

EDITORIAL

## TO-HELLING THE CONSTITUTION.

By DANIEL DE LEON

**W**ITH the citations, dates and localities, it has been shown in these columns that the Supreme Court of the State of Colorado sent the Constitution of the United States to hell. It did so by pronouncing its decisions supreme above the decisions of the Supreme Court of the land upon the identical issue—the 8-hour day for miners, etc. This was and continues to be a case of open rebellion and defiance of law. It has also been shown, that, encouraged by such lawlessness, Lieut. McClelland of the State of Colorado put into words the spirit of the decision of the Court of his State, and plump and plain declared: “To hell with the Constitution!” It now turns out that the Governors of the various States have gone a step, several steps further.

Over the signatures of J.C. Williams, Acting President of the Western Federation of Miners, and James Kirwan, Acting Secretary-Treasurer, the fact is now made public that in a letter, written by Gov. McDonald of Colorado to J.C. Lamb, Dryden, Mich., the Governor makes this statement:

“There are United States laws governing this matter, but, aside from this, the governors of the various States, at a convention held several years ago, adopted rules which are much more stringent than the United States laws, and which are followed by most of the governors, and this State is particular that these rules be followed in all their details.”

What does this mean?

The Constitution of the United States, Clause 2, Sec. 2, Art. IV., expressly provides that extradition papers shall be honored only in the event that the person whose extradition is demanded shall have fled from the State in which the alleged crime was committed. The U.S. Revised Statutes, Sec. 5278, obedient to the Constitutional requirement, enacts the procedure to be observed; they require that

the requisition papers issue only against persons who have fled from the State that makes the requisition. Finally, the U.S. Court decisions, emphasize the point. In *People vs. Hyatt*, 188 U.S. 691 the language is explicit:

“We have found no case wherein it has been held THAT THE STATUTE COVERED A CASE WHERE THE PARTY WAS NOT IN THE STATE AT THE TIME WHEN THE ACT IS ALLEGED TO HAVE BEEN COMMITTED. We think the plain meaning of the act requires such presence, and it was not intended to include as a fugitive from the justice of the State one who had not been in the State at the time when, if ever, the offense was committed, and who had not, therefore, IN FACT FLED THEREFROM.”

This explicit language throughout notwithstanding; notwithstanding the fact that Moyer, Haywood and Pettibone were not in the State of Idaho, the former not for three months before, the second not for a year, and the third not for five years; and notwithstanding the obvious fact that all the three had been in Denver, hundreds of miles from Idaho at the time of the commission of the crime, and, consequently, could not be “fugitives from justice”;—all this notwithstanding, Gov. McDonald surrendered the men upon demand from Idaho, giving as his justification that, ALTHOUGH there are United States laws governing the matter, “THE GOVERNORS OF THE VARIOUS STATES, AT A CONVENTION HELD SEVERAL YEARS AGO, ADOPTED RULES WHICH ARE MUCH MORE STRINGENT THAN THE UNITED STATES LAW,” etc.!!!

What does this mean? we ask again.

It means that the “Governors of the various States,” who held the said convention, constituted themselves a Legislature and Judicature, that sets itself above Congress, above the Supreme Court of the United States, above the Constitution!

It means that these Governors have amended the Constitution in manner and in method that is forbidden!

It means that these Governors have sent the Constitution to hell, and have established Anarchy, and that the Governors of Colorado and Idaho have put the privately-adopted rule of Anarchy defiantly into practice!

The question that, in face of these facts, the felons who are running Colorado

and Idaho now put is—“Would you want to see criminals escape?” This question is a begging of the question, it is a felonious squirm to justify a second felony by implying crime where it is known there is none.

For one thing, if the kidnapped men were really accessories to the crime, they could be reached without lawlessness; they could be punished for their crime without, in doing so, committing the greater crime of throwing society off its hinges; they could have been indicted, tried and convicted legally in the State in which the alleged criminal acts were perpetrated.

For another thing, officials who are capable of meeting “in conventions,” abrogate the statute of the land, reverse the decisions of the supreme tribunals, send the Constitution to hell, and then, in defiance of law and order, enforce their own private, illegal and felonious “rules”—such officials are the last ones from whom to expect an “impartial trial”; such officials are convicted before hand of being law-breakers, more dangerous, and guilty of greater crime than the crime for which they pretend to prosecute the kidnapped men.

One thing stands out clear as a pike—but for the thundering protest raised by the Working Class against the lawless conduct of Idaho-Colorado officialdom, the revelations that they are forced to make would never have been made, and the innocent men who were kidnapped would be dead to-day, whereas, every day now renders surer their safety and the doom of the McKenney-Mine Owners’ Association collection of brigands.

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