

EDITORIAL

CLUSTERED THICK.

By DANIEL DE LEON

A CERTAIN decision was rendered by the United States Supreme Court on April 28.

The facts in the case were:

The Coeur d'Alene and Navigation Railroad Company owed one Joseph P. Boyd the sum of \$23,675, an amount for which the creditor was not secured by bonds or stock. The Northern Pacific Railroad Company subsequently acquired possession of the Coeur d'Alene and Navigation Railroad Company, and put off payment to Boyd. Finally, when the Northern Pacific Railway Company took over the Coeur d'Alene and Navigation Railroad Company under a reorganization plan, the re-organized concern, finding Boyd unsecured, flatly refused to recognize him as a creditor. Boyd then brought suit. The Supreme Court, by a majority of five against four—the Chief Justice being one of the minority—decided in favor of Boyd, giving him judgment in \$71,000, the amount to which interest and cost had swollen the original claim.

Thick as grapes on a bunch and quite as juicy are the teachings that the facts teach:

1st. "Reorganization" is a form of capitalist confiscation. Is a creditor secured by stocks or bonds, then he may, or may not, be made to walk the plank of the pirate ship called "Corporation." His fate "depends." Is the creditor, however, not secured, then, To the plank with him! "Reorganization" is the method.

2nd. The lay Jesuit who is Chief Justice of the United States, and the reasons for the appointment of whom Taft firmly refused to make public, altho' repeatedly challenged by Bryan to do so, joined the minority in characterizing the decision of the majority as "alarming." The "Rule of Reason" injected into our jurisprudence by the said Chief Justice, contemplates, accordingly, the confiscation of the property of

an unsecured creditor, and the blessing of such confiscation with the text of “reorganization.”

3rd. The frequently banged nose of the legal fiction: “Everyone is supposed to know the law” receives a dislocating punch and is bleeding at both nostrils. If out of nine Supreme Court Judges, picked out of the legal fraternity of the whole land for their “learning in the law,” five can hold one view and four an exactly opposite view branding the view of the majority as “alarming,” by what process of reasoning can people who never “browsed on sheep’s-skin,” and never had an opportunity to indulge the luxury be “expected to know the law”?

Joseph P. Boyd deserves congratulations: he had a narrow escape. He also deserves thanks: his sticking powers made possible the fruition of the grapes on the bunch of the decision in question.

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