

The Lawyers Defend Their Meal Ticket

By MANUEL GOMEZ

"BACK to the Constitution!" A familiar and significant slogan, often on the tongues of defenders of privilege. Particularly when they are worried that their own promiscuous transgressions may have weakened the respect of the workers for the "Manga Charta" of American capitalist rule.

It is the slogan of "Constitution Week," proclaimed by the American Bar Association with all due solemnity. "Constitution Week" began last Sunday and it will be with us until the coming Saturday night.

The time is well chosen. The numerous well-fed friends of the Constitution are especially effervescent just now; the most modest demand for curbing the autocratic powers of the Supreme Court makes them froth at the mouth. Coolidge and Dawes, Teapot Dome candidates, do not scruple to make "law and order" the fighting issue in their campaign! Pa(y)triotic societies spring up like mushrooms. Newspapers such as the Chicago Tribune print three and four editorials a week inciting to summary treatment of "the radical foes of our Constitution."

Lawyers Are Organized.

Now comes the American Bar Association, prepared to do its stuff. The A. B. A. is the official "trade" organization of all the lawyers in the country; it is dominated by corporation lawyers; its leading lights consist of such eminent mossbacks as Elihu Root, Charles Evans Hughes, William Howard Taft and John Wallstreet Davis. The Constitution means bread and butter to lawyers, and the A. B. A. would be unworthy of the men it represents if it did not properly cherish its meal ticket. Wherefore, "Constitution Week."

"Devotion to human liberty," is the motive given by the A. B. A. for its interest in the Constitution.

The tenderness of the lawyers is

touching . . . rather too touching. For instance, on September 17, they discussed the so-called Bill of Rights of the Constitution, which is supposed to provide for religious freedom, freedom of speech, freedom of the press and freedom of public assembly. What they will discuss on the six other days of "Constitution Week" will be mentioned later on.

When corporation lawyers and prosecuting attorneys and judges talk about free speech it is time to suspect something. In every single state in the union, workers are languishing in jail because they dared to speak their minds. Does the Bar Association propose that these men be freed? Does it propose that no more meetings be broken up, no more labor presses destroyed, no more soapboxes arrested? Does it? Everybody knows the answer.

Berrien County Case.

Over thirty states have enacted "Criminal Syndicalist" and "Sedition" laws, largely thru the active co-operation of the Bar Association. Practically all of these laws are unconstitutional. In Berrien County, Michigan, in the summer of 1923, a convention of the Communist Party was raided, in defiance of the constitutional guarantee of free assembly, and C. E. Ruthenberg is now appealing from conviction, and the Bar Association is lined up openly with the prosecution. What is the Constitution among lawyers! . . . except during "Constitution Week."

Free Speech for Communists in America!, the slogan issued by the Labor Defense Council, defending the Michigan Cases, was not urged in the September 17 exercises. That wouldn't fit in with the lawyers' plans at all.

Indeed the idea is to launch an offensive against the Communists. It is written into the program that on September 19, the juridical admirers of the Constitution will consider "means of curbing Communism and organized Minorities." It would appear that organized minorities are a danger to our fundamental code; anyway the Communists are an organized

minority and they must be suppressed . . . constitutionally or otherwise. The Constitution demands it! Thus, like good lawyers, reason the members of the American Bar Association.

John Marshall's Work.

Lawyers have always been given the job of "interpreting" the Constitution for the capitalists, anyway. The first lawyer to take this task seriously was John Marshall, chief justice of the Supreme Court from 1801 to 1835. Marshall was a dyed-in-the-wool Federalist, the direct representative of the privileged classes; and his whole work was to keep the power in the hands of those classes. One of his first steps was to set a precedent giving the Supreme Court the right to declare acts of Congress unconstitutional! By a long series of judicial decisions, he helped to make the Constitution a bulwark against progress.

Fittingly enough, the A. B. A. will devote an entire day to studying "the services of John Marshall in making the Constitution the supreme law of the land."

It is only natural that lawyers, for all their drivel about "a government of laws and not of men," should be precisely the ones to maintain in practice that the letter of the law has nothing to do with Law and Order. The lawyers know their trade. And they know that the essence of legalism is simply defense of the ruling class. Part of the Constitution is actually unwritten and it serves just as well as the rest. The whole Constitution is as elastic as the famous Elastic Clause.

This is why the various hirelings of the plutocrats can laud the Constitution to the skies because of its Liberal Free Speech Clause, and in the same breath bitterly denounce, as "subversive," all those who presume to speak freely. It is why a highly-placed crook like Albert B. Fall or Harry M. Daugherty can fume against "law-breaking radicals" . . . without anyone honestly feeling any inconsistency. The only ultimate test of the legality of an act is its effect on the interests of the dominant social group.

Law, after all, is not government, but only one of a number of instrumentalities which make up the governmental machine. Another instrumentality is brute force. Yes, force and violence. Arbitrary use of the police power to break up meetings, smash strikes, silence opposition to war, etc. Insistence upon obedience to the law goes hand in hand with systematic violation of the law; both principles are co-relative features of everyday governmental procedure.

However pure and well-intentioned the workers may be in a clash with their bosses, however honest they may be, however they may strive to keep within the law . . . they will never get "justice" until the governmental power is in their hands. What is the most sacred doctrine of the American legal system? Private property. What is the distinguishing feature of the American democracy as expressed in the Constitution? Scornful disregard of popular majorities. And this is the spirit expressed, with thoughtful sublimation, in the admonition: "Remove not the ancient landmark which thy fathers have set"—which was the text used by the clergyman making the opening prayer before the Bar Association on the first day of its "Constitution Week."

Let the lawyers pay their respects to the Constitution! They have something to rejoice about. But workers should not be taken in. If they support the Constitution it is like supporting a rope which is strangling them.

Two Dictatorships.

The proletarian dictatorship of Soviet Russia is an instrument of class rule no less than the veiled Morgan-Rockefeller dictatorship in this country, but there is an essential difference. It is a dictatorship in the interests of the workers the only useful class in society. The class which is repressed is the capitalist class. The enemies of the Constitution in Russia are the financiers and money lenders, the former plutocrats, the old czarist aristocrats . . . the unemployed Russian colleagues of the American Bar Association.