

How the Trusts Can Be Crushed

Illegal combinations of capital, known as trusts, exist, and find great profit and no molestation in continuing to exist, in defiance of law. Yet the law should be supreme in a land where the will of the people, expressed through their representatives, is the law, and the greatest as well as the humblest should bow in submission to it.

The congress of the United States—ch. 647, Statutes 1897, known as the "Sherman Anti-Trust Law"—prohibits trusts under a penalty of \$5,000 and one year's imprisonment, and that act has been held constitutional by no less than three well-known decisions. In nearly all, if not all, the states, there has been similar legislation. In North Carolina, by an act passed in 1889, trusts were made punishable by a fine of \$10,000 and ten years' imprisonment. That act defines a trust as "any arrangement for the purpose of increasing or decreasing the price of any class of products beyond the price that would be fixed by the natural demand or supply."

Yet trusts, thus doubly illegal, being denounced by both state and federal law, and whose managers for ten years past have been liable every day to fine and imprisonment, with impunity oppress the public and pile up the wealth that belongs to the many in the overflowing coffers of the few. There should be faithful execution of the law and an impartial enforcement thereof against those who find enormous wealth in its habitual violation as well as against those who violate it from passion or need and without profit.

When the great armies of Europe,

in the year 1814, in overwhelming numbers were converging upon Paris, defended by a feeble band under Napoleon, an unexpected move of that great genius disconcerted them so that an immediate retreat was begun by their vast forces. An unsigned note, in a lady's hand, coming from Paris, was delivered to the commanding general. It read: "You can do everything and you attempt nothing." That note changed the face of the world. A council of war was held; the allied army about faced and marched straight on Paris. The great military monarchy of Napoleon fell. So it should be said to the American people: "You complain of the evils the trusts inflict upon you. You complain that the earnings of the producer and the profits of the small dealer and the opportunity for advancement to many are all confiscated for the creation of a few multimillionaires. Why do you complain? The remedy is in your own hands. You can do everything and you attempt nothing."

The people are all-powerful when they really will it. At one exercise of their will they can take charge of this government from constable to president. If members of the state legislatures and congress are unfaithful, the people should mark their course and elect others. If statutes passed in the public interest are held unconstitutional by judges, then the same people who made the constitution (whether state or federal) can amend it if really necessary; or if the fault is in the judges, remove them and put better men in their places. The servant is not above his master, and judges and all other public officials are servants of

the people—and they are nothing more. The statutes making trusts illegal have not been enforced. Then let the master, the sovereign people, look into it and see what public servants have been lacking in zeal to enforce the law.

Those who are friendly to the trusts say that there are no trusts. The defense made by these hirelings of unlawful combinations of capital—for no man, unless receiving benefit from them, would defend them—sounds like a plea set up by a lawyer whose client was sued for damaging a kettle he had borrowed. His plea ran thus: (1) The kettle was not cracked when he returned it. (2) It was cracked when he got it. (3) He never had the blamed old kettle. So the advocates of the trusts say: (1) Trusts are very useful and beneficial. (2) They are a necessary and unavoidable evil. (3) There are no trusts.

But everyone knows perfectly well that there are trusts. They dip into every dish and levy tribute on everything that is eaten, worn, or otherwise used. They have eaten up the just earnings of the toiler and the tradesman. They are as voracious and as thorough as the locusts of Egypt. They are illegal and oppressive. The people can and ought to suppress them.

It will be asked how this can be done. An honest, faithful execution of the laws already upon the statute books would destroy them; and this faithful execution can be had whenever the people will arouse themselves to select only such public servants as will faithfully execute those laws. But it has been suggested that additional enactments will be useful. I would not be understood as opposing any suggestions made by others who may be more familiar with the subject than

I, and who have studied it more profoundly; but I venture to suggest some enactments that may well be passed by any legislature that is seriously hostile to these cancers upon the body politic.

First, I consider the nature of the operation of these illegal combinations. They combine vast masses of capital; then, whenever they find an honest dealer or a competing manufacturer making a reasonable profit on goods similar to theirs, they put an agent, or open a store nominally in the name of another, alongside of him and undersell him till they have broken him up or forced him to sell out to the trust; whereupon immediately the price of the manufactured article is put up to the consumer, and the price paid to the producer for raw material is reduced. The monopoly having no longer any competition, the producer is forced to take an unjustly low price and the consumer is compelled to pay an unjustly high one, and the opportunity of countless thousands of men, who would have been dealers and manufacturers, to support their families is destroyed. Those dealers and manufacturers would, by their competition, have guaranteed just prices to the creator of the raw material and reasonable prices to the consumer; but the trusts destroy both classes alike, and put the profits into their own coffers.

The additional legislation that has occurred to me is as follows:

1. The trusts, being illegal, should be treated as all other outlaws and forbidden the use of the courts to collect debts due them and for all other purposes. When they sell goods on credit, or seek injunction to restrain use of a trademark and the like, the defense that the plaintiff is a trust may be

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