

# The Public

A National Journal of Fundamental Democracy &  
A Weekly Narrative of History in the Making

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## EDITORIAL

### Reason for Recalling Judges.

No better work has been undertaken by any magazine than Everybody's begins in its February number, with the first of a series of articles on "Big Business and the Bench." The author is C. P. Connolly, a lawyer of twenty years' practice. He has won a deservedly high reputation as an investigator and reporter in the seven or eight years since he, with a realization of judicial corruption and the passing of the independent lawyer, withdrew from the legal profession. Mr. Connolly's series in Everybody's will doubtless be called "muckraking" articles; and such they clearly are if the first is a sample of those to follow. But why should anyone object to "muckraking," unless he is so far in or of the muck as to be in danger of getting caught between the teeth of the rake?



The question honest men will ask is not whether Mr. Connolly's exposures are "muckraking," but whether they are true. If true, they are of the utmost importance, for they disclose a degree of judicial corruption which may well appall honest litigants, and a habit of law-making by judges which demands instant and radical correction.



In his first article in Everybody's Mr. Connolly confines his specific disclosures to the States of Montana and Washington. But he offers these

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instances for more than their local and temporary value. He offers them as typical not only of those localities and of an earlier time than the present, but also of a national condition now. "While we have been giving to judges a reverence that men once gave to kings," says Mr. Connolly, "the forces that corrupt every other branch of public life have been no more reverent to judges than to aldermen," and "while we worshipped they corrupted." Quoting a statesman who died fighting the Interests, he declares that these have "retreated into the courts," where, after defeat "in legislatures, councils and executive offices, they are going to make their last stand." Mr. Connolly might have added in allusion to the nervous opposition of our Roots and our Tafts over the coming system of popular recall for judges, and of the solemn action of our Bar Associations influenced by other allies and Dalghettys of the Interests, that the Interests are already making their last stand in that city of plutocratic refuge—an irresponsible judiciary, a cult of judges beyond the reach of public sentiment.



In itself a ruthless drawing of the curtain at the back of our judicial bench, and a limelight exposure of "the man behind the hand that holds the hook" which menaces every independent judge with a corporation recall, Mr. Connolly's first article promises more and worse. It promises to prove that there is a state of affairs which, "unless checked, cannot but be a serious menace to the country." Among the facts to be marshalled in support of this promise, are these: that judges act "like puppets at the end of a string" in response to political bosses; that "the courts have been packed in order to render decisions favorable to certain corporations, not once, but so often that the resulting danger has become too great to ignore;" that oppression "in the private exploitation of public service and in the seizure of privilege" is "in large measure due to the courts' obedience to the will of powerful interests;" that "impeachment is an impotent and hopeless remedy;" and that "judges refusing to obey the mandates of corporations" are "returned to private life" by means of "boss-managed and corporation-owned conventions."



Mr. Connolly's articles ought to be read far and wide. They ought to be discussed in every city and village and school house. They ought to be liberally quoted from and commented upon in every unshackled periodical. No worse power

has ever been faced by the American people than the American judiciary at the present time. With its assumption of the veto on legislation, its custom of manufacturing law through the piling up of precedents, its centralization of authority in a few men on an appellate bench far removed from popular influence, and with our inculcated habits as a people of worshipping judges as sacrosanct, the judiciary of the United States is the most powerful institution since monarchy at the time when the doctrine of divine right was as the breath of its life. And if the judiciary be corruptly or coercively influenced by monopoly interests, then this Republic faces not only a great power but a grave danger. Mr. Connolly avers that the American judiciary is thus influenced. In his first paper he proves his case startlingly as far as he goes, and shows that he is not "talking wild" in the promises he makes of further disclosures. If he is not mistaken, and few persons with knowledge are likely to think him so—probably none in good faith—he is a veritable Paul Revere at a time and under circumstances when such a messenger and a listening people are supremely needed. And let no one be fooled with misleading cries of "muckraker." Let the answer to all such cries of the public enemy be short and sharp: "We care not for your foolish epithets; what we demand to know is whether the story is true!"



### "Trying Out" Governor Wilson.

George Fred Williams is right in urging democratic Democrats to inform themselves now, about Governor Wilson's pedagogical utterances of a decade ago or more, and to consider the bearing of those utterances upon what appears to be, but may not be, his radical change of heart. Our reason for regarding Mr. Williams as right is given by himself in his letter to Senator Pettigrew, where he says that those old utterances of Governor Wilson's ought not to be left to the exploitation of headline writers in Republican newspapers after the Governor may have become the Democratic nominee for President. Such surprises are surely to be avoided. Consider the "cocked hat" letter about Bryan as making its first appearance in the autumn of the Presidential year! But inasmuch as everybody knows about it now, it cannot be exploited in the campaign. So with all else that Governor Wilson said or wrote before he realized what democracy really means in the practical politics of the time. To us it seems that every new disclosure so far of Wilson's utterances before his political illumination, has gone to prove the genuineness of his conver-