
Law, Lawmakers, and Politics

by Eugene V. Debs

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The government of the United States is based upon constitutions called organic law, the foundation for all statute law. Every state in the union also has a constitution which must conform to the provisions of the Constitution of the United States. The constitution making power is lodged in the people. It is this fact that proclaims and establishes the sovereignty of the people.

If there is anything wrong in the constitution of the republic or in the constitution of a state, it is the high prerogative of the people to abolish the wrong. A constitution may be amended by the people or abolished by the people. The people constitute a sovereign, all-pervading power. The theory is, that in making and amending constitutions, a majority rules; but constitutions, in their provisions protecting all the people alike, guard the rights of minorities from encroachments by majorities, since majorities, like autocrats, if not restrained, become arrogant and oppressive.

Notwithstanding such guards and limitations, majorities often transcend such defenses and securities, which brings into action another shield against congressional and legislative arrogance, known as the "veto power," a power lodged with the chief executive of the republic and of the states, which forbids the enactment of a law designed to work wrong to the people. In such cases, the veto is generally effective, since it requires a two-thirds vote of both houses, either of Congress or a legislature, to enact the law, though in some cases only a majority is required to set aside the veto, and in some of the states the constitution does not give the chief executive the veto power, holding that the will of the majority ought, of right to be supreme.

There is also provided in all constitutions another safeguard against the operation of laws which strike down the rights of the people. This power is lodged in what is called the Supreme Court, where, under certain forms of procedure, an unconstitutional law may be abrogated, and multiplied instances of such decisions of supreme courts are annually recorded. Nevertheless, after the most critical disquisitions upon constitutions, it is found that the latitude given law-makers has extraordinary sweep, and, as a result, under the operation of such powers, laws are enacted, which strike down, under the decisions of the courts, the most sacred rights of citizens.

It would seem practicable to frame laws in such simple and easily understood language, that "a wayfaring man, though a fool," might comprehend their meaning, but it so happens that laws touching great interests are so framed that only lawyers are able to solve their mysteries, and to the average man they might as well be written in Coptic as in English. In such laws, when the fee warrants the hunt, a provision, a technicality, a word easily tortured to mean anything or nothing, as may best suit the interests of the rich and powerful client, is found, which often befogs judge and jury, so that brazen rascality goes unscathed while innocence, left to contend against such laws, receives the stamp of infamy. The records are burdened with such cases, the laws being so constructed, that as a net, the whales go through unharmed, while minnows are caught, or upon the principle of the man in search of game, and having doubts in a certain case whether he saw a deer or a calf, fired so as to miss it if it were a calf, and kill it if it were a deer.

All men are interested in the laws of the republic, state and national, because they are the subjects of law, their lives are, in a large measure, regulated by law — law touches their interests at a thousand points — therefore since politics is the science of government and government being based upon laws, every citizen, and none more than workingmen, has a profound interest in politics, an interest from which only cowardice or debased ignorance could, by any possibility absolve them. It is here that the sovereignty of the people comes prominently into view. It is here that the ballot becomes the bulwark, the palladium of men's rights, their liberty, and their independence. It is not a partisan question, only in so far as men discover that one party favors just laws and their honest administration, more than another party.

Such reflections are in line with the efforts of labor just now, to secure the enactment by congress and by legislatures, of certain laws designed to place workingmen's interests on a level with the interests of capitalists; hence, there are in every state, labor legislative committees presenting bills and asking the representatives of the people to enact them into laws. These committees ignore parties and work to enthrone principles. They present to lawmakers, conditions of long standing, in which they demonstrate by facts, that flagrant wrongs exist; as, for instance, they show that in the operation of railroads, thousands are killed and maimed annually because of imperfect machinery, and they ask that this slaughter may be reduced to the lowest point practicable, by a law compelling the introduction of life saving appliances. It is a case in which the dead appeal to the lawmakers; it is a case in which thousands of men present maimed hands and arms, and legs, and demand redress. It is a case in which widows and orphans appeal to the lawmakers to rescue the wives and children of others from the same wretched fate.

Again, organized workingmen and all workingmen who have ideas, superior to those of scabs and convicts, demand the enactment of laws which shall put an end to penalties inflicted by employers upon their choice as freemen to join a labor organization. To join such an organization is a constitutional right, nor is there anywhere in this broad land, a statute which prohibits such an exercise of inherent right. This being true, workingmen demand that employers shall not have the power, directly or indirectly, by contract written or oral, to inflict any penalty whatever for the exercise of such a right.

We would suppose that upon such a proposition the workingmen of America would be a unit, and that in every state they would bring their power to bear to induce legislators to enact a law emancipating them from such slavish bondage; that upon such questions they would mass their sovereignty and sweep away the last vestige of the power of employers to degrade and oppress them.

It would be an easy task to catalog laws which oppress labor, and to suggest other laws which would relieve labor of antiquated wrongs, so flagrant that it creates astonishment that they have not long ago been abolished, as for instance, the infamous co-employee abomination which strikes down the claim of A for damages, because of the incompetency or negligence of B, a co-employee — a wrong that exists independent of statute and is based entirely upon the decisions of courts, running back into the twilight of English jurisprudence, when

workingmen were mere cattle and their employers were masters. Still the infamy exists, and employers, who are the beneficiaries of the wrong, have hitherto been able to crush, in most of the states, all remedial legislation.

It is to be hoped that upon such things labor may be induced to unify, and taking the aggressive in politics, bring about the reform required.

Edited by Tim Davenport

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