

EDITORIAL

INJUNCTIONS.

By DANIEL DE LEON

THE only bona fide, and, of course, unsuccessful attempt on the part of Craft Unionism to check the injunctions iniquity before the Republican Committee on Resolutions was the attempt made by H.R. Fuller on behalf of the Brotherhood of Locomotive Engineers, Firemen and Trainmen. The proposition he introduced was a pledge on the part of the Republican party for legislation that, among other things, shall guarantee *trial by jury to persons accused of contempt of Court*. This clause is the crack of the whip; this is the clincher—the only clincher possible while capitalism prevails.

All other propositions, such as statutory amendments guaranteeing the “right to strike,” or the “right to induce others to strike,” or forbidding the issue of injunctions “without proper consideration,” or “without a hearing,” etc., etc., are husks; unqualified snares and delusions. If such amendments could be effective, they are superfluous; if not superfluous, they are as ineffective as plasters on a wooden leg. A definite provision guaranteeing trial by jury to persons accused of contempt of court—that is a horse of a different color.

The real feature of injunctions is not that they are issued “without proper consideration.” What great harm could come to any one if the Court issued a writ enjoining him from sneezing; if he, thereupon, persisting in his Adam-and-Eve-given biologic rights, continued to sneeze; and if, when arrested, he would have a trial by his peers? Sneezing not being found in the criminal code, he would be set free.

The real feature of injunctions is not that they are issued “without a hearing.” What great harm could come to a man if, without a hearing, the Court issued a writ enjoining {him} from committing murder, whereas, had he a hearing, the affidavits charging him with such criminal intent could be proven to be perjured? What great

harm could come to a man in such a case if, persisting in the legitimate act that the hard-pushed capitalist falsely swore to be an attempt to murder, he were arrested, and if he then had a trial by his peers? Again, the act he would be found to have been committing would be found absent from the list of penal offenses, and free he would go.

And so forth, and so on.

The distinctive feature of injunctions is that they are in the nature of a PROCLAMATION OF MARTIAL LAW. However illegal, however preposterous, however iniquitous, disobedience, mere disobedience to a writ of injunction strips the victim of his constitutional right. The right of habeas corpus is virtually suspended as to him; contrary to the constitutional guarantee, he is deprived of his liberty without trial. The Court issuing the injunction becomes judge, jury and executioner. That is the rub.

The long and short of the story is that the Injunction is a vestige of the dark and dreary days of irresponsible government. It was born, as is admitted with brazen candor, in the times of Richard II. It was the manoeuvre of a despot feudal class to sanctify with the mystification of "Law" the atrocities perpetrated upon the peasants. The Injunction never did, nor could it ever, cleanse itself of its natural stain. An engine of oppression in feudal antiquity, it has continued to be a scourge wielded in this generation, by the usurping capitalist class against the oppressed and only useful class of society—the working class.

Regulations for "hearings," for "proper consideration," etc., etc., are fit for the dust hole. The only thing that will stand, until the whole capitalist system itself shall have been dethroned, is the guarantee that no person, accused of contempt of Court, shall be punished except upon the due process of law, upon conviction by a trial by jury.

Transcribed and edited by Robert Bills for the official Web site of the Socialist Labor Party of America.

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