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THE JUDGES AND THE RECALL

The latest issue of the "Spectator" (Portland) contains two editorials, which to the average citizen appear inconsistent to a marked degree. Under the heading "The Political Dr. Cook" the Spectator takes Senator Owen of Oklahoma to task on several subjects, one of them being the recall of judges. It remarks, "So profound is his admiration for your legal sagacity that he would have you sit in judgment on the judges, and if their decisions do not suit you he would give you the right to recall them. He would have you recall not only elective judges, but appointive judges as well, including the Justices of the Supreme Court of the United States. While other politicians say that the people who elect judges should have the power to recall them that political wizard of Oklahoma would go farther still and would threaten with the voice of the demagogue and the vote of the rabble the very throne of justice itself."

On the same page under the heading "An Execrable Law," the Spectator remarks as follows:

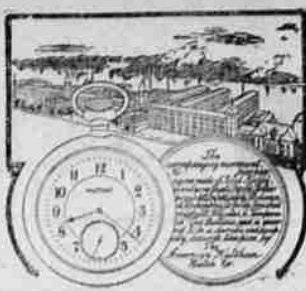
"In refusing to grant an injunction restraining union strikers from manning and maintaining independent workmen and from destroying the property of the Mt. Hood Railway and Power Company we must, of course, assume that Judge Kavanaugh merely interpreted the law. But what an infamous, execrable law this is that permits thugs to destroy the work of God and man without let or hindrance.

Some of the employees of the Mt. Hood Railway went on a strike. Their reason for doing so may have been valid; the wages may have been insufficient; the work may have been hard, distasteful, or dangerous; the treatment they received may not have been courteous. We are all agreed that we have as much right to leave the job that does not suit us as the employer has to discharge us if we do not suit him. But only this detestable law that Judge Kavanaugh and we must assume that it is on our

has divested given to the employer the right to batter and smash his disemployed men and to the strikers the right to smash and batter the men who take their places. Such a law, statute books or Judge Kavanaugh could not have invoked it to permit thugs to man and man their fellows. Is the spirit of a hateful decentralization, the very essence of anarchy.

"In all the world of strange and bitter phenomena, is there a greater anomaly than this: That man should have to go into court and ask a judge for an order restraining a body of men from killing, bludgeoning and pistoling employees and from destroying property, the while the body of men complained of appeared to prove their right to destroy property and life? Only one anomaly is greater than that: The law that Judge Kavanaugh found to confirm the body of men in their destructive, brutal and unlawful course."

In the attack on Senator Owen the Spectator assumes the position that the recall of judges is an unsafe and dangerous privilege to be granted to the citizens of the United States, and intimates that those who believe that judges are finite and liable to err belong to either the demagogue or the rabble class—that is to say, that the greater portion of the voting citizens of the United States have too little intelligence to judge whether or not a legal decision is just or unjust, and therefore should not question the findings of any judge, on account of his superior legal knowledge. However, it has been discovered that those supposedly immaculate judges are susceptible to the influences that affect other humans, and that the itching palm does not always disappear with elevation to the bench. The Spectator does not hesitate to attack Judge Kavanaugh, nor does it offer any solution of the problem involved. In cases like the one cited, however, where there is a glaring misapplication of justice and common sense, it presumes to pass on the findings of the judge, thereby admitting its own legal sagacity, although previously ridiculing the presumption of others to pass on the findings of any court. The Spectator holds up its hands in horror on hearing of the recall agitation against Judge Cook, emphasizing its position that the average citizen (mentioned as the "rabble") should not question the court decision, and then rushes into print on account of a decision that does not meet its ideal of justice. Thus it becomes a part of the "rabble." The establishment of laws generally that make for the betterment of mankind have originated in the attacks of what the so-called



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higher class has pleased to call "the rabble" from time immemorial, but the day is fast approaching when the single fact that a certain man is a judge, by grace of the votes of the people or by appointment from a supposed representative of the people, will not place him in a position in which he can dispense what he is pleased to call justice, irrespective of the opinion of the citizens of the community over which he presides in a judicial way. The judges of the United States are not infallible, they are not absolutely removed from the influences and temptations that affect other men, and being human, they should be subject to an accounting to be people, the only means now existing being the recall. The recall is the only weapon to which the insulted intelligence of the community can resort, and instead of being unattractive in effect, it is the greatest influence for good that can be made use of for the common good. Whenever a man or a set of men become so impressed with their own importance that they refer to the legitimate objections made by citizens relative to legal decisions as the murmurings of the rabble, it is time that such men be relegated to private life. When the itching one's hand in his hip-pocket becomes an overt act in the eyes of a judge and justifies the shooting down of a citizen of the United States it is time for the recall to be brought into effect in order that the victims members of society cannot count on an easy escape from their crimes by accounting such an insignificant and trivial reason for leniency. The "old order" opposes the recall for obvious reasons, but the day of representative government is dawning brighter and brighter, and when the composite American citizen comes into his own, he will include in his rights the recall of every judge in the land, if creation requires it.

SCHOOL OFFICERS NOTICE

A copy of the new Oregon School law has been sent out to all the school directors and clerks of the county.

They were sent in a bulk to each school clerk (four to each). In those cases they were sent by express, but where no express office was accessible they were sent by mail.

If you failed to receive them let this office know at once.

Also blank contracts for teachers have been sent to each district clerk, and I request that all districts that have engaged teachers for the coming term make out and send in as soon as possible the teacher's contract. This will enable me to determine what schools are yet vacant, and will greatly facilitate my task of getting each district supplied with a teacher.

Teachers' registers and State course of study will be sent out as soon as the State printer gets them completed, and the State Superintendent can get them forwarded to this office.

THURMAN CRANEY,
County Superintendent.

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