

EDITORIAL

THE ARIZONA CONSTITUTION.

By DANIEL DE LEON

IT will be interesting to watch the capers of the Democratic party in Congress when that part of the program concerning the admission of Arizona as a State, and announced by Speaker Champ Clark, comes up for action.

The conflict about the admission of Arizona has centered around its constitution. The same is, by some, lauded as “progressive”; by others condemned as “freakish.” Behind the designations “progressive” and “freakish” certain views, which the designators prefer to keep unmentioned, are secreted. Behind “freakish” is concealed the wide-awake fears of Property; behind “progressive” is concealed the wide-awake fears of politicians lest they lose their jobs by losing the support of the “freaks.”

The “freakish” or “progressive” features of the constitution of Arizona are—

1. The prohibition of laws “granting irrevocably any privilege, franchise, or immunity”;—corporations call this “freakish.”

2. The prohibition of “imprisonment for debt, except in cases of fraud”;—installment sellers of chattels growl at this;

3. The enactment of the Initiative and Referendum;—no politician relishes this, though the “progressive”-shouters suppress their dislike and squint at ways of evasion, while the “freakish”-shouters indulge in metaphysical theories concerning the “stability of government”; lastly

4. The provision for the recall of all public officers;—gall and wormwood to the “progressive”-shouters and the “freakish”-shouters alike.

It is quite possible that the “progressive”-shouters may succeed in silencing the apprehensions of the “freakish”-shouters with regard to the first two features, and their own with regard to the first three. Less likely is the suppression of the apprehensions of both sets concerning the fourth feature. The difficulty on this score

is just now greatly increased by the incidental references made to the Arizona constitution by the comments from judicial sources upon the recent decision of the Court of Appeals declaring the Workmen's Compulsory Compensation law unconstitutional. The New York *Law Journal* leading, the sentiment expressed is to the effect that "if the authority existed for the 'recall' of the judges, then either would they be terrorized from declaring a popular law unconstitutional, or by their recall and the election of men pledged to uphold the law the Constitution would be amended by short cut."

The argument is sophistical.

For one thing, the Constitution has again and again been amended "by short cut." It is all a matter of interpretation. Place a set of Socialists in the judiciary, with the physical force of government at their back, and they will interpret any and every clause in the Constitution by the light of their political convictions—just the same as Democratic, Whig and Republican judges have done alternately and repeatedly.

For another thing, the word "terrorize" is a misnomer in the connection used. The Judges do not drop from heaven. Despite all the mysticism with which it is attempted to envelop them, by placing them into flowing gowns and under mortar caps, they are of the earth earthy, deriving, like any other officer, whatever authority they enjoy directly from the people through popular election, or indirectly from the people through appointment by someone elected by the people directly. Unless it is an act of "terrorizing" the President of the United States, who appoints the Judges of the Supreme Court, and unless it is an act of "terrorizing" the Congress, who have the power of impeaching the Judges,—unless it is an act of "terrorizing" either of these to demand of them that they do the people's will, or sack them, one and all, and substitute them with obedient servants of the electorate—unless to do that is to "terrorize," then all talk about "terrorizing" the judiciary is impudence. Such talk is an impudent exhibition of doing the very thing that the doer professes to object to—amending the Constitution "by short cut."

The theory upon which the U.S. Government is planted is not one that vests any official with ex-officio sanctity. All of which is respectfully suggested to the Socialist Congressman Victor L Berger.

The circus in Congress when the statehood of Arizona comes up will be worth watching.

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