

Class-Conscious Courts (June 20, 1903)

Terre Haute, Ind., June 20 [1903]

That the court of law is administered in the interest of the capitalist class as against the working class is one of the self-evident facts of modern society. It is of course conceded that now and then the workers get the benefit of a decision of no consequence and that on occasion even a case of seeming importance is decided in their favor, but this signifies little, as we shall see, and does not impeach the integrity of the general proposition.

Class rule is the fruit of class government and class government is based upon class ownership of productive capital or private property in the sources and means of production.

Class rule of course implies class society and a class struggle. The class in power in modern civilized nations, the capitalists, rule in their own interest and to this end the courts, the army and navy, the militia and police, the school and church, in short, all departments of government and all social institutions are simply the branches and offshoots of the tree of capitalism that is rooted in class ownership of the resources of life.

With the regularity and precision of clockwork the "decisions" and "opinions" are ticked off and handed down by the courts to protect the interests and serve the purposes of the ruling class. This does not mean that judges are any more venal or corrupt than other men, but simply that like the hands of the clock they respond with automatic regularity to the machinery that controls their movements.

The lower courts, dependent directly upon the popular vote, are moved to vary the program with an occasional "glad hand" to labor, but if there is any substance in such an "off" decision it is quickly snatched away by the Supreme Court, to which it is always appealed in the full confidence that the higher tribunal, far above the sway of popular passion, will quickly set aside the ruling of the inferior court, that there may be no friction between the capitalist machine and its judicial functions.

The favorable decision below vindicates the integrity of the court and satisfies "the people," while the action of the higher court safeguards the

interests of the ruling class; and so all is serene and the fleecing of the workers, legally sanctioned, continues as before.

The Kansas man, asked about the prohibition law in that state, said it worked like a charm. Said he: "The prohibitionists have the law and the other fellows have the whiskey — what more do you want?"

In the meantime the press, the politicians, and the preachers, the triple echo of the ruling class, roll their eyes heavenward and thank God for preserving the sanctity of our courts, the safeguard of the Republic.

The confidence of the workers in the purity of the courts of their exploiting masters must under all circumstances remain unshaken. the subject is really too sacred to be questioned. The solemn judge in his spotless ermine must not be profanes by the vulgar lips of the common rabble; and he who is base enough to assail the sanctity of the "Bench" and question the infallibility of the wigs and gowns it shelters is guilty of treason and a menace to the country.

There is no greater sham, no more stupendous fraud than the alleged divinity of our present judicial institutions. Supported by the revenue wrung from the working class, they serve as instruments to keep that class in servile subjection to their masters.

The stinging arraignment of Charles Sumner during the anti-slavery agitation, reciting the crimes of the courts in ancient as well as modern times, and showing that they had always been the bulwarks of tyranny and the obstructors of progress, is one of the classics of our language.

The courts, aye, the courts of the land must be held in reverence and awe by the workingmen who are shorn by them, or, at least, kept in law-abiding submission while the shearing is being done.

When the average workingman is brought into the presence of a judge he approaches that august fetish with all the meekness and humility of a sinner at the bar of judgment.

An awful hush falls upon the scene. I have studied it closely, especially as the old bailiff, in convening the federal court, used to explain: "God save this honorable court." That settled it for the crowd and they scarcely breathed during the solemn rites of the farcical performance.

Judges are elected mainly by the serfs of the capitalist class. What sensible man expects them to do other than serve their masters, precisely as do the serfs who elected them at the behest of the same masters?

The recent decision of the Circuit Court of Appeals in the celebrated "Merger" proceeding has been exploited by the capitalist press as a great

victory for the people. Roosevelt smiles and bows, the people applaud and throw up their hats, another term at the White House is insured, and Jim Hill and Archbishop Ireland wink the other eye.

Will the anti-merger decision, which, by the way, is not yet final, as the Supreme Court has still to pass upon it, compel the Pacific roads to “compete” against each other and lower passenger rates and freight tariffs in the interest of the people? Will not their owners cooperate in holding up the people just as if they were united under a single corporation title?

Of what possible interest is the decision to the working class, who own no railroad shares and have no hand in the stockholders’ game of freeze-out? What crumb of comfort can they extract from this so-called crushing blow at corporate power? Isn’t it all blow and no crush — fine bait to catch political suckers?

Every judge on the federal bench today — district, circuit, and supreme — with but a single exception, is a trained and successful corporation attorney, and instinctively subservient to corporate interests. That exception is Henry Cay Caldwell, the last surviving appointment of President Lincoln, and he is a socialist and has announced his determination to retire from the bench, I doubt not from scruples of integrity, for he is a pure and conscientious man.

And still, our trade union leaders, for the most part, sanction the labor lobby that hands around the ragged edge of capitalistic legislation to beg like a mendicant for what it ought to command like a man; and when now and then it receives a legislative crumb, it is snatched away by the judicial tentacles of the capitalist devilfish.

The Supreme Court of Indiana recently annulled the law providing for weekly payment of wages and also the law fixing a minimum wage in municipalities for city employees. The corporations and capitalistic interests objected and that settles it. And yet the working class will elect the same legislature over and over again on the record they made as the “friends of labor.”

Yet another thing about the courts: The poor man — and most men are poor in the capitalist system; that is its distinguishable characteristic — the poor man is shut out as completely as if he were an outlaw. The lower court is open to him and that takes all the coin he can raise. If he wins, the case is appealed, and goes higher and higher until it is out of sight. The poor man is counted out in the first round. The corporations have their array of legal talent in court all the way up and all the time, and

litigation is no extra expense to them. Thousands of crippled railway employees who have had "good claims" under the statutes have been ground out of the judicial mill with nothing left but their mutilated crutch-propped bodies and their despair.

Workingmen, wake up! The time has come to open your eyes and see things as they are. You have been hoodwinked and robbed and enslaved long enough. Be a man and line up with your class in the great struggle for freedom. To train with the enemy, ignorantly or otherwise, as you have been doing, is treason to your fellow man. To be the ally on election day of the class that lives out of your labor and holds you in contempt is not only cowardly and contemptible, but criminal, and means death to your manhood and infamy to the name you bear.

The courts can be reached in just one way. The road is straight and it has no connection with any of the side tracks. The Socialist Party unerringly points the way.

The courts to serve the people must be made free and untrammelled tribunals, and this they can only become in a cooperative commonwealth, a republic in fact as well as in theory, and when that time comes courts will probably be in little demand and they will make up in purity in honor what they lose in prestige and power.