

EDITORIAL

THE ESSENCE OF POLITICAL GOVERNMENT.

By DANIEL DE LEON

IT was a foregone conclusion that the damage suit, instituted by Chas. H. Moyer against Gov. Peabody and other Colorado officials for exercise of excess of authority over him, would be thrown out of Court; what was not a foregone conclusion was that the Court would have stolen a leaf from the tenets of Socialism with regard to "Capitalist Government," and frankly banked its decision upon such Socialist charges.

Moyer sued Gov. Peabody, Adjutant-General Sherman Bell and Bulkeley Wells for illegal detention in the Telluride bullpen. The matter was taken to the United States Court, by a mutual agreement that the proceedings of the Colorado court be considered in all its phases. As a consequence, a concise history of the case, including allegations of fact as well as findings of law, came before the Federal tribunal for review.

The facts in the case were, as stated in the official report made to the Senate on the "Colorado Labor Troubles,"¹ that there was no occasion for Federal military interference. The report further proved that there was nothing to justify even a call for the militia of the State. From all the facts collected in the said report, there was considerable turmoil and also crime, but the turmoil and crime were of a nature that police and constables could have easily taken care of, by the prompt arrest of the agents of the Mine Owners' Association, who were paid to commit the crimes, and did commit them, for the sake of charging them to the members of the Western Federation of Miners. The facts in the case went to prove that, such conditions notwithstanding, the Governor, Peabody, ordered out the troops, declared martial law, and his subalterns, Bell and Wells, carried out the order in ways that were not

¹ *A Report on Labor Disturbances in the State of Colorado, 58th Congress, Second Session, 1905, Senate Document 122, prepared under the direction of Carroll D. Wright.*

only inhuman but extra constitutional against the innocent members of the W.F. of M. In sight of these facts the United States Court reasoned as follows:

“The life of governments is like that of men. The latter have the right to kill in case of natural defense; the former have the right to wage war for their own preservation. If insurrection exists, government has the right to wage war. The only question is, Did insurrection exist? There is only one department of the Governmental organization that has the right to determine that question. That department is the political department of Government.” So far so good. “Consequently”—now mark the “consequently”—“the Courts have no power to review the decision of the political Government, Gov. Peabody in this instance, or to award damages for injuries that may accrue from the decision.”

As a matter of law the proposition will not hold. A policeman is the only one to decide on the spot the amount of force he must use in making an arrest. It would be false law to claim that because of that right the policeman may, with impunity, wilfully crack the skull of an unresisting prisoner. The facts in the case are essential to a determination of the question whether the policeman exceeded his powers, or not. These facts are open to review in Court, and it is the Court’s duty to go into the facts. It is exactly so with regard to the conduct of a Governor. In the case at bar the facts were glaring, and yet the Federal Court refused to inquire into them. In other words, the Court upheld as sacred the barbarities of a Governor against workingmen.

Socialist tenets establish the principle that political Government is a weapon mainly and primarily for the oppression of the Working Class by the Capitalist Class. The facts above cited, culminating with the decision of the Federal Court, amply demonstrate the principle. Other facts, none the less facts because they were not “of record” in the case, throw additional light upon the valuable point. Gov. Peabody is himself a stockholder in the mines affected by the strike; directly and indirectly, Bell and Wells, are said to have financial interests in the concerns. Had Peabody, as a private mine-owner, deputed his Bells and Wells to outrage human rights in his employes on strike, he would have had trouble. Ten to one the Courts would have tried to shield him and his plug-uglies; nevertheless, his escape, if he did escape, would have cost him much money and many an uneasy night. As

Governor, however, his hand is free, and Labor is outlawed.

The title of “Governor,” “President” or whatever political title it may be that a capitalist, or beneficiary of capitalism, may be clothed withal, is but a title by title of which he becomes irresponsible to the Working Class.

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