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EDITORIAL

“UN-CON-STI-TU-TION-AL” AGAIN.

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AS if to turn over and clinch in the workers' minds the fact that legislation without the might to enforce that legislation is so much waste paper, the Supreme Court of the United States has again written across the face of a law, intended to benefit labor, the expunging word “Un-con-sti-tu-tion-al.”

This time it is the Employers' Liability Law, enacted June 1, 1906, which has been wiped off the books by judicial fiat. The railroads, which, by its terms, were held responsible for injuries to employees due to ineffective appliances, never pretended to obey it. National laws regulating the relations of the roads with other capitalist concerns might be contested, might be evaded; but they were not flatly ignored; they were recognized as “constitutional.” This law, however, dealing not with the relations between one set of capitalists and other sets of capitalists, but with the relations between one set of capitalists and their employes, that could be ignored, that was “unconstitutional.” Did it not “undertake to regulate their dealings with their employes”? Consequently it was “plainly antagonistic to the spirit of American liberty”—which means the liberty to squeeze one's workmen of the last drop of blood—and had to be taken off the books.

Off came the law. In the process of removing it, use was made of the cases of William Howard, a fireman on the Illinois Central, and N.C. Brooks, similarly employed on the Southern Pacific, both killed in railroad accidents, whose widows sued for heavy damages. Both cases have now finally been thrown out, and the damages sought under the law for their death have been denied. Without fear hereafter of being harassed by the importunate widows, orphans, wives or mothers of slain railroaders, the great and glorious companies may now continue unhampered their work of reducing train crews, lengthening runs, sending out trains with incomplete and inadequate safety appliances, and otherwise exercising

their “American liberty” to the utmost.

In the meantime, let the working-class ponder the moral between the lines of Supreme Justice White’s opinion, and organize unitedly the economic organization capable of enforcing their decrees, along with the political organization capable of voicing their demand for the overthrow of the exploiters’ system. Then the Howards and the Brookses will not have been martyrs in vain, and the days of the class that profits by the writing across labor laws of the word “Un-con-sti-tu-tion-al” will have been numbered.

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