

DAILY PEOPLE

VOL. 2, NO. 30.

NEW YORK, TUESDAY, JULY 30, 1901.

ONE CENT.

EDITORIAL

THE STRUGGLE FOR EXISTENCE.

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WHAT the struggle for existence has come to in this “best of social systems” and “happiest of countries” was exemplified in the recent Fosburgh trial in Pittsfield, Mass.

A man was dragged before a jury on an indictment of having murdered his sister. The trial brought forth not even a semblance of a hook on which to hang the charge that the accused was guilty. From beginning to end, the testimony was an insult to the understanding: it was contradictory, it was flimsy, it was irrelevant. So preposterous was the case presented by the prosecution, that it did not reach the jury, but was contumeliously thrown out by the trial judge.

Did the police that “worked up the case” not know what sort of a case they had? Did the grand jury that found the “true bill” not realize that, upon such evidence, almost anyone of themselves could be hauled up as the slayer of the girl? Finally, did the prosecuting attorney have no appreciation of the worthlessness of the testimony he was to present? Only upon the theory that, from the first to the last, every one of these is an idiot, can the hollowness of the Fosburgh case have escaped them. How, then, came they to handle it, pushing it until it was thrown out? Was it an instance of personal malice? There is no evidence of that. Was it an instance of unqualified perverseness? Yet again, no. It was a manifestation of the struggle for existence, of the lengths to which a social system will drive men when the lash of want or the fear of want amidst plenty is the spur for human exertion.

The police have to live; the prosecuting attorney has to live; their ramifications in the machinery of the State’s criminal procedure, the grand jury, was willing to “give them a chance.” A crime was committed in the Fosburgh mansion; burglars had invaded the house, been discovered and had fled after firing a shot that had killed a daughter of the house. The sleepy police, active and swaggering when the work is to crack the heads of workingmen on strike, felt their jobs endangered if the criminal or criminals escaped; too unfit for their work, which they use only as a

means to a living without any sense of its responsibility, the culprits slipped through their fingers; unable to find the real criminal, they were willing to substitute an innocent man; and pounced upon the murdered girl's brother. The prosecuting attorney, partaking their fears in his own behalf, joined hands with the police. And thus the Fosburgh case was cooked up: a desperate attempt to immolate an innocent man on the altar of official pap-holderism.

It is not many years ago when a similar scheme was successfully put through in this city. A street-walker was found cut to pieces; the appearance of the corpse called to mind the feats of the mysterious and at that time active "Jack the Ripper" in London. Inspector of Police Byrnes, then under a cloud and since dropped from the force with disgrace, instantly pounced upon a certain miserable waif as the murderer, and the fellow tho' innocent was railroaded to the penitentiary for 15 years. His conviction was necessary to Byrnes and his adjutants, it gave them a glamour of "effectiveness," and under that they sailed along for a little while longer.

The Fosburgh case carries the evidence, of what the struggle for existence is leading to, to the highest pitch yet attained in point of deliberate, extensive and criminal planning.

**Transcribed and edited by Robert Bills for the official Web site of the Socialist Labor Party of America.
Uploaded April 2006**