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EDITORIAL

## “ANTI-TRUST LEGISLATION.”

By DANIEL DE LEON

**T**HE opening address, delivered by President Edmund Wetmore of New York at the annual meeting of the American Bar Association in Denver last month, contains this passage on the subject of Trust legislation.

“It is a striking fact, however, that while thirty states of the Union have adopted stringent anti-trust laws within the past eleven years, yet during the same period the amount of capital and labor employed in the form of consolidated incorporation, to which that name is usually given, has in those very states steadily and even enormously increased, which would seem to show that, without trenching upon rights guaranteed by the constitutions of all the states, the abolition of that form of the employment of capital is beyond the reach of legislative power.”

The American Bar Association is supposed to contain the flower of the profession, and the delegates to its annual gatherings are justly taken to be the pick of that flower. And yet, out of such a body such a silly bray goes up soberly, and is soberly listened to!

The veriest raw recruit in the study of sound history knows that legislative enactments are the reflection of the material interests predominant at the time; and furthermore, as a result therefrom, that the interpretation and enforcement of the law depends upon the element in power to interpret and enforce. Ten to one, President Edmund Wetmore of New York is a New York “Citizens’ Union Reformer” and will be heard during the approaching municipal contest discant upon the “necessity of overthrowing Tammany, and thereby secure ‘obedience to the law.’” All this notwithstanding, the gentleman holds a language on Trust legislation that flies in the face of all this; and his audience, from whom many a future Judge is to come, applauds such nonsense.

Small wonder that the Trust has flourished despite legislative enactments, and especially so in the very States where “anti-Trust” laws have been enacted.

In the first place, and beginning with the State of New York, the law here

called “anti-Trust” is a direct, unqualified and determined pro-Trust bit of legislation. The matter was at the time ventilated in these columns. It is not materially different in any of the other thirty States, which “adopted stringent anti-Trust laws,” although New York probably leads the van in the false pretence, with possibly Texas bringing up the rear and coming nearer to sincerity.

In the second place, of what possible use can anti-trust legislation be under a capitalist social system? As well talk of anti-mosquito legislation, hand in hand with swamps and swamp-promoting systems of drainage. With such systems of drainage, mosquitoes will breed irresistibly. Even though bona fide attempts be made to kill the full grown bird the supply will ever rise above the power to kill. So with the Trusts. Even if it were actually true that thirty States have “adopted stringent anti-Trust laws,” the fact that, despite such laws, the Trusts have thrived enormously in those very States, should cause the thinking and honest men to pause. From such facts the only conclusion he could draw would be, not that the Trust is beyond the reach of legislation, but that superficial legislation, legislation that does not affect the drainage of the capitalist swamp, is folly.

Does not President Edmund Wetmore of New York know this? If he don’t what kind of a lawyer is he? If he does, what kind of a specimen of manhood does he call himself?

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

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