

EDITORIAL

THE HANFORD DECISION.

By DANIEL DE LEON

HOW weak, how untenable is the position taken by Judge C.H. Hanford of the United States District Court of Washington when he annulled the first citizenship papers of Leonard Olsson on the ground of his being a Socialist may be judged from the hurry with which Washington officials have hastened to sustain the Dogberry decision. The arguments of the officials only go to make the untenableness of the Judge's position all the clearer.

In matters in which the Court has discretionary powers the boundary line between discretion and arbitrariness is hard to draw. Had Judge Hanford refused final papers to Olsson, and thereby annulled the first papers on the ground of his discretionary powers, the decision would have been hard to assail. The Judge committed, however, the indiscretion of planting his action upon "the law." What that "law" is the Judge sufficiently indicated, and his official sponsors in Washington have underscored. By his and their action Judge Hanford and his supporters have gone on record as law-breakers—as violators of the Constitution.

A Constitution does not consist of one set of clauses to the exclusion of others. The Constitution provides for its own amendment. The extent to which amendment may go was settled at Appomattox. The settlement was in line with the expressed views of Washington and Madison, confirmed judicially by Chief Justice Marshall. The amendment clause in the Constitution empowers the American electorate to amend the Constitution in whatever way that, in their wisdom, for which they are accountable to themselves only, it may please them.

By annulling the citizenship of Olsson—whose Socialism bound him to respect the Constitution as it is, and thereby to avail himself of its amendment clause—what Judge Hanford did was himself to amend the Constitution in extra and un-Constitutional manner. Judge Hanford expunged the amendment clause

from the Constitution. By doing so Judge Hanford threw—as far as his action could do the throwing—the Constitution back and down to the level that Washington condemned as barbarous, and that he hailed the Constitution for having been removed and raised from.

The ecclesiastical principle is true—“He who breaks ONE commandment has broken ALL.” The principle is sound in reason and experience. Judge Hanford wrote himself worse than a Dogberry; the “officials” who have hastened to impart their official sanction to his act have done worse than write themselves down a claque for Dogberryism. He and they announced themselves the Constitution’s smashers. By violating the amendment clause with conduct tantamount to expunging the same, he and they have violated the whole Constitution.

’Tis not merely the American Flag, the preservation of the loftiness of which has passed from the hands of the present Ruling Class into the keeping of the Socialists. The American Constitution also, its one distinctive and abiding feature, depends for its preservation no longer upon the bourgeois, it depends for its preservation upon the Socialist or Labor Movement.

And ’tis natural it should be so. The torch of Civilization, now threatened with extinction by the bourgeois, is held aloft by Socialism.

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