

EDITORIAL

JUSTICE BROWN'S PREGNANCY.

By DANIEL DE LEON

THE argument, just made before the Supreme Court, in the Northern Securities or "Merger" case appeal, has given Justice Brewer an opportunity to revive the memory of a question, hailed at the time by the social owls as "pregnant," that Justice Brown put to the counsel for the Company, when the case first came up in St. Louis, and that the social owls are now reapplauding, and Justice Brewer feeling extra good on. The "pregnant" question, asked by Justice Brown, was this:

"Is it not conceivable, under the general scheme of merger, for one person to come to control all the railways of the country?"

If the question means anything, it means:—

First, that, without the scheme of merger, it is not conceivable for one person to come to control all the railways of the country; and

Second, that any scheme that would bring about such a visitation as the control by one man of all the railways of the country is vicious and must be opposed.

As to the first, the scheme of merger introduces no new principle; not even, if closely considered, is it a new application. The private ownership of a thing implies the right to alienate it. Stock in railways is private property. Every holder has the right to sell: everyone who meets the seller's wishes has the right to buy. It follows, as 2 plus 2 equal four and 2 more make six, that all the stockholders, but one, of a certain company may sell out to that one; that he may buy and come into sole control of that railway; that all the stockholders of all the other companies may likewise sell to him; and finally that "one person would come to control all the railways of the country,"—just as might, could, would or should happen under the merger. Accordingly, the scheme of merger is nothing essentially new, despite the implication made by His Judicial Pregnancy Brown.

As to the second, it is obvious that the one-man control of the railways would be

a national calamity; but, again, seeing that such one-man control, or the equivalent monopoly, is the inevitable result of the principle of private ownership, the conclusion is obvious that the social scheme under which railways, together with all other instruments of production and distribution needed for the people's welfare, aye, for their existence, is a vicious social scheme, that must be opposed and downed. And what is that scheme? Why, it is the scheme of capitalist society that Justice Brown is himself an upholder of.

Thus, both to the extent that His Judicial Pregnancy Brown was delivered on that memorable occasion of what is false and of what is truth, the gentleman stripped himself of his capitalist ermine, smashed his own throne, the capitalist Supreme Bench of the land, and kicked himself off as a guardian of a vicious social scheme.

All of which will yet be done in regular order.

Transcribed and edited by Robert Bills for the official Web site of the Socialist Labor Party of America.
Uploaded March 2007