
The Despotism of Judge Dundy

by Eugene V. Debs

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Manifestly, labor has fallen upon evil times, or evil times, with crushing force, have fallen upon labor. It is between the upper and the nether mill stones. It has been caught in the mill of some vengeful god, and is being ground exceedingly small. The United States judges just now seem to be the gods with mills of modern invention, so constructed that a railroad employee can be reduced to slavery by a turn of a judicial screw, have his manhood, his self-respect, his independence, his sovereignty as a citizen, all eliminated in a twinkling. He is still left with his muscle, his capacity to work, but to live and breathe, with his heart beating time to the moanings of despair. To talk of liberty under such conditions is an insult to all things American. It would be a Christless shame to flaunt in the face of the slaves of Dundy,¹ Jenkins,² Fuller,³ Ricks,⁴ and judges of their kidney, the star spangled banner and ask them, as its stars and stripes floated out upon the winds of heaven, to sing the once cheering refrain,

The star spangled banner,
O, long may it wave,
O'er the land of the **Free**,

¹ **Elmer Scipio Dundy** (1830-1896) of Nebraska was appointed to the Federal bench in 1868 by President Andrew Johnson.

² **James Graham Jenkins** (1834-1931) was appointed US District Court Judge for the Eastern District of Wisconsin by President Grover Cleveland in 1888.

³ **Melville Fuller** (1833-1910) was Chief Justice of the US Supreme Court from 1888 until his death in 1910. He was appointed to the post by Grover Cleveland in 1888.

⁴ **Augustus J. Ricks** (1843-1906) was named US District Court Judge for the Northern District of Ohio by President Benjamin Harrison in 1889.

And the home of the brave.⁵

The old flag no longer floats over the free; and the home of the brave has been, by judicial decrees, transformed into the hut of the pariah, the peon, the helot. The men on the Union Pacific, but yesterday freemen, today wear Dundy's collar, marked USA — branded, not yet on forehead or cheek, or breast, but the hot iron of judicial authority has touched their souls and burned upon them ineffaceable scars.

It is possible there are feelings of resentment. The employees enjoy the luxury of memory. They doubtless think of the times when they were free, before Dundy damned them to degrading servitude at such wages as he deemed proper to award his serfs. These victims of Dundy's authority, who are fathers, remember the time when they gloried in the belief that, being free themselves, no taint of bondage attached to their offspring. Do they so believe now? Do they not know that Dundy's decree has manacled their hands, that they can use them only as he directs, fettered their legs, that they cannot get away — aye, fettered their tongues, that they dare not speak? Is that the condition on the Union Pacific? That is it. There is no exaggeration. An Omaha dispatch of January 28 [1894] says:

The Union Pacific labor circles were stirred to the utmost depths today when the order of Judge Dundy, reducing wages on the system, was made public. All employees in in every department are affected by the cut, which amounts to nearly 10 percent. The action of the court was not altogether a surprise, although most of the men thought the wage question would not be disturbed, but Judge Dundy went his brothers on the Federal bench *one belter*, and not only enjoined the men from striking, but cut their pay and *ordered them to work on at the reduced pay*.

We italicize a sentence just to call attention to the rapid strides the United States courts are making to multiply white slaves in the United States and the extraordinary feature of this slave manufacturing business is that it particularly includes railroad employees who, in point of intelligence, education, character, and moral worth occupy,

⁵ "The Star Spangled Banner" (1814) by **Francis Scott Key** (1779-1843) originally contained four verses. Debs quotes the concluding lines of the second verse here.

confessedly, advanced positions, and in regard to responsibilities, stand in the highest position accorded the wage workers of the country. And yet judges of the United States courts strike them down with a savagery as relentless as ever distinguished Portuguese slave hunters in the Dark Continent.

In view of such facts what must be the damnable policy of the government of the United States? These satraps are the creatures, the spawn of the government. They are the parasites that fatten upon the revenues the government derives from labor. They are the trichina that riot in the muscles of the government hog. They are the rodents that are gnawing at the pillars of the liberties of the people and while their work is going forward the government, whatever that may be, much or little, looks on as unconcernedly as if the enslavement of American workingmen was of less consequence than the appointment of some hustler to a fourth-class post office.

In this warfare upon railroad employees there must be a malign purpose, known only to those whose interests demand lower wages of employees. The war waged by capitalistic corporations upon labor has this one thing in view, and only one thing, the reduction of wages, and when it is seen, as in the case of the Union Pacific, that wagemen are sandbagged by a United States judge, the conclusion is inevitable that the court and the corporation, in alliance, have decided to work the ruin of labor that the corporation may riot in wealth. It is the degradation of labor and the exaltation of the corporation, and if it be possible for the courts and the corporations, under cover of receiverships, to strike down the most manly and independent wage workers of the country, the task of subjugating employees in other departments of industrial enterprises still be comparatively easy.

In the great mining industries of the country labor is on its knees. True, miners strike and protest while being subjected to ordeals of hunger, squalor, rags, and exposure, but the corporations, the plutocratic mine owners, permit them to writhe until exhaustion comes, then they go back to their underground tasks, wronged and robbed and still more degraded. The great family of iron workers, as at Homestead, have felt the grasp of capitalistic corporations upon their throats, have resisted as does the prey in the coils of a serpent, to yield at last, when idleness and consequent want had done their work, a mass of mangled manhood, submitted to such terms as their masters might dictate, and thus the enslavement goes forward, but in no instance have men been rendered so debased and disgraced, humiliated

and abject as the men on the Union Pacific by the autocratic orders of Judge Dundy. True it is that Jenkins and Fuller, Taft,⁶ and Ricks, compelled men to stand and be robbed, but Dundy, in the language of the dispatch and the slang of the poker room, went all of his associates “one better,” and not content with reducing the wages of the men, chained them to the road, reduced them to rolling stock, and there they are, working, toiling, sweating, hoping perhaps that the day will come when the black-tongued plague which Dundy sowed in their midst will disappear, and their rights as sovereign citizens be restored to them. We do not doubt that that day will come, since come it must if the ancient pillars of our liberties are to stand, come it must if the republic is not to breed millions of Sampsons deprived of their eyes by judicial Dundys, and who, exasperated beyond endurance by corporate Philistines, grasp the pillars of the temple of our liberties and then asking a just God to give them strength, wreck the superstructure, leaving it to others to build something in its place with the Dundy curse omitted.

But, omitting such figures of speech, however appropriate, we are constrained to enquire from whence comes this evolution of savagery? On the one hand we see the power of the state, the judiciary of the state, and the military force of the state in alliance with corporate greed to strike down labor, as in the case of Homestead. We see, as in the case of Buffalo, the state and the militia of the state in alliance with corporations to overwhelm labor with disaster, when labor was demanding that the power of the state should support its claims to fair dealing in strict accord with the statute of the state, which the corporations were openly, defiantly and confessedly violating, demonstrating that states, their courts, and the standing armies are combined, in defiance of truth and justice, to enslave labor. The question ceaselessly recurs: why this governmental madness, this implacable hostility to labor — to the great army of workingmen? If such hostility is denied, we point to the records, to the facts, and to the conditions under which labor exists today — conditions which thoughtful men in every walk of life declare to be fraught with danger. Expressions of regard for labor, its prosperity and happiness could be quoted indefinitely, but when a United States judge, as in the case of Dundy, assumes autocratic power and goes “one better” than any other judi-

⁶ **William Howard Taft** (1857-1930) was named as judge for the US Court of Appeals for the Sixth Circuit, based in Cincinnati, in 1892. He was elected as the 27th President of the United States in 1908, in a race joined by Gene Debs.

cial miscreant in robbing men, not only of their money but of their liberty, does any government protest? Not so much as an intimation of opposition to the infamous decree is heard.

What, then, must be the conclusion? This: the governments, state and national, look upon the wreck of the liberties of workingmen with composure. Such is the inevitable conclusion. What does it portend in the not far away future? Does it indicate peace and prosperity, love of law and respect for courts? Necessarily, nothing of the kind. What is the remedy? The ballot, an abandonment of old parties and their methods; the solid unification of workingmen for the purpose of securing, while they may, a peaceful solution of the problems which involve life, liberty and the pursuit of happiness.

Here we call upon every patriotic workingman to urge forward the solidification of the hosts of labor to change the governmental policy towards workingmen. They ought not to be subjected to further degradation, humiliation and outrage. The enslaving work ought to stop. It will stop. The times are ripe for resistance. The ballot, properly used, can work out for labor the needed reforms. The Dundys can be suppressed. Right and justice may be enthroned without a Sodom storm of fire,⁷ but the storm can only be avoided by a timely resort to the ballot.

Edited with footnotes by Tim Davenport

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⁷ Allusion *Genesis*, chapter 19, verses 24-25: “Then the Lord rained upon Sodom and upon Gomorrah brimstone and fire from the Lord out of heaven; And he overthrew those cities, and all the plain, and all the inhabitants of the cities, and that which grew upon the ground.”