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EDITORIAL

## BERGER'S MISS NO. 23.

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**T**HERE is a big real estate suit—it is claimed to be the biggest real estate suit ever filed—now pending in the Federal Court at Portland, Ore. It is the case of the United States against the Oregon & California Railroad Co.

Among the numerous evidences of a bourgeois government being of, by and for the bourgeois, the acts of government in connection with the starting of railroads are among the most luminous. To take the workingman under the arm and give him a lift—that is “paternalism,” and must not be. To take the capitalist under the arm—that is “patriotic” and legitimate—that must and shall be.

Obedient to this principle, the Oregon & California Railroad Co. being projected, Congress, by act of April 10, 1869, supplemented by the act of May 4, 1870, granted to the company alternate sections of land aggregating 2,300,000 acres, with a proviso that the lands so granted be sold by the company to actual settlers “at prices not exceeding \$2.50 per acre.”

The proviso will start no spooks in the minds of those who understand the spirit of Law. These know that a law is a weapon forged in the interest of the class that has the power to enact and to enforce the law. Accordingly, the proviso that the land be sold to settlers “at prices not exceeding \$2.50 per acre” did not confuse the Oregon & California Railroad Company. The grant of land was intended to assist the company to do business—first, by putting money into its pockets;—secondly, by furnishing it with settlers to pluck. Thoroughly posted on the law, the Oregon Railroad Company started to do business.

There is a superstition abroad that the business of a capitalist concern is determined by its name, that is, the name of the industry that it flies at its mast-head:—if it calls itself “The Great American Clothing Company,” that clothing is its only trade; if it calls itself “The Non-Excelled Mining Company,” that coal or ore is

its real and only stock in trade; if it calls itself "The Patriotic Publishing Company," that its real source of income is news; and so forth. Indeed, it was so at one time. One of the achievements in the development of capital is to merge all, or a number of lines of business into one. A "Clothing Company" to-day, does at least as much business in real estate, in gas stock and other lines as in clothing; a "Mining Company" has at least as much interest in railroads and in banking, and other lines as in coal or ore; a "Publishing Company" most assuredly does a more thriving business in advertisements and blackmail than in news;—and so all along the line. To-day, a company, whatever its specific name, is in for BUSINESS, that is, for cash from whatever source. It was so with the company yclept "Oregon & California Railroad."

Business (cash) being the burden of its song, and the price of real estate being on the upward bound on the Pacific Slope, the Oregon & California Railroad Company took its time leisurely in the matter of laying its rails and operating its plant, in the meantime becoming actually a dealer in real estate. Thus pursuing its business, when would-be settlers offered the company \$2.50 an acre, the company simply told them they were "exhibiting a lot of nerve" to demand at \$2.50 land "worth on an average \$25 per acre."

That would-be settlers, softies long fed on the pap of our bourgeois government's being a "government of, for and by the people," should snort, rear on their hind legs, and rush to court to "enforce the law" is in the nature of things. It is also in the nature of things that shyster lawyers in abundance should be found ready to collect fees from these softies. It is, however, not quite so completely in the nature of things that lawyers of higher caliber should be found to take up these cases in real earnest. Yet such there were found.

There is in the land what may be called the Tribe of Lawyers—legal pundits above the shyster, and separate from the Corporation Constables. These gentlemen live in the past. The Lawyer's tribe arose with the bourgeois. As children of the same revolution they had a class to fight—the Feudal Lord. As such they actually were an able and a doughty lot of paladins, the paladins of the "common people." Since then, however, the bourgeois has graduated out of the herd of the "common people," and bourgeois law has stepped into the shoes formerly occupied by feudal

law. Of this development the Tribe of Lawyers knows nothing. Being lawyers without being jurists, the Tribe does not realize the effect that the change has wrought upon Law. They still believe that bourgeois law is the law of the “common people.” To this Tribe belongs Representative A.W. Lafferty, of Oregon. He took up the case of the would-be settlers, fought it in the Oregon courts, found himself blocked in all directions by dilatory proceedings, and finally caused a resolution (House Joint Resolution 129) to be introduced in Congress directing the Attorney General to employ at least one resident attorney of the State of Oregon as associate counsel in behalf of the Government to aid in the prosecution of the suit, which the outcry of the \$2.50 folks caused the United States to humor them by starting against the Oregon & California Railroad Company—and which has languished ever since.

On July 15 Representative Lafferty had the floor in behalf of his joint resolution. Covertly poked fun at by ex-Speaker Cannon with a number of barbed questions, Representative Lafferty exhibited his back numberness by parrying the ex-Speaker's thrust with: “The Congress of the last generation in making this grant [the grant of 2,300,000 acres to the Oregon & California Railroad Co., with the \$2.50 an acre proviso] provided for the protection of the poor people of this country seeking homes, and the Congress of the present generation should see to it that the law is carried out in good faith.”

Such a statement, embodying so big a bunch of false conceptions regarding “the poor people of this country seeking homes” was a trumpet blast challenging the “first and sole Socialist in Congress” to his feet with a musketry of questions, which, however answered, would have sent to the country, through the official record of the transactions of Congress, together with the poison of Representative Lafferty's words, the antidote of Socialist truth. Ex-Speaker Cannon had been doing so in behalf of his set, the now feudalized Top-Capitalist. Victor L. Berger did not do so in behalf of the American Proletariat, which he claims to represent. Why not? Because he is there only to prove with an unbroken succession of misses the utter ineptness of pure and simple political Socialism.

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