

THE PEOPLE

VOL. II., NO. 4.

NEW YORK, SUNDAY, APRIL 24, 1892.

PRICE 3 CENTS.

ANTI-TRUCK AND ANTI-TRUST

By Daniel De Leon

One day the workmen of Illinois spoke in loud tones. They said they were tired of the frauds practiced upon them by corporation stores and must have an "anti-truck" law. As a law costs nothing to its makers and the failure to produce one when the demand for it is imperative might prove onerous, the Legislature of Illinois hastened to comply with the wishes of its poor but aroused constituents. An "anti-truck" law, then, was passed, making it unlawful for any person, company, corporation or association engaged in any mining or manufacturing business to be interested in any way in any "truck store," or to control any store, shop or scheme for the furnishing of supplies, tools, clothing, provisions or groceries, to their employes. Of course the coal barons and factory lords paid no attention to a law that had evidently been passed under duress by their own faithful political servants, and when found guilty of violating it they appealed to their own highest court of the State, which duly declared it unconstitutional.

The high grounds of public policy upon which this decision was rendered could not have been better taken by Machiavelli. The decision itself is a masterpiece of logic. Fraud is at the same time denounced and upheld, while class oppression is justified with a rebuke to class legislation. No judicial acrobat ever danced so prettily on a thinner thread of sophistry.

The Court held, in the first place, that the enactment was an instance of class legislation and therefore unconstitutional, because it did not apply also to persons who were engaged in other pursuits than manufacturing and mining. On the other hand, if its provisions had been extended to all persons it would be so much the more unconstitutional, because "the act does not attempt to prevent extortion and fraud otherwise than by the heroic treatment of withdrawing the power of contract," for, "if there is capacity to contract for the payment of wages in money, why is there not capacity to contract for their payment in something else?" We have quoted enough. Such heroic reasoning would silence a thunderbolt.

Another day the farmers of Missouri thought they had better have an

anti-trust law. And they got it. The farmers, if united, will get from boodle Legislatures and even from the boodle Congress, regardless of the boodle party in power, any law they may insist upon getting. How long it will remain on the statute book, or how it will be enforced, or how it will work if enforced at all, is another question. This enactment made it a penal offense for men engaged in selling any product or commodity to agree together, or to enter into any conspiracy or combination with each other, for the purpose of advancing the price. Under its provisions every farmers' organization could have been prosecuted. When called upon by the trusts to decide as to the constitutionality of the law the highest court of the State showed its excessive kindness to the farmers, and its infinite regard for their good name, by the delicate manner in which it found the enactment in question unconstitutional, without even alluding in the remotest way to the penalties which those poor people, in their blind ignorance of the law-making business, had begged their Legislature to impose upon them. It simply held that no individual engaged in a business which the State has declared unlawful, or upon which it imposed penalties, could be required to testify to his own disadvantage. The farmers of Missouri may now engage in any combination they please. Of course they must not deny the same privileges to trusts.

But we need not have gone to Illinois and Missouri for instances of the jealousy with which our courts of justice guard the constitutional rights of the people from their own folly and from the readiness of boodle legislatures to do their foolish bidding. In this very State of New York what has become of the law prohibiting the manufacture of cigars in tenement houses—a law which plainly violated, as the Court observed, the fundamental right of contract, the sacred right of a boss to impose any contract he pleased upon his workingmen? Our boodle Legislature—the “boodlest” we ever had—has just passed another such law, professedly aimed at the “sweating system.” The author of this law will probably be re-elected to the State Senate by his grateful “fellow working-men;” and he may still be there, laughing at the credulity of his constituents, when the Court of Appeals will stamp out his law as a piece of unconstitutional demagoguery. All this while the sweating system will blossom. It is the sweetest flower that labor can grow in capitalistic soil, richly manured with boodle politics.

[Transcribed by Robert Bills for the official Web site of the Socialist Labor Party of America.
Uploaded April 2002]