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EDITORIAL

“EQUALITY BEFORE THE LAW.”

By DANIEL DE LEON

THE move of William Randolph Hearst to institute a legal contest for a recount of the ballots deserves and receives our applause. The sympathy which his move has evoked and the support it has enlisted from influential quarters opposed to him deserves praise and admiration. Nevertheless, all the good in these manifestations could not outweigh the injury that would be done if the furore of emotion and rightful indignation were to overshadow, to the point of concealing, the leading lesson that the contest points its index finger at. That lesson is that “equality before the law” is a fiction in capitalist society: the Working Class enjoys no such equality with the Capitalist Class.

Daily experience teaches that Justice is measured by gold. As in the feudal courts of old, so in the capitalist courts of to-day, the contest is carried on with weapons. Knights, entitled to equal arms, enjoyed equality; the serf, whose only allowable weapon was a stick, stood no chance against the lord, armed cap-a-pie. To-day, the weapon has changed: it is no longer the battle-axe and spear: it is the purse: the longest purse must win to-day: equality exists only among equal purses; the purse of the Working Class is zero: it has not even enough to enter the lists with. Feudal justice, being more primitive, did not conceal the fact of the inequality of the classes in its courts: capitalist justice, being more refined in hypocrisy, pretends the opposite: it sets up the legal principle of “equality before the law”: it ignores the fact and raises a fiction in its stead. Like standing matter in a paper, which is usually overlooked, daily experience often is left unprofited by. It so happens with the daily experience concerning the inequality of Labor and Capital before the Law. It takes exceptional experience to pound the lesson home. Such an exceptional experience the Hearst legal contest for a recount is now furnishing.

Imagine a political uprising of the Working Class, with workingmen and no

millionaires for candidates. Imagine such an uprising to have swamped the ballot-box, as the Hearst Movement undoubtedly did in this city. Imagine, further, that the Tammany, ably seconded by the Republican election officials, had, as they undoubtedly would, indulged in the several manoeuvres of criminal chicanery against that political Labor uprising, that they indulged in against Hearst, and counted out the Labor ticket. Imagine that, and what would have been the result? Why, impotent submission. Why? For lack of the weapon—MONEY—to contest the election. For such a contest large funds are requisite, and the large fund is needed on the spot. It will not do, in such cases, to wait for the slow process of gathering nickels. The requisite funds must be available instanter. Wholly leaving aside the theoretical class hostility of the capitalist courts, lawyers, good ones, have to be hired, and their retainers cannot be small; affidavits must be gathered; in short, a large corps of men must be instantly organized and put to work, and they cannot live on wind. The indignation at the wrong done to the Labor ticket would vent itself in a few indignation mass meetings, perhaps in some riotous demonstrations also; but, as far as a legal contest is concerned, there would have been none of it. There could have been none. The legal fiction of “equality before the law” would have gone to pieces before tested. The fact of the inequality barred the path even to entrance into the court.

Thus would things have stood in the event of a political outrage perpetrated upon a purely Working Class uprising at the ballot-box. How stand things now, however, with millionaire candidates as the intended victims? The following is the array of counsel in charge of the Hearst contest—William M. Ivins; the firm of Lord, Day and Lord, which will be represented by Henry De Forest Baldwin, one of its members; ex-Judge John F. Dillon; ex-Supreme Court Justice Alfred Steckler; Julius Henry Cohen, who was Mr. Jerome’s advisor during the campaign; and Edward B. Whitney. Within twenty-four hours after the closing of the polls, and so as to bar the political criminals from further crimes, a peremptory court order was obtained compelling the Tammany Police Commissioner McAdoo to remove all the ballot boxes from the police stations in Great(er) New York to the safer quarters of the Bureau of Elections; within six hours after the issuing of the order, the ballot-boxes, 6,000 of them, began to be piled up at the Bureau of Elections; within twenty-

four hours after the fraudulent announcement of the election returns, a score or so of Tammany and Republican election officials are behind the bars under charges, while the rest are hiding or seeking to escape. In short, within thirty-six hours after the closing of the polls, the bull has been seized and is held firmly by the horns—an impossible achievement without plenty of cash ready at hand, and infinitely more available as fast as wanted.

Equality, Justice, Right—these are not balloons in the air. They are statues on the granite pedestal of material power. Where the pedestal of material power is, there the statue can be reared. Where the pedestal is wanting, the statue has nothing to stand upon. There is no equality before the law for the workingman. The workingman has not the foundation of wealth upon which to plant his rights in capitalist society; he is stripped of the only weapon—a long purse—for a “fair fight and no favors” in the capitalist lists—the modern courts.

This is a lesson that not all the joy at the mammoth size of what Hearstism is a symptom of, and not all the further joy at the prospective conviction of the Tammany and their equally unspeakable Republican heelers should be allowed to overshadow. To miss this lesson would be to forfeit all the other good things that are in Hearstism.

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