

Daniel De Leon

Editorial: The Latest Dogberry

JUDGE BUTLER of the United States District Court in Philadelphia declined last month to give citizen papers to an applicant on the ground that he was a Socialist, and, consequently, held “principles inimical to the government.”

Anybody, whose information is above mediocrity, knows that the bulk of the present judiciary of the country is appointed, not for its learning, its wisdom or its integrity, but usually for qualities just the reverse of these, such qualities, namely, as are requisite for capitalist-political “pull.” It thus happens that a “Judge” may the day before, have been the clerk or attorney of some law-breaking, labor-fleecing corporation, and the day after he may, as JUDGE PAXTON of Pennsylvania did last year, doff the ermine for a fat receivership; the third day, having fallen in disgrace with his paymasters, such a judge may turn up as the drummer for some brewery, and not a few instances are known in the land where the quondam judge became an expert patron of free lunch counters and an accomplished bunco steerer.

Under such a state of things no one wonders at any feat of our judges. Malignity, a perverse instinct, inclines them, it is true, to break the law; but as often they sin by reason of their dense stupidity, their Dogberry-like ignorance. The latter, in all probability explains the conduct of JUDGE BUTLER.

If this latest Dogberry of the United States Bench knew his trade, he would know that, even if a person object to and would change every single constitutional and statutory provision in

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the land, he is entitled to citizenship, and to all the rights of citizenship, provided he is ready to swear that he will uphold the constitution, and that his hostility to the constitution in no way militates against such an oath because of the constitutional clause providing for amendments to the organic law of the land. If DOGBERRY BUTLER were read up on the constitutional law of his country he would be familiar with the writings of Washington and with the numerous decisions upon this subject, all of which knock him flatter than a pancake. Moreover, if he were really an intelligent man, fit to sit on the Bench, he would have really posted himself on, and would have understood the Socialist platform and the Socialist Labor party. But the fellow being rather a cobbler than a judge is, of course, blissfully ignorant of all such trifles as the history of the country, of its constitution, or of anything else.

When DOGBERRY BUTLER handed down his decision in this case he should, like his prototype, have added “write me down an ass.”

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But what is Section Philadelphia going to about this? Will it sit patiently by and look on at such infraction of the rights that the applicant for naturalization has already acquired by his first papers? The Courts have in this matter some discretionary powers; but “discretionary powers,” it is well established, are not “whimsical powers.” They should apply for a mandamus to the superior tribunal, at least try whether above this fellow BUTLER there sits not greater respect for law accompanied with greater knowledge, and compel the fellow to do his duty. Quick, prompt, energetic steps are needed. To submit to wrongdoing is to condone it!

The People, Vol. IV, No. 10. Sunday, June 3, 1894

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*A De Leon editorial transcribed and edited by Robert Bills for the
Official Web site of the Socialist Labor Party of America.*

Uploaded October 2002