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RECALL OF JUDGES

THE PONTIUS PILATE DECISION

The *common people* were not responsible for the crucifixion of Christ by overruling Pontius Pilate. The *common people* would have recalled Pontius Pilate for his wicked decision in delivering Christ for crucifixion at the demand of the machine politicians in the temple at Jerusalem. The *common people* heard Him gladly. They lamented the wicked conduct of Pilate, and they treasured the words of the Savior so that they never have been forgotten.

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

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WASHINGTON

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RECALL OF JUDGES

THE POSITIVE PRIVATE DECISION

The positive private decision is a decision which is made by the individual judge in the exercise of his judicial power. It is a decision which is not subject to review by the other judges of the court. It is a decision which is final and conclusive. It is a decision which is made in the exercise of the judge's independent judgment. It is a decision which is made in the exercise of the judge's duty to the law. It is a decision which is made in the exercise of the judge's duty to the public. It is a decision which is made in the exercise of the judge's duty to the individual parties to the case. It is a decision which is made in the exercise of the judge's duty to the community. It is a decision which is made in the exercise of the judge's duty to the nation. It is a decision which is made in the exercise of the judge's duty to the world.



BOU. ROU. L. OUYEN

PRIVATE OF THE UNITED STATES

WASHINGTON

SPEECH
OF
HON. ROBERT L. OWEN.

The Senate having under consideration Senate bill No. 3175, Mr. Owen replied to the argument of the Senator from Washington, who argued that the decision of the Senate in the Lorimer case was purely a judicial question, to be decided by the Senate as judges free from the influence or popular clamor or public sentiment, and who criticized Theodore Roosevelt for advocating the recall by the people of a court judgment in certain constitutional cases, and stated that this would be going back to the precedent of Pontius Pilate, where the people were permitted to overrule the judgment of Pilate, who found Christ innocent.

Mr. OWEN said:

Mr. PRESIDENT: I do not agree with the Senator from Washington [Mr. JONES] that this is merely a judicial question. On the contrary, I believe that the Lorimer case should be determined as a legislative question, the Senate of the United States determining for itself under the rule and under the law its own membership, and that it should be guided in its determination of the question of Mr. LORIMER retaining his seat by the best interests of this Republic.

Regardless of the question as to whether Mr. LORIMER was guilty of personal corruption, and regardless of whether or not Mr. LORIMER knew of corruption in the Legislature of Illinois, I believe, provided always that there was established by competent evidence proof of corruption in the purchase of a single vote in obtaining this seat for Mr. LORIMER, that the election should be declared void. In no other way can the power of corruption be so effectually and adequately checked in electing Senators under the present system.

Mr. President, the Senator from Washington has ventured to repeat on the floor of the United States Senate the precedent of Pontius Pilate delivering Christ to be crucified as an example of the folly of permitting the judgment of the common people to prevail over the decision or conduct of an upright judge. This Pontius Pilate precedent has been repeated many times in the public press recently as an argument against the progressive program of "the rule of the people" in this country. This argument implies that Pontius Pilate was a fair example of an upright judge who was compelled to yield to the clamor of the unthinking people—to "the inflamed opinion of the multitude," as the Senator from Washington says. I take issue with the Senator from Washington in his apparent interpretation of the Pontius Pilate precedent. I believe in the recall of such a judge as Pontius Pilate.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. OWEN. I yield to the Senator from Washington.

Mr. JONES. I will say to the Senator that he and I might not be far apart on that proposition.

Mr. OWEN. I am glad to know that we are together on some proposition.

Mr. JONES. I am myself in favor of the recall, the initiative, and referendum within proper restrictions, within State lines, but I do not think that question was at all involved in what I said.

Mr. OWEN. I should even prefer the recall of the unjust judgment of Pontius Pilate rather than to allow to stand his criminal decision of yielding innocence to murder.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Washington?

Mr. OWEN. I yield to the Senator from Washington.

Mr. JONES. It seems to me the Senator fails to appreciate just the position I took. My position is that Pontius Pilate should not have yielded at all, but should have sacrificed his office and his life if necessary to avoid the conviction of a man whom he thought was innocent.

Mr. OWEN. I agree with that view of the Senator from Washington, but the fact is that this judge did not do that. This wicked judge sent to death the innocent prisoner at the bar before him, and *the common people* are wrongfully charged with his political crime by those using the Pontius Pilate precedent.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Washington?

Mr. OWEN. I yield to the Senator from Washington.

Mr. JONES. The only difference between Pontius Pilate and myself on that proposition is that I am not going to yield to the clamor.

Mr. OWEN. I congratulate the Senator from Washington on having established an important difference between himself and Pontius Pilate.

In the first place, Pontius Pilate was not an upright judge. He was a stand-pat, pie-counter politician from the house of Tiberius Cæsar, serving as governor in Judea under the patronage system of the Roman Empire.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Washington?

Mr. OWEN. I yield to the Senator from Washington.

Mr. JONES. The only fault that I have to find with Pontius Pilate's stand-pat proclivities is that when it was necessary to stand pat he became a progressive.

Mr. OWEN. He had but little conception of justice or mercy, Mr. President, or of the progressive movement of to-day, which stands for equal rights to all; but he well understood how to stand pat with the political machine in Rome and in Jerusalem that gave special privileges to him and his allies at the expense of the common people. His master, Tiberius, under whom he was trained, found amusement in having men and wild beasts fight to the death in the arena at Rome for his entertainment. When Jesus Christ was

brought before Pontius Pilate and Pilate found no wrong in him, the chief priests falsely charged Christ with seeking to be "King of the Jews" and threatened Pilate as an office holder. "If thou let this man go, thou art not Cæsar's friend. Whosoever maketh himself a king speaketh against Cæsar."

Then it was that this governor, this political judge from Rome, the direct product of political patronage, yielded the innocent prisoner at the bar to be crucified in the face of justice and the prayers of his own good wife to save himself from possible inconvenience or misrepresentation at Rome, and he was sufficiently a villain that he wrote a false title and put it on the cross:

Jesus of Nazareth, the King of the Jews. (John xix, 19.)

Pilate's wife advised him to mercy and justice. *No woman* had a dishonorable part in the crucifixion of our Lord.

Not *she* with traitorous kiss her Savior stung,
Not *she* denied Him with unholy tongue,
She, when apostles shrunk, could dangers brave,
Last at the cross and earliest at the grave.

This unspeakable scoundrel, who ended his base career by suicide, is held up by the standpatters who use the Pontius Pilate precedent as a model judge, who wanted to do right, and *the common people* are charged with being to blame for his infamous crime.

The common people were not responsible for the death of Christ. They in reality admired and loved Christ. It is of record in St. Mark (xii, 37) that "*the common people* heard Him gladly," and throughout the Scriptures it is manifest that great multitudes of the common people surrounded Jesus and hung upon His teachings, which, though not recorded, were so engraved in the memory of those same common people who heard Him that the wonderful prophecy of Christ after nineteen hundred years is still verified—

Heaven and earth shall pass away, but My words shall not pass away. (Matt. xxiv, 35.)

The chief priests had soldiers employed to watch the grave of Christ to keep *the common people* from removing the body, and *the common people*—the fishermen, the sailors, the laborers, the farmers of Judea—instead of condemning Him to death, treasured His words in their hearts, although they could not read and could not write, and treasured these words so faithfully that they were handed down from generation to generation until they have converted the whole world to the wisdom and beauty of His teachings. And I remind the Senator from Washington that *the essence of the doctrine of Christ is the moving force now of the progressive movement in America and throughout the world.* It is the doctrine of the brotherhood of man. The doctrine of altruism. The doctrine of service. It is a doctrine which was utterly opposed to the system of government in Judea in the days of Pontius Pilate, which Christ expressly criticized and condemned. He opposed the exercise of unjust authority by the rulers over the people, and advised His followers to the contrary in the following words:

But it shall *not* be so among you; but whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant. (Matt. xx, 26-27.)

This is the doctrine of the progressive movement in the United States—that the people shall rule and the official shall be a minister, a *servant*, and not a ruler.

The truth is the people did not exercise the power to rule in Judea. Christ Himself, in speaking to His disciples, reminded them of this fact:

Ye know that *the princes* of the Gentiles exercise *dominion over them*, and *they that are great exercise authority upon them.* (Matt. xx, 25.)

In reality Pontius Pilate and Herod were “the princes of the Gentiles” who exercised this dominion over the common people, and Annas and Caiaphas, the chief priests, the captains of the temple and the elders, were those who exercised authority over the common people.

Christ was not condemned to death by the common people, but was sent to His death at the hands of the Roman soldiers by the chief priests and scribes of the hierarchy at Jerusalem—the misrepresentatives of the common people.

Christ Himself said:

Behold, we go up to Jerusalem; and the Son of Man shall be betrayed *unto the chief priests and unto the scribes*, and *they shall condemn Him to death*, and shall deliver Him to the Gentiles (the Roman soldiers) to mock, and to scourge, and to crucify Him. (Matt. xx, 18–19.)

At the very time that this prophecy was made Christ entered Jerusalem, and *the common people* met Him with great enthusiasm.

A very great multitude spread their garments in the way: others cut down branches from the trees, and strewed them in the way, and the multitudes that went before, and that followed, cried, saying, Hosanna to the son of David: blessed is He that cometh in the name of the Lord: Hosanna in the highest. (Matt. xxi, 8–9.)

And it was with this enthusiastic following of the common people behind him that—

Jesus went into the Temple of God, and cast out all them that sold and bought in the Temple, and overthrew the tables of the money changers * * * and said unto them. It is written, My house shall be called the house of prayer, but ye have made it a den of thieves. (Matt. xxi, 12–13.)

The “den of thieves” was a part of the political machine of Jerusalem.

And when *the chief priests and scribes* saw the wonderful things that He did, * * * *they were sore displeased.* (Matt. xxi, 15.)

It was not *the common people* who condemned Christ, as the Senator from Washington erroneously believes. It was “*the chief priests and the elders*,” who “were sore displeased,” who took counsel against Jesus to put Him to death. (Matt. xxvii, 1.) It was “*the chief priests and elders*” who were guilty of the unspeakable infamy of bribing Judas Iscariot with 30 pieces of silver to betray Christ. (Matt. xxvii, 3.) It was “*the chief priests and the elders*” that persuaded their strikers and hangers-on that they should prefer Barabas and destroy Jesus. (Matt. xxvii, 20.)

Jesus was not accused by the common people; he was accused by “*the chief priests and the elders.*” (Matt. xxvii, 12.) It was “*the chief priests and elders*” that seized Jesus in the garden and led Him

to Annas and then to Caiaphas, the high priest, where the scribes and the elders were assembled. (Matt. xxvi, 57.)

It was "*the high priest*" who charged Christ with blasphemy, and it was *the priests and the elders* who declared Him guilty of blasphemy and worthy of death. (Matt. xxvii, 65-66.)

It was "*the chief priests, the captains of the temple, and the elders*" who seized Christ in the garden and to whom He replied. (Luke xxii, 52.)

It was THEY who took Him and led Him and brought Him to the high priest's house. (Luke xxii, 52-54.) It was *the chief priests and scribes* who stood and vehemently accused Him before Pilate and Herod. (Luke xxiii, 10.)

Mr. President, the men who were responsible for the crucifixion of Christ were Pilate, the political judge, the beneficiary of a despicable standpat military patronage, and the machine politicians of the hierarchy in Jerusalem, who had wormed themselves in authority, and *it was not the common people who were responsible.*

The common people heard Him gladly. *The common people* threw their clothes and palm branches in the streets for Him to ride over, and shouted hosannas, and when Pilate and Herod yielded to the demand of the machine politicians of Jerusalem, of the reactionaries and conservatives of Jerusalem, and turned Christ over to the soldiers of Herod for crucifixion, *the common people followed Him with weeping and with sorrow.* The Scripture says:

And there followed him a great company of people, and of women, which also bewailed and lamented Him. (Luke, xxiii, 27.)

And—

Jesus, turning unto them, said, "Daughters of Jerusalem, weep not for me, but weep for yourselves and for your children." (Luke, xxiii, 28.)

If the people of Judea had had the power which had been delegated to the machine politicians of Jerusalem they would not have permitted Christ to be crucified.

The Senator from Washington evidently thinks that Pilate was a virtuous judge and that the common people of Jerusalem were a howling mob. The fact is Pontius Pilate was a typical machine politician from Rome, the beneficiary of imperial patronage, willing to crucify Christ himself and write with his own hand a false epitaph over the cross rather than risk the loss of his political job, and the mob that led Pontius Pilate to this crime was not a mob of the common people but was a mob of temple thieves led by "the high priests," "the captains of the temple," "the elders," the beneficiaries of the hierarchy of Jerusalem, who, being possessed of delegated power, used it in defiance of the will of the masses of the common people of Jerusalem.

Let us hear no more of the Pontius Pilate precedent. Even if it had been true that the masses of the common people of Judea had been as ignorant and as bloodthirsty as the standpat politicians of Rome and of Jerusalem, who murdered Christ under the pretense of law, still no parallel is justified to be drawn between people worthy of this description and the common people of the United States of America. Nineteen hundred years ago the common people could not

read; nineteen hundred years ago the common people could not write; nineteen hundred years ago the common people had no books, no newspapers, no telegraph, no telephones, no transportation; nineteen hundred years ago the common people had no opportunity to understand the problems of government. In this day and generation nearly every single one of the great mass of the common people can read, can write, and has before him every morning the news of the world for his information. The average citizen of the United States to-day knows more than Herod and Pilate and Tiberius Cæsar rolled into one, and knows more than the chief priests, the captains of the temple, and the scribes of that era. I believe in the rule of the people, and I invite the Senator from Washington and all those who oppose the progressive movement to find a new argument and to abandon the precedent of Pontius Pilate.

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