

"dead away" in his interpretation of Lincoln Stephens.

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### Recall of Judges.

In spite of all that has been said against the Recall for judges—in newspapers and out of them, by the President and in bar circles—the failure of the first and only attempt to use such a Recall where the law allows it goes unnoticed by the newspapers. As with many other delinquencies of like kind, we do not attribute this default so much to the bad faith of newspaper owners as to the incompetency of newspaper men trained in an era of newspaper reporting which is happily passing away.

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This futile effort to abuse the power of Recall took place in Oregon. For information about it we are indebted to Judson King, in a recent issue of *La Follette's*. It seems that a judge had so charged a jury as to bring about an acquittal of a defendant on trial for murder in a case in which local opinion ran strong against him. The judge's name is John S. Coke, the acquitted defendant's Roy McClellan, the murdered man's Benjamin F. Mahan, and the place of the alleged crime Roseburg, Oregon. Indignant at the acquittal, friends of the murdered man began proceedings to recall Judge Coke, on the ground, as stated in their petition, that Judge Coke had at the trial—

demonstrated his gross incompetency and unfairness by giving to the jury in said case, at the instance and request of the defendant's attorneys, unfair and erroneous instructions as to law, intended to bias the jury in favor of the defendant and secure an acquittal and did so bias the jury and cause an acquittal; while at the same time he (said John S. Coke) failed and refused to give to the jury fair and legal instructions which were asked by the prosecution. All of which contributed to and brought about the defeat of the ends of justice.

To make this petition effective under the Recall law the signatures of 25 per cent of the voters in Judge Coke's judicial district were necessary, and public opinion had been so "mobeocratized" that this was regarded as an easy matter.

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But while a few people signed readily enough, the great mass, even in the immediate vicinity of the crime and though personally indignant, refused to sign. They refused upon the ground that as to corruption they believed the Judge had acted in good faith, and as to competency that the fact that it was his first murder trial should be considered. "Their attitude," writes Mr. King, "seemed to be well expressed by Mr. Brown, the prosecuting at-

torney, who said to me: 'I was much disappointed in the Judge's conduct. I think he was unwise, but I charge him with no bad motives, and if we are to recall judges because of the lack of judicial temperament they show or the errors in law they make, we shall soon have no judges upon the bench. I lost the case, but I refused to sign the petition, which I would have done had I considered it a fault of the heart and not of the head.'" Beyond the immediate vicinity of the crime, the work of getting signatures became absolutely insurmountable, and the proposed recall has been abandoned. This instance is further proof that objections to the Recall, like those to the Initiative and Referendum, originate in distrust of popular government. It goes to prove, moreover, that this distrust is without substantial foundation.

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### Surface Bubbles.

What muck is this that Martin Littleton hath wallowed in, which makes him hate so much the muckrake man? Or hath he clients?

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### Roosevelt's Latest Sidestep.

"Liar!" was Theodore Roosevelt's favorite method formerly of sidestepping facts that embarrassed him; and his admirers, though they abhor epithets from others, made allowance for him. With similar toleration they smile approvingly now when Mr. Roosevelt calls Wharton Barker an "out-patient of Bedlam," and his sworn testimony a "pipe dream." So Mr. Roosevelt is likely to escape another dilemma with an impudent phrase, which is saved from the commonplace only by his late official station. Yet Mr. Barker has done no more than quote Mr. Harriman in support of accusations of Mr. Roosevelt the truth of which few but blind worshippers can any longer doubt. According to Mr. Barker, Mr. Harriman told him in 1904 of Wall Street arrangements to finance Mr. Roosevelt's campaign that year, the Roosevelt administration to pay for it in favors, and Mr. Roosevelt to have the privilege of "hollering." Isn't that about what happened? Mr. Roosevelt's "snarleyow" response to Mr. Barker's testimony is quite Rooseveltian, but aren't his friends tired of taking the cuss-words of their fetish at his own estimate of their value as proof of what they imply?

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### Mr. Hearst's Candidate.

Isn't it somewhat unfortunate for the Speaker Clark candidacy for President that William Randolph Hearst has taken it up? This can have but