity of commercial interests—not "interests" created by government, but interests spontaneously generated and voluntarily maintained by freedom of trade—secession would be a perennial question with us. Wipe away all that is bad in the governmental mechanism of the United States, and the true glory and the power of the Republic would still remain, in the absolute free trade that prevails from border to border—the greatest experiment in free trade in the world's history. Pull down the tariff bars that separate us commercially from Canada, and the same amicable relationship would exist between the United States and Canada that now exists between the States, yet without consolidation of political power. As sister nations, with their citizens freely trading, the United States and Canada would be closer than political bonds could make them, though as distinctly separate in government as they are to-day. So, also, not only these two countries, but all the countries of the globe.

+

Reciprocity with Canada is a timid, awkward, only slightly effective, yet clear and definite step toward that free trade between all nations which will usher in the reign of universal peace.

+ +

### The Chicago City Election.

The Chicago Tribune's devotion to the principle of a corrupt practices law for primaries and elections, has brought confusion into the political camps. By a set of blanket questions it fired off on the 17th at the candidates, it asked them to make public the items of their respective primary campaign funds on the 20th—8 days before the primary—and to promise, if nominated, to make

public the items of their respective election campaign funds. It then interviewed the candidates with this result up to the 18th:

Republicans: (1) Merriam, Yes; (2) Smulski, Yes; Thompson, no response.

Democrats: (1) Graham, no response; (2) Harrison, not without consent of contributors "and that may be hard to obtain"; (3) Dunne, Yes.

+

Since the 18th some of the candidates have changed their minds. Although Mr. Graham "stands pat," as becomes Roger Sullivan's bi-partisan Big Business candidate, Mr. Harrison has concluded to give a statement omitting the names of personal friends who contribute, and Mr. Thompson declares that his candidacy is so strictly personal that nobody but himself is making any contributions toward it.

+

At the suggestion of Mr. Merriam, that all the candidates meet and arrange a plan for assuring the public of the complete good faith of their statements, a meeting was held on the 21st. The attendants were Dunne (Dem.), Merriam (Rep.), Smulski (Rep.), Scully (Rep.), Murray (Rep.), and Brubaker (Pro.). It was agreed that an audit committee, to which all candidates' accounts may be submitted, should be appointed; one each by the Federation of Labor, the Municipal Voters' League and the Association of Commerce. Mr. Graham and Mr. Harrison did not attend this meeting, nor were they represented at it, and neither has yet given any indication of a desire to submit his account to the proposed auditing committee.

+ +

### Edward F. Dunne.

If there had been any doubt in the minds of the democratic Democrats of Chicago on the question of a Democratic nominee for Mayor, there should be none now. There is no more choice than if Dunne were the only candidate. He alone among the Democratic candidates rises above the level of special interests of one kind or another. They have fought or balked him and are fighting him now because when Mayor he would not yield to their selfish demands. Against powerful combinations of open enemies and false friends, all with axes of their own to grind, Mayor Dunne remembered throughout his term that as Mayor he was charged with the guardianship of public interests. So the self seekers prevented his re-election. Shall they be allowed to do it again? The first test comes on Tuesday, February 28th. Every Democrat can vote on that day for a Democratic candi-