

# DAILY PEOPLE

VOL. 13, NO. 181.

NEW YORK, SATURDAY, DECEMBER 28, 1912.

ONE CENT.

EDITORIAL

## BEATING THE DEVIL AROUND THE STUMP.

By DANIEL DE LEON

**I**T was the brilliant and withal profound Arkansas ex-Confederate officer, Col. Fellows, turned District Attorney in this city, who, summing up the case against a Wall street speculator nicknamed “The Napoleon of Finance,” said: “The law is clear; the facts are documentary; the latter and the former are at war with each other; conviction is unavoidable. Nevertheless, it does seem to me that conviction does not necessarily mean prevention. It does seem to me that each conviction in cases like this accomplishes just one thing—it teaches other scamps what pitfalls to avoid in their efforts to circumvent the law. Each conviction becomes a sharpener of the wit of the next sharper who lives by his wits.”

Ten to one, similar thoughts are trotting through the head of Attorney General Wickersham, he being no blockhead, in sight of the Mellen-Chamberlin-Smithers indictment for conspiracy to form a combination in restraint of trade.

Mellen, president of the New Haven road; Chamberlin, president of the Grand Trunk system; Smithers, chairman of the board of directors of the Grand Trunk; none of these went into railroading out of love for the engineering connected with traffic—probably not one of them knows aught about engineering; none of them took to railroading, because of enthusiasm for the exhilaration of motion, especially swift motion. They took to railroading for the money there was in it. Doing so they proceeded from the premises of the system of private ownership, and moved obedient to the economic laws that underlie the system. In their course they encountered laws that were at variance with capitalist economics. What these laws were passed for the trio knew too well. The laws were but sops to Discontent. The trio acted accordingly. They rendered external obedience, but broke the law. Things went on for a while until the storm of unthinking Discontent took a violent turn. In the crash that followed, the trio was indicted; may, possibly, even be convicted.

Neither their indictment, nor possible conviction will “vindicate the law.” Illogical laws are not vindicable. Given the private ownership of the necessities for production, to start with, combination and concentration are inevitable, are necessary; and all combination necessarily restrains trade—the trade of the less powerful capital. The long and short of the story is that the trouble that has befallen Messrs. Mellen, Chamberlin and Smithers is at this very hour being utilized by other and future Chamberlins, Mellens and Smithers to learn how to dodge the illogical law in ways that may not bring trouble to the dodgers. The expectation of permanent success in such effort also is illogical. There will be success for a while; another wave of unthinking Discontent will rise, and against it the subsequent law dodgers will be dashed as the present ones are. And so all along until the Social Revolution ends law-dodging by ending illogical laws, by ending the capitalist system which, being a transitory social system, is a bunch of contradictions.

Meantime the corporation lawyers can grow fat on the pastures of capitalist legislation, and moon-calf reformers can discant on the “corrective power inherent in the law.”

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Uploaded May 2014

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