that it applies the Recall to judges, as well as to legislators and administrators. This would be a subterfuge on the part of President Taft, for there is no argument against the recall of judges in this country which does not apply with equal force to their election, and also to the election and recall of legislators. It is no subterfuge, however, on the part of the Plunderbund; for the judiciary has become the last refuge of plutocratic power. But that is another story.

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The Recall of Judges.

Granted that the power of Recall is a wise one for the people to reserve as to legislators, then it is a wise one for them to reserve as to judges. This is so, that is to say, under existing circumstances in the United States with reference to judicial powers.

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The power to recall judges by popular vote goes logically with the power to elect judges by popular vote; and to elect judges by popular vote is a necessary outcome, in our republic, of the Marshallistic theory regarding the extent of judicial authority. If the judicial function were confined in this country, as it is in Great Britain, to applications by legal experts of the law of the land to individual controversies, we should have a different problem. Judges might then be safely appointed instead of being elected. They might with safety to popular institutions be even appointed for life, subject only to indictment for offenses in office, just as accountants, surveyors or other experts might be. For in those circumstances, judicial decisions would work no harm that could not be easily cured by legislation. Neither mistaken decisions, nor unjust ones, nor partisanship of any kind or degree could then dominate political action. The authority of the people would be supreme, the democracy of the country would remain unimpaired and unassailed by superior power.

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But that is not true in existing circumstances in this country. Political power has been surreptitiously usurped by the judiciary. Under our system of written constitutions the judiciary has made Congresses and legislatures subordinate to judges as factors in government. It has made the people themselves also subordinate. There is no limitation whatever upon the political power of the judiciary—which is vested in the last resort in five out of nine Supreme Court judges—except the people's power of amending constitutions; and this power is so hedged in with limitations that even a small minority of the people can prevent action by a large majority. The governing power in this country is not the President (except through his judicial appointments, which once made cannot be recalled), nor Congress (except through the Senate's power of confirming judicial appointments, which once done is done for life), nor the State legislatures, nor the people themselves (except through baffling processes of Constitutional amendment). The governing power in this country is the judiciary. Through our written constitutions, with their "checks and balances" and with legislative, executive and judicial departments of "co-ordinate" power, we have evolved a system in which the "checks" have been monopolized by the judiciary, the "balances" have been unbalanced by the judiciary, and instead of a "co-ordinate" branch of the government the judiciary has become super-ordinate. It is a law-making and a law-killing power, *the* law-making and *the* law-killing power.

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Judges must therefore be elected directly by the people; and, having been elected, they must be subject at all times to recall by the people. Either that, or our democratic republic will depend for its perpetuity, not upon the people's will, but upon the loyalty of any five out of nine life tenure judges who may happen, no matter how or whence, to rise to the Supreme bench.

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The opposition to a popular recall for judges speaks volumes for the recognition by great Interests of the judiciary as the ultimate seat of power, and of their wish to keep it. "Let our judges censor the laws of a country," they seem to say, "and we care not who enacts them." Their pretense that disgruntled litigants would set the recall machine in motion against judges who decided for their adversaries is altogether too thin. Defeated litigants could get but few signatures to their petitions for a recall of the judge. The public would laugh at them. Their only recourse would be the time hallowed one of a spell of "cussin' the judge out in the tavern stable." But we are told that "no self-respecting lawyer would consent to be a judge," with the Recall staring him in the face. It were better if the man who for that reason wouldn't take a judgeship were left to his pickings as an open instead of a concealed lawyer for special interests. Might a judge be recalled because he held that "a county was obliged to pay

bonds which the people wished to repudiate"? The instance cannot be named where a people have tried to repudiate an honestly contracted debt; and if there were any such danger, the argument would apply as well to the recall of an administrative officer to prevent his making payment, or of a legislator who refused to vote for repudiation, as to the recall of a judge. And if the people in any political subdivision decided to repudiate obligations, they would be too earnest to begin with recalling petty judges. Would the recall be "a menace to the independence of the judiciary"? On the contrary, it would relieve judges of the worse menace that perpetually faces them now. The menace of a majority of all the people of a community is a friendly aid, in contrast with the menace of the Beast. Consider Judge Lindsey's case (vol. xiii, p. 914) and be wise.

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The wail that comes from the Beast lest "an angry community" oust a judge from office "because he had made a just but unpopular decision," may be safely disregarded until somebody produces at least one instance in which a just judicial decision has ever been unpopular. The danger this American republic faces today is not popular assaults upon judges for just decisions; it is corporate coddling of judges for unjust decisions. Arizona guards against this danger by means of the Recall. President Taft is to determine whether or not to thrust their guard aside.

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Reciprocity with Canada.

Republicans who learned their protectionism from its masters, may be pardoned for their confusion over the Canadian reciprocity agreement, which their own President good and true is urging upon Congress as a party measure for cheapening the cost of living. Since they believed President Harrison when he told them that "a cheap coat makes a cheap man inside of the coat," wouldn't they be less than logical now if they didn't think of cheap food as making a cheap man outside of the food? And the farmers, may their innocence be ever blessed by the Protection god—those farmers who voted for dear food by keeping the pauper food of Canada out of the American farmers' God-given home market,—why shouldn't they find their mental adjustment painfully disarranged upon being now assured, in the name of Protection, that it is good for the farming business at home to be "deluged" with Canadian products? It surely is to laugh. But it is better for Americans and Canadians alike to laugh at this backsliding protectionism, than to suffer with the wretched policy protectionism has thrust so long upon both.

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It isn't much that Mr. Taft's reciprocity agreement offers, but it is better than nothing; and all of us should be glad that the progressive Democrats and the progressive Republicans in Congress are backing him up. Senator Cummins gives this free-trade-ward agreement its right place when he says: "The objection I have to the arrangement is not that it is too free, but that it is not free enough."

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On this subject the Henry George Association of Detroit, of which Alex S. Diack (512 Washington Arcade) is secretary, has adopted the following excellent statement and forwarded copies to President Taft, Speaker Cannon, Champ Clark, and Senator Bourne:

The Henry George Association, of Detroit, Mich., having a membership affiliated with all political parties—Republican, Democrat, Socialist, Prohibition—at its last regular meeting, without a dissenting voice, ordered that public expression be made of its approval of the reciprocity program between Canada and the United States, now before Congress. This approval is based on the belief that artificial barriers between nations separated only by an imaginary line and so closely bound by blood ties and natural conditions of climate and territory as is Canada and the United States, can have—and do have—only the effect of making it harder for all to live, and that though some particular industry or a few privileged persons may benefit by tariff restrictions between the two countries, the great mass of wealth producers and wealth consumers on both sides of the border—farmers as well as manufacturers—are very much worse off than if there were unrestricted freedom to barter.

The Michigan Central railroad has just built a tunnel under the Detroit river, in order to cheapen transportation between the two countries, and to overcome natural obstacles to commerce; yet, immediately, the two countries place customs officers at each outlet of this tunnel, their chief duty being to penalize, by an ad valorem or specific fine, those who attempt to take advantage of the improved transportation. Natural trade is always the most profitable trade. The people of the United States cannot buy of the people of Canada unless the people living in Canada buy of the United States, either directly or indirectly, goods and products of equal value. For all trade is barter—the exchange of products for products.

The Henry George Association is aware that the policy of both the United States and of Canada has been to ignore this fundamental economic truth, and to place restrictions on trade between the two countries, in the foolish expectation that it would result in making it easier to obtain work and wages. Still,