

EDITORIAL

## WHY SHOULDN'T THEY?

By DANIEL DE LEON

**D**ENVER despatches report that the declaration made at the Democratic convention by the temporary chairman to the effect that injunctions are liable to be turned into instruments of tyranny was received by an ovation inferior only to the ovation bestowed upon the name of Bryan himself. "The delegates waved flags, hats went up in a cloud, voices rose in a storm of approval, cheers rent the air, deafening rounds of applause succeeded each other like the roll of thunder; the delegates went wild with delight."

Why shouldn't they?

No measure confining the equity powers of the Courts in the matter of issuing writs of injunctions, nay, not even if the powers were wholly taken from the Courts will be of any practical effect for good to the Unions of the Working Class so long as M.R. Preston and his associate Smith remain in durance vile.

So long as the killing of Silva, the Goldfield restaurant keeper, who, armed with a gun, assaulted Preston, who was on picket duty against Silva's restaurant and who, thus assaulted by a deadly weapon, shot his assailant dead—so long as the killing of Silva is held to be murder, just so long are injunctions superfluous weapons for the oppression of Labor in the hands of the capitalist class.

So long as Preston and Smith are held guilty, the one for slaying Silva, the other for alleged complicity—just so long will picket duty be construed to be a criminal act, and just so long will the Courts—instead of quashing the indictments as they should, or dismissing the cases against picketmen who defended themselves against murderous assault—uphold such iniquitous indictments, and relentlessly rule against the prisoners, and charge the jury in favor of conviction.

Strip the Courts wholly of the power to issue the regulation "Gatling guns on paper," called "injunctions," but tolerate the continued false imprisonment of Preston and Smith,—do that, and an infinitely more powerful instrument of tyranny is left in

the hands of the Courts. They will enjoy the power of legislation. Their rulings and decisions will have the effect of enacted laws, and, as a consequence, the capitalist who is struck against, will be free to turn with impunity actual Gatling guns upon Unions on strike.

Why shouldn't the delegates at a convention of the employing class go "wild with delight" at the suggestion that the edge of the lesser instrument of tyranny in the hands of the Courts, the injunction, be dulled, and thereby draw attention away from, and leave untouched the infinitely more powerful instrument of tyranny that the Courts now wield against the strike, the power to consign picketmen to jail as criminals?

Why shouldn't the delegates at the Democratic convention receive with storms of approval a proposition the practical effect of which is to confirm the usurpatory powers that the Courts now exercise—as glaringly witnessed in the imprisonment of Preston and Smith?

The power to issue injunctions must be radically revised—true enough; but that alone is worse than useless. Preston must be set free and restored to his civic rights. That and nothing short of that will break the sword of tyranny that the Courts now wield, more powerful, sharper, more decisive than a thousand iniquitous injunctions rolled into one.

All legislation is not done in legislative chambers. Much, at critical times the most important legislation, is done outside of legislative chambers. The controlling legislative chamber of a people is the hustings. The suffrage-clad working class of the nation can with their ballot this November repeal the usurpation of the capitalist Courts by striking the shackles off the innocent limbs of Preston and Smith.

That ballot bears the emblem of the Socialist Labor Party, and on it the S.L.P. convention inscribed:

For President:  
MARTIN R. PRESTON,  
Miner, now wrongfully imprisoned in a  
Nevada jail for being true to his class.

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