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EDITORIAL

## “POLICE POWERS.”

By DANIEL DE LEON

**T**HE “police power” of the State is a technical term. It has no reference to policemen, it does not refer to any power that these may be clad with under the law. The “police power” of organized society is an unwritten, an implied law. It is a power intended to safeguard society against the hardships of the letter of the law. Under the clause “police power,” the government may cut through all legal red-tape and annul “legal” relations if such relations are against public policy; if they are harmful to health. A man may have title, for instance, to a rickety house which emits pestilential exhalations; the “police powers” of the State may, however, step in and tear down that house. It may do so without compensation. It does so on the principle of the “police power” vested in it to protect the health of the community. Obviously, the questions that arise under the head of “police power” are not matters of LAW but of FACT. Is it a fact or is it not that a certain thing is injurious to health? If it is, the State may stop it: if, however, it finds the facts otherwise, the thing complained about is allowed to continue.

In the decision on the 10-hour law case, that the Supreme Court of the United States just reversed, the Court expressly recognized the “police power” of the State. When, accordingly, the Court decided against the law and called it unconstitutional the Court’s decision turned upon a fact—such as the fact appeared to the Court. The fact that the Court announced was that it is not harmful to health to work steadily over ten hours each week in a bakery or confectionery shop—and the implied fact that the miserable wages paid to bakers are all right. It is in this respect that the Court’s decision marks an epoch.

The Supreme Court of the United States, the supreme tribunal of the capitalist class, has thereby made pronouncement that the life and the health of the working class are matters of no account! Upon this robust “fact”—certainly a FACT to the

capitalist class—the decision declaring the 10-hour law unconstitutional has been raised.

The gulf between Capital and Labor is complete. It has reached the point of being officially acknowledged.

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

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